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Denial of the Right to Protest: An Attack on Democracy

A Study on the Impact of the Restriction of the Right to Peaceful Assembly in Bengaluru



REPORT BY: PUCL-KARNATAKA

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This report was initiated, parallel to a city-wide campaign demanding that restricting protests in Bengaluru to one designated area, being Freedom Park, violates our fundamental right to freedom of speech and expression. The Campaign for the Right to Protest (Horaatada Hakkigagi Janandolana), a coalition of people's movements, civil society organisations and progressive individuals was formed in June 2023. Each and every organisation that is a part of this coalition has actively been involved in building pressure demanding that the Order placing such a restriction must be revoked.

The report was also possible because of the hard work done by Vandana Katti and Bhuvi Kalley, who during their internships with PUCL, assisted the team with interviews, transcriptions and research. The report would not have been possible without the collaborative efforts to conceptualise, provide inputs and edit by Vinay Sreenivasa, Maitreyi K. and Clifton D' Rozario.

Chapter 1: Introduction

The rights which has become even more crucial in the 21st century are the rights to freedom of speech and expression and the right to assemble peacefully and without arms. These rights find their embodiment in Articles 19 and 21 of the International Covenant on Civil and Political Rights (ICCPR) as well as in Articles 19(1)(a) and (b) of the Indian Constitution.

The Human Rights Committee in General Comment no. 37 on Article 21 of the ICCPR notes, '*The right of peaceful assembly is, moreover, a valuable tool that can and has been used to recognize and realize a wide range of other rights, including economic, social and cultural rights. It is of particular importance to marginalized individuals and groups. Failure to respect and ensure the right of peaceful assembly is typically a marker of repression.*'[1]

The global centrality of these rights is pointed out to by the Special Rapporteur on the Freedom of Assembly who notes, '*In 2024 and 2025, mass youth-led civic mobilization and activism, branded as the "Gen-Z Movement", surged globally. Initially emerging in Bangladesh and Kenya in 2024, major youth-led protests spread in 2025 to Nepal, Indonesia, the Republic of Korea, Madagascar, Mali, Morocco, Mexico, Peru and Serbia.*'[2]

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[1] https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-37-article-21-right-peaceful

[2] https://www.ohchr.org/en/documents/thematic-reports/a81186-youth-activism-systemic-exclusion-real-participation-report

In India the right to speech and assembly have always been the beating heart of our democracy. Right from protests by workers, Dalits, religious minorities to LGBTQ communities, those whose concerns may not find space in the political process found articulation on the streets of India. If democracy is about the right to bring about a peaceful transformation in our social and political structure, there are no more crucial rights in the Indian Constitution than the above mentioned ones.

As the Supreme Court held in Himat Lal Shah v Com Police, Ahmedabad[3], "*Freedom of assembly is an essential element of any democratic system. At the root of this concept lies the citizens' right to meet face to face with others for the discussion of their ideas and problems-religious, political, economic or social….. But assemblies face to face perform a function of vital significance in our system, and are no less important at the present time for the education of the public and the formation of opinion than they have been in our past history. The basic assumption in a democratic polity is that Government shall be based on the consent of the governed. But the consent of the governed implies not only that the consent shall be free but also that it shall be grounded on adequate information and discussion.*"

There is an additional salience to these rights, when the other modes of participating in this democracy and affecting changes in governance and policy. The Constitution guarantees the people various avenues to address the violation of their rights, against administrative apathy and government excess. State power is divided among the various organs of the state – executive legislature, judiciary, to prevent tyranny and abuse of power. These three institutions themselves that are crucial for the

[3] (1973) 1 SCC 227

functioning of democracy are to be kept in check by a free press acting as an independent watchdog and check on government power. There are the institutions of accountability and transparency that play an important role in upkeeping the democratic ethos of the polity. Alongside what the constitutional scheme envisages is the right to dissent, the right to organise and the right to protest – and these must be respected and encouraged by the State, for the strength of our democracy lies in them. This right, nay duty, attains even more salience in a situation where the democratic institutions are compromised and beholden to political ideology rather constitutional morality.

Take the unconstitutional SIR, for instance. This illegitimate process unrolled by the Election Commission has resulted in more than 14 crore Indians names being taken off the electoral roll, of whom the majority have been illegally removed and denied their right to vote. If the right to vote is under a shadow, the only way, Indians can fight for the restoration of this right is through vociferous protest. The SIR has at all stages been met by vociferous opposition using the rights of speech and assembly guaranteed by the Constitution. Since June 2025, the Special Intensive Revision of electoral rolls, rolled out in almost all states, has led to the deletion of crores of voters. Various reports exposed how the SIR was designed to exclude the working class, gender and sexual minorities, religious minorities and other marginalised communities from electoral rolls.

The patent illegalities, not to mention the unconstitutionality of depriving millions of their right to vote prompted several human rights organisations, affected individuals and political parties to approach the Supreme Court to challenge its constitutional validity. However, in May 2026, the Supreme Court not only upheld that the SIR is constitutional, but also gave a blank cheque to the Election Commission of India, by

ruling that it has broad powers to determine the nature of revision of electoral rolls. The failure of the Supreme Court to uphold the voting rights of millions has been seen as even a worse failure than the decision in ADM Jabalpur which deprived detained individuals of the right to move court for the enforcement of their rights.

When the court closed its doors, and when innumerable petitions and representations to the Election Commission of India went unanswered, the right to protest is what reanimated the very life of Indian democracy. After an Indian Express report revealed that two of the three Election Commissioners objected 14 times on record, a nationwide movement against SIR was reignited. With the Cockroach Janatha Party, student organisations like AISA and SFI, activists, lawyers, political parties and various civil society organisations taking lead in Delhi, thousands across the country participated in protests demanding the resignation of Chief Election Commissioner Gyanesh Kumar and the scrapping of the SIR.

Just a few months earlier, after an irresponsible and reckless remark by Chief Justice of India Surya Kant, not befitting that office, referring to young lawyers as ‘cockroaches’ or ‘parasites’ who are unemployed and have fake degrees, a viral satirical online movement called Cockroach Janatha Party began. The CJP called for protests across the country against paper leaks, the NEET and irregularities in the examination system that had put the futures of thousands of students in jeopardy. The protests also brought to the fore, more than a dozen names of students who were forced to commit suicide because of the stress and pressure of re-taking examinations after such paper leaks. The protests also saw youth protestors across the country criticising the divisive and anti-democratic policies of the BJP government. It was a huge victory for them when the Education Minister resigned.

What we witnessed in Delhi though must concern us all. It was a military action against peaceful protests, which has come to constitute an integral part of the ongoing fascist assault on democracy. Barricades, thousands of police reinforced by thousands of security agencies including CRPF, etc., tear gas, water cannons, arbitrary arrests, abductions in the name of detentions, brutal violence, persistent groping, torture in detention, lack of any information of who is detained and where, journalists being targeted and detained. Senior Advocate Rebecca John makes a telling remark when she observes that people detained during these peaceful demonstrations are deprived of safeguards available to even those arrested for heinous offences such as murder and rape. And to top it off, there are right-wing organisations and members working in tandem with the forces having a free run to openly intimidate and assault protestors. Alongside that is the production of a narrative that this is anarchy motivated towards regime change. This is no ordinary police action; this is a siege.

Earlier this year, workers in Manesar Industrial Township in Haryana and Noida in Uttar Pradesh saw a wave of worker protests essentially making two demands: better wages and better working conditions[4]. The protests by workers came in the wake of two major workers strikes in the Indian Oil Corporation Limited (IOCL) in Panipat and Barauni Refinery in Begusarai in Bihar[5]. The demands here were better wages, adequate payment for forced 12 hour shifts including overtime and against extraneous deductions by contractors. Thousands of workers across Delhi, Haryana, UP and Rajasthan took to the streets demanding basic rights such as wages. In the workers' protests, hundreds of people who

[4] https://www.thehindu.com/news/national/uttar-pradesh/noida-workers-protest-violent-updates-delhi-border-april-13-2026/article70856363.ece
[5] https://indianexpress.com/article/india/labour-protests-up-haryana-bihar-village-10645006/

protested were arrested, tortured and many were slapped with cases under draconian laws like the National Security Act (NSA).

What has accompanied these protests has been the consistent effort by the BJP government to clamp down. Right from closing metro stations to cancelling trains to internet shut downs, all methods have been employed to seek to control the protests. The last round of protests has seen the denotification of Jantar Mantar as a protest site, speaking to the power of protest in exposing the illegitimacy of the actions of the Union Government.

Neither has the state been averse to use of both physical violence as well as sexual violence targeted at women and transgender persons to scare the protesters into silence. As we witnessed on 20th July, protests in Delhi against paper leaks, NEET and exam irregularities was met with lathi charge, tear gas and physical violence against young protestors. Several were detained and booked under FIRs across the country during the same protests.

The same use of excessive force was seen in the anti-SIR protests from 10th October, when thousands across the country were detained on the day before in preventive detention, and protests across the country continued to be met with unlawful detentions, custodial violence and worse.

Instead of addressing the very urgent and legitimate concerns of payment of minimum wages, disenfranchisement or exam reforms, this upsurge has ignited legislative overreach, with governments issuing restrictive Orders, shielded by judicial inaction, curbing the right to peaceful assembly and association across the country. Those protesting, and exercising the very rights that constitute the main impetus behind making

change happen in a democracy, are facing grave charges of breach of peace, law and order, causing hurt or grievous hurt to police officers or public servants in the line of duty, rioting among other such cognisable offences.

The right to protest gains further significance today, in the twelfth year of the BJP regime. With the systematic dilution of protective legislations for the environment, labour rights etc., increase in communal and divisive policies that have facilitated mob violence, punitive demolitions and hate speech against religious minorities and Dalits and strengthening of the state-corporate nexus, the rights of the most vulnerable communities are being eroded. Socio-economic rights guaranteed by the Constitution are under attack with rising inflation and inequality, unemployment, hikes in fuel prices and informalisation of labour. All these issues that concern people's daily lives, material conditions, social dignity and civil liberties have been met with continuous protests by people across India.

The word 'protest' finds its origin in Latin, with its roots being in '*protestari'* meaning "declare publicly, testify, protest," derived from *'pro'* meaning "forth, before" and '*testari'* meaning "testify," and "witness." At this juncture, across cities, young people are increasingly 'bearing witness' to the violations of democratic rights by organising protests.

This is even as various cities in India are witnessing increasing unreasonable restrictions on the right to protest. Even public meetings and events planned in indoor private properties are being policed. Protests are given designated "venues" and timings, usually rendering them invisible. It is in this context that this report wishes to draw attention to the specific manner in which protests in Bengaluru have been curtailed since 2021.

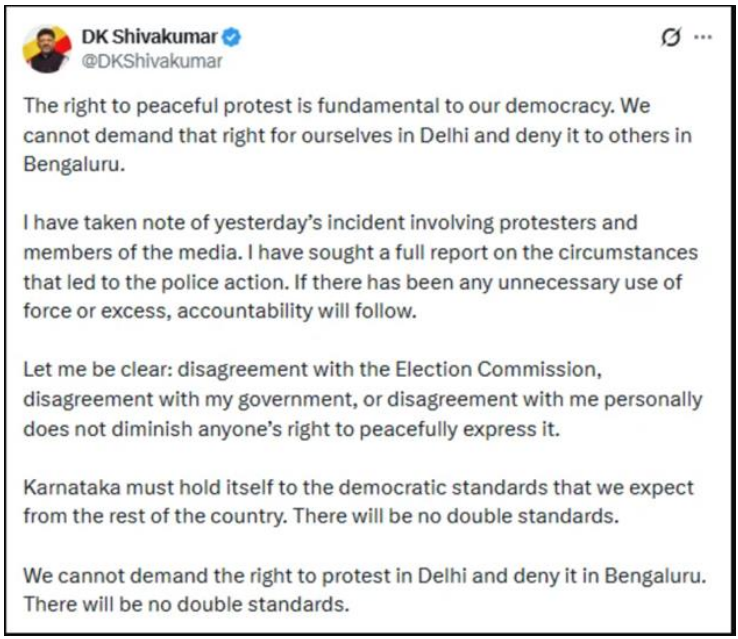
In Bengaluru, the curtailing of this fundamental right to peaceful assembly began with an order issued by the Commissioner of Police on January 10, 2022: Licensing and Regulation of Protests, Demonstrations and Protest Marches (Bengaluru City) Order, 2021 (hereby referred to as the Licensing Order). This Order restricts protests to Freedom Park and grants the police enormous power to allow or not allow for protests based on arbitrary terms. It is also a matter of deep concern, that this Order has been used to justify police harassment against any public action such as public meetings, reading circles and pamphleteering.

Thus, what we have is the police operating under the fig leaf of law and order, and using this Licencing Order to forcibly, and violently, detain peaceful protestors, hold then for a while and then release them. Irrespective of the nature of the police action, whether the brutal violence of the Delhi police or the actions of the Bengaluru police, police conduct betrays its colonial roots in no uncertain terms. All of this raises a serious doubt about the Congress's commitment to democratic protest. Having said that, is this the same as the BJP deploying colonial style repression on peaceful protestors, as part of its fascist onslaught on the country? Is undemocratic the same as fascist?

Coming back to these restrictions, the cost is borne not just by Bangaloreans; this rule similarly harms Karnataka's residents from outside the city who come to Bengaluru to raise their voices here in the capital of the State. Protests, public gatherings, signature campaigns, poetry readings and several public actions planned by civil society to raise crucial issues concerning human rights and social justice have been shut down and highly policed in Bengaluru.

While the BJP was in power in the state government when the Licensing Order was issued, a change in the ruling party in the Assembly elections of 2023, with the Congress party coming to power has not yet seen any withdrawal though that has been promised on several occasions.

Campaign for the Right to Protest (Horaatada Hakkigagi Janandolana), a coalition of over 20 organisations formed in 2023 undertook several advocacy efforts including protests, signature campaigns, memorandums and other ways to pressure the State to withdraw the Order. The Congress government has however failed to respond to these appeals by the public.



In fact, on 12th October, 2026, when the Congress party along with the INDIA Bloc were reclaiming the right to protest in Delhi as a part of the anti-SIR protests, Bengaluru Police forcefully detained around a hundred anti-SIR protestors for trying to walk to the office of the Chief Electoral Officer-Karnataka. The visuals of the violent manner in which the police handled senior activists, academics and advocates prompted Chief Minister D.K. Shivakumar to tweet that '*Karnataka must hold itself to the democratic*

standards that we expect from the rest of the country. There will be no double standards.'

The violence faced by the protesters calls to mind, Gandhi's prescient formulation that 'the state represents violence in a concentrated and organized form' and that the 'state is a soulless machine' which could 'never be weaned from violence to which it owes its very existence.' Gandhi goes on to note that, 'I look upon an increase of the power of the state with the greatest fear, because although while apparently doing good by minimizing exploitation, it does the greatest harm to mankind by destroying individuality, which lies at the root of all progress.'

The troubling question which the conduct of the Bengaluru police raises is whether the 'state is indeed 'addicted to violence' and Gandhi was right in viewing an 'increase in power of the state' with the 'greatest fear'? The disquiet in civil society also flows from the fact that ever since the Congress Government came to power in 2023, the demand for the withdrawal of the licensing order has been ignored. In fact a protest on Gandhi Jayanti on October2, 2023 was met by arrests and detention of activists by the Congress Government! It is fair to say that the Congress Government has stonewalled every demand since 2023 to protect the right of 'we the people' to peaceful assembly.

It is in this context of broken promises that the statement of the Chief Minister needs to be viewed. If the Congress is to reclaim its legacy as the party of the freedom struggle, the Chief Minister needs to follow through on his commitment that there will be 'no double standards' and withdraw the draconian 2021licensing order which restricts protests to Freedom Park.

