Right to Protest Versus Police Powers: A Critical Analysis of the CJP Protests and Police Accountability in India

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ABSTRACT

Peaceful protest is a basic part of Indian democracy, but in practice it is often managed through police orders, barricades and detention. This article studies the 2026 protests led by the Cockroach Janta Party (CJP), which began over alleged irregularities in the NEET medical entrance examination and later widened to the revision of electoral rolls and the Chief Election Commissioner. It looks at how the right to assemble under Article 19(1) sits beside police powers under the Bharatiya Nagarik Suraksha Sanhita, 2023. The article argues that India's main problem is not a lack of law. The problem is weak enforcement of existing limits: wide preventive powers, force used without clear proof of need, slow court responses and no independent check on the police. It ends with practical reforms. Facts are taken from news reports and a rights-group investigation, and many remain contested.

Keywords: Right to protest; Article 19; police accountability; use of force; Cockroach Janta Party; Jantar Mantar.

I. INTRODUCTION

India calls itself the world's largest democracy, and protest has always been part of how it works. From the freedom struggle to farmers' marches and student movements, ordinary people have used the street to speak to the state. The Constitution protects this by guaranteeing free speech and the right to assemble peacefully and without arms.[1] But the same state that protects the right also controls the police, and the police decide, in practice, who may gather, where, and for how long.

This tension came into sharp view in 2026 with the protests led by the Cockroach Janta Party (CJP), a youth-led movement that grew online. What began as anger over alleged irregularities in the NEET examination became a wider campaign, and later turned to the revision of electoral rolls and the Chief Election Commissioner.[2][3] The marches met barricades, tear gas, detentions and arrests, and the claims of each side differ sharply. The protests are still going on as this article is written (22 October 2026), so some facts may change.

The article asks one question: where does the police power to keep order end and the citizen's right to protest begin, and who checks the police when the line is crossed? It argues that Indian law already gives a fair answer, but that the answer is applied weakly. Most facts below are allegations until a court or an independent body decides them, and they are treated that way.

II. THE CJP PROTESTS: WHAT HAPPENED

The CJP called a march to Parliament, named "Chalo Sansad", on 20 July 2026, the opening day of the Monsoon Session. It demanded the resignation of the Union Education Minister over the alleged NEET irregularities. Reports say that nearly 10,000 people gathered at Jantar Mantar while police sealed the roads to Parliament and deployed riot-control

[1] INDIA CONST. art. 19(1)(a)–(b).

[2] *CJP Protest Turns Violent in Delhi; Over 100 Police Personnel, Several Students Injured*, ONMANORAMA (July 21, 2026), https://www.onmanorama.com/news/india/2026/07/21/cjp-delhi-march-violent-police-brutality.html.

[3] *CJP Seeks Delhi Police Nod for Protest, Gives 24-Hour Ultimatum*, DECCAN HERALD (Oct. 12, 2026), https://deccanherald.com/india/cjp-seeks-delhi-police-nod-for-protest-gives-24-hour-ultimatum-4179435.

vehicles and paramilitary companies.[4] Police fired tear gas near Raisina Road, about 200 metres from Parliament.[5] More than 100 protesters were detained.[6]

The two sides tell different stories. Delhi Police said protesters threw stones and that over 118 personnel were injured.[7] It said that force was used only after protesters turned violent, and it described some of them as "anti-social elements" posing as students.[8] The CJP said the police used excessive force, including pellet guns. Delhi Police called the pellet claim false and described its handling of the protest as "professional".[9] On 24 August 2026, Amnesty International published a digital investigation. It said it had verified video of a Rapid Action Force officer firing a shotgun into a crowd, police striking people who seemed to pose no immediate threat (including a young boy), and the use of electric shock devices. It also said that a month later no Delhi officer had been held accountable.[10] The Union government later called the CJP leaders for talks.[11]

The courts did not step in quickly. On 22 July the Supreme Court declined an urgent hearing on a petition about the police action, and the Chief Justice told the lawyer not to waste the court's time.[12] The Delhi High Court, hearing a public interest petition, also remarked that the court should not be dragged into the matter.[13] In early September the Centre reportedly assured that FIRs against students would be quashed, and the CJP cancelled a protest planned for 5 September.[14]

The movement then moved to the electoral rolls. After a large rally at Shivaji Park in Mumbai on 2 October, the CJP called a protest at Jantar Mantar on 10 October asking for the Chief Election Commissioner's resignation.[15] Police said no permission had been given because the notice was too short.[16] Jantar Mantar had also been removed from the list of

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[4] *Thousands Gather for CJP's "Sansad Chalo" March as Delhi Police Barricade Jantar Mantar, Seal Routes to Parliament*, MAKTOOB (July 20, 2026), https://maktoobmedia.com/share/115982.

