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EDITORIAL ANALYSIS

Why is Jantar Mantar in Delhi Facing Scrutiny?

THE HINDU

9 August 2026

POLITY

GS2

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INTERVIEW ANGLE

"If a protest site was never formally designated by any statute or notification, only accumulated status through decades of police practice, does its use rest on a legal right or an administrative concession that can be withdrawn at will?"

✓ Every fact web-verified against primary sources

THE LIFT LINE

A right exercised for three decades at the discretion of a standing order is not yet a right secured by law.

WHY THIS EDITORIAL MATTERS FOR YOUR EXAM

Most answers on the right to protest cite Article 19(1)(b) and stop at “reasonable restrictions.” This explainer supplies the institutional detail that makes the question testable: Delhi’s protest geography, Boat Club to Jantar Mantar to a possible Ramlila Maidan shift, was never fixed by statute at any point, only by police standing orders and, twice now, by judicial intervention correcting an administrative **overreach**. A strong answer treats this as a case study in how a constitutional right’s practical exercise can rest on unstable, non-statutory ground for decades.

GS Paper 2: Fundamental Rights; separation of powers between various organs, dispute redressal mechanisms and institutions; role of judiciary and **judicial review**; NGT’s statutory jurisdiction under the National Green Tribunal Act, 2010.

CONCEPT	MEANING	WHY IT IS TESTABLE
Article 19(1)(b)	Fundamental right to assemble peaceably and without arms	The core right at stake; always paired with 19(3) restrictions in answers
Article 19(3)	Permits reasonable restrictions on assembly in the interest of public order, sovereignty and integrity of India	The state's constitutional basis for regulating (not banning) protest venues
Standing Order 309 (2003)	Delhi Police's internal instrument first designating Jantar Mantar (up to 5,000) and Ramlila Maidan as protest venues	Shows the venue's status rests on executive practice, not statute
Standing Order 10 (2018)	Post-Supreme Court Delhi Police order capping Jantar Mantar's protest crowd and channelling larger numbers to Ramlila Maidan	The current operative framework, issued after judicial correction
Mazdoor Kisan Shakti Sangathan v Union of India (2018)	Supreme Court held a complete ban on protests at Jantar Mantar/Boat Club is unconstitutional	Binding precedent constraining any future full relocation
NGT's 2017 order	Directed protests stopped at Jantar Mantar citing noise pollution and its residential classification in the Delhi Master Plan	Example of a statutory tribunal's order being judicially overridden on rights grounds

BACKGROUND AND CONTEXT

Before the 1990s, the **Boat Club lawns** along Rajpath (now Kartavya Path) hosted independent India's largest political rallies, chosen partly because its open expanse allowed police room to manage crowds and, if necessary, allow orderly retreat. The turning point was the **1988 farmers' rally led by Mahendra Singh Tikait**, which drew lakhs of protesters and, together with heightened security concerns during the Ram Janmabhoomi-Babri Masjid movement, led the Delhi administration to discontinue large Boat Club demonstrations. By **1993**, police began directing protests to **Jantar Mantar**, on the road at the intersection of Jantar Mantar Road and Sansad Marg, chosen for its proximity to Parliament (allowing MPs to step out and address protesters) while remaining outside Parliament's high-security zone. This was never formalised by statute; it became official Delhi Police practice only with **Standing Order 309 in 2003**, which set a 5,000-person cap for Jantar Mantar, routed 5,000-50,000 protesters to Ramlila Maidan, and larger gatherings to Burari and then Narela.

Over the following decade, Jantar Mantar hosted the **Anna Hazare-led anti-corruption movement (2011-12)**, the **Nirbhaya protests (2012)**, and demonstrations by ex-servicemen over One Rank One Pension, among many others, becoming a substitute for the Parliament marches banned since **1966**. Residents' complaints over noise and traffic led the **National Green Tribunal to order a halt to protests there in October 2017**, citing the absence of any executive order formally designating it a protest site, its

“residential” classification in the Delhi Master Plan, and noise pollution. The **Supreme Court, in July 2018 (Mazdoor Kisan Shakti Sangathan v Union of India)**, held that a complete ban was not constitutionally viable and directed guidelines balancing both sets of rights, following which Delhi Police issued **Standing Order 10 (2018)**, permitting Jantar Mantar protests up to a capped number and directing larger gatherings to Ramlila Maidan.

