



THE BRIEFCASE



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NEWSLETTER

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Here's what has happened in the last month and what's to come!

'The Briefcase' returns with an edition exploring one of the most significant forces shaping democratic societies: dissent. Dissent refers to the expression of disagreement with prevailing ideas, decisions, institutions, or systems of authority. Far from being merely oppositional, it is an essential feature of democracy, allowing individuals and communities to question power, challenge injustice, and contribute to public discourse.

As democracies navigate increasingly complex social and political realities, questions surrounding the right to protest, freedom of expression, civil disobedience, and the limits of state authority have become increasingly important. This edition examines the evolving landscape of dissent through a range of contemporary legal and constitutional issues. From protests and public demonstrations to judicial interventions and the protection of fundamental freedoms, our contributors explore the many ways in which dissent shapes democratic participation.

By approaching dissent as a matter of rights, constitutionalism, and democratic accountability, this issue invites readers to consider the role disagreement plays in a functioning democracy. Through analyses of legislation, judicial developments, historical movements, and contemporary debates, these pieces highlight a fundamental principle: a democracy is strengthened not by the absence of disagreement, but by its ability to accommodate, protect, and respond to it.

We invite you to explore this edition with curiosity and reflection.

The Editorial Board x

In this newsletter you can expect:

THE BINDER

- An Evaluation of the Legislative Frameworks Governing Democratic Dissent.
- Rights to Protest, Public Order and Police Powers- The Legal Framework

THE GAVEL

- Nadia vs B.R. Ambedkar University of Delhi CM APPL. 12470/2026
- Imran Pratapgadhi v. State of Gujarat (2026) 1 SCC 721

THE COMMENTARY

- Why India's Democracy is Dying?
- Conceptualization of Public Health in India: An Evolutionary Perspective

THE BLACK & THE WHITE

- Meme Culture, Satire, and Political Expression- Is Humour the New Language for Dissent?
- From Passive Voice to Active Participant: How is Gen-Z Redefining Democracy?

THE WIG & THE WIT

- Dissent Bingo
- Digital Politics

THE CAUSELIST

- Mark your Calendars - An exclusive preview of upcoming months' events

THE POST-ITS

- Your monthly dose of 'Did you know?'

THE BINDER



Your essential collection of the latest legal updates, neatly organised for a quick reference.

An Evaluation of the Legislative Frameworks Governing Democratic Dissent.

Dissent is a vital check on governance, often in friction with authority. Colonial-era statutes were designed to criminalise dissent first and define it later. Dissent has always had an uncomfortable relationship with governance, as questioning the authority is viewed as challenging it. Fitzjames Stevens' amendment of the colonial Indian Penal Code, for example, included a stifling definition of the word "sedition", crafted exclusively to punish any opposition to the Crown. Eight decades later, the core principle remains unchanged. The Bharatiya Nyaya Sanhita, as enacted in 2023, repackages the same problematic principle of ambiguity through words like 'subversive activities'. The apex court concurred in this view in S.G. Vombatkere v. Union of India (2022) (7 SCC 433), which placed a historic interim stay on Section 124A of the Indian Penal Code (IPC), which criminalised sedition. It held that the lack of a statutory requirement to establish a causal linkage between the speech and its actual consequence before depriving the accused of personal liberty renders Section 152 of the BNS, which is a "repackaged version" of 124A, amenable to abuse.



Credits: The Times of India

The Constitution secures to citizens the right to dissent under Article 19(1), which guarantees freedom of speech and expression, coupled with the freedom to assemble peacefully without arms. While Article 19 (2) places restrictions on these provisions, it is important to note that these must pass the test of reasonability. In stark juxtaposition, the BNS puts these very rights in serious jeopardy due to its vague and largely subjective language.

Thus, it renders the citizens at the mercy of executive discretion, as Schedule 7 of the Constitution provides states with the power to police their people. Fali Nariman put it succinctly when he said, "For an effective democracy to function there must be dissent". While the same dissent is governed by multiple legislations, their chilling effect remains vivid.