Methodology of the Study

This report has put together testimonies collected through interviews from activists, lawyers and members of civil society organisations over 3 years. As part of the Campaign numerous protests, roundtable discussions and debates have been organised. Signature campaigns through buses and metro, that have received hundreds of endorsements from people across the city, social media campaigns and public meetings in which prominent thinkers and writers of Karnataka have amplified the demand since 2023, for the withdrawal of the 2021 Order. In fact, one of the biggest efforts was large protest organised on October 2, 2024 at Maurya circle. Hundreds of members of the Campaign were detained and an FIR was registered against the protestors as well.

In November of 2026, the Campaign for the Right to Protest organised a meeting to revive the campaign to demand that the 2021 Licensing Order be revoked. This study by PUCL is a part of this collective effort in Bengaluru, and hopes to establish through testimonies of people from civil society on how such a restriction on the right to protest and shrinking democratic spaces impacts people's lives.

Through this report, we seek to demonstrate that the right to protest is a part of India's historical tradition dating back from the independence movement and is a vital part of our democracy. The study argues that if the Congress Government is serious about its claim of being the party of democracy, it must honour this tradition and safeguard the right to protest. A first step in this direction is the revocation of the 2021 licensing order and a restoration of the right to protest in Bengaluru city.

Chapter 2: The Licensing Order: An unconstitutional restriction on the right to protest

Over the past two decades, there has been a noticeable shift in the approach to organizing protests in Bengaluru. Before 2021, organisers were required to submit intimation letters to police stations under whose jurisdiction the protest or march would take place. In cases of smaller protests, individuals shared with PUCL that they do not remember sending an intimation letter. It must be clarified that even today, organisations undertake protests without any intimation or permission and more often than not are slapped with criminal cases, howsoever minor.

Before the Licensing Order was issued, the Licencing and Controlling of Assemblies and Processions (Bangalore City), 2009, herein referred to as '2009 Order' was in force. This Order required protestors to submit a letter to the jurisdictional police station. In fact, the 2009 Order stipulates that an 'Assembly' is a congregation of more than 250 persons, and a 'Procession' is a congregation of more than 25 persons moving on any public road. Only protests or rallies that fulfilled these criteria were legally required to submit letters to the police stations. Although restrictions to protests have increased gradually over the last decade, a close reading of the Licensing Order is pertinent to understand the current context of the state's perception of protests.

The story of the Licensing Order began on 2nd March, 2021. Since the Karnataka Budget was slated to be tabled in the Assembly on 8th March 2021, Anganwadi workers across the State came together demanding that their wages be increased at par with Group 'C' and Group 'D' employees. At the time, they were receiving the pitiful amount of Rs 10,000 a month, while the helpers were getting meagre Rs 5,000 a month. Theirs was a demand for the realisation of their right to livelihood. They even offered an interim solution of being offered Rs 25,000 to the Anganwadi workers and Rs 21,000 to the helpers. They demanded this through a protest and a rally from Krantivira Sangolli Rayanna Railway Station (Majestic Railway Station) to Freedom Park. It is worth noting that Shri Peddappaiah, Commissioner of the Department of Women and Child Development not only visited the Anganwadi workers but told them that the State government was in fact considering the demand of a pay hike for Anganwadi workers.[6]

Immediately the next day, a sitting Judge of the Karnataka High Court, Justice Aravind Kumar, now a Judge of the Supreme Court, wrote a letter to the then Chief Justice of Karnataka High Court, Justice Abhay Shreeniwas Oka. In his letter he expressed his concern over the, "hardship caused to citizens due to traffic being affected owing to the huge protest".[7]

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[6] https://www.thehindu.com/news/national/karnataka/anganwadi-rtc-workers-protest-in-bengaluru-seeking-pay-hike/article33974762.ece
[7] https://www.newindianexpress.com/cities/bengaluru/2021/Mar/05/karnataka-hc-initiates-pil-over-traffic-woes-in-bengaluru-due-to-frequent-protests-2272693.html

A Division Bench of Chief Justice Abhay Shreeniwas Oka and Justice S. Vishwajith Shetty initiated suo motu proceedings on March 5, 2021[8]. A Deccan Herald report quoted the bench saying, "*We have perused the news item which showed that due to processions and protests held on March 2, 2021, there was a large-scale obstruction to traffic in the city. In fact, there have been several such instances in the recent past in the city where protests were held in a manner affecting traffic in the heart of the city of Bengaluru, thereby causing serious hardship to the citizens*."[9]

The Bench is reported as having said, "*There is a survey which shows that the city of Bengaluru is the most livable city in the entire country. Therefore, it is all the more necessary to all those concerned to ensure that traffic in the city does not get affected. It will not be out of place to mention here that traffic in the heart of the city during morning and evening rush hours is a challenge to the authorities*."

The Court admitted the PIL based on the assumption that all protests adversely affected traffic or 'liveability' in Bengaluru. Such an assumption failed to take seriously the fact that protests are also what gives meaning to Article 19(1)(a) and (b). What was required was a balancing between the concern of traffic and the concern that protests are the life breath of a democracy.

There is also a factual component to the legitimate concern around traffic. Unfortunately, the Court did not consider it pertinent to ask a few glaring questions: What is the main cause of traffic congestion? What are other causes of traffic congestion? When protests cause traffic jams, what is

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[8] WP 5781/2021

[9] https://www.deccanherald.com/india/karnataka/bengaluru/most-livable-citys-traffic-jams-draw-karnataka-hcs-attention-958699.html

the role of the traffic police? Have all protests caused traffic congestion? What about wedding processions, religious processions, VIP movements, rallies by political parties or poor city planning and urban governance? The court also failed to note that the number of private cars had increased from around 7 lakh in 2011 to 20 lakh in 2021.[10]

The question of balancing of concerns around traffic with the concern of protecting the right to assembly, is also an obligation under the ICCPR. The Human Rights Committee in its General Comment No.37 on Article 21 (right to assemble peacefully without arms) in fact notes that, '*However, peaceful assemblies can sometimes be used to pursue contentious ideas or goals. Their scale or nature can cause disruption, for example of vehicular or pedestrian movement or economic activity. These consequences, whether intended or unintended, do not call into question the protection such assemblies enjoy. To the extent that an event may create such disruptions or risks, these must be managed within the framework of the Covenant.*'[11]

Instead, of balancing the concern with traffic with the right to peaceful assembly, in an interim order one year later, it restricted protests to Freedom Park alone, till such time as the government came up with a mechanism to regulate protests. The interim order on March 3, 2022 stated: *"...we deem it appropriate to direct the State Government to ensure that no protests, processions etc., are held in the entire city of Bengaluru except at a park known as Freedom Park, Gandhinagar, Bengaluru, by any group, political or non-political organisation or any*

[10] https://bangaloremirror.indiatimes.com/bangalore/cover-story/a-corona-carnama/articleshow/81499852.cms
[11] https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-37-article-21-right-peaceful

other organisation and also ensure that any such processions, protests, protest marches etc., are held in an organised manner and ensure traffic in the city does not get adversely affected especially during the rush hours.

It is further directed that no such aforesaid activity resulting in disruption of traffic shall be permitted to be carried out and in case any such activity is held, appropriate action shall be taken and the responsibility on the agencies meant for providing proper traffic regulations shall be fixed and action taken in this regard shall be reported to the Court."

This approach highlights a fundamental misreading of the role of peaceful assemblies in a democratic society. Protests are a means of peaceful disruptions made by aggrieved citizens in exercise of their constitutional right to freedom of assembly.

A petition moved by All India Trade Union Congress (AITUC) and other trade unions in the Karnataka High Court sought modification of the interim order to permit the May Day rally in 2022, to hold a procession from City Railway Station and Town Hall to Freedom Park. On 29th April, 2022, the Court refused to permit them, citing inconvenience to commuters. The petitioners had also pointed out to a modification permitted by the Court on 13th April, 2022, granting permission for a Karaga procession, and was met with objection from the government advocate saying that modifying rules for the Karaga procession held in the night may not compare with a rally held in broad daylight on the city's busy streets[12].

[12] https://www.deccanherald.com/india/karnataka/bengaluru/hc-refuses-permission-for-may-day-rally-in-bengaluru-1104893.html

Two months before the interim order was passed, on January 10, 2022, the Licensing Order was published by the Commissioner of Police in the state gazette.

The Licensing Order does not indicate any attempt at balancing the constitutional concern around the right to peaceful assembly with the concern around traffic. There is no indication of any study with data on the correlation between traffic and protest, or any study which indicates the importance of safeguarding the right to protest as a constitutional right. On the basis of just one instance conveyed in a letter by Justice Aravind Kumar, restrictions on protests were imposed which strangulated the constitutional right to 'assemble peacefully without arms.'

When the Karnataka High Court disposed of the petition on August 1, 2022, the judgement stated:

> *In view of the aforesaid submission made before this court which is placed on record, we dispose of this writ petition with a direction to the respondents to ensure compliance of the provisions of the order of 2021 in letter and spirit and to continue to initiate action against the persons who are found to be violating the provisions of the order of 2021. Accordingly, the writ petition is disposed of.*

It must be noted that the High Court only directed that the Licensing Order must be complied with, and it in no way directed that Freedom Park must remain the sole designated area for protests, or that the Licensing Order cannot be modified. This clarification is especially important because the curtailing of protests in Bengaluru, as well as any public action such as pamphleteering or reading circles are wrongly attributed to a High Court order demanding that they can only take place

in Freedom Park. An interim order operates only during the pendency of the proceeding. Upon final disposal of the writ petition on 01.08.2022, it ceased to operate. So, the claim that the Court restricted protests to Freedom Park, has no factual basis.

Another important point to be noted is that, though the Order was issued by the Commissioner of the Police, Section 4 of the Karnataka Police Act, 1963 provides that the superintendence of the Police Force throughout the State vests in and is exercisable by the Government, and that any control, direction or supervision exercisable by any officer over any member of the Police Force shall be exercisable subject to such superintendence. This is the basis on which the Campaign for the Right to Protest has been pressuring the State Government to revoke the Order.

2.1. Restriction of protests to Freedom Park

Freedom Park, built in 1867, operated as the Bangalore Central Jail until 2000 after which the jail was relocated to Parappana Agrahara. This jail has been known to house political prisoners during the freedom struggle as well as those arrested during the Indira Gandhi-declared Emergency. In fact, it housed the first gallows in the state, which are preserved till date. The last hanging in Freedom Park took place as recently as 1968[13].

While it is centrally located in the city, it is an area which is completely invisible to the city's people. Areas in which protests have taken place in the past were usually located at crowded junctions, spaces that are

[13] https://www.thenewsminute.com/karnataka/bengalurus-freedom-park-once-had-gallows-last-hanging-was-1968-30220

frequented by pedestrians or visible to authorities they wanted to address. Either people protest directly in front of offices of authorities they wanted to address, like within the compound of BBMP, the Labour Commissioner's office etc.), or they protested in areas such as MG Road Gandhi Statute, Maurya Circle, Mysore Bank Circle, Town Hall, Maurya Circle, Cubbon Park – all places that faced commuters, pedestrians and the city's people. For instance, in 1989, thousands of Karnataka government daily-wage employees staged prolonged agitations in Bengaluru, culminating in demonstrations near the Vidhana Soudha to demand job regularization and equal pay; a struggle which they succeeded in. Similalrly, powrakarmikas, oppressed under the yoke of the contract labour system, protested in the Labour Department and before the BBMP for years before they won the battle for regularisation. Freedom Park was built to ensure that prisoners could not view the outside world; today it is used to ensure that no one can view the protests that take place within.

It is no coincidence that the Freedom Park is referred to by activists as an 'open prison'. This is reflected in the latest developments in February 2026, when two large rolling gates were installed on Seshadri Road to block and divert traffic, and the height of the railings on the divider was increased. (photos attached)

It is clear that the Congress Government has barely disguised for the right of citizens to express themselves and to be heard by the wider public. Increasing the height of the railings seems to be a vindictive gesture only aimed at ensuring that the wider public does not get to know the nature of concerns which the people of Karnataka have. The gates which are installed in effect are meant to make Freedom Park into a prison, should the authorities so decide. These new developments are also violative of the General Comment No. 37 which states that, 'Peaceful assemblies should not be relegated to remote areas where they cannot effectively capture the attention of those who are being addressed, or the general public.'[14]






The Licensing Order also allows the police to grant licenses for multiple protests at a time. Section 4(ii) also reads:

[14] https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-37-article-21-right-peaceful

Multiple protests in a day may be allowed at Freedom Park subject to availability of suitable timings, in a manner not inconveniencing the commuters and others citizens.

This means that not only are protests invisibilised in the city, but even in Freedom Park, different protests taking place simultaneously dilutes the efforts of civil society groups to make their voices heard. Two groups, with two loudspeakers, protesting at a place where no authority or public can see them.

However, as opposed to claims by Bengaluru Police, there is no technical restriction of protests to Freedom Park. In Section 4(i) of the Licensing Order:

The venue for protests in Bengaluru City is identified as Freedom Park. However, depending on situation, Commissioner of Police may also designate any other suitable place in the city for said purpose. The Licensing Authority shall approve the number of persons for holding protest at Freedom Park, depending on type of programme, duration and available capacity at the venue.

No such 'situation' has come up since then, as the Commissioner of Police has routinely refused to allow for protests in any other area. Even Section 4(ii) states:

Protests / Demonstrations may be allowed at other places within Bengaluru city, excluding prohibited areas, for a limited number of persons, as prescribed by the Licensing Authority.

When protests focus on policy changes, limiting them to designated areas like Freedom Park effectively enables politicians to ignore the issues, as it isolates the protest from the broader public. In cases where the protests are about violence against a community, restricting the protest to such

isolated spaces keeps the affected group distanced from wider societal support and awareness.

Geeta from a sex-workers' collective called Sadhana Mahila Sangha, pointed out, *"Fulfilling the basic needs of the citizens is the primary duty of the state. It might be housing, drinking water, hospitals, sanitation, education etc. If they fail to fulfill their duty, we must fight for it."*

Shaheen Shasa of Bengaluru Bus Prayanikara Vedike said, *"The order affects concerned citizens since they have not been able to demonstrate their grievances in a way that they are democratically allowed to. For instance, for any issue concerning buses in Marathahalli or Anekal, it does not make sense for us to demonstrate or protest in Freedom Park. It becomes excessively reductive to demonstrate or protest in a "designated area" far away from the concerned area."*

Meenakshi Sundaram, a trade union leader with CITU, said, *"Restricting all kinds of protests to Freedom Park is a foolish thing. Because Bangalore is a very big city. People from rural areas who face problems such as access to transport, drinking water or other problems, when told to come to Freedom Park, what logic does that protest have? Who will travel hours to come to Freedom Park and protest? People will not come. Even if they come and protest, who is noticing them? No one. It is ultimately not affecting anybody."*

Pratibha and Jayaram of Garment and Textile Workers' Union (GATWU), affiliated with AICCTU, said, *"It is very unrealistic to say that all kinds of protests need to be held in Freedom park itself, because it will not have any kind of impact on anyone. Protests need to be organised at locations that matter to the issue in hand. For example, the garment workers' factory is in Hosur but the workers are told to protest*

in Freedom Park. There is no connection at all. The protests should happen where the real issue is or else there is no impact."

Yusuf Kanhi, Karnataka State Secretary of Jamat-e-Islami Hind, said, *"Is Freedom Park the Parliament? Is it Vidhan Soudha? People who want to garner the attention of a particular department of the government, won't they protest in front of them? The right to protest cannot be restricted to a place which is not a power centre. It is the duty of the Government to send the police to where protests are happening to ensure law and order is maintained."*

Priyank Sukanand, an LGBTQ rights activist and one of the organisers of the Pride march, said, *"I think it is important to recognise that that order is the one that caused us not to have a march for the first time in 15 years. Considering it was our 15th PRIDE, we could not have a celebration of sorts by doing a march because of that order. It was very disappointing for our community. It was hidden from the public, and concerned officials too. It defeated the very purpose of Pride march, which is to assert ourselves, and take pride in our visibility."*

Organizations working with slum residents pointed out how this restriction affects them. For these groups, public demonstrations are often the only platform they have to voice their concerns and demand their rights to be upheld, either by protesting against their landowner, or authorities such as the Slum Board. "*When a landowner threatens to suddenly evict families without giving them time or even a written notice, does it make any sense for the residents of the slum to protest in Freedom Park? Will the walls hear their demands? What is the significance of a protest that cannot be seen or heard by the person who needs to pressured or held accountable?*" said Isaac Amruthraj of Slum Janara Sanghatane.