In **August 2026**, this settlement is again under judicial scrutiny: the **Delhi High Court**, hearing a plea by the **All India Dalit Christian Rights Protection Committee** over a pending permission request for an August 10 protest, observed on **August 7** that the city should not be “put to ransom unnecessarily,” while the **Supreme Court** separately agreed to examine a plea by **Satish Chand Kaushik** seeking to replace Jantar Mantar with **Ramlila Maidan** as Delhi’s principal protest venue.

THE ANALYSIS

- 1. The core instability is that the right’s exercise rests on policy, not statute.** Every formal document governing Jantar Mantar as a protest venue, Standing Order 309 (2003) and Standing Order 10 (2018), is an internal Delhi Police instrument, not an Act of Parliament or a government notification. A right this consequential resting on executive discretion for 30-plus years is itself a governance gap, independent of which venue is ultimately preferred.
- 2. Two competing constitutional claims are in genuine tension, not manufactured.** Protesters invoke Article 19(1)(b) and the practical need for proximity to Parliament to make dissent visible to the political establishment. Residents invoke Article 21’s quiet enjoyment of their homes and the area’s Master Plan residential classification. Neither claim is spurious; the NGT’s 2017 intervention and the Supreme Court’s 2018 correction both took the opposing claim seriously rather than dismissing it.
- 3. The 2018 Supreme Court precedent constrains, but does not resolve, the present question.** Mazdoor Kisan Shakti Sangathan forecloses a total ban on Jantar Mantar protests, meaning any current push toward Ramlila Maidan as the sole principal venue must either distinguish that precedent or operate through voluntary incentive (subsidised access, better facilities) rather than compulsion.
- 4. Ramlila Maidan’s advantages are largely infrastructural, not just administrative convenience.** Separate VVIP and participant gates, an enclosed security perimeter, and dedicated crowd-management design are genuine operational improvements over an open roadside site, as former Delhi Police officers quoted in the reporting note. But these advantages come with a cost, roughly Rs 50,000 a day, against Jantar Mantar’s free access, which functionally excludes under-resourced civil society groups, students, and grassroots organisations from an equal right to be heard.
- 5. Symbolic proximity to Parliament is not incidental to the right’s substance.** The value protesters place on Jantar Mantar is not merely logistical, it is the ability to make dissent visible within sight of the institutions being petitioned, a function Ramlila Maidan, roughly 4 kilometres further from the political establishment, cannot replicate. A right to assemble that is technically preserved but relocated out of meaningful proximity to power risks becoming formally intact but substantively diminished.

6. The recurring pattern is administrative anxiety following a single large gathering. The Boat Club's 1988 rally, the 2011-12 Anna Hazare movement's scale at Jantar Mantar, and the current judicial scrutiny all follow the same sequence, a period of large or sustained protest activity prompts institutional reconsideration of the venue itself, rather than of crowd-management capacity at the existing venue.

DATA AND INSTITUTIONS VAULT

PRELIMS-GRADE FACTS:

Article 19(1)(b): right to assemble peaceably and without arms; Article 19(3): reasonable restrictions in the interest of public order and sovereignty/integrity of India

Parliament marches: banned since 1966, following agitations against Indira Gandhi's anti-cow slaughter policy

1988 Boat Club rally: led by farm leader Mahendra Singh Tikait; catalysed formation of the Bharatiya Kisan Union

Standing Order 309 (2003): Delhi Police instrument; Jantar Mantar capped at up to 5,000; 5,000-50,000 to Ramlila Maidan; beyond that, Burari, then Narela

NGT order: October 2017, halted Jantar Mantar protests citing noise pollution and residential Master Plan classification

Mazdoor Kisan Shakti Sangathan v Union of India: Supreme Court, July 2018, no complete ban on protests at Jantar Mantar/Boat Club permissible

Standing Order 10 (2018): post-SC Delhi Police order; Jantar Mantar capacity capped, larger numbers directed to Ramlila Maidan

August 2026: Delhi HC (Justice Amit Mahajan) hearing on August 7; Supreme Court examining a separate plea on relocating the principal venue to Ramlila Maidan

WATCH THE TRAP: DO NOT WRITE THAT JANTAR MANTAR WAS EVER FORMALLY "NOTIFIED" AS DELHI'S PROTEST SITE BY A GOVERNMENT ORDER. IT ACQUIRED THAT STATUS ENTIRELY THROUGH EXECUTIVE/POLICE PRACTICE, FORMALISED ONLY THROUGH INTERNAL STANDING ORDERS, NEVER THROUGH A STATUTE OR A DELHI GOVERNMENT NOTIFICATION. THIS IS THE CRUX OF WHY THE ISSUE KEEPS RETURNING TO COURT.

