

LEGAL STATUS OF PROTEST AT JANTAR MANTAR AND PARLIAMENT PREMISES A COMPREHENSIVE ANALYSIS

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EXECUTIVE SUMMARY

This report provides a comprehensive analysis of the legal framework governing peaceful protests at two critical locations in New Delhi: Jantar Mantar and the Parliament premises. It examines constitutional protections, Supreme Court rulings, statutory regulations, and current practical restrictions that shape the right to demonstrate in these areas.

1. CONSTITUTIONAL FRAMEWORK FOR RIGHT TO PROTEST

1.1 Fundamental Rights

The Indian Constitution guarantees the right to protest through multiple fundamental rights enumerated in Article 19:

Article 19(1)(a): Guarantees freedom of speech and expression, which forms the constitutional basis for voicing dissent and expressing political opinions.

Article 19(1)(b): Grants citizens the right to assemble peacefully and without arms, directly protecting the right to hold peaceful demonstrations, meetings, rallies, and public gatherings.

Article 19(1)(c): Protects freedom to form associations and organizations, enabling citizens, political groups, unions, and civil society organizations to collectively raise public issues.

1.2 Reasonable Restrictions

Article 19(2) and 19(3) authorize the government to impose reasonable restrictions on these freedoms when necessary to protect: sovereignty and integrity of India, state security, friendly relations with foreign states, public order, decency, morality, contempt of court, and incitement to offenses.

The Constitution does not recognize the right to protest as an absolute, independent fundamental right. Instead, it balances democratic freedoms with constitutional governance and public safety. The law permits reasonable restrictions to ensure protests remain peaceful and do not adversely affect public safety or constitutional values.

2. LANDMARK SUPREME COURT JUDGMENTS

2.1 Himat Lal K. Shah v. Commissioner of Police (1973)

This foundational judgment established that freedom of assembly is essential to democracy and enables citizens to meet and discuss religious, political, economic, or social issues. The Court drew a clear constitutional line between reasonable state regulation (such as managing traffic) and arbitrary exclusion (outright bans), clarifying that while the State can regulate its property for public purposes, there is a

constitutional difference between "reasonable regulation and arbitrary exclusion."

2.2 Mazdoor Kisan Shakti Sangathan v. Union of India (2018)

This landmark judgment directly addressed the regulation of protests in Central Delhi, particularly near Parliament and high-security buildings. The Supreme Court:

- **Lifted blanket bans:** Declared that a complete or absolute ban on holding protests at designated places like Jantar Mantar and Boat Club violates citizens' fundamental rights to demonstrate peacefully.
- **Established balanced guidelines:** Mandated that Delhi Police establish balanced guidelines for regulating protests rather than imposing blanket prohibitions.
- **Created buffer zones:** Authorized setting minimum distances from Parliament House, North/South Blocks, the Supreme Court, and residences of dignitaries.
- **Regulated parameters:** Permitted authorities to regulate the number of participants, timing, noise levels, and route of demonstrations.
- **Prohibited weapons:** Banned the use of weapons or lathis at demonstration sites.

The Court stated: "There cannot be a complete or absolute ban on holding protests at places like Jantar Mantar and Boat Club."

2.3 Ramlila Maidan Case (2012)

The Supreme Court held that peaceful assemblies are a basic feature of democracy and deserve constitutional protection, affirming the essential role of protest in democratic society.

3. JANTAR MANTAR: CURRENT LEGAL STATUS

3.1 Designated Protest Site

Jantar Mantar in New Delhi is a historically recognized and officially designated location for peaceful protests. It has become India's primary hub for demonstrations and is situated approximately a few meters from Parliament House, making it a strategically important venue for advocating change.

Current Guidelines: Authorities often designate Jantar Mantar as a specific place for demonstrations, and organizers are usually required to obtain prior permission from the Delhi Police.

3.2 Permissible Protest Parameters

Number of Participants: Current Delhi Police guidelines (informed by National Green Tribunal orders) generally limit the number of protesters at Jantar Mantar to 1,000 people.

Timing Restrictions: Protests must be conducted during specified hours. Historical precedent shows time restrictions between 11 AM and 5 PM.

Physical Boundaries: The "yellow line" demarcation keeps protesters within designated barricaded areas, preventing movement toward Parliament House or surrounding restricted zones.

Prior Intimation: Organizers must submit written intimation to the Delhi Police (specifically to the Office of the Deputy Commissioner of Police, New Delhi District) at least 48 to 72 hours in advance.