For women's rights groups, especially in cases of violence against women, location is key. They emphasized that shaming perpetrators and holding them accountable must occur near the site of violence, where public visibility can have the greatest impact. Similarly, members of stigmatized communities, such as those from marginalized castes or the queer community, stressed the importance of public visibility. For workers, protesting at the factory gates is a recognised right. For farmers protesting land acquisition, sitting at Freedom Park makes no sense whatsoever. Protesting in public spaces not only draws attention to their issues but also affirms their place within the broader citizenry.

Pratibha and Jayaram said, *"We have seen that sometimes many organisations will be protesting in Freedom Park at the same time. How can a person be expected to differentiate the groups and demands? More importantly, we are not able to reach the government officials with our demands. This is nothing but the snatching away of our fundamental right of protest."*

Hulikunte Murthy, an anti-caste activist, poet and educator, said, *"Since Freedom Park is the designated place for all kinds of protests, groups from Dalit organisations, women's organisations and many other groups protest. It is difficult for the public to even differentiate the reasons for protests, when many groups protest there at the same time."*

The experience of protesting in Freedom Park, is one where a protestor is left unheard, unseen and surrounded by uniformed policemen and non-uniformed officers, who arrive with buses to detain people in case the police find them to violate the law. Even the presence of media in these protests are limited. Only if there are a large number of protestors, say more than 700-800, it invites media personnel, but if it is a smaller protest with 50-100 people, it is likely to be given a miss by the media. In fact,

the protest is often documented in a much more detailed manner by the deployed police officers recording photographs and videos of protestors throughout. Upon being asked, the officials have regularly claimed that they just need to collect 'information'.

Such a policed and invisible protest not only deters concerned citizens from exercising their right to freedom of assembly, but also deprives the protest of its true meaning, which is only derived when it is heard and seen.

The UN Human Rights Committee, in General Comment 37 said, *"As for restrictions on the element of place, peaceful assemblies may in principle be conducted in all spaces to which the public has access or should have access, such as public squares and streets. While rules concerning public access to some spaces, such as buildings and parks, may also limit the right to assemble in such places, the application of such restrictions to peaceful assemblies must be justifiable in terms of article 21 [of the ICCPR]. Peaceful assemblies should not be relegated to remote areas where they cannot effectively capture the attention of those who are being addressed, or the general public. As a general rule, there can be no blanket ban on all assemblies in the capital city, in all public places except one specific location within a city or outside the city centre, or on all the streets in a city."*[15]

[15] General comment No. 37 (2020) on the right of peaceful assembly (article 21) Adopted by the Committee at its 129th session (29 June–24 July 2020) - https://docs.un.org/en/CCPR/C/GC/37

2.2. Permission regime

Protests are not only physically pushed into one area, but are also subject to approval pending scrutiny by the police. The Licensing Order grants broad powers to the police to decide other details of the protest, based on what causes "least inconvenience to other citizens". Section 8 of the Licensing Order says:

> *"Duration of the protest in a day will be decided by the Licensing Authority, which causes least inconvenience to other citizens. All protests shall be held within the time period prescribed by the Licensing Authority. In case of any sudden development or exigency, the Licensing Authority may, in writing, direct the organizers to change the timings or close the protest any time prior to the permitted time limit, including those in progress."*

The very essence of protesting takes birth in the spirit of peaceful disruption, and such a regime which requires the approval and permission of the police for every detail of the demonstration fails the very conception of protests being a disruptive means of freedom of expression.

What is most unfortunate is that this is viewed through the lens of inconvenience, whereas it is persons whose lives, whose livelihoods, whose dignity, is compromised that are protesting; it is those who recognise the inconvenience to society caused by State policies that are protesting. Further, inconvenience is part and parcel of expressing dissent and any quest for a sanitised protest at designated places of protest serve as methods to undermine democracy and the right to peaceful protest.

As per the experiences recalled by various activists in Bengaluru, the implementation of the 2009 Order never required people to apply for permission, but to intimate the police. In stark contrast, the

implementation of the Licensing Order, in effect, prohibits all protests and rallies anywhere in the city, except Freedom Park; and even to protest in Freedom Park, it requires protestors to apply for permission.

Chandni, a transwoman activist, part of the queer rights movement since decades, explained what has changed, *"We organised protests in many places but those days we never took permission from anyone for doing protests. It was not needed also. But after this order has been issued it has just become about controlling the activities of activists."*

The transition from intimation to permission appeared to have happened slowly. As Uma, a trans-rights activist, told PUCL, *"Before it was different. First, we had to choose our route for the protest or march. Whichever police stations jurisdiction the route fell under, would be given our letter, only to inform them that we are organising a rally. For instance, we regularly organised a rally from Tulsi Park to Town Hall. So three police stations had to be informed: Upparpet Police station, Cubbon Park Police station and Halasur Gate Police Station. Once we organised the rally. They would be deployed to give protection and ensure that law and order was maintained."*

Today, this system is a highly centralized process. After the Licensing Order was issued, the Licensing Authority (defined as the Police Inspector in charge of the Police station under whose limits the protest is proposed) has been given the power to grant permission. Freedom Park falls under the jurisdiction of Upparpet Police Station, which has been the main authority responding to applications for license to protest.

The grounds on which they may refuse permissions are articulated in the Licensing Order in a vague manner in Section 12:

12. The Licensing Authority may refuse grant of license for conduct of protest march or protest considering the following namely:

1) *The interest of the public in general;*
2) *Status and antecedents of the applicant;*
3) *Non-availability of parking space for all the motor vehicles of persons attending the protests;*
4) *Apprehensions of disruptions of public peace and order in the locality.*
5) *Whether any disturbance or nuisance could be caused to any hospital, educational or religious institutions or Court or Government office in the vicinity;*
6) *Whether any nuisance or annoyance could be caused to the people in the residential areas in the vicinity;*
7) *Whether the protest march or protest is likely to give scope for any nuisance or resentment amongst the members of the public belonging to any religious, cultural, linguistic or social groups.*
8) *Whether all adequate precautions will be taken in respect of processions or public meetings for which the license is to be granted to prevent obstruction to the smooth flow of traffic.*
9) *Whether the grant of license will give scope for disturbance of peace and tranquility along the route through which the protest march is proposed to be taken.*

It must be noted that the same list of 9 factors were included in the 2009 Order, but were not implemented until the 2021 Order was passed. A close reading of the factors reveals that the Licensing Order by design, grants the state the greatest latitude to reject permissions. For example, Section 12(iii) states that there must be availability of parking space for all the motor vehicles of persons attending the protests. A group or person

has the constitutional right to protest, whether there is parking space for their vehicles or not.

Such ambiguous framing of factors allows the police to reject permissions arbitrarily. The Order also grants authorities the power to withdraw permission arbitrarily. Section 14 of the Licensing Order titled 'Withdrawal of Permission' says:

> *"The Licensing Authority, in case of any eventuality, exigency or based on inputs received by him or if there is any reasonable apprehension of disruption of public and order, he may at any point of time may withdraw the permission or direct the organizer(s) to stop preparations being made in this regard."*

While Section 15 titled 'Refusal To Grant A License To Be Communicated' mandates that the police must issue an order and communicate reasons in writing for such refusal, they have occasionally 'denied permission' on grounds that are either loosely articulated, or stated only orally.

In one instance, in October and November 2023, when the genocide in Gaza had begun and claimed thousands of lives, citizen groups, student groups and environment groups were 'denied permission' to protest even in Freedom Park. The exact words of the Deputy Commissioner of Police (West) to a Bengaluru-based coalition, Bengaluru for Justice and Peace were: "We know you are public spirited and right thinking individuals. Your intentions may be to highlight the atrocities of the Israeli state, but why cannot you protest for peace – and not for Palestine? We understand your message, and you may not break the law. But we cannot control the response of the right wingers."

The police here are seen negotiating with people on changing the subject of their protest itself. They are also candidly informing citizens that they felt incapable of controlling what could be an aggressive reaction by "right wingers". Applications including those submitted by All India Students' Association (AISA) and Fridays for Future (FFF) were all rejected. It must also be noted that they replied to the letter applying for a license to protest with a written letter claiming that they were rejecting permission on the grounds that "it is an international issue". In this instance, the fact that it was an international issue was not a valid ground for the police to reject applications, as there is no such ground in the Licensing Order.

In another instance, during the restriction of hijabs for Muslim women students in Karnataka, women's rights groups and students groups who wanted to organise a rally to mark International Women's Day were instructed by the Cubbon Park police that they were strictly prohibited from using the word 'hijab' on placards, or saying the name of any religious community in the protest. Senior women's rights activist Madhu Bhushan narrated that they had specifically mentioned to the organisers that the environment in the state was volatile, and that right wing groups shouldn't be provoked by these protests. The fear of the reactions of vigilante groups seems to be a recurring reason for placing unreasonable restrictions on protests.

For a protest on October 5, 2024 organised by Bengaluru for Justice and Peace, to mark almost one year of the genocide in Gaza, the Deputy Commissioner of Police warned that FIRs will be slapped against protestors who unfurl the Palestinian flag. This restriction too was imposed through oral communication with the organisers, without any basis in law or explanation provided, and in the form of a threat.

Applications for the license to protest are frequently met with high levels of scrutiny and negotiations between civil society actors and the police, with rejection of permission taking place in a manner that can be only described as arbitrary. For example, in the aftermath of the brutal rape and murder in RG Kar Hospital in Kolkata, feminist groups across the country took to the streets to demand for justice and reforms for women's safety in workplaces. In Bengaluru, when such a protest was going to be organised in Freedom Park, the police did not allow it to happen, citing insufficient staff due to too many Ganesh Chaturthi processions!

What is apparent is that the licensing regime has in effect transmuted into a permission regime. The procedural nature of licensing which is not concerned by the substantive content of the protest is anything but that. The fact that no licences to protest have been granted to those seeking to protest on Palestine and the fact that in some cases licence to protest has been accompanied by a range of restrictions (slogans prohibited, flags prohibited etc.), indicates that the licensing regime is not neutral to the content of the protest.

This is a violation of India's obligation under the ICCPR as General Comment no 37 lays down that, 'The possibility that a peaceful assembly may provoke adverse or even violent reactions from some members of the public is not sufficient grounds to prohibit or restrict the assembly. States are obliged to take all reasonable measures that do not impose disproportionate burdens upon them to protect all participants and to allow such assemblies to take place in an uninterrupted manner.'[16]

[16] https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-37-article-21-right-peaceful

The permission regime is deemed an unconstitutional infringement of an important constitutional right by members of civil society. Hulikunte Murthy said to the PUCL team, *"We used to do human chains and protests by singing songs and also street plays. But now permission needs to be taken before every protest because of which it has lost its essence. The people granting permissions are precisely those against whom protests are organised."* Mr. Murthy's testimony encapsulates the reason why a permission regime such as the one in Bengaluru defeats the very conception of protests. A permission regime legitimised by the Licensing Order therefore, by design is curbing dissent, by manufacturing mechanisms to regulate protests under the garb of preventing traffic congestions.[17]

In addition to restricting protest locations, authorities have also increased bureaucratic hurdles. Previously, permissions were required only for large-scale protests; now, even small gatherings must seek approval, resulting in delays that hinder the mobilization of protesters. Surveillance has also intensified, with police collecting personal details, including addresses of rally participants, creating a climate of intimidation.

The order has created a complicated set of rules regarding how permission has to be obtained; these rules also frequently change, often requiring more documentation from organisers of protests, the most recent change being that Aadhaar Cards of 5 organisers of the protest must be submitted along with the letter. Our interviews show us that this phenomenon of bureaucratising protest spaces has evolved over time.

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[17] https://article-14.com/post/public-protest-in-bengaluru-is-now-confined-if-the-police-allow-to-a-small-park-invisible-to-the-public-631012f91f281

While rules began to appear during the 2010s, people shared that they were not too restrictive, and were usually justified in terms of civic expediency. Geeta Menon told the team, *"If we are doing a protest in Town Hall we just give the information regarding the protest but it is not like taking the permission for the protest. It was like if below 250 people were gathering for the protest only giving information was enough and if more than 250 people were taking part then taking permission was needed. And at that time getting police permission was also not that difficult. The permission was needed from the local police station. But now it should be taken from either only Upparpet Police Station, or at times when they say they cannot allow, we have to meet the DCP. This hierarchy shows how difficult it is taking permission now. So during that there was no fear in protesting."*

Bengaluru-based activist and lawyer, Vinay Sreenivasa, told PUCL, *"But even from 2013 to 2018, we didn't feel that much of a restriction. Like for example, with the bus organisation we did a big awareness drive at Shantinagar Bus Station. We didn't have any trouble from the police. We didn't disturb anyone, but we also didn't get troubled by the police. As long as we had the 2009 notification it was okay, and the 2009 notification said that as long as there were more than 250 people you have to inform, or more than 25 people moving. So we didn't have too much of a problem then. It's only after this freedom park ruling that it's been a sudden clampdown."*

As these systems become more complicated, protest ceases to be a right, and becomes something that only well-organized and well-connected protesters can access. When police officials refuse to grant permission, only organisers who can pick up the phone and request a Minister or a political leader to intervene, can go ahead and organise the protest.

Inevitably, ordinary and working class people find it more difficult to exercise their right to protest.

Veerasangaiah, a prominent leader with the farmers' movement, Karnataka Rajya Raitha Sangha, explained to the team, *"This order affects the entirety of the Karnataka Raitha Sangha which consists of 31 districts, 6000 gramas, all farmers and agricultural labourers. We use protest to caution/warn the government and government departments. The entire power of the Karnataka state lies in the state capital. Therefore, in a year we come 5 to 6 times to Bangalore to fight for our causes. This is a genuine need. But we come in trains, buses, in tractors, and meet at the railway station. From the railway we march to freedom park while sloganeering. This is to draw the attention of the politicians and officials. Now the police stop us from sloganeering, marching and have restricted this to only Freedom Park. This order negatively affects the farmers movement and makes us feel anxious/stressed to speak about ourselves and speak up."*

This shows how the restriction of the right to protest is not just for the citizens of Bengaluru but affects all of Karnataka. Protests now require an immense amount of coordination and goodwill with the administration. Earlier, these issues would be managed at the site of protests directly between citizens and the police. Now the new set of restrictions has introduced scrutiny that regulates not just where protests can be and what form they can take, but also what can be said, who can join and who they can speak with.

2.3. Shrinking democratic spaces

The previous sections highlight how the Licensing Order violates the very spirit of Article 19. This section however, is not about protests; it is

about the environment created by an extremely policed civil society, for which any public action, is met with similar police action in Bengaluru. The police have dispersed people merely for gathering in a park to read poetry written by a political prisoner, and have asked them to go to Freedom Park for a reading circle on Gauri Lankesh, a film screening or even to distribute pamphlets on the ongoing genocide in Gaza.

A city is as good as its public spaces, and a city is as alive as the dialogue and interactions between people that take place in public spaces. Protests took place in parks, traffic signals, footpaths and other landmark areas where people could gather in Bengaluru for decades. This was so that civil society interacted with ordinary people, to educate and foster dialogue between communities. While protests were one form of such interactions that connect us to each other, Bengaluru Police have used the Licensing Order to curb all forms of public civil society action.