THE DEBATE

Argument FOR relocating the principal venue to Ramlila Maidan. An enclosed, purpose-built venue with separate VVIP and participant access offers materially better crowd-management and security outcomes than an open roadside site directly opposite Parliament, and residents living around Jantar Mantar have endured over three decades of noise, traffic disruption and prolonged sit-ins without ever having consented, through any statute, to the area's function as a protest ground.

Argument AGAINST relocating the principal venue. The 2018 Supreme Court ruling already held that a complete shift away from Jantar Mantar is not constitutionally permissible, and Ramlila Maidan's roughly Rs 50,000-a-day cost would functionally price out smaller civil society organisations, students, and grassroots movements, converting a formally preserved right into one that only well-funded groups can meaningfully exercise. Proximity to Parliament is not incidental to the right's value; it is what makes the protest legible to the institutions being addressed.

Balanced verdict. Both claims are constitutionally serious, and the 2018 precedent means the debate cannot be resolved by simply picking one venue. A workable path lies in graduated, statutorily codified access, not another police standing order, that preserves a smaller, tightly regulated Jantar Mantar option for low-footfall, symbolic protests while making Ramlila Maidan genuinely accessible, through subsidy or waiver, for larger or under-resourced groups.

HOW TO THINK ABOUT THIS

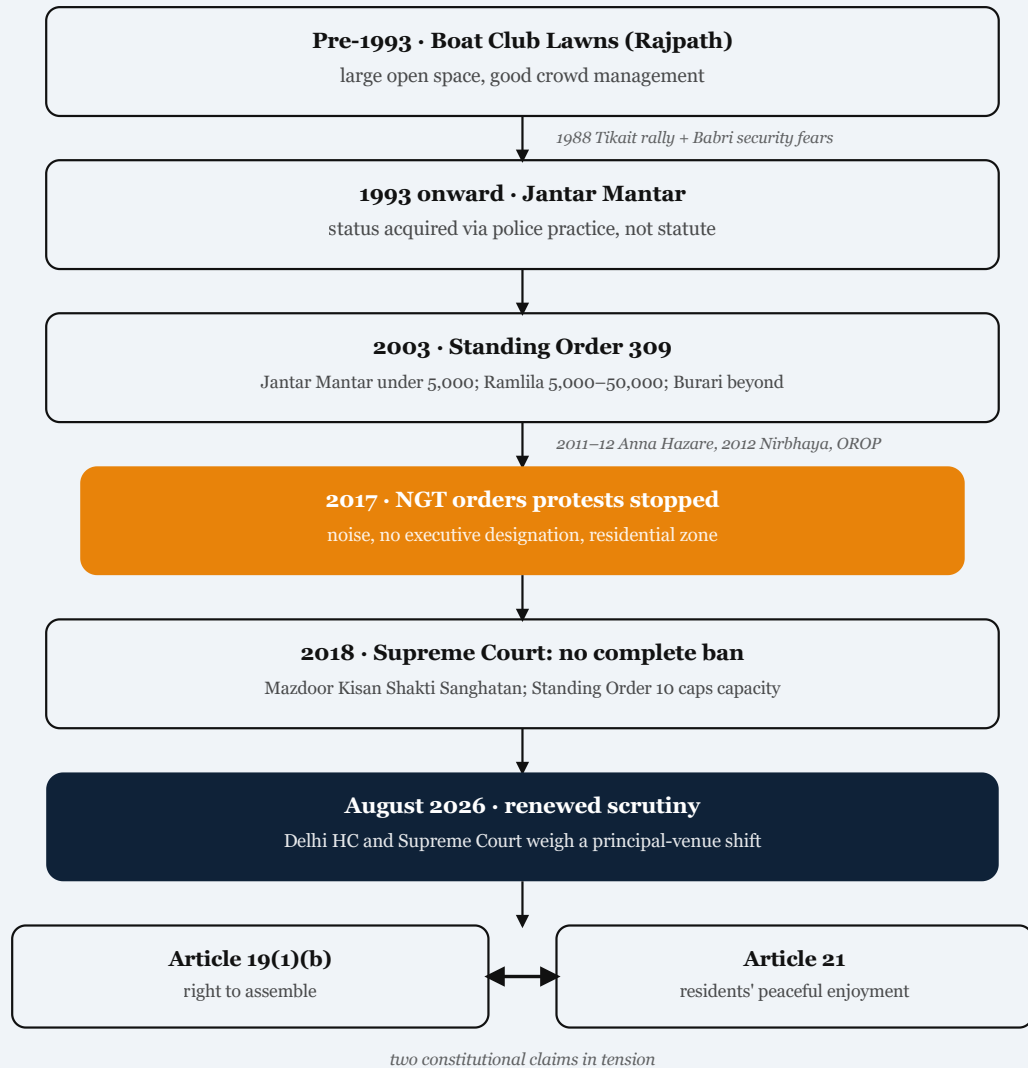
The transferable pattern: **when a constitutional right's practical exercise depends entirely on an executive standing order rather than a statute, expect recurring litigation, because neither side can point to codified law settling the balance, only to whichever court last intervened.**