3.3 Permission and Verification Process

The process for organizing a protest at Jantar Mantar involves:

1. **Written Notification:** Submit two copies of a letter to the Office of the DCP, New Delhi District (Jantar Mantar Road).
2. **Required Documentation:** Provide Aadhaar cards of organizers for verification.
3. **Police Verification:** Police may call organizers for verification at Parliament Street Police Station, inquiring about funding sources and involvement of political parties.
4. **Receipt of Intimation:** Ensure the inward clerk stamps the copy with a "Received" stamp and date, serving as proof of intimation.
5. **NOC (No Objection Certificate):** Upon approval, maintain both digital and physical copies at the protest site.

3.4 Environmental and Structural Constraints

The National Green Tribunal has issued orders addressing environmental concerns regarding continuous protests at Jantar Mantar. While complete bans have been struck down as unconstitutional by the Supreme Court, authorities impose restrictions on:

- Temporary structures and makeshift installations
- Loudspeakers and public address systems
- Duration and frequency of long-term encampments

Alternative sites like Ramlila Grounds (Ajmeri Gate) have been designated for redirecting very large or prolonged demonstrations.

3.5 Legal Violations and Penalties

Violations at Jantar Mantar can result in serious legal consequences:

Unlawful Assembly: If gatherings exceed 1,000 people or participants haven't informed police, authorities can declare it an "unlawful assembly" under Section 189 of the Bharatiya Nyaya Sanhita (BNS), 2023.

Disobedience to Orders: Ignoring dispersal orders can result in charges under Section 223 of the BNS for disobedience to orders duly promulgated.

Section 163 of BNSS: This recently replaced Section 144 of the CrPC and empowers executive magistrates to issue prohibitory orders restricting public gatherings if authorities believe there is a threat to public peace.

4. PARLIAMENT PREMISES: CURRENT LEGAL STATUS

4.1 Restrictions on Public Protests

Unlike Jantar Mantar, the Parliament complex has much stricter and more comprehensive restrictions on demonstrations and public assemblies.

Rajya Sabha Circular: The Rajya Sabha Secretariat has issued circulars explicitly prohibiting demonstrations, dharnas (sit-ins), and religious ceremonies in the precincts of Parliament House.

Lok Sabha Advisory: The Lok Sabha Secretariat urges Members of Parliament not to hold protests at the entry gates of Parliament House, arguing that such actions cause serious hindrance to the movement of members and obstruct parliamentary proceedings.

4.2 Buffer Zones and Security Perimeters

The Parliament complex operates under a multi-layered security system with designated restricted zones:

Zero Buffer Zone: Protests are generally not permitted in the immediate Parliament complex or its precincts.

Extended Security Perimeter: An extensive area around Parliament, including Parliament Street and surrounding roads, is treated as a high-security zone where normal protest activities are severely restricted.

Designated Safe Distance: Protesting groups must maintain minimum distance from Parliament House, North/South Blocks, the Supreme Court, and residences of dignitaries as mandated by Supreme Court guidelines.

4.3 Legal Basis for Parliamentary Restrictions

Parliamentary restrictions are justified on multiple legal grounds:

National Security: Parliament is one of India's most sensitive security zones, housing Members of Parliament, constitutional authorities, diplomats, and senior government officials.

Constitutional Governance: Protection of parliamentary proceedings is essential to India's democratic functioning and constitutional governance.

Public Order: Restrictions are imposed in the interest of maintaining public order and preventing breaches of security.

Article 19(3) Restrictions: Legally justified under Article 19(3) of the Constitution, which permits restrictions to maintain sovereign security and constitutional governance.

5. STATUTORY FRAMEWORK AND LEGAL PROVISIONS

5.1 Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023

This newer criminal code has replaced many provisions of the older Code of Criminal Procedure (CrPC) and governs protest regulations:

Section 163 of BNSS: Replaced the infamous Section 144 of CrPC. Executive magistrates have the power to issue prohibitory orders restricting public gatherings if authorities believe there is a threat to public peace. These orders can:

- Restrict the assembly of more than a certain number of people
- Prohibit processions and public meetings
- Mandate minimum distances from sensitive locations

Section 189 of BNS: Defines unlawful assembly and applies when five or more persons assemble with a common object to commit an offence or knowledge that their assembly may result in breach of peace.

Section 223 of BNS: Covers disobedience to orders duly promulgated by public servant, punishable with imprisonment or fine.

5.2 Other Applicable Laws

Indian Penal Code (IPC): Sections related to criminal intimidation, rioting, and criminal damage to property may be invoked against violent or destructive protests.

Disaster Management Act: During declared emergencies or disaster situations, additional restrictions on assemblies can be imposed.

Environmental Laws: National Green Tribunal orders address environmental impacts of large, prolonged protests.

Parliamentary Rules and Procedures: The Rules of Procedure and Conduct of Business in Lok Sabha and Rajya Sabha govern behavior within Parliament premises.