[5] *Police Fired Tear Gas at CJP Protesters*, BRUT, https://www.brut.media/in/videos/india/society/police-fired-tear-gas-at-cjp-protesters.

[6] *CJP: More Than 50 Police Personnel, Protesters Injured During 'Chalo Sansad' March, Over 100 Detained*, PRESS TRUST OF INDIA (July 20, 2026), https://news.careers360.com/cjp-protest-more-50-delhi-police-personnel-protesters-injured-during-cjps-chalo-sansad-march-over-100-detained-sonam-wangchuk/amp.

[7] *CJP Protest Turns Violent as March to Parliament Halted; Over 118 Police Personnel Injured*, UNITED NEWS OF INDIA (July 21, 2026), https://test.uniindia.com/tear-gas-baton-charge-as-cjp-s-parliament-march-over-neet-leak-turns-chaotic/india/news/3915819.html.

[8] *Police Used Excessive Force During Protests, Says Amnesty*, THE STAR (Aug. 25, 2026), https://www.thestar.com.my/aseanplus/aseanplus-news/2026/08/25/police-used-excessive-force-during-protests-says-amnesty.

[9] *India Used Pellets, Grenades on Gen Z Protests: What Amnesty Report Reveals*, AL JAZEERA (Aug. 24, 2026), https://www.aljazeera.com/amp/features/2026/8/24/india-used-pellets-grenades-on-gen-z-protests-what-amnesty-report-reveals.

[10] *India: New Investigation Documents Unlawful and Deadly Force Against CJP-Led Protests Amid Ongoing Police Impunity*, AMNESTY INTERNATIONAL USA (Aug. 24, 2026), https://www.amnestyusa.org/press-releases/india-new-investigation-documents-unlawful-and-deadly-force-against-cjp-led-protests-amid-ongoing-police-impunity/.

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[12] *'Don't Waste Our Time': Supreme Court Declines Urgent Hearing on Plea Against Police Action During CJP Protest*, THE WEEK (July 22, 2026), https://www.theweek.in/news/india/2026/07/22/supreme-court-student-protest-petition.amp.html.

[13] *'Don't Drag Court into This': Delhi HC on PIL over Alleged Police Action Against CJP Protesters*, UNITED NEWS OF INDIA (July 21, 2026), https://test.uniindia.com/tear-gas-baton-charge-as-cjp-s-parliament-march-over-neet-leak-turns-chaotic/india/news/3915819.html.

[14] *CJP Cancels September 5 Protest After Centre Gives Assurance to Quash FIRs Against Students*, CAREERS360 (Sept. 2026), https://news.careers360.com/cjp-protests-in-delhi-seeks-action-against-hindutva-influencer-who-assaulted-students-father.

[15] *"If Gyanesh Kumar Doesn't Resign…": CJP Announces October 10 Jantar Mantar Protest 2.0*, ONEINDIA (Oct. 2026), https://www.oneindia.com/new-delhi/if-gyanesh-kumar-doesn-t-resign-cjp-announces-october-10-jantar-mantar-protest-2-0-8223463.html.

[16] *Police Says No Permission Given for CJP Protest Due to Very Short Notice; Tight Security in Place to Maintain Law & Order*, UNITED NEWS OF INDIA (Oct. 9, 2026), https://www.uniindia.com/national/security-protest-delhi-cjp-no-permission/208322.

designated protest sites, and reports say new venues were named.[17][18] On 13 October, CJP leaders Saurav Das and Ashutosh Ranka were arrested for allegedly entering Jantar Mantar without permission. They were sent to judicial custody in Tihar Jail, their custody was extended on 19 October, and the CJP said the bail process was being delayed on purpose.[19] Reports later said that both were granted bail.[20] Other leaders, including the founder Abhijeet Dipke, were earlier held under preventive powers and released by an Executive Magistrate.[21]

III. THE CONSTITUTIONAL RIGHT TO PROTEST

Article 19(1)(a) protects freedom of speech, and Article 19(1)(b) protects the right to assemble peacefully and without arms. The State may restrict these rights, but only by law and only on listed grounds such as public order, sovereignty and integrity of India, and decency.[22] Any restriction must also be reasonable.