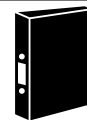


Credits: Liberation

The Unlawful Activities (Prevention) Act, 1967, for example, intersects with democratic dissent by giving the state unusually broad powers. Vague definitions of terms like 'unlawful activities' and 'terrorist act', the 2019 amendment that lets the government tag individuals as terrorists without trial, and near-impossible bail under Section 43D(5) requiring courts to deny bail if the case appears prima facie true on the police's own charge sheet are testimony to the fact. The central government has been given a wide range of powers which can result in curbing dissent, with fear of arrest producing an atmosphere of apprehension; as even a person eventually acquitted may spend years in custody first.

The judicial mechanism of India provides for its citizens the right to appeal against gross abuse of power by the Union or a State. The Supreme Court's judgment in Himat Lal K. Shah v. Commissioner of Police, Ahmedabad & Anr (1973) AIR 87, held that the citizens have a fundamental right to hold public meetings on public streets and thoroughfares, protected under Article 19(1) (a) and Article 19(1)(b) of the Constitution.

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While subject to reasonable restrictions under Article 19 (2), the court stated that public authorities cannot use unguided, arbitrary powers to impose a total or blanket prohibition. In comparison, the Supreme Court case of Amit Sahni v. Commissioner of Police & Ors (2020) (10 SCC 439) sought to strike a balance between peaceful dissent and public order by acknowledging peaceful dissent as a constitutional right under democracy, but such dissent cannot cause indefinite inconvenience to the general public. It is worth noting that these cases have established a profound principle in upholding democracy, but they lack a rule of law to be abided by. The ultimate authority to decide the 'reasonability' of a dissent still lies in the hands of the Executive and its branches, surviving the underlying ambiguity that the system has tried to redress.



Credits: BBC

Democratic dissent was never a tool for chaos; it is a mechanism through which the public holds the government accountable. The United Kingdom has abolished its own common law offences of sedition and seditious libel under the Coroners and Justice Act 2009 to champion free speech and curb arbitrary usage of power. If India wishes to step into a new dawn, it too must let go of its archaic laws and embrace its democratic stature.

Contentious history

Section 124 A of the IPC penalises sedition as punishable with either imprisonment ranging from 3 yrs to a lifetime, a fine, or both

- Sedition law was introduced by the British in 1870, and almost dropped from the Constitution in 1948
- The word "sedition" disappeared from the Constitution on November 26, 1949 and Article 19 (1)(a) gave absolute freedom of speech and expression. However, Section 124A continued to stay in IPC.
- In 1951, Jawaharlal Nehru brought in the first amendment of the Constitution to limit the freedom under Article 19(1)(a) and enacted Article 19(2) to empower the State to put curbs in the form of "reasonable restrictions" on right to free speech.
- In its judgment in the Kedar Nath case in 1962, a Constitution bench upheld the validity of the sedition law. The bench held that Section 124A only penalised words that reveal an intent or tendency to disturb law and order or that seem to incite violence. This definition has been taken as precedent for all matters pertaining to section 124A ever since.
- According to the NCRB data, uploaded on its website, cases of sedition and under the stringent Unlawful Activities (Prevention) Act showed a rise in 2019, but only 3% of the sedition cases resulted in convictions.

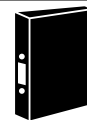


Credits: Hindustan Times

Mr. Parth Shukla
Student, 2nd Year



THE BINDER



Your essential collection of the latest legal updates, neatly organised for a quick reference.