Members of All India Students Association had planned for a Bhagat Singh reading circle to gather in Cubbon Park, a large, centrally located park in Bengaluru. A day before the scheduled reading event, the police called them up and threatened them to cancel the event. Aratrika of All India Students' Association told PUCL that the police told the student-activists, "Such things require prior police permission."

Bahutva Karnataka, a Bengaluru-based human rights group, organises a monthly discussion on Sundays called 'Bahutva Koota' in Cubbon Park, in which they often host creative forms of dialogue. In September 2024, they had scheduled a Koota with the theme of press freedom, in memory of the slain journalist and human rights activist, Gauri Lankesh. Rohini Rajashekaran, one of the organisers of Koota narrated to the authors, "We published the poster 3 days before the event for Sunday. On Saturday, we received a phone call from someone who identified as Chetan from the

Horticulture Department. He asked me if we have permission to host the Koota at Cubbon Park. I told him we had let the authorities know in July 2022 that this is a monthly event, when the deputy director was Mr. H.D. Balakrishna. He told me that this is not permission, and that things had changed. "You cannot do things like this without the permission of the police and the Horticulture Department. A police constable had visited the Horticulture Department and questioned us."

"Though we were not violating the law in any way, and though the Karnataka Government Parks (Preservation) Act,1975 does not restrict the public from using the park for such small events, the Police asked us to visit them at the station and submit letters describing our programme. We tried to argue that we were only trying to engage with the community, by speaking to people who are already in the park and that the discussion was about celebrating the work and memory of Gauri Lankesh. Without even reading the posters we had printed they said, "Don't you know the tension that exists about this topic? If you have printed any posters or placards, then you should go to Freedom Park."

In another instance, when young student activists with All India Students Association and other groups were distributing pamphlets on the genocide in Gaza in a public place, they were beaten, detained and slapped with FIRs. Photographs and videos of the incident reveal that the police beat the youth so badly that two of them sustained injuries on their face and arms[18].

[18] https://www.deccanherald.com/india/karnataka/bengaluru/police-thwart-pro-palestine-agitation-detain-15-protesters-3048920

When Campaign for the Right to Protest organised a signature campaign throughout the metro lines, police stations from almost 11 metro station's jurisdiction had called up the organisers to ask if they had permission to do a signature campaign in the metro[19]. Upon arriving at a centrally located metro station, around 10 police officials from the local police station had arrived, and informed the organisers that they had received orders to follow the campaign activists.

Even public spaces in Bengaluru are therefore heavily policed. The 2025 report of the UN Special Rapporteur points to a decision of the Spanish Constitutional Court which stated that "in a democratic society, the urban space is not only an area for circulation, but also for participation."[20] A city's public spaces are meant for people, not just vehicles.

Another regular phenomenon that has begun after the Licensing Order was issued, is police harassment of venues that are booked by civil society groups to organise public discussions, film screenings and other events. Despite not being covered under the definition of protests, the police have restricted activities such as film screenings, public meetings and discussions organised in private property, by threatening the organisers as well as the owners of the venues. They call up venue owners and threaten them with legal action. Usually, venue owners, afraid of unnecessary police action, cancel the events, oftentimes at the last minute.

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[19] https://timesofindia.indiatimes.com/india/signature-campaign-launched-to-challenge-protest-restrictions-in-bengaluru/articleshow/113171532.cms

[20] https://docs.un.org/en/A/HRC/20/27

When questioned, the police have repeatedly told organisers of such programmes that they must organise the same in Freedom Park instead. They have also told organisers that they require prior permission from the police, or that they need to intimate the police. Such intimations are not as straightforward as it sounds. In order to submit any letter to a police station, organisers are required to collect an acknowledgement that the letter is received. Police officials at the police station refuse to give such an acknowledgement without the approval of higher authorities. Such refusals are almost always accompanied with threats of FIRs against organisers lest they go ahead with the event.

On 18.03.2023, Bahutva Karnataka and other civil society organisations had organised a funeral meeting to remember the passing away of a local activist, Firdouse Khan. During the funeral, officials from the local police station arrived at the venue and began to harass the organisers to demand if they have permission to conduct the event. They left only after the organisers asserted that they had no right to interrupt such a gathering.

Some venue owners have also informed organisers that the police regularly demand the details of events planned and the names of organisers. Some venues within the limits of certain police stations are strictly instructed to not allow any event without an intimation sent to the local police station.

A film screening organised in a church for a documentary on Palestine was similarly interrupted by a group of 10 police officials, who collected names and addresses of organisers and threatened to slap cases against them if they do not immediately close the event. Only after the organisers spoke with higher authorities on the phone, did they “allow” the film screening to continue.

In one of the signature campaigns organised in metro and bus stations, an intelligence official followed and sat with one of the organisers (who is also one of the authors) for two hours. “It is only my job to collect intelligence. I know that you are doing important work, but we have received orders to find out who the leaders are”, he told her. This is not an isolated incident at all, in fact, it is at every protest, public gathering and other events, that officials from police and intelligence are deployed.

Therefore, the Licensing Order has exacerbated the erosion of the right to freedom of association and right to freedom of assembly. First, they, in effect, banned protests in the city by restricting them to an invisible corner. This sort of regulation comes as close as possible to the imposition of Section 144, therefore a prohibition in spirit but not in law.

Then, they policed events taking place in public spaces. Now, it is the era of intensified surveillance and targeting of activists, intimidating them by abusing the power of intelligence authorities.

The State has denied people their right to claim their own city, by imposing severe restrictions on ways that they can participate in a democracy, be in dialogue with each other and authorities, influence public discourse and assert their rights through protests, processions and marches.

Chapter 3: The right to protest safeguards the heart of Bengaluru's multicultural democracy

This chapter explores how protests have been pivotal in safeguarding human rights and civil liberties for communities of various stripes and hues ranging from religious minorities, workers, Dalit communities to LGBTQ communities. Through an analysis of various human rights reports, studies, fact-finding missions and testimonies of activists, we summarize the critical role that protests play in defending marginalized voices and advancing the collective demand for justice and equality. These findings underscore the significance of the right to protest as a cornerstone for upholding human rights.

Protests have been an integral part of the landscape of Bengaluru, and evolved as a part of various long-standing movements over decades. From the Miss World protests in the 1990s to the 2002 protests in solidarity with victims of the Godhra carnage, the garment workers' flash strike in 2016, anti-CAA protests of 2019-20, the Dalit organizations' rally in 2018, Safai Karamchari agitations, and the Hijab row protests of 2022 – each highlighted unique modes of demonstrations, and assertion of people's claim to the right to the city. Jayaram, a trade unionist with Garment and Textile Workers Union (GATWU) said, "Protests have a very long history from the beginning of the freedom struggle against

external powers and the ruling governments after independence as well. It was to make people aware. The only weapon we can use is to protest."

From the 1960s to the present day, the city has witnessed an evolution in the nature of protests, shaped by both material changes in urban infrastructure and the changing strategies of protesters due to tightening restrictions. The growth of the city, its increasing political engagement, and the role of media have played a crucial part in this transformation. Broadly, from the 1960s to the present day, socio-political and economic transitions in Bangalore can be viewed in these stages:

1. 1960s to 1990s: Trade Unions, Farmers, Dalit, Women's movement, urban poor Protests and the Unification of Karnataka
2. 1990s: Neo-Liberal Reforms and City Sanitization
3. Late 1990s-2000s: Growing alliances between movements
4. Early 2010s: Emergence of Protest Location Restrictions
5. 2019-2020: CAA Protests and Pandemic Control
6. 2021-2024: Restriction to one designated area

However, some movements and struggles stretch across the timeline and continue till date. Struggles of the Dalit movement, against caste atrocities, caste-based violence and towards affirmative action that guarantee their right to dignity have taken place across decades. Women's rights movements and struggles for gender justice have also been led and sustained through these decades. Workers' struggles and movements led by left parties, for fair wages, reasonable working hours, job security and policies that guarantee a right to dignified livelihood have challenged exploitative as well as pro-corporate policies of the state for decades. Many of these protests had brought the city to a stand-still, with lakhs of people from across Karnataka joining in the state's capital.

Protests in Bengaluru have taken various forms, including marches, human chains, and pamphlet distribution, utilizing public spaces for collective action. Activists often employ disruptive tactics rooted in civil disobedience, such as staging sit-ins on major streets or blocking traffic. Symbolic actions are also common, like unfurling banners during arrests or burning copies of the Manusmriti to challenge oppressive laws and customs. Key sites like Bilal Bagh on Tannery Road, MG Road, the Gandhi statue in Maurya Circle, and even government offices carry symbolic value, reinforcing Bengaluru's importance as the state's capital, a center of power and a critical venue for expressing dissent and demanding justice. These methods are designed to capture public attention, disrupt the status quo, and raise voices against injustices, reinforcing the streets as vital spaces for civic engagement and dissent.

The rationale behind protests in Bengaluru extends beyond immediate demands; they aim to influence policy changes, raise public awareness, and foster dialogue among citizens. Protests serve as a tool for expanding democracy, especially during crucial moments in history, asserting the right to free expression and access to justice. Unlike petitions, protests hold more weight in pushing for accountability and invoking constitutional principles. They often draw on the legacy of the freedom struggle and Gandhi's methods, becoming a platform to make marginalized identities visible, celebrate community, and provide strength to oppressed groups, reinforcing the democratic fabric of society.

It is in the very conception of protests to assert one's physical presence to be seen and heard, to politicise public discourse and to disrupt 'normalcy'. It is a tool for the masses to participate in a democracy, hold the state accountable and to demand redressal for the injustice they face. It is evident in the nation-wide trend of curtailing the freedom of

assembly, that protests are understood as a threat by the state, as merely a cause of inconveniences to the "general public".

3.1. Protest as a means of struggle

Rights are no gifts, but are the product of struggle. As K. Balagopal said, "…without some struggle or agitation rights do not accrue." At a time when the state is increasingly silencing people's demands for equality and dignity, protests serve as a means of struggle for people to claim their rights.

Pratibha and Jayaram, trade unionists with GATWU sought to demonstrate the need for peaceful disruptive protests with an example, *"One of the largest protests was in 2003. We had protests of Garment workers which ended in Kuvempu circle but it was one of the biggest protests. One more was for minimum wages which really attracted the government's attention. Take the example of our own Garment workers protest of 2016 where they have protested against the injustice towards them, they protested for the same and got justice too."* Here, they were referring to a flash strike of April 2016, when thousands of garment workers in several areas of Bengaluru and some parts of other districts such as Maddur, protested an ordinance on the Employment Provident Fund by the Central Government. The ordinance ruled that they would not be able to withdraw the total amount of the EPF until the increased retirement age of 58 years. The protest directly led the Central Government to withdraw the ordinance, thus benefiting lakhs of salaried workers across the country.

Maitreyi Krishnan, a trade union leader with AICCTU, spoke about how the powrakarmikas' struggle resulted in the removal of contractors and regularisation of safai karamcharis inspired sanitation workers across the

country. *"BBMP Powrakarmikara Sangha and the Karnataka Pragitipara Powrakarmika Sangha, affiliated to AICCTU played a central role in these struggles while organising Safaikaramcharis around three main aspects - social dignity, wages and regularisation. Protesting was therefore a non-negotiable means of struggle for the workers. It is a right, not a privilege."* For over two decades, powrakarmikas had sustained the struggle against the exploitative contract labour system and the caste-based abuse they faced in their workplace. In 2025, workers were formally recognized as regular BBMP employees, receiving a dignified monthly wage of ₹41,000 along with job security, instead of a meager ₹2,000 to ₹5,000 per month.

Similarly, the Karnataka government scrapped the ₹1,791 crore Bengaluru steel flyover project in March 2017, following massive public-led opposition and citizen-led protests by groups like Citizens Against Steel Flyover, RWAs and others, regarding environmental concerns and corruption. Peaceful protests including human chains and public demonstrations were similarly organised to oppose the widening of the Sankey Tank Bund road which was also put on hold because of public pressure.

Another major victory by people's movements was in July 2025 when farmers in Devanahalli (Bengaluru Rural) Channarayapatna Land Acquisition Protest Committee, with the coalition Samyukta Horata-Karnataka, protested for three years, forcing the Karnataka government to drop the forcible acquisition of 1,777 acres of fertile agriculture land. In this struggle, farmers had faced detentions, FIRs and even brutal police suppression. One such instance was when officers launched an unprovoked attack on August 15, 2022, against a small group of farmers holding a silent protest outside the Devanahalli taluk office. Around 4

a.m., police cut power to the site where farmers were sleeping, then charged in - leaving one farmer, Pramod, with an eye injury.

Vinay recalled, *"In 2014-15, we had a huge rally against the rising number of street vendor evictions in Bangalore. After that, the police issued a circular saying the Street Vendors Act has to be followed, and BBMP also issued a circular at that time."*

3.2. Protest as a means of dialogue with the public

Activists interviewed by PUCL emphasized that protests are a forum to air grievances and create space for communication. As Vinay Sreenivasa expressed, *"A protest is a type of dialogue, so I think this dialogue must keep continuing. You can protest, go out, sing a song - two people can hold a placard, you can distribute a pamphlet - but this kind of interaction with the public, on the streets, has to continue. The streets are the lifeline of a democracy."*

Jyothi Ananthasubbarao of AITUC said, "*When workers protest for their rights, it is also for the general public to hear and know about their struggles. The issues being faced by people who protest are issues that need to be part of dinner table conversations, and not hidden away. Whether it is women who want to demand police action against a case of sexual assault, or workers who are demanding fair wages, their lives matter and their struggles must be visible."*

Protests organically create spaces for cooperation and spaces for dialogue. When people come together, the interconnected-ness of human

rights emerges. Collaboration among diverse groups strengthens movements and expands public support. For example, when participating in broader protests, Hijra and Kothi protests showed solidarity on related issues like housing rights and women's rights, while also spotlighting transgender-specific concerns such as sex work and begging rights. Also for powrakarmikas, mass mobilizations like the 2001 rally and the 2002 Jatha united the exploitation of sanitation workers with the economic and civic needs of slum residents, drawing widespread support for abolishing exploitative contract labour systems.

Peaceful assemblies can present an alternative narrative to mainstream portrayals that often stigmatize marginalized groups. For example, public demonstrations by sex workers have served as a counterbalance to the media's sensationalist and moralistic portrayals, which often depicted them as criminals or passive victims. "*When there is no other way to fight police violence against us, it is only through protests that we have drawn attention to how we are being treated, and the other day-to-day struggle we face because of the precarity in our working and living conditions"*, said Geeta of Sadhana Mahila Sangha.

Human rights reports from the early 2000s onwards have documented how members of Hijra and kothi communities utilized street protests to combat invisibility and social marginalization. These public interventions were important in reframing LGBTQ issues as fundamental human rights concerns. Chandni, a transwoman and activist for LGBTQ rights, described how protests were instrumental in raising awareness and empowering her community, "*In our context, the last 25 years of our life journey were only to protest. Our activism started in 2002. Before this, common people did not have any idea of the transgender identity and there was no awareness among ordinary people. Even we, being transgender, had no knowledge about our rights. It all started only after*

we started protests. In 2002, we had a protest in Town Hall, when many people from our community took part. This happened only because we had the freedom to protest. It gave us the courage to accept our identity and demand for our rights and needs."

As Chandni has expressed, protests have formed an integral part of assertion of identities, and enhance public discourse around issues concerning marginalized communities. Uma, a transwoman and activist working on issues of gender and sexual minorities, explained, "*We work for the rights of sex workers and sexual minorities. In society, if you talk about queer individuals, then you are met with silence. And if you say that there are sex workers, people look down on them. There are several such issues, which are due to gaps in law, exploitation and stigma. We communicate these issues to the society using placards that we hold on the streets. That is when they'll know we exist. If we don't do this, society will continue to be unaware of our issues and our rights*."