The Supreme Court has said many times that this right has real force. In *Himat Lal K. Shah*, the Court held that rules on public meetings cannot give the police unchecked power to refuse permission.[23] In the *Ramlila Maidan* case, the Court criticised a midnight police action against sleeping protesters and found that it affected their rights under Articles 19 and 21.[24] In *Mazdoor Kisan Shakti Sangathan*, which concerned protests at Jantar Mantar, the Court accepted the right to protest but said it must be balanced with the rights of others, and it did not allow a blanket ban.[25] At the same time, in *Amit Sahni*, the Court said that public roads cannot be blocked for long, and that protests belong at designated places.[26]

So the law does not say that every protest must be allowed anywhere. It says that the State may regulate time, place and manner, but must not use regulation to kill the protest itself. International standards say the same. The ICCPR, which India has ratified, protects peaceful assembly, and the UN Human Rights Committee and the UN Basic Principles on the Use of Force require that force be a last resort, and proportionate.[27]

IV. POLICE POWERS AND THEIR LIMITS

The police and executive magistrates have several tools. First, Section 163 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), which replaced Section 144 of the old Code of Criminal Procedure, lets a magistrate issue orders in urgent cases of nuisance or danger, such as banning gatherings.[28] The Supreme Court has said that such orders must be based on material facts, must be proportionate, and must be open to judicial review.[29] Second, Section 148 lets the police and magistrates order an unlawful assembly to disperse and, if it does not, disperse it by force. An assembly becomes

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[17] *CJP Leaders Saurav Das, Ashutosh Ranka Sent to 5-Day Judicial Custody*, BUSINESS STANDARD (Oct. 14, 2026), https://www.business-standard.com/india-news/cjp-leaders-under-preventive-arrest-for-trespassing-into-jantar-mantar-126101400104_1.html.

[18] *Jantar Mantar Case: CJP Leaders Saurav Das, Ashutosh Ranka Sent to Judicial Custody*, TELANGANA TODAY (Oct. 14, 2026), https://telanganatoday.com/jantar-mantar-case-cjp-leaders-saurav-das-ashutosh-ranka-sent-to-judicial-custody.

[19] *Judicial Custody of CJP Leaders Das, Ranka Extended by Two Days*, THE QUINT (Oct. 19, 2026), https://www.thequint.com/news/breaking-news/cjp-leaders-das-ranka-custody-extension-delhi-court.

[20] *Jantar Mantar Protest: CJP Leaders Saurav Das, Ranka Granted Bail*, DECCAN CHRONICLE (Oct. 2026), https://www.deccanchronicle.com/nation/politics/jantar-mantar-protest-cjp-leaders-saurav-das-ranka-granted-bail-1997177.

[21] *CJP Activists Abhijeet, Saurav Das and Ashutosh Ranka Released*, ORGANISER (Oct. 11, 2026), https://organiser.org/2026/10/11/385805/bharat/cjp-leaders-abhijeet-dipke-saurav-das-and-ashutosh-ranka-released-by-executive-magistrate-court/.

[22] INDIA CONST. art. 19(2)–(3).

[23] *Himat Lal K. Shah v. Commissioner of Police*, (1973) 1 SCC 227.

[24] *Ramlila Maidan Incident, In re*, (2012) 5 SCC 1.

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

[26] *Amit Sahni v. Commissioner of Police*, (2020) 10 SCC 439.

[27] International Covenant on Civil and Political Rights arts. 19, 21, Dec. 16, 1966, 999 U.N.T.S. 171; Human Rights Comm., *General Comment No. 37 on the Right of Peaceful Assembly (Article 21)*, U.N. Doc. CCPR/C/GC/37 (2020); Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990).

[28] Bharatiya Nagarik Suraksha Sanhita, 2023, § 163; *Babulal Parate v. State of Maharashtra*, AIR 1961 SC 884; *Madhu Limaye v. Sub-Divisional Magistrate*, (1970) 3 SCC 746.

[29] *Anuradha Bhasin v. Union of India*, (2020) 3 SCC 637.

unlawful under the Bharatiya Nyaya Sanhita when its members share an unlawful aim; a crowd is not unlawful merely because it is large or lacks permission.[30] Third, Section 170 allows preventive arrest when police believe a cognisable offence is about to be committed.[31]

Each tool has limits in law. Force must be graded: warning first, then the least force that works. In *Anita Thakur*, the Supreme Court held that a peaceful gathering cannot be dispersed by force, and it stressed that the police response must match the threat.[32] Lethal or near-lethal weapons such as pellet guns sit at the far end of that scale. The BPRD standard procedures reflect this.[33]

V. ANALYSIS: WHERE THE LINE WAS CROSSED, OR MAY HAVE BEEN

The first problem is control before a protest begins. Refusing permission because notice is "too short", denotifying a long-used site, and sealing roads to Parliament may each be defended on public-order grounds. Together, they leave protesters with no lawful place and no clear rule. In *Himat Lal* and *Mazdoor Kisan Shakti Sangathan*, the Court warned against exactly this. A permission system works only if it gives written reasons, decides quickly, and offers a real alternative.

