



# The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2026

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the Creative Commons Attribution- Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

---

## RIGHT TO PROTEST VS PUBLIC ORDER

### A LEGAL ANALYSIS OF THE 2024-2025 FARMER'S PROTEST AT BOARDER POINTS

*AUTHOR: M. DURGA DEVI*

#### ABSTRACT

Farmers who protested across Delhi's border locations from 2024-2025 came to the capital as peaceful demonstrators trying to be heard in light of deep economic insecurity instead of agitators trying to seek change through violent means. A vast number of protesters not only wanted to express their political beliefs; they also wanted to express that without secure lives and jobs & with stable futures; dignity was stripped away. However, as government entities responded with long periods of prohibition, massive roadway barricading, internet service cut-offs, preventive detention, and an increase in surveillance of those that attended; this governmental function was clearly instructive in maintaining public safety & order. A determination of the extent of public order was also certainly reasonable when considering the nature of the government's actions create significant constitutional issues for the government; and thus, any future government actions must curtail or eliminate similar actions going forward. This article contends that non-violent farming demonstrations form the backbone of citizen engagement within our democratic system and as such, are entitled to absolute constitutional protection. In cases where emergency powers are invoked repeatedly, public places are rendered inaccessible by law enforcement officials, or surveillance technologies are used without proper disclosures or accountability, there exists a dangerous blurring of the distinction between rules and oppression. This research presents recommendations for enacting more

stringent standards, enhancing effective third-party review and creating meaningfully enforceable procedural mechanisms to assure that both farmers and all citizens have access to exercise their right to protest peacefully without the threat of unlawful or unduly oppressive state intervention.

## **Keywords**

Right to Protest, Public Order, Farmers' Protests 2024–2025, Police Powers, Preventive Detention, Democratic Participation.

## **1. INTRODUCTION**

The huge farmer demonstrations at Delhi's interstate border stations from 2024 to 2025 constitute not just a political struggle but also an occasion to reflect on India's constitutional democracy. The thousands of farmers who came together at the borders of India's capital brought with them issues surrounding agricultural distress; market volatility; debt; and the need for secured long-term rural livelihoods. Farmer protest is therefore seen by protesting farmers as a mechanism to get their voices heard through legal/constitutional means, like seeking recognition, communication and being held accountable for government agricultural policies created through the political process. Associated with being a participant in the democratic system of governance is the right to assemble peacefully and the right to express oneself freely.<sup>1</sup>

The state used a large scale of preventative measures, and even though the mobilization was not violent, those measures were repeated prohibitory orders placed under the Code of Criminal Procedure Section 144, multilayered barricading on highways, preventive detention, and the temporary suspension of mobile networks in nearby districts as of 2017 under the Temporary Suspension of Telecom Services Rules.<sup>2</sup> Coverage of what took place during the 2024-2025 mobilization from The Hindu and Indian Express illustrates how extensive border barricades

---

<sup>1</sup> INDIA CONST. art. 19, cls. 1(a)–(b)

<sup>2</sup> Code of Criminal Procedure, of 1974, sec 144 (India)

had been put up, along with surveillance via drone and other technologies while thousands of people used the temporary suspension of the internet in surrounding districts.<sup>3</sup>

The Hindu and Indian Express reported extensively on how much the barriers to movement were increased at the border points; that drones were used to surveil the farmer's movements; and that there were also multiple times that the internet in the districts surrounding the area of the January 2024–January 2025 mobilization was temporarily taken down so that no method of digital communication could be used to organize farmers.<sup>4</sup> All of these actions limited the physical and digital means by which the farmers were able to communicate and express themselves. This paper is based on a rights-based constitutional perspective, in that the right to peacefully protest (especially for a group that is economically vulnerable), which will ultimately be affected by the public policy decisions of the government, is integral to the democratic process.<sup>5</sup> If the Government or State responds beyond what is necessary to control violence and inhibits, on an ongoing basis, the farmers' abilities to have access to the capital, to communicate with each other, and to collectively express themselves as farmers, then the Governments/States efforts will be characterized as changing the way lawful regulations/injunctions have been implemented to the point of being considered suppression. In this regard, the farmers' protests should be evaluated using constitutional principles of liberty, dignity, and participatory governance, rather than from the perspective of administrative processes.<sup>6</sup>

## Scope of the Study

The purpose of this study is to examine how the Government of India has responded constitutionally to the farmers' protests between the years of 2024 and 2025 which occurred at the interstate borders of Delhi. This study is restricted to events that occurred during the protest movement being covered above and also to any measures taken by the Government to regulate this protest activity in response to the protests. This study was carried out in a doctrinal,

---

<sup>3</sup> Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017, G.S.R. 193(E) (India).