Mavalli Shankar, President, Dalit Sangharsha Samiti (DSS-Ambedkarvada) said, "*This type of invisibilisation is happening to ensure that the existing structures of oppression remain. Whether it is the caste system that wants the struggles of Dalits to remain invisible, or whether it is the patriarchal system that wants women's struggles to remain invisible. Confining all protests to one designated area is essentially to maintain the status quo and to make it look like there are no struggles going on at all."*

The May Day rally has global significance to bring to fore the demands of workers, especially now that the eight hour work day is no longer a universal right, but a luxury in the era of gig economy and increasing informalisation. Every year, the May Day rally in Bangalore requires

union leaders to negotiate heavily with police authorities to be able to organise. Despite that, thousands of workers march in the city every year,

3.3. Protest as peaceful disruption

It must be noted that protests have historically taken the shape of many disruptive forms such as blockades, chakka-jams, strikes etc. sometimes even leading to arrests and police action. For the anti-Miss World protests, Gauri, a social activist from Karnataka Janashakti shared an anecdote to demonstrate how disruptive protests were effective, *"There were many situations in which we have been arrested by the police. In 1996, the Miss World contest was going on and there were protests against it when I was in my college days. We were sent to jail for 18 days and that case ran for 6 years. People ask what we achieve by protesting. But it was because of our protests that there were many restrictions imposed on the competition, after which they did not come to India that year. That is the power of protest."*

Hulikunte Murthy, *"Protests are not only about shouting slogans, but they are the only weapon for people, especially, people from marginalised communities to express themselves. It is a way of making people aware and reaching people saying that something is happening. It might be by using placards, banners or by street play…During the planning of the Bangalore-Mysore Infrastructure Corridor in 2002, there were very big protests against the government's plan to cut off thousands of trees and displace around 2 lakh people. The protests ensured that the government assured the farmers and people that they will be compensated with land."* However, even after the project's completion, protests continued, as no farmer had received the promised compensation.

3.4. Dissent, a crucial element of democracy, and a tool for state accountability

Claiming public spaces to demand redressal for both immediate concerns and long-term policy changes has been the impetus behind protests. Civic issues including road widening, flyovers and inadequate public transport have been highlighted and amplified through regular protests by ordinary citizens. Shaheen Shasa, an activist of Bengaluru Bus Prayanikara Vedike, a bus commuters' forum, told us, *"Protests have played an important role in expressing opposition to bus fare hikes, privatization of buses, and demanding rollback of policies that hinder public transport facilities."*

Vinay described protests against tree cutting in 2008, *"I think our first protest march was in 2008. We had several protests around where they were cutting trees for the metro project. Around 25-35 trees were cut inside Lalbagh, and we conducted numerous marches."* These protests fought for the need to balance development with environmental preservation.

Fridays for Future is a youth based action group for climate justice, was founded based on the idea of organising weekly strikes, in which youth occupied public spaces to call for attention towards the climate crisis and demand policy changes to address them. Sanjana of Fridays for Future said*, "I think Fridays for Future started off as a youth movement on the streets. Organising in public spaces was key to the way that the movement even emerged. We saw similar things happening around the world. Youth were occupying public spaces, sitting in front of government buildings and demanding change in policy. When I started attending meetings, we*

would organise strikes in public places like Brigade Road, the war memorial statues, Maurya Circle, M G Road etc."

Protests have been particularly significant for addressing gender and sexuality issues, including domestic violence, sexual violence, acid attacks, and violence against LGBTQ+ people. Gauri explained to the team, *"We have organised protests for many reasons like Rape, Child Rape, Domestic violence, Acid attack cases, against communal violence. There are many more issues. We protested against anything which created inequalities in society. And this is not going to end here, so we will not stop fighting for the issues we feel must be addressed."*

When certain forms of oppression are systematically invisiblized, protests create spaces that can bring attention to these struggles. For examples, in 2010, when Bhangi community members poured faeces over their heads as a sign of protest, it drew national attention to the denial of pattas for their land. Even in the late 2010s, demonstrations against the Citizenship Amendment Act drew attention to the targeting of minorities and migrant workers.

Meenakshi, of CITU, said, *"If the people have an issue with BBMP, they must protest in front of that office so that they can communicate the issue with officials. But when they are told to go to Freedom Park and protest, it is of no use. The officials will not come there to understand. By restricting protests to a single part of the city, corrupt officials are given shelter, and are escaping their duties and responsibilities towards the public."* He rightly highlights that by invisibilising protests, the government evades their own responsibilities towards the public, and avoids being held accountable.

Whether they are silent vigils, human chains, rallies, symbolic protests, large demonstrations or smaller groups, protesting aims to fulfil any of the following objectives:

1. Hold the state accountable and claim rights guaranteed under the constitution
2. Garner attention of state authorities and place the demands of aggrieved classes of people
3. Generate awareness among the public, sensitise and awaken them to issues faced by citizens
4. Challenging stigmas and public narrative
5. Enable change in the social, political, economic and cultural landscape of a place

Therefore, as activists, community leaders and trade union leaders have shared, the backbone of the city's struggles for justice, safety, dignity and equitable policy making, has been the exercise of people's constitutional right to freedom of assembly. Invisibilising protests thus, directly impacts the struggles of common people and civil society alike, failing their right to participate in a democracy in a meaningful way. By isolating protests from central, high-traffic areas, the state is not only weakening people's struggle for their rights, but are insulating the public from witnessing or engaging with issues brought up in protests. In doing so, the state is evading accountability from public pressure. As has been made evident in this chapter so far, issues on people's livelihood, environment, food, water, shelter, gender and sexuality rights and various others do not need just visibility through protests. They also aim to demand redressal from the government and spread awareness to the general public. As activists have expressed, claiming that protests cause inconveniences to other citizens through traffic congestion, depoliticises the very conception of protests, and directly reduces state accountability towards violation of people's rights.

Chapter 4: The arbitrary implications of the Licensing Order

The Licensing Order has not stopped people in Bengaluru from protesting outside the designated area. However it has empowered the police to respond to protests in a manner which is both arbitrary and unlawful. This chapter looks at how the State has responded to protests held in the city since the Order was issued.

The fact that protests have continued despite the restriction repeats two fundamental truths: that to assemble, and exercise one's freedom of speech and expression, is a matter of survival and dignity for the most oppressed; and secondly, it is the lifeblood of a democracy, especially when the policies of the government do not recognise people's basic rights.

4.1. Police highhandedness

It has been an increasingly common sight since the restriction of protests to Freedom Park, to see Bangalore Police forcefully detaining protestors, at times violently. In many cases, they have also registered FIRs.

On December 11, 2022, Bengaluru police lathi-charged and detained around 200 Dalit activists at Freedom Park. The protestors were demanding the implementation of internal reservation within the Scheduled Caste category, as recommended by the Justice A.J. Sadashiva Commission. The protest, led primarily by the Madiga SC community, aimed to submit a memorandum to then Chief Minister Basavaraj Bommai. During the police action, senior DSS leader Kariappa was

injured and hospitalized. The protest was part of a larger movement that began with a padayatra from the gravesite of Dalit Sangharsha Samiti founder Prof B Krishnappa. Following the police action, Dalit leaders called for a statewide agitation, criticizing the BJP government for its handling of the situation and vowing to continue their protests[21]. The police said the activists were detained when they began marching towards the Chief Minister's residence; the protesters said force was used to disperse them near Freedom Park.

Either way, gathering at the designated venue did not protect them.

Another instance was when around 70 members of left party protestors, including members of the CPI, CPI(M) and CPI(ML)Liberation, were detained in October 2023 at Freedom Park during a protest against the Israel-led attack on Palestine[22].

On 15 August 2022, 71 farmers were arrested when a protest had been planned in Devanahalli against the forced land acquisition of 1,777 acres of agriculture land. The Devanahalli police alleged that the protestors were disrupting Independence Day celebrations and flag hoisting and 'violating the Karnataka High Court order to protest only in Freedom Park in Bengaluru.' An FIR was also filed against them. It was also reported that protestors on the other hand alleged that the police began arresting protestors from their camp and homes at 4 am well before any protest could occur. They also accuse the police of heavy handedness and violence.

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[21] https://www.thenewsminute.com/karnataka/bengaluru-cops-lathi-charge-and-detain-200-dalit-protestors-freedom-park-170835
[22] https://www.thenewsminute.com/karnataka/protesters-from-left-parties-detained-for-pro-palestine-demonstration-in-bengaluru

A joint fact-finding report by AILAJ, PUCL, Naaveddu Nilladiddare, Tamate and independent researchers records that on May 10, 2025, 55 ward attenders in Victoria Hospital staged a protest after being abruptly terminated without notice after an agency replaced the contractor that was paying them. The police demanded that they move their protest to Freedom Park. The report records that when they refused, *"they were shoved into the police vans and taken to a choultry next to the VV Puram Police Station, where they were detained. One worker told the fact-finding team that the clothes of a woman protestor were torn due to the aggressive manner in which the protestors were dragged by the police towards the police van."*[23]

In December 2025, more than 150 sheds in Kogilu were demolished by Greater Bengaluru Authority rendering more than 300 families homeless. When activists along with residents staged a protest, the Yelahanka police registered an FIR against some of the leaders including Gowramma (AIDWA), Isaac Amruthraj (Slum Janara Sanghatane) and others.

On 12th February, 2026, as a part of a nationwide general strike demanding that the labour codes be repealed, thousands of protestors from trade unions including factory workers, anganwadi workers, construction laborers, sanitation workers and IT employees had gathered at Town Hall. Within minutes of sloganeering, the police detained all of them, dragging them and pushing them into buses.

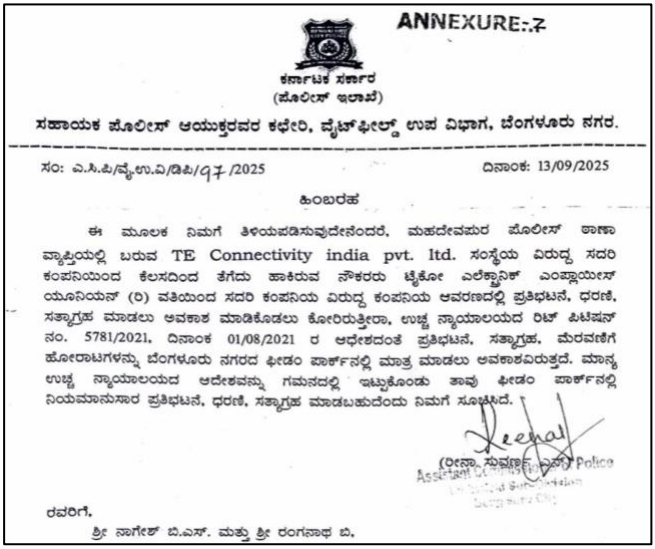
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[23] https://ailaj.wordpress.com/2024/07/11/fact-finding-report-on-labour-violations-at-victoria-hospital/

On February 19, 2023, residents and citizens had organised a ‘Save Sankey’ walkathon to protest the tree felling and road widening of the Sankey Tank Bund Road. The Sadashivanagar Police initially registered an FIR against 8 identified citizens and 60–70 unknown persons, and on May 30, 2023, the police filed a B report and dropped the case.

It has also been a trend to observe that protests organised by working class groups are met with force and detentions. When protestors are middle-class residents raising issues about civic issues, the police are less likely to behave violently.

The latest tactic in the playbook of Bangalore Police is the issuing of ‘notices’ before even a protest has taken place. If organisations or individuals express their intention to protest, they are warned through a notice saying that they will be in violation of High Court Order (WP 5781/2021), referring to the interim order’s restriction of protests to Freedom Park.



ANNEXURE:-7

ಕರ್ನಾಟಕ ಸರ್ಕಾರ
(ಪೊಲೀಸ್ ಇಲಾಖೆ)

ಸಹಾಯಕ ಪೊಲೀಸ್ ಆಯುಕ್ತರವರ ಕಛೇರಿ, ವೈಟ್‌ಫೀಲ್ಡ್ ಉಪ ವಿಭಾಗ, ಬೆಂಗಳೂರು ನಗರ.

ಸಂ: ಎ.ಸಿ.ಪಿ/ವೈ.ಉ.ವಿ/ಡಿಪಿ/೧೪೯/2025 ದಿನಾಂಕ: 13/09/2025

ಹಿಂಬರಹ

ಈ ಮೂಲಕ ನಿಮಗೆ ತಿಳಿಯಪಡಿಸುವುದೇನೆಂದರೆ, ಮಹದೇವಪುರ ಪೊಲೀಸ್ ಠಾಣಾ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಬರುವ TE Connectivity india pvt. ltd. ಸಂಸ್ಥೆಯ ವಿರುದ್ಧ ಸದರಿ ಕಂಪನಿಯಿಂದ ಕೆಲಸದಿಂದ ತೆಗೆದು ಹಾಕಿರುವ ನೌಕರರು ಟೈಕೋ ಎಲೆಕ್ಟ್ರಾನಿಕ್ ಎಂಪ್ಲಾಯೀಸ್ ಯೂನಿಯನ್ (ರಿ) ವತಿಯಿಂದ ಸದರಿ ಕಂಪನಿಯ ವಿರುದ್ಧ ಕಂಪನಿಯ ಆವರಣದಲ್ಲಿ ಪ್ರತಿಭಟನೆ, ಧರಣಿ, ಸತ್ಯಾಗ್ರಹ ಮಾಡಲು ಅವಕಾಶ ಮಾಡಿಕೊಡಲು ಕೋರಿರುತ್ತೀರಾ, ಉಚ್ಚ ನ್ಯಾಯಾಲಯದ ರಿಟ್ ಪಿಟಿಷನ್ ನಂ. 5781/2021, ದಿನಾಂಕ 01/08/2021 ರ ಆದೇಶದಂತೆ ಪ್ರತಿಭಟನೆ, ಸತ್ಯಾಗ್ರಹ, ಮೆರವಣಿಗೆ ಹೋರಾಟಗಳನ್ನು ಬೆಂಗಳೂರು ನಗರದ ಫ್ರೀಡಂ ಪಾರ್ಕ್‌ನಲ್ಲಿ ಮಾತ್ರ ಮಾಡಲು ಅವಕಾಶವಿರುತ್ತದೆ. ಮಾನ್ಯ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದ ಆದೇಶವನ್ನು ಗಮನದಲ್ಲಿ ಇಟ್ಟುಕೊಂಡು ತಾವು ಫ್ರೀಡಂ ಪಾರ್ಕ್‌ನಲ್ಲಿ ನಿಯಮಾನುಸಾರ ಪ್ರತಿಭಟನೆ, ಧರಣಿ, ಸತ್ಯಾಗ್ರಹ ಮಾಡಬಹುದೆಂದು ನಿಮಗೆ ಸೂಚಿಸಿದೆ.

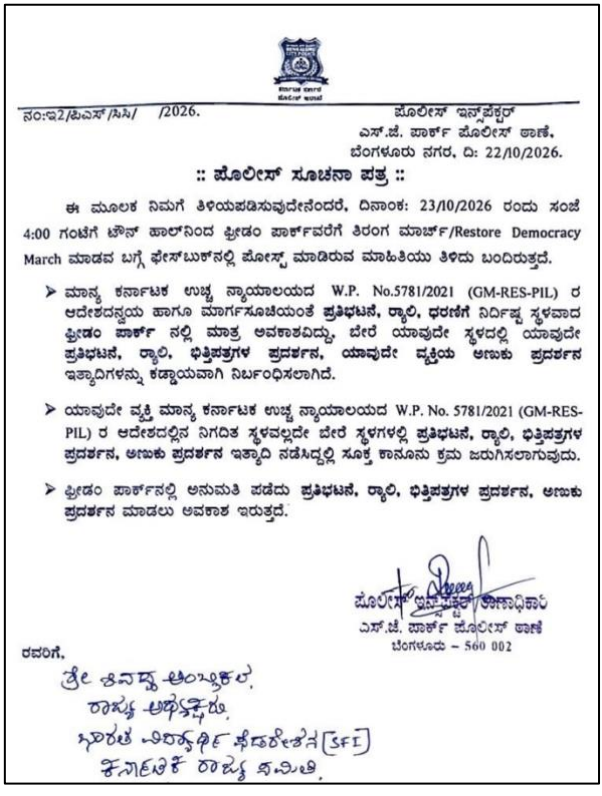
(ರೇಣಾ ಸುವರ್ಣ, ಎಸ್) Police
Assistant Commissioner of Police
Whitefield Division
Bengaluru City

ರವರಿಗೆ,
ಶ್ರೀ ನಾಗೇಶ್ ಬಿ.ಎಸ್. ಮತ್ತು ಶ್ರೀ ರಂಗನಾಥ ಬಿ.