Rights to Protest, Public Order and Police Powers- The Legal Framework

CONSTITUTIONAL FRAMEWORK

Constitutional protection for peaceful protests primarily emerges from the combined operation of Articles 19(1)(a) and 19(1)(b). The former protects an individual's freedom to express views, while the latter protects the corresponding freedom to assemble peacefully and without arms. The Supreme Court recognised the significance of peaceful assembly in Ramlila Maidan Incident v. Home Secretary, Union of India & Ors. (2012), where the Court affirmed that "Citizens have a fundamental right to assembly and peaceful protest which cannot be taken away by an arbitrary executive or legislative action"

These Fundamental rights are not absolute in nature and are subject to reasonable restrictions imposed by the state under Article 19(2), says that the state is authorized to implement reasonable restrictions on this right to safeguard national security, public order, decency, and individual reputations. And Article 19(3) of the Indian Constitution allows the government to place reasonable limits on the right to peaceably assemble. These rules can only be made to protect the sovereignty and integrity of India or to maintain public order.



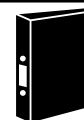
Credits: The New York Times

"Further these reasonable restrictions are subject to the test of reasonableness and proportionality that is laid down in the landmark Supreme Court case KS Puttaswamy vs Union of India (2017) 10 SCC 1" courts determine this test by scrutinising the impugned order/action against each of the four prongs sequentially: first, whether it is backed by a valid law second, whether the stated purpose is a legitimate state aim recognised under the Constitution third, whether the measure is genuinely necessary, meaning the authority must show on record that it considered and ruled out less restrictive alternatives capable of achieving the same objective, and that the restriction is no wider in scope, area, or duration than what the situation demands; and finally, whether the extent of the infringement is proportionate to the benefit sought, i.e., the court weighs the severity of the rights-violation against the public interest served, and will strike down a measure if it is excessive, indefinite, or a blanket restriction unsupported by specific, proximate facts.

To understand the interpretation of public order in the context of Protests, The Supreme Court in the case of Madhu Limaye v Sub-Divisional Magistrate, (1970) 3SCC 746 further explained that "'public order" pertains to the absence of disorder involving breaches of local significance in contradistinction to national upheavals, such as revolution, civil strife, war, affecting the security of the State akin to the French notion of *ordre public*." The interpretation of which is that not all disturbances qualify to be considered "breach of public order"; only those disturbances which have the capacity to create public unrest or are likely to disrupt the public peace and tranquility. Minor irritation, domestic arguments, or localized friction which do not create an imminent danger are not considered to be "breach of public order".

Chapter XI of the BNSS (Sections 148-167), covers "Maintenance of Public Order and Tranquility," giving executive magistrates and police the power to disperse unlawful assemblies. Section 148 lets a magistrate, police station in-charge, or sub-inspector (if neither is available) command an unlawful or peace-disturbing assembly to disperse, using force or arrest if needed.

THE BINDER



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Sections 149 and 150 extend this by allowing the requisitioning of armed forces to disperse an assembly when public security demands it, with the armed officer acting independently only until a magistrate can be reached. Section 151 shields magistrates, police, and armed personnel acting in good faith under these sections from prosecution, though sanction from the central or state government is needed to prosecute them if misconduct is alleged. The State, under Section 163 of the Bharatiya Nagarik Suraksha Sanhita “empowers a District Magistrate, a Sub-Divisional Magistrate, or any other Executive Magistrate authorized by the state government in case of emergency with regard to nuisance or any threat of danger to pass such orders. These orders can be issued for preventing obstruction, annoyance, or injury to persons lawfully employed; any danger to life, health, or safety; or disturbance of the public peace or a riot and may prohibit the assembling of five or more persons, bearing of arms, or any other act tending to break public order.”

Section 189 of Bhartiya Nyaya Sanhita: Unlawful Assembly, *Specifies an unlawful assembly as a meeting of five or more persons having an objective to commit any act of violence, oppose laws or commit any crime.* This is a non-bailable and cognizable offence and hence is actionable by police without warrant and there is no right to bail. *Section 189(5) deals with the case where an assembly is asked to disperse because of the chance of creating a public disorder despite not being an unlawful assembly under Section 189(1).* An officer of police in the rank of Sub-Inspector or higher can direct to disperse an assembly that is an unlawful one or an assembly which is capable of disturbing the public order. In case the assembly does not disperse then police can disperse it by using civil force and arrest when necessary.