<sup>4</sup> Farmers Stopped at Haryana–Punjab Border Amid Heavy Barricading, *The Hindu*, Feb. 2024; Internet Services Suspended in Districts Near Protest Sites, *Indian Express*, Feb. 2024.

<sup>5</sup> **INDIA CONST.** art. 19, cl. 1(b)

<sup>6</sup> **INDIA CONST.** art. 21.

document-based method and conclusions were reached through both constitutional law analysis and supporting official documents and verified press accounts.

## **RESEARCH METHODOLOGY**

The methodology for this study consists of primarily using a doctrinal and document-based approach, and therefore relies on the examination of primary legal sources as well as relevant policy documents, to help understand the principles that govern public assembly and citizen participation within the historical context of the development and evolution of public assembly law. To evaluate the regulatory measures of the respective government interventions on civic engagement, official correspondence and verified secondary sources were examined. The evaluation of the sources is intended to assess the proportionality, necessity and transparency of government interventions, as well as to provide greater reliability through source cross verification.

## **CHAPTER 2 : PROTEST AS DEMOCRATIC PARTICIPATION,NOT PUBLIC NUISANCE**

The rural economy is of utmost importance to India's socio-economic setup; according to statistics from the Ministry of Agriculture and Farmers Welfare, a large portion of India's labour force is employed directly in agriculture. Therefore, if any legislative action is taken regarding agricultural markets, procurement, or pricing, it directly affects an individual farmer's right to work under Article 21 of the Constitution.

### **2.1 Agriculture, Livelihood and Constitutional Protection**

In the case of *Olga Tellis v. Bombay Municipal Corporation*, the Supreme Court made it clear that there is a direct correlation between the constitutionally protected right of life under Article 21 and the right of people to earn a living.<sup>7</sup> Farmers protest against government policies that they feel will threaten their ability to provide for themselves and their families; therefore their protests should not be viewed solely as an expression of discontent with political power but

---

<sup>7</sup> *Olga Tellis v. Bombay Municipal Corporation*, (1985) 3 SCC 545.

also as a means of standing up for their constitutionally protected rights to be able to provide for themselves.

## 2.2 Protest as a Fundamental Democratic Right

The right of protest is derived from Article 19(1)(a) which provides freedom of speech and Article 19(1)(b) which provides for peaceful assembly which form the basis of participatory democracy. As such, **The Hindu and Indian Express reported** that the farmers' protests of 2024–2025 were mostly sustained but peaceful protests with a continuation of popular pressure for changes in policy to be addressed by the government.<sup>8</sup> The farmers' protests were characterized by a significant degree of barricading on multiple levels, order prohibiting the protest under Section 144 CrPC, preventive detention of farmer activists/leaders and the internet being disconnected in neighbouring police jurisdictions.<sup>9</sup>

The Supreme Court ruled in the **Ramlila Maidan case** that peaceful protest is a fundamental right of all citizens, and that the State must act reasonably in breaking up assemblies. The Court also stated that the use of force, or extreme limitations on assembly, will violate constitutional rights unless there is a compelling reason to use them.<sup>10</sup> In the case of **Mazdoor Kisan Shakti Sangathan v. Union of India**, the Supreme Court ruled that dissent and protest are essential to democracy and that the State is required to provide methods for facilitating peaceful assembly, not denying them altogether.<sup>11</sup>

## 2.3 Democratic Participation and Constitutional Morality

It has been made clearer by the Supreme Court that dissent serves as a safety valve for Democracy. The need for increased constitutional sensitivity arises, as economically disadvantaged groups join together, express dissent and create conditions for a more responsive state. The constitutional principles embodied in the cumulative act(s) provided in the news stories published by The Hindu and The Indian Express, to include: Preventive detention; multilayer barricades; and Internet “shut downs,” require an assessment under the

---

<sup>8</sup> The Hindu, Reports on Delhi border barricading and protest developments (Feb–March 2024).

<sup>9</sup> The Indian Express, Coverage on Section 144, preventive detention, and internet suspension during farmers' protest (2024).

<sup>10</sup> *Ramlila Maidan Incident, In re*, (2012) 5 SCC 1.