Around September 2025, workers organised by Karnataka Industrial and other Establishments Employees Federation (KIEEF) had told their employers, a company called TE Connectivity that they will be protesting the sudden shutdown, and layoff of 300 workers. “We received

a police notice too. It looks like the company intimated the police, because we did not announce this anywhere in public", said Ravi, of KIEEF.

More recently, when anti-SIR protests were being organised in Delhi and various cities across the country, student unions and youth groups also announced a 'Tiranga March, to Restore Democracy' from Town Hall to Freedom Park on 23rd October, 2026. In response to a Facebook by Students Federation of India (SFI), Shivappa, State President, SFI received a police notice on the day before, saying the same thing.



ನಂ:ಇ2/ಪಿಎಸ್/ಸಿಸಿ/ /2026. ಪೊಲೀಸ್ ಇನ್ಸ್‌ಪೆಕ್ಟರ್
ಎಸ್.ಜೆ. ಪಾರ್ಕ್ ಪೊಲೀಸ್ ಠಾಣೆ,
ಬೆಂಗಳೂರು ನಗರ, ದಿ: 22/10/2026.

:: ಪೊಲೀಸ್ ಸೂಚನಾ ಪತ್ರ ::

ಈ ಮೂಲಕ ನಿಮಗೆ ತಿಳಿಯಪಡಿಸುವುದೇನೆಂದರೆ, ದಿನಾಂಕ: 23/10/2026 ರಂದು ಸಂಜೆ 4:00 ಗಂಟೆಗೆ ಟೌನ್ ಹಾಲ್‌ನಿಂದ ಫ್ರೀಡಂ ಪಾರ್ಕ್‌ವರೆಗೆ ತಿರಂಗ ಮಾರ್ಚ್/Restore Democracy March ಮಾಡವ ಬಗ್ಗೆ ಫೇಸ್‌ಬುಕ್‌ನಲ್ಲಿ ಪೋಸ್ಟ್ ಮಾಡಿರುವ ಮಾಹಿತಿಯು ತಿಳಿದು ಬಂದಿರುತ್ತದೆ.

- ಮಾನ್ಯ ಕರ್ನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದ W.P. No.5781/2021 (GM-RES-PIL) ರ ಆದೇಶದನ್ವಯ ಹಾಗೂ ಮಾರ್ಗಸೂಚಿಯಂತೆ ಪ್ರತಿಭಟನೆ, ರ್ಯಾಲಿ, ಧರಣಿಗೆ ನಿರ್ದಿಷ್ಟ ಸ್ಥಳವಾದ ಫ್ರೀಡಂ ಪಾರ್ಕ್ ನಲ್ಲಿ ಮಾತ್ರ ಅವಕಾಶವಿದ್ದು, ಬೇರೆ ಯಾವುದೇ ಸ್ಥಳದಲ್ಲಿ ಯಾವುದೇ ಪ್ರತಿಭಟನೆ, ರ್ಯಾಲಿ, ಭಿತ್ತಿಪತ್ರಗಳ ಪ್ರದರ್ಶನ, ಯಾವುದೇ ವ್ಯಕ್ತಿಯ ಅಣುಕು ಪ್ರದರ್ಶನ ಇತ್ಯಾದಿಗಳನ್ನು ಕಡ್ಡಾಯವಾಗಿ ನಿರ್ಬಂಧಿಸಲಾಗಿದೆ.
- ಯಾವುದೇ ವ್ಯಕ್ತಿ ಮಾನ್ಯ ಕರ್ನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದ W.P. No. 5781/2021 (GM-RES-PIL) ರ ಆದೇಶದಲ್ಲಿನ ನಿಗದಿತ ಸ್ಥಳವಲ್ಲದೇ ಬೇರೆ ಸ್ಥಳಗಳಲ್ಲಿ ಪ್ರತಿಭಟನೆ, ರ್ಯಾಲಿ, ಭಿತ್ತಿಪತ್ರಗಳ ಪ್ರದರ್ಶನ, ಅಣುಕು ಪ್ರದರ್ಶನ ಇತ್ಯಾದಿ ನಡೆಸಿದ್ದಲ್ಲಿ ಸೂಕ್ತ ಕಾನೂನು ಕ್ರಮ ಜರುಗಿಸಲಾಗುವುದು.
- ಫ್ರೀಡಂ ಪಾರ್ಕ್‌ನಲ್ಲಿ ಅನುಮತಿ ಪಡೆದು ಪ್ರತಿಭಟನೆ, ರ್ಯಾಲಿ, ಭಿತ್ತಿಪತ್ರಗಳ ಪ್ರದರ್ಶನ, ಅಣುಕು ಪ್ರದರ್ಶನ ಮಾಡಲು ಅವಕಾಶ ಇರುತ್ತದೆ.

ಪೊಲೀಸ್ ಇನ್ಸ್‌ಪೆಕ್ಟರ್ ಠಾಣಾಧಿಕಾರಿ
ಎಸ್.ಜೆ. ಪಾರ್ಕ್ ಪೊಲೀಸ್ ಠಾಣೆ
ಬೆಂಗಳೂರು – 560 002

ರವರಿಗೆ,
ತೇಜ ಶಿವಪ್ಪ ಅಂಬ್ಲಿಕಲ್
ರಾಜ್ಯ ಅಧ್ಯಕ್ಷರು
ಭಾರತೀ ವಿದ್ಯಾರ್ಥಿ ಫೆಡರೇಷನ್ [SFI]
ಕರ್ನಾಟಕ ರಾಜ್ಯ ಸಮಿತಿ.

The next day, the rally was 'permitted' by the police only after certain leaders of influence could meet with the Police Commissioner, negotiate and obtain 'permission'. This is a clear example of how this permission regime requires people of privilege or power to almost convince the police to allow for protests to take place (Section 2.2, Page 39), inevitably making it difficult for ordinary people, especially working class people to protest. What happened on the day of the rally, also exposes the highly policed nature of regulation of assemblies. When people had gathered in

Town, senior police officials kept negotiating with the organisers and leaders of various organisations who were present in the rally. Eventually, they took the microphone and announced, “We can only allow you to march if you don’t hold placards regarding SIR. You can hold the Indian flag, but you cannot raise slogans against anything.”

4.2. FIRs against protestors

Force on the day is one part of the State’s response. This includes lathi charge and detention, and at times, brutal violence against protestors. The other is the criminal process that follows. This section looks more closely at how FIRs have been used to deter people from organising protests, and even create an environment of fear.

FIRs have been registered against people for merely gathering, as was done in February 2022, when student activists of the All India Students Association were pamphleteering near a college to speak to students about the ban on hijab in schools and colleges, imposed by the Karnataka government. In another instance, when students and youth were pamphleteering to raise awareness on the genocide in Gaza in Pulakeshinagar, the police brutally detained them and filed 2 FIRs against them. In one instances, around a hundred citizens decided to do a silent walk on Church Street holding pictures of watermelons. After the police dispersed the crowd, 4-5 people were detained and an FIR was filed.

In another protest at Town Hall calling for peace in Manipur and justice for the victims of the ethnic conflict, an FIR was filed against protestors.

The sections invoked are largely offences of nuisance, obstruction and disobedience of an order of a civil servant.

- Section 188 of the IPC (disobedience of an order promulgated by a public servant, Sections 290 or 291 (public nuisance), Section 283 (obstruction of a public way), and the unlawful assembly provisions, Sections 143 or 149 and Section 103 of the Karnataka Police Act.
- Section 188 is the link between the Licensing Order and the criminal law. It is the provision through which a breach of such an order becomes an offence. It appears in most such FIRs against people who protested outside Freedom Park.
- Some FIRs invoke Sections 354A, 323 and 34, Sections 506, 504, 332 and 353, offences of intimidation and of force against persons, including public servants.

Most of these offences are minor, and a conviction is rarely the point. The process is the punishment: the FIR, the visits to the police station, the appearances before the Magistrate, and years of running between courtrooms. For organisers, the lesson is to weigh whether an event is worth the case. For young people and marginalised communities who are the most exposed, it is to stay away. This is how an environment of fear is created without a single conviction, and this climate of fear is hard to measure. What is undeniable is that the result of fear is a culture of self-censorship among civil society.

4.3. Creative ways to register protests



To bypass restrictions on assemblies, groups have resorted to creative ways to continue gathering and pressuring authorities to heed to their demands. One instance is when the Domestic Workers' Rights Union gathered in front of the Labour Commissioner's office with copies of letters in their hands, which responded to the draft Karnataka Domestic Workers (Social Security and Welfare) Bill 2025. *"There is no restriction on submitting letters, so we are here to appeal to the authorities to listen to the workers' demands"*, said Geeta Menon of DWRU.



Another instance is when members of 'My Vote, My Right' coalition working on the SIR issue gathered in front of the CEO's office with questions printed on placards. *"We are only here to ask questions to the Chief Electoral Officer, as our right to vote is under threat. It is perfectly within our rights to ask questions"*,

said Mamatha Yajaman, women's rights activist from Gamana Mahila Sangha.

Other citizens and groups organised symbolic protests on a wide range of issues. An example is how a postcard campaign was organised by Reclaim Constitution in 2023 when Justice Victoria Gowri was appointed as additional judge Madurai Bench of the Madras High Court. As she had already been known to make hateful remarks against Muslims and Christians, and was linked to the BJP, the postcard campaign, planned for Valentine's Day, involved dozens gathering near postboxes to send messages of 'love for the Constitution' to remind her to uphold her oath to the Constitution.

4.4. The RSS march in October 2026

Not every assembly on Bengaluru's streets is treated as a problem. According to a written reply by the then Home Minister to the Legislative Assembly, the RSS held 518 route marches (path sanchalans) across Karnataka in 2025, with about 2.37 lakh participants; 97 of these were in Bengaluru. On 25 October 2026, an RSS coordinator told the press that about 100 marches were held across Bengaluru in a single day, and a newspaper report cited by the same article said that the Bengaluru City Police had received more than 50 applications. The coordinator said permission was obtained for all of them without major hurdles. Others, including the Leader of the Opposition, said that the State had imposed many restrictions and that permission was a struggle until the last day.

The government's own position has not been consistent. In October 2025 the Home Department issued an order requiring private organisations to

obtain prior permission to use public places and government premises, and barring gatherings of ten or more people for civic, social or cultural activities. The order did not name the RSS, but followed a minister's letter urging curbs on its activities, and was issued very close to the date of the RSS marches planned in 2025.

The High Court stayed the order, and extended the stay to everyone and not only the petitioner, saying that it infringed the freedoms of speech and of peaceful assembly under Articles 19(1)(a) and 19(1)(b). In October 2026 the present Home Minister said that the RSS must apply for formal permission and that informing the police was not enough, even as the marches went ahead.

PUCL's concern is not that these marches were permitted. The right to assemble belongs to every group, and the principle is tested by whether it covers groups we disagree with. The concern is what the facts reveal about the Licensing Order. First, the State evidently can facilitate large numbers of processions on city streets. According to the RSS coordinator, organisers plan 15 to 20 days ahead, give the local police the route at least three days before, and receive traffic and security arrangements, with final approval one or two days before the march. A system that can manage some 100 processions in a day cannot plausibly claim that protests must be confined to a single park because of traffic. The limit is not capacity, but a choice about whose assemblies the city will see.

Second, the dispute over whether the RSS must 'inform' the police or 'obtain permission' is the logic of the Licensing Order in miniature. Where permission is granted as a matter of course, it works as notification, which is what General Comment 37 requires of every authorisation regime. Where it is not, the right depends on the State's

view of the assembly and its organisers. The procedure that appears to be available to the RSS in Bengaluru does not appear to have been available to the Dalit organisations, Palestine solidarity groups and workers.

The question for a Congress-led government is therefore not why it has allowed RSS marches. The question is why it keeps in force an Order that allows for such arbitrariness, and why a government that has defended the right to protest in Delhi has not extended the same freedom in Bengaluru.

Taken together, the material in this chapter shows what the Licensing Order has done in practice. People have not stopped protesting, because for many of them there is no alternative. But the response they meet depends on who they are and what they are asking for: a hearing for some, a lathi for others, and, for those who protest most visibly against the State itself, a criminal case. The cost of dissent has risen unevenly, and the heaviest burden falls on those with the least power to bear it. These effects cumulatively undermine democratic principles, silence dissent, and reinforce inequalities in society.

Chapter 5: The Licensing Order is in violation of constitutional and international legal standards

5.1. The constitutionally sanctioned limitations on the right to peaceful assembly

Any understanding of the contours of the contours of the right to protest must be rooted in the knowledge that India emerged as a nation through the exercise of the right to protest. India has a unique historical trajectory in that independence was achieved through non-violent, popular, participatory public gatherings, with marches and meetings playing a pivotal role in the anti-colonial independence struggle.

As the Supreme Court held, *"Public meeting in open spaces and public streets forms part of the tradition of our national life. In the pre-Independence days such meetings have been held in open spaces and*

public streets and the people have come to regard it as a part of their privileges and immunities."[24]

This historical memory was much in evidence during the Constituent Assembly Debates on what was to be become Article 19. During the debates many members expressed unease about the clause which permitted restrictions on the rights embodied in what was to become Article 19.

H. J. Khandekar spoke for many of the members when he noted that, 'the rights granted to the citizens of India under this article are many. Sub-clause (a) specifically grants freedom of speech and expression–for securing which, as you and the majority of the Members of this House are aware, we resorted to individual Satyagraha under the leadership of Mahatma Gandhi in the year 1941, and as a consequence thousands, nay, hundreds of thousands of people of this country had to rot in the prisons. At that time all of us believed that when Swaraj is established every citizen of this country would also secure for himself the right of freedom of speech and expression. We, no doubt, find that article 13 grants this freedom of speech and expression. But all this has been taken away indirectly by clause (2).'[25]

It was unfortunate that in spite of many members of the Constituent Assembly raising concerns about the clauses which limited the rights under Article 19, the clauses remained. The right to protest, a fundamental right, is enshrined in Article 19(1)(b) guaranteeing the right: to assemble peaceably and without arms. In Article 19(3), reasonable

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[24] Himat Lal K. Shah v. Commissioner of Police, Ahmedabad & Anr, 1973 AIR 87
[25] https://www.constitutionofindia.net/debates/02-dec-1948/

restrictions are permitted in the interest of 'sovereignty and integrity of India' or 'public order': Nothing in sub-clause (b) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the sovereignty and integrity of India or public order, reasonable restrictions on the exercise of the right conferred by the said sub-clause.

It is arguably the constitutional framework with the restriction clause under Article 19(3) which has legitimised the whittling down of the right to assemble peacefully around the country. In state after state, government orders similar to the Licensing Order have been issued restricting protests to designated venues and legislating permission regimes. Multiple cities have "designated" places for protest.

5.2. Interpretations of the Supreme Court on the limitations on the right to protest

The Supreme Court in Ram Manohar Lohia v. State of Bihar while deciding the legality of a detention under the Defence of India Rules 1962, clarified the meaning and thresholds of public order and law and order.[26] The Supreme Court held that,

> *"Public order if disturbed, must lead to public disorder. Every breach of the peace does not lead to public disorder. When two drunkards quarrel and fight there is disorder but not public disorder. They can be dealt with under the powers to maintain law and order but cannot be detained on the ground that they were*

[26] 1966 SCR (1) 709

disturbing public order. Suppose that the two fighters were of rival communities and one of them tried to raise communal passions. The problem is still one of law and order but it raises the apprehension of public disorder."