6. CONDITIONS FOR LEGALLY PROTECTED PROTESTS

6.1 Essential Requirements

Requirement	Details
Peaceful Nature	Protests must be non-violent and free from any weapons, explosives, or inflammatory items
Constitutional Limits	Cannot incite violence, destroy public property, or promote illegal activities
Prior Permission	Organizers must obtain NOC from police (for Jantar Mantar) or confirm written permission
Compliance with Guidelines	Must follow restrictions on numbers, timing, routes, and designated areas
No Obstruction	Cannot block movement of traffic, government officials, or parliamentary proceedings
Peaceful Dispersal	Must comply with police orders to disperse when legally directed

6.2 Constitutional Protections Only Apply When...

Violence Prohibited: Constitutional protection extends only to peaceful protests. Violence, destruction of public property, or unlawful activities fall outside constitutional protection and can result in criminal prosecution.

Democratic Conduct: Protesters must conduct themselves in accordance with democratic principles and the laws of the land.

Respect for Others' Rights: The right to protest cannot infringe upon the rights of other citizens or government operations.

7. RECENT DEVELOPMENTS AND CASE STUDIES (2023-2026)

7.1 Cockroach Janata Party (CJP) Protests (July 2026)

Incident: The CJP announced a "Chalo Sansad" (March to Parliament) protest on July 20, 2026, during the Monsoon Session of Parliament, protesting against educational reforms and demanding the removal of the Union Education Minister.

Key Issues: • The Delhi Police denied permission for the march toward Parliament • Despite extensive protests at Jantar Mantar (which was permitted), an attempt to breach security barricades resulted in police crackdown • Parliament gates were sealed and CISF deployed with automatic weapons • Many protesters continued marching toward Parliament in small groups despite restrictions

Legal Outcome: • The march to Parliament was successfully prevented through security measures • Jantar Mantar protests remained technically permitted but with strict limitations • The incident highlighted the tension between the right to protest and national security concerns

Constitutional Issue Raised: The incident renewed debate on whether the denial of permission for a march to Parliament violates Article 19 rights or is justified under Article 19(3) for public order and security reasons.

7.2 Suspension of MPs Protests (December 2023)

Opposition parties held protests at Jantar Mantar against the suspension of 146 lawmakers, with substantial security deployment and barricades around both the protest site and Parliament premises.

Outcome: While Jantar Mantar protests were permitted, Parliament premises remained off-limits, and demonstrators were cordoned off to prevent breaching security zones.

7.3 Environmental Tribunal Orders

The National Green Tribunal has previously issued orders banning all protests at Jantar Mantar, citing environmental concerns. However, these blanket bans have been struck down by the Supreme Court as unconstitutional, with the Court affirming that reasonable regulation is permissible but absolute bans are not.

8. PRACTICAL IMPLICATIONS FOR PROTESTERS

8.1 At Jantar Mantar

DO	DONT'S
Obtain prior police permission with 48-72 hours notice	Exceed 1,000 participant limit
Keep protests peaceful and non-violent	Use weapons, explosives, or violent means
Respect time restrictions (typically 11 AM - 5 PM)	Conduct overnight encampments without authorization
Stay within designated yellow-line barricades	Cross into Parliament complex or restricted zones
Maintain protest size and volume limits	Use amplifiers or create excessive noise pollution
Comply with dispersal orders from police	Resist police directives or obstruct officers
Maintain democratic conduct and decorum	Vandalize property or incite violence

8.2 At Parliament Premises

General Rule: Public protests are not permitted in the Parliament complex or its immediate precincts.

For Members of Parliament: While MPs have special rights to protest near Parliament's designated areas (such as near the Mahatma Gandhi statue), they cannot obstruct gates or parliamentary proceedings.

For General Public: Demonstration must occur outside the security perimeter, at designated locations like Jantar Mantar or approved alternative venues.

During Parliamentary Sessions: Security restrictions are heightened, and Section 163 orders are more likely to be imposed.

9. ONGOING CHALLENGES AND CONTROVERSIES

9.1 Tension Between Rights and Security

There exists an inherent tension between:

- **Constitutional Right to Protest:** Protected under Articles 19(1)(a), (b), and (c)
- **National Security Concerns:** Parliament's position as the highest legislative institution requires protection
- **Public Order:** Managing large gatherings while preventing potential violence

Recent incidents, particularly the 2026 CJP march toward Parliament, have highlighted this tension. While the Supreme Court has affirmed the right to protest, it has also recognized that authorities can impose reasonable restrictions based on legitimate security concerns.

9.2 Interpretation of 'Reasonable Restrictions'

The critical legal debate centers on what constitutes "reasonable" restrictions:

Government Position: Authorities argue that preventing marches to Parliament is necessary to maintain national security, constitutional governance, and protect sensitive installations.

