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THE POWER OF PUBLIC OUTRAGE: A STUDY OF PROTEST DRIVEN LEGAL REFORMS IN INDIA

AUTHORED BY - JOANNA BELSESS

ABSTRACT

India is a dynamic democracy with a long history of public protests that have greatly influenced the country's legal system. The purpose of this article is to examine how popular public outrage has been a major force for legal improvements in India. Through an examination of notable protest case studies, an analysis of protestor tactics, and an assessment of the movement's influence on the legal system, this study aims to comprehend the ways in which public pressure can spur constructive change.

INTRODUCTION

Protests sparked by a sense of unfairness or a perceived infringement on one's rights can be a potent force behind legislative change. Protests are a tactic used by people or groups to make their demands more loudly when they believe that the authorities are not listening to them or are ignoring their concerns.

These protests can be organized as strikes, marches, or acts of civil disobedience, among other things. Although the success of legal reforms sparked by protests varies, these movements serve as a reminder of how crucial public participation in the democratic process is.

Through bringing attention to urgent legal and social issues, rallying public support, and applying pressure to the government, protestors have been instrumental in influencing the laws and policies of the country.

A. The Role of Public Outrage in Legal Reform

Protest-driven legal changes' efficacy is contingent upon several elements.

- i. **Unity and Organisation:** The possibility that a protest movement will put pressure on the government is higher when it is unified and well-organised. People's voices may be heard louder and their demands more challenging to ignore when they unite around a common cause.

- ii. **Media Coverage:** Public opinion and awareness of the problems at hand are greatly influenced by media coverage. The media has the power to increase public support for protestors' causes by drawing attention to their complaints and the injustices they encounter.
- iii. **Political Will:** In the end, the government's will to give in to the public's demands will decide whether or not protest-driven legal reforms are fruitful. Even the strongest movements may find it difficult to succeed if the authorities are reluctant to change or do not want to listen to the protestors' concerns.

B. Case Studies of Protest-Driven Legal Reforms

1. The Anti-Rape Protests of 2012: A Catalyst for Legal Reform

The violent gang rape and killing of a 23-year-old student in Delhi, India, in December 2012 set up widespread demonstrations and a wave of public indignation. The incident, which became known as the Nirbhaya case¹, brought to light the nation's pervasive social and legal problems related to sexual violence. The protests that followed included strong demands for justice and legislative changes in addition to displays of sorrow and rage. She eventually died following the tragedy and several courageous battles for her life. She departed this life, leaving the legal community and society with many unanswered concerns. A three-judge panel² presided over this case.

i. Key Demands of the Protesters

The protesters made several important requests, such as:

- a. **Stricter Penalties:** The protestors stated that the current laws were insufficient for preventing sexual assault and requested tougher penalties for those who commit the crime.
- b. **Faster Trials:** With the goal to ensure that victims would not have to wait years for justice, they called for the creation of fast-track courts.
- c. **Better Police Response:** The demonstrators were critical of the police for their frequently callous and insufficient handling of instances involving sexual assault. They called for changes to enhance police accountability and training.

¹ State vs Ram Singh and others AIR SC 2595

² Justice Dipak Mishra, Justice Ashok Bhushan, and Justice Bhanumati

- d. **Social Change:** The movement also sought to address structural problems, such as gender discrimination and patriarchal views, that underlie sexual assault.

ii. **Legal Reforms in Response to the Protests**

Following the public uproar, the Indian government implemented several noteworthy legal reforms:

- a. **Changes to the Indian Penal Code:** In some situations, the death sentence may now be applied for sexual assault, as well as harsher sanctions overall.
- b. **The 2013 Criminal Law Amendment Act:** The definition of sexual harassment, the creation of special tribunals for instances involving sexual assault, and improved victim protection are just a few of the new features brought about by this Act.
- c. **Fast-Track Courts:** To ensure that victims of sexual assault did not have to wait years for justice, the government established fast-track courts to accelerate the trial of cases.

The 2012 Anti-Rape Protests were a historic event in Indian history. Prompted by popular outcry and a determined fight for justice, the movement brought about important law modifications that have enhanced the safeguarding of women's rights. Even if there are still obstacles to overcome, the memory of the protests motivates activists and supporters to strive for a world free from sexual assault.

2. **The Anti-Reservation Protests:**

Affirmative action policies of the Indian government, which reserve seats for specific marginalized groups in employment and education, were the target of protests in the 1990s. Students and other organizations supported the protests, which questioned the legitimacy of these laws and their ability to effectively address social injustices. Protests sparked significant discussions on the benefits and drawbacks of the reservation rules, even if they did not result in the policy's immediate repeal.

i. **Key Arguments in Favor of Reservations**

Strong justifications existed for the reserve policies, notwithstanding the

legitimate concerns voiced by the demonstrators.

Historical Injustices: The measures' supporters contended that they were required to right centuries of discrimination and persecution that marginalized communities had to endure.

- a. **Social Justice:** By giving previously marginalized people a chance to participate in society, they said that reservations were crucial to advancing social justice and equality.
- b. **Positive Discrimination:** In order to even out levels of opportunity and build a more just society, proponents said that reservations were a type of positive discrimination.

The public debate over affirmative action was greatly influenced by the Anti-Reservation Protests. The protests sparked significant discussions on the benefits and drawbacks of the reservation rules, even if they did not result in the policy's immediate repeal. Protests also made clear that addressing social inequality requires more focused and sophisticated strategies.