The Supreme Court explaining the distinction and relation between public order, law and order and security of state reasoned,

"One has to imagine three concentric circles. Law and order represents the largest circle within which is the next circle representing public order and the smallest circle represents security of State. It is then easy to see that an act may affect law and order but not public order just as an act may affect public order but not security of the State".

Ram Manohar Lohia's case provides a clue as to how the clause 'public order' in Article 19(3) is to be interpreted. Based upon this judgment it is clear that public order cannot be any mere threat to law and order and must be grave enough to threaten the public peace. The question for consideration is whether restrictions on assemblies to certain locations are justified under the ground of public order and not mere disturbance of law and order.

To clarify this threshold of public order, the Supreme Court in Madhu Limaye v. Sub-divisional Magistrate Monghyr and Ors. held that even if Section 144 of the CrPC enables Executive Magistrates to issue directions which can restrict the rights under Article 19(1)(a) and (b) on grounds of 'obstruction, annoyance or injury', the 'annoyance must

assume sufficiently grave proportions to bring the matter within interests of public order.'[27]

Building on the fundamental right to protest, the Supreme court in the case Kameshwar Prasad v State of Bihar[28] reiterated that, a key aspect of determining whether a demonstration can be prohibited is whether the "nature of demonstration" is a threat to public order. In this case President of the Patna Secretariat Ministerial Officers' Association along with five other clerks challenged the Bihar Service Conduct Rules, 1956 that forbade a government servant from "participating in any demonstration or resort to any form of strike in connection with any matter pertaining to his conditions of service."

The Supreme Court held that since the impugned rule places a ban on every type of demonstration, it is unconstitutional and in violation of the Appellants' rights under Article 19(1)(a) and 19(1)(b). The Court only struck down the rule in so far as it prohibits any form of demonstrations but not strike.

5.3. The Legality of Prior Notification and Evaluation of Arbitrary Action of Police

The constitution bench decision in Himat Lal K. Shah v. Commissioner of Police, Ahmedabad & Anr. provides a framework to analyse the

[27] 1971 AIR 2486
[28] 1962 AIR 1166

Licensing Order of Karnataka.[29] The State of Gujarat had introduced Rules in exercise of the powers under Section 33 (1)(o) of the Bombay Police Act, Rule 7 was challenged in the Gujarat High Court and subsequently in the Supreme Court in Himat Lal K. Shah v. Commissioner of Police, Ahmedabad & Anr. Rule 7 reads as below:

> *"No public meeting with or without loudspeaker, shall be held on the public street within the jurisdiction of the Commissionerate of the Police, Ahmedabad City unless the necessary permission in writing has been obtained from the officer authorised by the Commissioner of Police."*

The question before the Supreme Court was, does the Commissioner of Police have the powers to regulate processions and assemblies? Does the requirement of prior permission to hold public meeting, meet the threshold of Article 19(2) and Article 19(3)? Does the impugned Rule permit arbitrary action of the Police?

In a five judge bench decision one judgment was authored by Chief Justice Sikri on behalf of himself as well as Justice Ray and Justice Jaganmohan Reddy. Justice Matthew and Justice Beg gave separate judgments. All the judges hold Rule 7 to be arbitrary and ultra vires of the Police Act, but the reasoning for this differs.

In unequivocal terms the bench held that there was nothing wrong in requiring prior permission for holding a public meeting on a public streets because the "right which flows from Article 19(1)(b) is not a right to hold a meeting at any place and time. It is a right which can be regulated in the interest of all so that all can enjoy the right."

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[29] 1973 AIR 87

The reason that the Supreme Court declared the rule void was because the rule did not give any guidance to the "officer authorised by the commissioner of Police as to the circumstances in which he can refuse permission to hold a public meeting". Therefore, "to give an arbitrary discretion to an officers is an unreasonable restriction."

Justice Mathew notes that, "The real problem is that of reconciling the city's function of providing for the exigencies of traffic in its streets and for the recreation of the public in its parks' with its other obligations, of providing adequate places for public discussion in order to safeguard the guaranteed right of public Assembly." However, for him there is a "constitutional difference between reasonable regulation and arbitrary exclusion…The conferment of a fundamental right of public assembly would have been an exercise in futility, if the Government and the local authorities could legally close all the normal places, where alone, the vast majority of the people could exercise the right".

Justice Mathew concludes that, "If there is a fundamental right to hold public meeting in a public street, the impugned Rule which gives an unguided discretion, practically dependent upon the subjective whim of an authority to grant or refuse permission to hold a public meeting on public street, cannot be held to be valid. "There is no mention in the rule of the reasons for which an application for licence can be rejected." Broad prophylactic rules in the area of free expression and assembly are suspect. Precision of regulation must be the touch stone in an area so closely touching our precious freedoms"

This reasoning by Justice Matthew ought to have formed the jurisprudential basis for the interpretation of the reasonable restrictions to the fundamental rights under Article 19(2).

5.4. Police Power to take Preventive Steps cannot be exercised arbitrarily

One of the provisions in law used to restrict the exercise of freedom of speech and expression is Section 144 of the CrPC (now Section 163 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in force since 1 July 2024) which empowers the State through the District Magistrate/Sub Divisional Magistrate/Executive Magistrate to issue order in urgent cases of nuisance, annoyance or apprehended danger to restricts assembly of persons in public places.[30]

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1. [30] Section 144, Power to issue order in urgent cases of nuisance or apprehended danger:

1) In cases where, in the opinion of a District Magistrate, a Sub-divisional Magistrate or any other Executive Magistrate specially empowered by the State Government in this behalf, there is sufficient ground for proceeding under this section and immediate prevention or speedy remedy is desirable, such Magistrate may, by a written order stating the material facts of the case and served in the manner provided by section 134, direct any person to abstain from a certain act or to take certain order with respect to certain property in his possession or under his management, if such Magistrate considers that such direction is likely to prevent, or tends to prevent, obstruction, annoyance or injury to any person lawfully employed, or danger to human life, health or safety or a disturbance of the public tranquillity, or a riot, or an affray.
2) An order under this section may, in cases of emergency or in cases where the circumstances do not admit of the serving in due time of a notice upon the person against whom the order is directed, be passed *ex parte*.
3) An order under this section may be directed to a particular individual, or to persons residing in a particular place or area, or to the public generally when frequenting or visiting a particular place or area.
4) No order under this section shall remain in force for more than two months from the making thereof:

Where do the powers exercised by the State as per Section 144 of the Code of Criminal Procedure fit in the constitutional scheme of Article 19(1) and Article 19(2)?

The Supreme Court interpreted and provided thresholds for the application of Section 144 of the Code of Criminal Procedure in light of the imposition of Section 144 at the Ramlila Maidan where thousands of protestors had gathered to protest against corruption.[31] Through the imposition of Section 144 the permission granted for the protest was effectively revoked.

The Court relied on the finding of *Himat Lal* case where it is held that public streets are subject to the control of appropriate authority. The Supreme Court held that it is *"neither correct nor judicially permissible to say that taking of police permission for holding of dharnas,*

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2. Provided that, if the State Government considers it necessary so to do for preventing danger to human life, health or safety or for preventing a riot or any affray, it may, by notification, direct that an order made by a Magistrate under this section shall remain in force for such further period not exceeding six months from the date on which the order made by the Magistrate would have, but for such order, expired, as it may specify in the said notification.

5) Any Magistrate may, either on his own motion or on the application of any person aggrieved, rescind or alter any order made under this section, by himself or any Magistrate subordinate to him or by his predecessor-in-office.

6) The State Government may, either on its own motion or on the application of any person aggrieved, rescind or alter any order made by it under the proviso to sub-section (4).

7) Where an application under sub-section (5) or sub-section (6) is received, the Magistrate, or the State Government, as the case may be, shall afford to the applicant an early opportunity of appearing before him or it, either in person or by pleader and showing cause against the order; and if the Magistrate or the State Government, as the case may be, rejects the application wholly or in part, he or it shall record in writing the reasons for so doing.

[31] In Re: Ramlila Maidan Incident v. Home Secretary, Union of India & Or, (2012) 5 SCC 1

processions and rallies of the present kind is irrelevant or not required in law."

However the power to regulate the exercise of fundamental right to under Article 19 by the State through the Police is a vast power and must be exercised with "great caution and free from arbitrariness". And most importantly, "it must serve the ends of constitutional goals rather than to subvert them".

It must be emphasised that this power of regulation to refuse/withdraw a permission should be for *"valid and exceptional reasons"*. Moreover, the executive exercise of this power by the police *"should be aimed at attainment of fundamental freedom rather than improper suppression of the said right."* Further, to restrict a constitutional right within the scope of Section 144 of the CrPC, must be used "sparingly" and "very cautiously" and in the "interest of the public".

The Court held that the Government was in fact responsible for the fostering and encouraging the full exercise of fundamental right to speech and expression. In a similar vein the Supreme Court found that preventive steps can be a part of reasonable restriction but these "should be founded on actual and prominent threat endangering public order and tranquillity, as it may disturb social order".

This judicial decision also sets in motion a new duty on the protestors after permission is granted to provide an undertaking that they will "cooperate in carrying out their duty and any lawful orders passed by any competent court/authority/forum at any stage of the commencement of an agitation/dharna/procession and/or period during which the permission granted is enforced."

In the case of Ramlila Maidan Incident (supra), the Court observed that the right to assembly and peaceful agitations were basic features of a democratic system and the Government should encourage exercise of these rights:

> *"Freedom of speech, right to assemble and demonstrate by holding dharnas and peaceful agitations are the basic features of a democratic system. The people of a democratic country like ours have a right to raise their voice against the decisions and actions of the Government or even to express their resentment over the actions of the Government on any subject of social or national importance. The Government has to respect and, in fact, encourage exercise of such rights. It is the abundant duty of the State to aid the exercise of the right to freedom of speech as understood in its comprehensive sense and not to throttle or frustrate exercise of such rights by exercising its executive or legislative powers and passing orders or taking action in that direction in the name of reasonable restrictions. The preventive steps should be founded on actual and prominent threat endangering public order and tranquillity, as it may disturb the social order. This delegated power vested in the State has to be exercised with great caution and free from arbitrariness. It must serve the ends of the constitutional rights rather than to subvert them."*

5.5. Restrictions that defeat the very objective of the right to protest

The exercise of the fundamental rights to freedom of speech and freedom of assembly are both rights under the Indian Constitution as well under international law. The significance of these rights cannot be underestimated and they are the very heart of a democracy. This is it the

reasons that restrictions must be construed narrowly and must not through a broad interpretation, whittle away the constitutional right.

In an interpretation of Article 21 of the International Covenant on Civil and Political Rights (the right to peaceful assembly) the treaty body published in a General Comment: "…Assemblies are a legitimate use of public and other spaces, and since they may entail by their very nature a certain level of disruption to ordinary life, such disruptions must be accommodated, unless they impose a disproportionate burden, in which case the authorities must be able to provide detailed justification for any restrictions."[32]

Disruption therefore, is in the very meaning and essence of protesting. In the Shaheen Bagh protests against the Citizenship Amendment Act, an elderly woman was quoted saying 'Either sit at the protest today or prepare to sit in detention centres a few years later.'[33] Whether they are silent vigils, or sloganeering masses, the objective of the act of protesting is to physically assert one's presence, if not more. An effective protest is therefore one that garners attention and forces the state (or other parties like the media) to listen to them, and, if desired, heed to one's demands. Protests also serve as ways to awaken the general public to issues that are generally overlooked; issues concerning ordinary people's struggles for other fundamental rights such as right to livelihood, right to a dignified life, right to food etc. Protesting against state authorities, while being

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[32] General comment No. 37 (2020) on the right of peaceful assembly (article 21) Adopted by the Committee at its 129th session (29 June–24 July 2020) <https://docs.un.org/en/CCPR/C/GC/37> accessed 4 October 2025

[33] Rita Manchanda, Review of Seema Mustafa's edited *Shaheen Bagh and the Idea of India* and Zia Us Salam and Uzma Ausaf's *Shaheen Bagh: From a Protest to a Movement*

perfectly within our constitutional and democratic rights, is also an expression of dissent, a crucial element of a democratic society.

The OHCHR in 2022 said, "Peaceful protests provided key insights into and information about people's real challenges and needs. The public interplay of claims, views and feedback between people and their representatives was essential to prompt and effective policymaking that was responsive to the aspiration of individuals, communities and societies as a whole."[34]

In a 2014 'Seminar on effective measures and best practices to ensure the promotion and protection of human rights in the context of peaceful protests', the UN High Commissioner for Human Rights reported , "Peaceful protests were described as an alternative to violence and as a form of expression which could be considered as a means of drawing attention to public affairs concerns and achieving change, and as a way of exercising direct democracy. Protests can also act as a barometer for a government to know how it is performing. Peaceful protests should therefore not be seen as a threat and should be facilitated rather than restricted."[35]

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[34] Summary of the panel discussion on the promotion and protection of human rights in the context of peaceful protests, with a particular focus on achievements and contemporary challenges, Report of the Office of the United Nations High Commissioner for Human Rights, Human Rights Council, Fiftieth session, 13 June–8 July 2022

[35] 'Seminar on effective measures and best practices to ensure the promotion and protection of human rights in the context of peaceful protests' (*Report of the UN High Commissioner*, 29 January 2014) - https://www.ohchr.org/sites/default/files/Documents/Issues/FAssociation/Seminar2013/A-HRC-25-32.doc

In General Comment 37, the UN Human Rights Committee said, "…peaceful assemblies can sometimes be used to pursue contentious ideas or goals. Their scale or nature can cause disruption, for example of vehicular or pedestrian movement or economic activity. These consequences, whether intended or unintended, do not call into question the protection such assemblies enjoy."[36]

The UN Special Rapporteur on the rights to freedom of peaceful assembly and of association in its report to the 20th session of the Human Rights Council concurred with the assessment of the Office for Democratic Institutions and Human Rights (ODIHR) that "the free flow of traffic should not automatically take precedence over freedom of peaceful assembly". In this regard, the Inter-American Commission on Human Rights has indicated that "the competent institutions of the State have a duty to design operating plans and procedures that will facilitate the exercise of the right of assembly ... [including] rerouting pedestrian and vehicular traffic in a certain area".

Inconvenience to commuters and traffic congestion are not among the grounds listed in Article 19(3) and therefore, cannot be a reason to curtail the right to peaceful assembly. In fact, these inconveniences are by design, to draw the attention of the public and generate awareness about people's concerns. The disruptions must be balanced against the constitutional right to peaceful assembly and the authority must not assume that disruptions by itself justify restricting the constitutional right.

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[36] General comment No. 37 (2020) on the right of peaceful assembly (article 21) Adopted by the Committee at its 129th session (29 June–24 July 2020) - https://docs.un.org/en/CCPR/C/GC/37

The UN Human Rights Committee, in General Comment 37 said, "Having to apply for permission from the authorities undercuts the idea that peaceful assembly is a basic right…Where authorization regimes persist in domestic law, they must in practice function as a system of notification, with authorization being granted as a matter of course, in the absence of compelling reasons to do otherwise. Notification regimes, for their part, must not in practice function as authorization systems."

Reducing protests to such a highly negotiated, policed and performative activity converts the act of protesting to a favour granted by the police, and completely erodes the constitutional right of the people to criticise the government through peaceful and democratic means.

5.6. Applying the tests to the Licensing Order 2021

The preceding sections draw out the standards by which a regime regulating protests must be judged. This section applies them to the Licensing Order.. It asks four questions: whether the Order gives definite standards to the officer who decides; whether refusals and withdrawals are confined to exceptional cases and supported by reasons; whether the restriction to Freedom Park is proportionate; and whether the Order is consistent with the international standards that bind India.