<sup>11</sup> *Mazdoor Kisan Shakti Sangathan v. Union of India*, (2018) 17 SCC 324.

proportionality doctrine and constitutional morality.<sup>12</sup> If measures go beyond what is necessary to suppress the potential for violence, and result in creating systemic segregation of lawfully assembled individuals from other individuals lawfully assembled, these legal tools risk shifting lawful regulation to the democratic containment of lawfully assembled persons. **Agriculture provides sustenance for the republic; farmers provide sustenance to agriculture; breathing life into the constitutional right of farmers and other lawfully formed groups to engage in civil disobedience is not a Favor to the farmer, it is an obligation grounded in liberty, dignity, and participation in government.**

## **CHAPTER 3 : SECTION 144 AND DANGER OF ADMINISTRATIVE OVERREACH**

### **3.1 Definition and Constitutional Status of Section 144**

Section 144 of the Code of Criminal Procedure, 1973 gives the Executive Magistrate wide-ranging preventive powers for immediate action against perceived imminent threats to the public order and safety. It allows for restrictions on assemblies and movement until such time as such restrictions are no longer necessary. However, the constitutional validity of Section 144 is limited rather than unlimited. The Supreme Court in *Madhu Limaye v Sub-Divisional Magistrate* upheld Section 144 providing, amongst other things, that while the power of the Executive Magistrate under Section 144 is preventive and not punitive, he or she must be able to demonstrate that there are objective factual grounds for urgently preventing the alleged threat before him/her; additionally, before exercising the power of an Executive Magistrate under Section 144, he or she must exercise a level of judicial discretion and cannot exercise the power of the Executive Magistrate under Section 144 in a mechanical manner or merely on the basis of subjective fear.<sup>13</sup>

### **3.2 The Implementation of Section 144 in Relation to the Farmers' Protests in Delhi During the 2024-2025 Protests**

---

<sup>12</sup> The Indian Express, Reports on preventive detention and expanded security deployment (2024).

<sup>13</sup> *Madhu Limaye v. Sub-Divisional Magistrate*, (1970) 3 SCC 746

Several articles published by The Hindu and The Indian Express documented the implementation of Section 144, or prohibition on gathering together in the same location across an area, in the locations surrounding Delhi during the protests from 2024 to 2025.<sup>14</sup> These implemented prohibitions had multilayers of physical barricades around the perimeter, preventive detention of farmer leaders who were leaders of the farmer protest groups, and the temporary suspension of mobile internet service throughout the period of the protests. Officials stated that the justification for these prohibitory measures was for the purpose of maintaining order; however, it was demonstrated that these measures had been implemented as a pre-emptive measure to contain the protests in advance of violence occurring rather than as a response to any actual violence that occurred. When section 144 is implemented over large geographic areas, and for long durations of time, it runs the risk of losing its emergency, temporary classification. An emergency power that has been granted by the constitution has the potential to become a generally accepted form of administrative process.

### **3.3. Judicial Limitations on Generalized Restrictions**

Judicial administrations consistently caution against universal prohibitions limiting fundamental rights. In the *Himatlal K. Shah case v. Commissioner of Police*, the Court determined that a state has the authority to regulate assembly within public arenas; however, it cannot impose generalized prohibitory guidelines to eliminate the right of assembly, as this would violate citizens' fundamental rights<sup>15</sup>. The Court acknowledged in *Ramlila Maidan Incident, In re*, that peaceful protests provide a legitimate method to exercise democracy, therefore; the rule of law applied by States must be implemented with self-control and reasonableness. These precedents further affirm that convenience alone cannot justify restricting constitutional freedoms; thus, any authority provided by S. 144 will only be considered to create an absolute restriction or close to such as expressly specified and demonstrated through fact.

### **3.4 Agricultural Rights and Democratic Survival**

---

<sup>14</sup> The Hindu and The Indian Express, Reports on repeated imposition of Section 144 and related restrictions during farmers' protests (2024–2025).

<sup>15</sup> *Himat Lal K. Shah v. Commissioner of Police*, (1973) 1 SCC 227.

Without following strict protocols regarding proportionality, the State creates repeated prohibitory orders in order to respond to dissent from farmers, risking violation of both the right to protest and the constitutional right to receive social and economic justice as found in both Article 38 and Article 39.

**“Farmers provide food for the country and their labour supports the economy; thus, any person who protests peacefully for their means of survival has an entitlement protected under law, not just a right given by the State, thus must be supported with the utmost diligence.”**

## **CHAPTER: 4**

### **Suggestions and Way Forward: Protecting Farmers' Right**

#### **4.1 Importance of Farmers' Right to Peaceful Demonstrations**

The right to peaceful protest is guaranteed in Article 19(1)(a) and 19(1)(b) of the Constitution. In *Mazdoor Kisan Shakti Sangathan v. Union of India*, the Supreme Court reaffirmed that the right to dissent is an essential element of democracy and cannot be curtailed on the basis of inconvenience.<sup>16</sup> Therefore, farmers should not be relegated to the hinterland, merely to diminish the visibility of their protests. The right to protest also includes the right to be effectively heard (in a manner that is meaningful).