3. *The Farmers' Protests in India: A Legal and Political Analysis*

One of the biggest and most important civil disobedience actions in Indian history, the farmers' protests started in late 2020 and lasted for more than a year. The Farmers' Produce Trade and Commerce Promotion Act, 2020, the Essential Commodities Act (Amendment), 2020, and the Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Act, 2020—three controversial agricultural laws introduced by the Indian government were the catalyst for these protests. The farmers contended that by enabling corporations to set prices and take advantage of small farmers, these rules would jeopardize their means of subsistence.

i. Key Arguments of the Protesters

The farmers objected to the new agricultural rules on a number of important grounds:

- a. **Diminished MSP:** The protesters stated that the regulations will interfere with the Minimum Support Price (MSP) framework, which sets a minimum price for a number of agricultural products. They argued that as a result, farmers would be more open to corporate exploitation.

- b. **Corporate Control:** Farmers were concerned that new regulations would give businesses more power over the agriculture sector, enabling them to determine terms of trade as well as prices.
 - c. **Weakening of Mandis:** According to the protesters, the legislation would have a negative impact on the traditional mandis, meaning agricultural marketplaces, which offer farmers important amenities.
- ii. **The Position of the Government**

The Indian government stood up for the new rules, saying that farmers will get more market access and options as a result. Additionally, the government insisted that the MSP system would continue to operate.
 - iii. **The Protests**

Late in 2020, protests started in Punjab and Haryana and swiftly expanded throughout the nation. The farmers built "dharna" sites along key roads, stopping traffic and impeding economic activity. Though there were some incidents of violence, the protests were characterized by peaceful protests.
 - iv. **Legal Challenges**

A number of legal challenges against the new agricultural legislation were also prompted by the farmers' protests. In order to settle a dispute between the government and the farmers, the Supreme Court of India became involved in the case. In addition, the court postponed the legislation's execution until after the committee's report was received.
 - v. **The Laws Being Repealed**

The Indian government said in November 2021 that the three controversial agriculture laws will be repealed. The prolonged protests ended with this decision being made.
 - vi. **Impact of the Protests**

The protests of the farmers had an enormous influence on Indian politics and society. They presented examples of the effectiveness of civil disobedience and the value of paying attention to the issues raised by under-represented groups.

Important issues about the state's involvement in agriculture and the dynamics between companies and farmers were also brought up by the protests.

An important development in Indian history was protests by farmers. They emphasised the difficulties small farmers confront and the requirement for laws that safeguard their rights. The demonstrations also illustrated the value of nonviolent, democratic protest and the strength of civil disobedience.

C. Challenges and Limitations of Protest-Driven Legal Reforms

Protest-driven legislative reforms have their drawbacks and difficulties, even if they may be an effective instrument for bringing about social change. We will explore some of these challenges in more detail in this section.

1. Possibility of aggression and disturbance

The risk of violence or disruption is one of the main issues with protest movements. Violent protests can drive away prospective followers and damage the movement's reputation, whereas peaceful protests are usually well-received by the public and the government. Violent protests can often result in altercations with the police that cause injuries or even fatalities.

2. Dependency on external sources

Protest-driven legal reforms frequently fail because of external circumstances including the state of the economy, the political atmosphere, and the government's propensity to yield to popular pressure. For instance, a government dealing with turmoil in politics or economic difficulties could be less inclined to budge on calls for legislative changes.

3. Difficulty in Maintaining Momentum

It might be difficult to keep a protest movement going for an extended length of time. Protesters may experience internal conflicts, exhaustion, or disappointment, all of which can erode their determination. Furthermore, the administration could use strategies to split and subdue the movement, which would make it harder for protestors to stay focused and united.

4. Risk of Co-optation

Governments may try to use protest movements against them by making bogus

promises of reform or making compromises. This has the potential to demoralize demonstrators and damage the movement's legitimacy.

5. **Potential for Backlash**

Protest-driven legal reforms can sometimes lead to a backlash from opponents of the movement. This reaction can manifest itself in a number of ways, such as violent acts, social exclusion, or legal troubles.

6. **Limited Impact on Deep-Rooted Issues**

Protests may be beneficial for resolving narrow legal concerns, but they may not be as successful in tackling systemic social or economic difficulties. For instance, a campaign aimed at stopping police brutality might not be able to completely address the structural problems at the root of this kind of violence.

CONCLUSION

The ability of public outrage to propel legislative reforms in India has been crucial. Through bringing attention to urgent legal and social concerns, rallying public support, and applying pressure to the government, protestors have been instrumental in influencing the laws and policies of the country.

The success of protest-driven legal reforms is shown by the instances studied in this study, which include the the Anti-Rape Protests of 2012, the Anti-Reservation Protests, and the Farmers' Protests in India. Significant legal reforms have resulted from these movements in India, including harsher punishments for sexual assault, better safeguards for marginalized communities, and more transparency and accountability in the government.

Protest-driven legislative reforms can have mixed results, but they are a useful reminder of the need of public engagement in the political process. Citizens may hold governments responsible and guarantee that the law is used to advance justice and equality by speaking out and demanding change.

It is essential to recognize, nevertheless, that protest-driven legislative reforms are not without obstacles and constraints. The efficacy of such movements may be hampered by a number of issues, including the possibility of violence or disruption, dependence on external forces, and

co-optation risks.

To sum up, the Indian public's outrage is still a powerful tool for bringing about social change. Activists may create more successful plans for accomplishing their objectives and making sure that the law is used to safeguard the rights and interests of all citizens by comprehending the difficulties and constraints associated with protest-driven legal reforms.