The second problem is the use of force. The police case is not weak on its face. More than a hundred personnel were reported injured, and stone-throwing, if proved, is violence that the police may lawfully meet.[34] But the Amnesty findings, if accepted, show force aimed at people who posed no clear threat, and a weapon that the police's own guidelines treat as exceptional. A blanket denial that pellets were used, followed by a threat of action against those who "spread rumours", does not settle the question.[35] Only an independent inquiry can. Journalists were also affected: one editor was reported detained during coverage, with his whereabouts unknown for some time.[36]

The third problem is the use of preventive and criminal powers against organisers. The arrest of Das and Ranka for entering a denotified Jantar Mantar and for allegedly breaking peace-bond conditions will be decided by courts, and the facts are disputed. Still, three features deserve attention. The decisions were made by executive magistrates, who are part of the same executive that polices the protest. Custody was extended while bail was pending, and the CJP says this was deliberate delay.[37] And the offence at the centre of the case is, in essence, a protest held at a site the State had just closed. When the law is used mainly to deter a movement, it risks chilling the right it claims to regulate.

A fair analysis must also record the other side. Supporters of the government say the protests were organised outside lawful channels, that violence came from the crowd, and that some outlets have questioned how the movement is funded.[38] These claims should be examined, not ignored. But a protest movement's politics, funding or tone do not remove the duty on the police to act within the law.

VI. THE ACCOUNTABILITY GAP

Rights mean little if breaking them has no cost. Here the gaps are clear. Police departments mostly investigate themselves, which creates an obvious conflict of interest. Amnesty reported that after a month no Delhi officer had been

[30] Bharatiya Nagarik Suraksha Sanhita, 2023, § 148; Bharatiya Nyaya Sanhita, 2023, § 189.

[31] Bharatiya Nagarik Suraksha Sanhita, 2023, § 170.

[32] *Anita Thakur v. Government of J&K*, (2016) 15 SCC 525.

[33] Amnesty found these tactics contrary to the Bureau of Police Research and Development's standard procedures for handling public agitations with non-lethal measures. *See 'Deadly Force' Used Against Youth Protesters in July, Amnesty Investigation Confirms; Questions Police Impunity*, THE WIRE (Aug. 2026), https://thewire.in/rights/deadly-force-used-against-youth-protesters-in-july-amnesty-investigation-confirms-questions-police-impunity.

[34] Star, *supra* note 8.

[36] Maktoob, *supra* note 4. The report relies on a statement by the outlet's deputy editor.

[38] Organiser, *supra* note 21 (listing related reports on the movement's funding). These are press allegations, not findings.

held accountable.[39] Prosecuting a public servant for acts done in official duty also needs prior government sanction, and protection from prosecution applies to acts done in good faith while dispersing assemblies.[40] Critics say this sanction is hard to obtain in practice.

The Supreme Court has already pointed to the answer. In *Prakash Singh*, it ordered police reforms, including independent complaints authorities to look into serious police misconduct.[41] In *D.K. Basu*, it set rules for arrest and detention, such as informing relatives and keeping records.[42] And in *Nilabati Behera*, it held that the State can be made to pay public-law compensation for violations of rights.[43] The difficulty is that these tools depend on someone using them. An early refusal by the highest court to hear urgent video evidence, even if only a scheduling decision, sends a message to the police that scrutiny will be slow.

VII. THE WAY FORWARD

Four steps would help. First, a judicial or independent inquiry should examine the events of 20 July, with public findings, including the use of pellet guns and electric shock devices. Second, police and magistrates should give written, time-bound reasons when they refuse permission or close a protest site, and should name an alternative venue near the target of the protest. Third, forces deployed at protests should wear visible identification and body cameras, keep records of the weapons they carry and use, and make detention lists public within hours, so that no protester or journalist is held without trace. Fourth, preventive powers should be reviewed by a judicial magistrate rather than an executive one, and bail in protest-related cases should be decided without delay.

None of this removes the State's power to keep order. It only asks that power to be exercised openly and with a check.

VIII. CONCLUSION

The CJP protests show an old problem in a new setting. A young, online-born movement gathered large crowds, the State replied with barricades, force and arrests, and each side blamed the other. The right to protest is not absolute, and the police have a duty to protect people and property. But the Constitution and the Supreme Court's decisions already require that restrictions be reasonable and force proportionate. The weak point is not the rule book; it is what happens when the rules are not followed. Until police conduct is checked by someone outside the police, the right to protest in India will depend on the goodwill of the authorities, and a right that depends on goodwill is a weak one.

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[39] Amnesty, *supra* note 10.

[40] Bharatiya Nagarik Suraksha Sanhita, 2023, §§ 151, 218.

[41] *Prakash Singh v. Union of India*, (2006) 8 SCC 1.

[42] *D.K. Basu v. State of West Bengal*, (1997) 1 SCC 416.

[43] *Nilabati Behera v. State of Orissa*, (1993) 2 SCC 746.

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