A. Does the Order provide definite standards?

In Himat Lal, the Supreme Court accepted that a public meeting on a street may be made subject to prior permission, but struck down Rule 7 because it gave the authorised officer no guidance on when permission

could be refused. Justice Mathew put the test most sharply: a system of licensing will be upheld 'only if definite standards are provided by the law for the guidance of the licensing authority', and the vesting of 'unregulated discretionary power' in that authority is bad.

Section 12 of the Karnataka Licensing Order does list factors, which distinguishes it from Rule 7 of the Gujarat Police regulations on its face. But a list is not a standard. Several of the factors have no connection to any ground on which the Constitution permits a restriction: the 'status and antecedents of the applicant' (Section 12(ii)), the availability of parking for the vehicles of those attending (Section 12(iii)) and the 'interest of the public in general' (Section 12(i)) are examples. Others turn entirely on the subjective impression of the officer: whether a protest 'could' cause disturbance or 'nuisance or annoyance' (Section 12(v) and (vi)), or 'resentment' among any religious, cultural, linguistic or social group (Section 12(vii)). The Supreme Court has held that annoyance must assume 'sufficiently grave proportions' to engage public order (Madhu Limaye), and that the anticipated danger must not be 'remote, conjectural or far-fetched' but must have a 'proximate and direct nexus' with the expression (Rangarajan). Section 12 does not take into account the jurisprudence of the Supreme Court and identify grounds which are not remote or conjectural, but instead reproduces the vice identited by the Court in Himat Lal.

The documentation on the way the Karnataka Licensing Order, 2022 has been utilized by the police indicates that it has allowed refusals on grounds that have no footing in the Constitution and, in some cases, none in Section 12 itself: that a protest concerned 'an international issue', that the police lacked staff because of festival processions, and that the police could not control the reaction of 'right wingers'. The Licensing Regulation has functioned as an arbitrary standard.

B. Are refusals and withdrawals exceptional, reasoned and founded on a real threat?

In Ramlila Maidan, the Supreme Court said that the power to refuse or withdraw permission must be exercised with 'great caution and free from arbitrariness', for 'valid and exceptional reasons', and that preventive steps 'should be founded on actual and prominent threat endangering public order and tranquillity'. In MKSS, it held that refusal of permission must be in 'rare and exceptional circumstances'. In Himat Lal, it was held that reasons are required to be given for the grant or refusal of permission.

Measured against this, Sections 8 and 14 are difficult to defend. Section 8 allows the Licensing Authority, in case of 'any sudden development or exigency', to direct organisers to change timings or close a protest 'any time prior to the permitted time limit, including those in progress'. Section 14 allows permission to be withdrawn 'in case of any eventuality, exigency or based on inputs received' by the officer, or on a 'reasonable apprehension' of disruption. 'Eventuality', 'exigency' and 'inputs' are not thresholds. They do not require a threat that is actual or prominent, and they do not require the officer to consider lesser measures. On the text quoted in Chapter 2, Section 14 also requires neither reasons nor an opportunity to be heard. Section 15 does require written reasons for a refusal, but as this report documents, refusals have been communicated orally or have rested on grounds that Section 12 does not contain.

The pattern of refusals shows the discretion working as a prohibition by other means: permission was refused for protests on Gaza on the suggestion that protesters should protest 'for peace – and not for Palestine'; protesters were told not to use the word 'hijab' on placards; and a protest following the rape and murder at RG Kar Hospital was not

allowed because police were stretched by Ganesh Chaturthi processions. The Supreme Court has held in Rangarajan that 'the State cannot plead its inability to handle the hostile audience problem'. The duty of the State is to protect the freedom, not to yield to those who threaten it. General Comment 37 says the same in practical terms: authorities may need to 'block off streets, redirect traffic or provide security'.

C. Is the restriction to Freedom Park proportionate?

The test laid down in Puttaswamy and developed in Anuradha Bhasin asks whether the goal is legitimate, whether the restriction is necessary, whether alternatives were considered, whether the least restrictive measure was adopted, and whether there are procedural safeguards against abuse. Applied to the confinement of protests to Freedom Park, each stage raises difficulty.

Legitimate aim. The stated aim is the free flow of traffic and the convenience of commuters. Regulating traffic is a recognised purpose, but as noted in Chapter 2, the Order was issued on the strength of a single letter, without any data being placed on record linking protests to congestion, and without examining other causes of congestion. Whether the aim is in fact served is the first thing the State must show.

Necessity-A restriction is necessary only if the aim cannot be achieved otherwise. In practice the Order applies to every protest in the city regardless of size, route or hour: a small vigil outside a municipal office is treated in the same way as a march of thousands. Anuradha Bhasin requires a restriction to stand in relation to what is 'actually necessary', territorially and temporally. A city-wide rule of this kind cannot be said to do so.

Alternatives-In MKSS, the Supreme Court itself listed less restrictive tools: limits on numbers, minimum distances from specified buildings, restrictions on certain routes, and limits during peak traffic hours. General Comment 37 adds that authorities may need to block off streets, redirect traffic or provide security. This report has found no indication that any of these was considered before the whole city was closed to protest.

Least restrictive measure and prohibition-Section 4(i) allows the Commissioner of Police to designate other places, and a further provision of Section 4 allows protests elsewhere for a limited number of persons. On paper, therefore, the Order is a restriction and not a prohibition. In practice, as Chapter 2 shows, no other place has been designated and permission elsewhere is routinely refused. MKSS holds that whether a restriction amounts in effect to a total prohibition is a question of fact, and that a prohibition must also satisfy the requirement that any lesser alternative would be inadequate. On the facts documented here, the restriction operates as a prohibition outside Freedom Park, and that burden has not been discharged.

Procedural safeguards-The decision-maker under the Order is the Inspector of the police station within whose limits the protest is proposed and, on escalation, the Deputy Commissioner of Police. As Hulikunte Murthy told the team, ‘the people granting permissions are precisely those against whom protests are organised’. An Order that places the discretion with the authority most likely to be the target of protest, and that offers no standards to guide it, does not provide the safeguards against abuse that the fourth limb of the test requires.

D. The Shaheen Bagh objection

The State's strongest authority is the statement in Shaheen Bagh that '*demonstrations expressing dissent have to be in designated places alone*'. It can be answered on three grounds. First, the Court was dealing with the indefinite blockade of a public road, and said so: the case was 'not even one of protests taking place in an undesignated area'. Second, as discussed in section 4.7 below, the Court did not test the confinement of protests to one place against the requirement of proportionality, and the case was decided months after the protest site had been vacated. Third, the observation sits uneasily with Ramlila Maidan and MKSS, which insist that refusal be rare and exceptional and that the State aid, and not frustrate, the exercise of the right. It cannot support the confinement of every protest in a city of this size to a single park, and it does not displace the statement in General Comment 37 that there can be no blanket ban on assemblies 'in all public places except one specific location within a city'.

E. International standards

General Comment 37 requires that participants be enabled, as far as possible, to hold assemblies 'within sight and sound of their target audience'; that peaceful assemblies 'should not be relegated to remote areas where they cannot effectively capture the attention of those who are being addressed, or the general public'; and that authorisation regimes 'must in practice function as a system of notification, with authorization being granted as a matter of course'. The onus lies on the authorities to justify any restriction. The testimonies in Chapter 2 on protesting in Freedom Park, and the experience of farmers, garment workers and bus commuters who are told to protest far from the offices and officials they wish to address, show that the Licensing Order does not meet any of these requirements.

On this analysis, the Licensing Order does not meet the standards set by the Supreme Court's own decisions or by the international instruments to which India is a party. Its criteria are not definite, its powers of refusal and withdrawal are not confined to exceptional and reasoned cases, its principal restriction is not shown to be necessary or the least restrictive available, and its decision-making is not subject to meaningful safeguards. What a compliant regime would look like is not obscure: notification rather than permission; published, objective criteria tied to the grounds in Article 19(3); written reasons within a fixed time; more than one designated venue, with a presumption in favour of protest at or near the place and the audience concerned; and an independent route of appeal.

Chapter 6: Conclusions

This report set out to understand what the 2022 Licensing Order has done to the right to peaceful assembly in Bengaluru. Its conclusions fall into four parts: how the restriction of one right has spread to others; how the relationship between protesters and the State has changed at the local level; what the Order is part of; and what this means for civil liberties more broadly.

6.1. The cascade effect: restriction of one right becomes restriction of many

The report demonstrates how rights reinforce each other. The Bengaluru experience shows the same relationship in reverse: when one right is restricted, the restriction spreads to others.

The Licensing Order was issued to regulate protests. The police have invoked it against reading circles, film screenings, pamphleteering, signature campaigns in the metro, and meetings in private venues. Freedom of assembly was the first casualty. Freedom of association and expression followed, as organisers lost venues and audiences. Venue owners who are threatened cancel bookings, so the restriction works through third parties, and the people it reaches never receive a formal order that they can challenge.

The effect on other rights is also personal. Organisers must now supply the Aadhaar cards of five people, and the police collect the addresses of participants. Intelligence officials follow and sit with organisers, and

police photograph and film those who attend. This is a burden on privacy and on the freedom to associate without being identified and recorded. Detention and criminal cases, bear on personal liberty under Article 21: the cost is time, money and sometimes years in courtrooms, even where the offence is minor and conviction unlikely. For those who protest for their livelihoods, a restricted protest endangers the very rights they are protesting for: wages, housing, water and education. And because the restriction falls hardest on those with no other platform, among them Dalits, sex workers, gender and sexual minorities and informal workers, it reproduces the inequality, exploitation and oppression.

6.2. Turning a right into a license

Before the Order, the relationship between protesters and the police at the local level was one of working accommodation. Organisers informed the police station within whose limits a march would pass, if it was a bigger group, and the police came to ensure order. Geeta Menon recalled that when the police asked why people had gathered and were told the protest was peaceful, they left. As long as the 2009 notification applied, there was little trouble. Problems were resolved at the site, between people and the police who knew the area.

The Order replaced this with a relationship of supplication and suspicion. Permission is now sought from a centralised police authority, Upparpet Police Station or, when it refuses, the DCP, on terms the police set and can change, with documents the police can add to and permission the police can withdraw at any time. Protesters negotiate the content of their own protest: which words may appear on placards, how much of an effigy may be burnt, whether a flag may be unfurled. Organisers who object have little recourse, and those with political contacts find the way

smoother. As Hulikunte Murthy put it, the people granting permission are precisely those against whom protests are organised.

Protesters see the police presence as surveillance; the police, who arrive with buses ready to detain, see protests as a threat. The relationship that once allowed disagreement to be handled in the street is giving way to one in which protest is either invisible or confrontational.

6.3. The Licensing Order as part of a wider design

It would be easy to read the Licensing Order as the product of a single court case about traffic. This report suggests it is more than that. We say that the Order fits a pattern whose elements recur across cities, governments and institutions, and that the pattern has a logic.

Bengaluru confines protest to Freedom Park; Delhi moved protest from Jantar Mantar to Ramlila Maidan; Mumbai's designated venue is Azad Maidan. Each is justified in the language of traffic, order and the convenience of residents. The permission regime. On top of the venue sits a regime of criteria that are vague, powers of withdrawal that are open-ended, and decisions taken by the authority that the protest addresses. Photographs and videos at every protest, intelligence officers following organisers, personal details collected. A breach of the Order becomes an offence under Section 188, and protests are met with FIRs for nuisance and unlawful assembly, in some cases paired with FIRs alleging assault on public servants. Protests are framed as a civic nuisance, a cause of traffic jams and 'inconvenience', so that a political claim is treated as an administrative problem. The machinery that restricts some assemblies facilitates others.

The State has moved from visible suppression, which draws media attention and public sympathy, to administrative and narrative control: permissions delayed, withdrawn or never answered; protests allowed, but out of sight.

What the design amounts to is the transformation of a right into a licence. Article 19(1)(b) says citizens have the right to assemble peaceably. The Order says they may do so where, when and in the form the police allow, and only after asking. A right that must be applied for, scheduled and located out of sight is not the right the Constitution guarantees. It is a privilege granted at the discretion of the very officials who are the object of the protest.

6.4. Implications for civil liberties

The findings of this report point to several areas of concern for the protection of civil liberties, which are taken up in Chapter 7 as recommendations.

Regulation of a fundamental right by executive order: The Licensing Order regulates an Article 19 right through a Commissioner of Police's order. Such regulation must meet the tests of definite standards, necessity and proportionality, and the Order does not. The Licensing Order has not, to our knowledge, been tested against these standards. The Order, accompanied by heightened surveillance, is a part of a regime of policing, which must be opposed.

Spread of designated-venue regimes: The confinement of protest to one place is now a feature of several cities. Unless it is challenged, it risks becoming the default, and the Supreme Court's observation in Shaheen

Bagh that dissent must be expressed in designated places gives it judicial cover. There can be no designated venues for protests, as there are for public meetings and events. The right to dissent through peaceful disruption at the site of injustice is what we need to protect.

Equality and viewpoint neutrality: Where the State facilitates the assemblies of some groups and meets those of others with force or FIRs, the right becomes dependent on the popularity, class, caste, political influence of the protestors. This is incompatible with Article 14 and with the idea of a right. The groups for whom protest is the only channel are those most affected by restriction, and any remedy must be assessed by its effect on them.

The closing of space beyond protest: Parks, metro stations, private halls and cultural events are being policed in the name of the same order. Protecting the right to protest requires protecting the right to gather, discuss and organise.

Finally, **the attack on democracy:** The concerns raised in this report reveal an interconnectedness of rights. Our response must therefore also be connected, and address the attack on democracy beyond the restriction to Freedom Park. The permission regime, the police surveillance on private and indoor properties and criminalisation of protestors – we must address them all.

Chapter 7: Recommendations

The Karnataka Government must:

1. **Immediately revoke the 2021 Licensing Order:** The restoration of the right to protest means that the citizens' freedom of assembly can be confined to any 'designated area or venue'. Any guideline, Order or policy that is issued to regulate assemblies and processions, must take into account that the right to peaceful protest entails the right to be heard, seen as well as create a peaceful disruption.
2. **Withdraw all FIRs registered against people for violating the 2021 Order:** Members of peaceful assemblies are not burdened with criminal prosecution merely for non-violent participation in protests. The absence of 'prior permission' must not attract criminal action.
3. **Organise trainings and sensitisation of all police personnel**: The police must be sensitised on the values of the constitution and trained on their role as facilitators of the fundamental right to freedom of assembly. Instead of dispersing non-violent protests merely for not having 'permission' or under the guise of public convenience, the police must be trained on how to ensure law and order.

The Karnataka State Human Rights Commission must:

1. **Conduct a review of instances of police violence**: All instances when protestors were beaten, injured and forcefully detained must be reviewed by the government and the responsible police officials must be held accountable.
2. **Recommend guidelines on protecting the right to protest**: The KSHRC must formulate a set of guidelines to be followed by police and administrative authorities to ensure that the freedom of assembly is protected.

About the Campaign for the Right to Protest

The Campaign for the Right to Protest is a coalition of civil society organisations formed in June 2023. The coalition comprises of trade unions, student groups, farmers' groups, women's rights groups, Dalit groups, religious minority groups, LGBTQ rights groups, fora concerned with civil liberties and several progressive individuals.

The police order restricting protests to Freedom Park was brought in by the BJP government in 2022. After the Congress came to power in 2023, it was expected that they will withdraw the order.

The campaign undertook several steps such as meeting the Chief Minister, Home Secretary, Police Commissioner, protests, press meets and more to pressurise the government to withdraw the order. However the current government is yet to withdraw the order, and protests continue to be confined to Freedom Park. The Campaign will continue till we reclaim the right to protest.

The Campaign has been arguing that in order to defend the Constitution from BJP's fascist regime, the Congress government must uphold its commitment to democracy and revoke the restriction!