Jantar Mantar's history shows a right (to assemble) and a competing right (to residential peace) being adjudicated repeatedly through the same informal instrument, a police standing order, revised each time a tribunal or court intervenes, rather than through a legislature weighing both claims once and codifying the balance. This produces a cycle: administrative practice hardens into informal rule, a triggering event (a large rally, a residents' complaint) prompts a legal challenge, a court or tribunal corrects the practice, and a new standing order is issued, only for the cycle to repeat at the next triggering event.

This same structure recurs in India's regulation of social media content, where platform takedown practices have evolved through executive orders and IT Rules amendments rather than a single comprehensive statute; in the regulation of religious processions and their routes, negotiated locally and repeatedly litigated rather than codified; and in campus protest regulations at public universities, where administrative circulars, not statute, typically govern what assembly is permitted where.

DIAGRAM-IN-WORDS

Delhi's protest venue: three decades of executive, not statutory, practice



Every rule governing Jantar Mantar, the 5,000-person cap, the shift to Ramlila Maidan for larger crowds, exists as internal police practice rather than statute. Three decades in, the venue still rests on executive discretion, not a legislature's answer to the Article 19 versus Article 21 tension.

TAKEAWAY BOX

A protest site held together by standing orders, not statute, will keep returning to court, because no one has ever legislated where the balance sits.

Article 19(1)(b) and 19(3); Standing Order 309 (2003) and Standing Order 10 (2018), Delhi Police; NGT order, October 2017; Mazdoor Kisan Shakti Sanghatan v Union of India, July 2018; Ramlila Maidan (North Delhi Municipal Corporation venue); Parliament marches banned since **1966**.

when two constitutionally protected interests genuinely conflict, the right to assemble and a resident's right to peaceful enjoyment of their home, is it more equitable for the state to resolve the conflict through cost (pricing access to a better venue) or through capped access (limiting numbers at the contested venue)?

UPSC has tested the right to protest and its reasonable restrictions (GS2) repeatedly, including in the context of farm-law protests and CAA demonstrations; this explainer supplies the specific institutional history, standing orders rather than statute, that makes Delhi's case distinctive.

"Delhi's designated protest venue has changed twice in three decades, each time through police practice rather than legislation." Discuss the constitutional issues this raises for the right to peaceful assembly under Article 19(1)(b).

Sources: The Hindu, LiveLaw, Business Standard, Indian Kanoon

Source: Why is Jantar Mantar in Delhi Facing Scrutiny? — Ujiyari.com | Free UPSC & State PCS Editorial Analysis

• KEY ARGUMENTS AT A GLANCE

Jantar Mantar's four-decade evolution into Delhi's default protest venue happened entirely through executive practice and police standing orders, never through a statute, and the current judicial scrutiny from both the Delhi High Court and the Supreme Court exposes the structural weakness of a right to peaceful assembly that depends on administrative designation rather than statutory guarantee.