**This right is granted to every citizen by the Constitution and is not a privilege granted to citizens by the government.**

#### **4.2 Constraining the Application of Section 144**

The application of Section 144 is only appropriate when there is actual emergency circumstance present. The Supreme Court determined in *Anuradha Bhasin v. Union of India* that the constant or unending use of this type of orders is unconstitutional. Blanket prohibitions

---

<sup>16</sup> *Mazdoor Kisan Shakti Sangathan v. Union of India*, (2018) 17 SCC 324.

on the peaceful assembly of farmers should never be established as a regular process.<sup>17</sup> In order to justify the issuance of a Section 144 order, authorities must articulate clear reasoning, limit the duration of the order and ensure that the order is proportional to the risks that actually exist. Public order cannot be utilized to silence lawful protests.

**Emergency powers have only one purpose, which is to respond to imminent threat to human life, and not so that an authority can prevent criticism against them.**

### **4.3 Avoiding Arbitrary Internet Shutdowns**

There are many reasons access to the Internet is crucial for participation in today's democratic society. In the case of *Anuradha Bhasin v. Union of India*, the Supreme Court affirmed that the right to express yourself in words and actions as well as to conduct business online is granted by Article 19(1)(a) and 19(1)(g).<sup>321</sup> Hence, there should only ever be an Internet shutdown in conjunction with a peaceful protest in extreme situations. There should be a limit on how long the Internet can be shut down, the duration must fit the situation, must be specific and not vague, and there should be regular reviews of the justification for the shutdown. A nationwide shutdown will do nothing but isolate farmers and limit their ability to know what is happening.

**Shutting down communication is a danger to the Constitution and to our democratic way of life.**

### **4.4 Ensuring Oversight & Accountability**

We need a way of reviewing the imposition of restrictions at protests that is independent from the executive branch. Historically, Courts have said that actions taken by the executive branch that affect fundamental rights must be within the requirements of reasonableness and proportionality under Article 14.<sup>18</sup> Oversight will help ensure that executive actions such as Preventive Detention; Prohibitory Orders; and Surveillance, are still compliant with the Constitution. To be a functioning Democracy, there must be accountability. There can be no

---

<sup>17</sup> *Anuradha Bhasin v. Union of India*, (2020) 3 SCC 637.

<sup>18</sup> *E.P. Royappa v. State of Tamil Nadu*, (1974) 4 SCC 3.

exercise of executive discretion unless that discretion is limited by the provisions of the Constitution.

#### **4.5 Farmers' Livelihood Protection as a Right Under the Constitution**

Agriculture provides for millions of people and is a primary component of the rural economy in India. Farmers will protest when they are threatened with losing their ability to earn an economic livelihood as an act of asserting their constitutional dignity. Articles 38 and 39 of the Directive Principles impose a constitutional obligation on the State to take all reasonable steps to reduce inequality and protect the most vulnerable segments of society. To consult with farmers prior to implementing any significant reforms is not just a matter of good governance but a constitutional obligation of the State. Protecting the voices of farmers from being silenced is an inextricable part of protecting their right to life and their livelihood.

### **CHAPTER: 5 CONCLUSION**

Farmers have a legal right to protest in a non-violent manner, as outlined by Articles 19(1)(a) and 19(1)(b) of the Constitution of India.<sup>19</sup> These protests can only be curtailed if such curtailment meets the requirements listed in Articles 19(2) and 19(3).<sup>20</sup> When a farmer engages in a form of protest, to preserve his/her income, job security or ability to survive; he/she is expressing concerns regarding farmland—since the right to maintain a means of making a living—the right to preserve his/her ability to support his/her family; and as such, the ability to live decently pursuant to Article 21 - constitutes an important right in and of itself.<sup>21</sup> Additionally, it is the duty of the Indian government to promote social and economic equality by protecting the rights of those groups deemed vulnerable (which include farmers), but especially to promote the rights of farmers, who are the primary source of food for all Indian citizens; and to support farmers perpetuating the rural economy of India, since there is a direct correlation between the viability of farmers and the integrity of India's food security. Therefore, the government should engage in constructive dialogue with and hold accountable those persons protesting against the agrarian system, instead of using excessive force to silence

---

<sup>19</sup> Constitution of India, art. 19(1)(a) & 19(1)(b).

<sup>20</sup> Constitution of India, art. 19(2) & 19(3).

<sup>21</sup> Constitution of India, art. 21.

those who feed people; doing so undermines the underpinnings of a true democracy. As observed by **Dr. M. S. Swaminathan**, **“If agriculture goes wrong, nothing else will have a chance to go right”** <sup>22</sup>.

---

<sup>22</sup> M. S. Swaminathan, statement on the importance of agriculture in national development.