Civil Liberties Position: Critics contend that blanket denials of permission without specific evidence of public disorder constitute arbitrary exclusion rather than reasonable regulation.

Judicial Approach: The Supreme Court has held that authorities must provide guidelines rather than blanket bans, but has also acknowledged that Parliament's proximity to protesters poses legitimate security challenges.

9.3 Environmental vs. Constitutional Rights

National Green Tribunal orders attempting to ban all protests at Jantar Mantar based on environmental grounds have been challenged as disproportionately restricting constitutional rights. The Supreme Court struck down complete bans but acknowledged legitimate environmental concerns, requiring balance between the two interests.

9.4 Inconsistency in Implementation

There are instances of inconsistent application of protest guidelines:

- Different restrictions applied to different protest groups
- Permissions granted to some protests but denied to others for similar causes
- Varying interpretations of what constitutes "breach of peace"
- Discretionary application of Section 163 orders

These inconsistencies raise concerns about whether restrictions are applied in a non-discriminatory manner.

10. INTERNATIONAL PERSPECTIVE

India's stance on the right to protest has been affirmed at international forums. At the 47th Session of the UN Human Rights Council in Geneva (2021), India's representative stated that "peaceful assembly and marches" are a cherished part of India's democratic life and a legacy of the freedom struggle.

This position reflects India's constitutional commitment to democratic values while acknowledging the need for reasonable regulation to maintain public order and national security. The international recognition of India's democratic traditions provides context for understanding the balance between protest rights and governmental

authority.

11. RECOMMENDATIONS FOR PROTESTERS AND AUTHORITIES

11.1 For Protesters and Organizers

1. **Seek Legal Clarity:** Obtain written guidance from the competent police authority regarding the specific parameters of your intended protest. 2. **Maintain Documentation:** Keep all communications, permissions, and receipts of intimation as evidence of compliance with legal requirements. 3. **Respect Designated Boundaries:** Strictly adhere to physical and temporal boundaries established by authorities and marked at protest sites. 4. **Ensure Peaceful Conduct:** Implement robust internal mechanisms to prevent violence, property destruction, or disruptive behavior by participants. 5. **Comply with Orders:** Respond to lawful police orders regarding dispersal or redirection of protests without resistance. 6. **Know Your Rights:** Understand constitutional protections and the legal basis for restrictions so that arbitrary orders can be challenged through proper legal channels.

11.2 For Authorities

1. **Issue Clear Guidelines:** Develop and publish transparent guidelines for protest regulation that comply with Supreme Court directives, avoiding blanket bans. 2. **Non-Discriminatory Application:** Apply restrictions consistently across all protest groups, regardless of political affiliation or cause. 3. **Justification for Denials:** When denying protest permissions, provide specific, documented reasons based on identifiable threats to public order rather than blanket security concerns. 4. **Proportionate Restrictions:** Impose restrictions proportionate to the actual threat, not exceeding what is necessary for legitimate security purposes. 5. **Procedural Fairness:** Allow organizers to respond to concerns and propose alternatives before outright denials. 6. **Regular Review:** Periodically review and update protest guidelines in consultation with legal experts and civil society to ensure alignment with constitutional principles.

12. CONCLUSION

The legal status of protest at Jantar Mantar and Parliament premises in India reflects a complex balancing act between constitutional rights and national security imperatives.

Jantar Mantar represents a partially protected space where peaceful protests are constitutionally permitted but subject to reasonable regulations regarding numbers, timing, location, and conduct. The Supreme Court has repeatedly held that blanket bans are unconstitutional but that specific, reasonable restrictions are permissible.

Parliament Premises operate under stricter restrictions due to their status as a highly sensitive national security zone. Protests are generally not permitted within the Parliament complex itself, though demonstrations can occur in designated areas outside the security perimeter.

Key Legal Principles:

1. The right to peaceful protest is a fundamental right protected by the Indian Constitution.
2. This right is not absolute and can be subject to reasonable restrictions for legitimate purposes (national security, public order, etc.).
3. Authorities must impose guidelines and regulations rather than blanket bans.
4. Restrictions must be applied in a non-discriminatory, procedurally fair manner.
5. Constitutional protections extend only to peaceful protests; violent or destructive demonstrations fall outside

this protection.

The future trajectory of protest rights in India will likely depend on how courts interpret the balance between expanding democratic participation and legitimate security concerns, particularly given recent incidents involving attempts to breach Parliament's security perimeter.

Protesters and authorities alike must operate within this nuanced legal framework, understanding both the constitutional protections available and the reasonable restrictions that govern their exercise.

This report is based on research of Indian constitutional law, Supreme Court judgments, statutory provisions, and recent developments as of July 2026. Legal interpretations are subject to change based on new judicial pronouncements or legislative amendments. For specific legal advice, consult with qualified legal professionals.