SUPPORTING

- The 1988 Boat Club rally, drawing lakhs of farmers under Mahendra Singh Tikait, triggered a security-driven shift away from Rajpath, showing that Delhi's protest geography has historically been redrawn by administrative anxiety after large gatherings, not by a considered assessment of what balances dissent with public order.
- No statute or government notification ever designated Jantar Mantar as a protest site; the 2003 Standing Order 309 and the 2018 Standing Order 10 are both internal Delhi Police instruments, meaning the right's practical exercise has rested on policy discretion rather than codified law for over three decades.
- The 2017 National Green Tribunal order and the 2026 judicial observations both invoke residents' rights, noise, traffic, and the area's classification as 'residential' in the Delhi Master Plan, as competing claims that the current ad hoc arrangement has never adequately reconciled with the right to protest.
- The 2018 Supreme Court ruling in *Mazdoor Kisan Shakti Sangathan v Union of India* already held that a complete ban on protests at Jantar Mantar and the Boat Club is not constitutionally permissible, meaning any move to relocate protests entirely to Ramlila Maidan must contend with that binding precedent.



COUNTER

Residents living around Jantar Mantar have a genuine, judicially recognised claim, quiet enjoyment of their homes, unobstructed movement, and freedom from prolonged noise, and Ramlila Maidan's enclosed, ticketed infrastructure offers real security and crowd-management advantages that an open, high-visibility site opposite Parliament structurally cannot match.



WAY FORWARD

Rather than a binary shift to Ramlila Maidan, which currently costs organisers roughly Rs 50,000 a day against Jantar Mantar's free access, a workable solution is a graduated, statutorily codified framework (not merely a police standing order) that scales venue and cost to expected crowd size, waives or subsidises Ramlila Maidan charges for verified small civil-society groups, and preserves a smaller, tightly regulated Jantar Mantar slot for symbolic, low-footfall protests within sight of Parliament.


MAINS ANSWER FRAMEWORK
QUESTION

The right to peaceful assembly under Article 19(1)(b) is not absolute and is subject to reasonable restrictions under Article 19(3). Examine this balance with reference to the judicial history of Delhi's designated protest sites, from the Boat Club to Jantar Mantar to Ramlila Maidan. (250 words)

INTRODUCTION

Article 19(1)(b) of the Constitution guarantees the right to assemble peaceably and without arms, subject to reasonable restrictions under Article 19(3) in the interests of public order and the sovereignty and integrity of India. Delhi's search for a workable protest venue, from the Boat Club lawns before 1993, to Jantar Mantar since, and now a judicially prompted reconsideration of Ramlila Maidan, illustrates how this constitutional guarantee has been operationalised entirely through executive discretion rather than statute.

BODY

The Boat Club lawns served as independent India's principal protest venue until the 1988 Mahendra Singh Tikait-led farmers' rally, which drew lakhs of protesters and, combined with security concerns during the Ram Janmabhoomi-Babri Masjid movement, prompted the Delhi administration to discontinue large demonstrations there by the early 1990s. Jantar Mantar, on the road opposite the 18th-century observatory rather than the monument itself, acquired its status as the default site purely through police practice, formalised only in 2003 through Standing Order 309, an internal instrument, not legislation, which capped Jantar Mantar at 5,000 protesters and directed larger gatherings to Ramlila Maidan and then Burari.

This informal, judicially unmoored basis proved unstable: the National Green Tribunal ordered protests stopped at Jantar Mantar in 2017, citing noise pollution and its Master Plan classification as a residential zone, only for the Supreme Court to hold in July 2018, in *Mazdoor Kisan Shakti Sangathan v Union of India*, that a complete ban was constitutionally impermissible, after which Delhi Police issued Standing Order 10 (2018) capping Jantar Mantar at a smaller crowd size and channelling larger protests to Ramlila Maidan. The August 2026 developments, the Delhi High Court's observation that the city should not be held to ransom, made while hearing a plea by the All India Dalit Christian Rights Protection Committee over a pending permission request, and the Supreme Court's decision to examine a separate plea seeking Ramlila Maidan as the principal venue, reopen the same unresolved tension: residents' Article 21 claims to a peaceful residential environment against protesters' Article 19(1)(b) right to assemble within meaningful proximity to Parliament.

CONCLUSION

The 2018 Supreme Court precedent forecloses an outright ban on protests at Jantar Mantar, so any resolution must operate within that constraint rather than around it. The more durable fix is not choosing one venue over another through further ad hoc police orders, but placing Delhi's protest-site framework on statutory footing, with graduated venue allocation, subsidised access to enclosed venues like Ramlila

Maidan for smaller organisations, and codified criteria that balance both constitutional claims instead of leaving the balance to whichever court is currently seized of the question.

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