Delhi Police invoked Section 163 of the BNSS across New Delhi during the NEET UG-2026 paper leak protests, designating Jantar Mantar as the only sanctioned protest site, and made clear that no permission existed for the CJP-led march to Parliament on July 20 over the alleged NEET-UG paper leak. When thousands of protesters tried to march anyway, clashes broke out between the demonstrators and the police leading the latter to use force in order to carry out dispersal. A clear example of how prohibitory

orders and dispersal powers under this chapter play out in practice.

While this power has been repeatedly upheld by the Supreme Court as being constitutional, it has simultaneously been enclosed within strict boundaries. In Babulal Parate v. State of Maharashtra (1961), the Supreme Court upheld the constitutionality of Section 163 of BNSS but made it clear that “it was not correct to say that the power is unlimited or untrammelled. Since the judgment has to be of a Magistrate, it can be assumed that the power will be exercised legitimately and honestly. The section cannot be struck down simply on the ground that the Magistrate might possibly abuse his power.” However in the case of Navdeep Mathur v. State of Gujarat (2025) it was held that “The power under Section 144 CrPC/BNSS 163 is a “carefully crafted” system of safeguards to ensure that there is no abuse of a power that takes away certain basic rights. The Court rejected the repeated issuance of “rolling prohibitory orders” by the Ahmedabad Police (from 2016 to 2019) and another blanket order dated 3rd November 2025, as being arbitrary and taking away basic rights, precisely because the exercise of such power did not involve the exercise of an honest and bona fide discretion that Babulal Parate Judgement thought the Magistrate would have brought to it.”

It was held in the case of Dharam Dutt vs. UOI (2004) and NK Bajpai vs UOI (2012), that “If a law *prima facie* violates, infringes or restricts the fundamental right to assembly, the onus shifts to State authorities to prove that the legislation falls within the permissible limits imposed by any of the clauses (2) to (6) of Article 19 and that the particular restriction is reasonable.”

CONCLUSION

The legal framework represents a proper balance between upholding public order and ensuring that the fundamental right to peaceful assembly is protected through such provisions as Section 163 BNSS which allows for the imposition of prohibitory orders when it becomes necessary. The courts have made it very clear that such an authority is only preventive in nature, and should not be used in all situations. Jantar Mantar protests serve as a classic example of how this provision is used in actual practice.

Ms. Piya Parmar
Student, 3rd Year

THE GAVEL



The strike of the mallet, in recent judgements, summarised for easy reading.

Nadia vs B.R. Ambedkar University of Delhi CM APPL. 12470/2026

BACKGROUND

The petitioner, Nadia, was a student at Dr. B.R. Ambedkar University (India). She had lodged a police complaint and participated in protests against “severe ragging and bullying” of a student in her university which had reportedly driven the student to self-harm. On March 5, 2025, she, along with the other protesters, was suspended on the grounds of “tarnishing the university's image,” as a result of these protests. The students challenged this suspension in the Delhi High Court on April 15, 2025 in the case of Anan Bijo v. Dr. B.R. Ambedkar University (W.P. (C) 4177/2025). In a subsequent order dated 15.04.2025, The Hon'ble Delhi High Court ordered the student petitioners to “not take part in any protest or demonstration, directly or indirectly, with regard to the incident being enquired into.”

On May 27, 2025, there was a boycott movement and a protest in the university for the same incident. Nadia was seen at the site, allegedly protesting, and thus in contravention of the aforementioned court order. On the same day, the University issued a show-cause notice, accusing Nadia of breaching the student code of discipline by participating in the protest. On June 3, 2025, Nadia replied to the notice, denying the contents of the show-cause notice issued by the University. She denied participating and being a part of the protest. She further stated that she was merely present at the site to “meet a friend” when the photograph was taken. On June 6, 2025, the Proctorial Board interacted with her and decided that her constant participation in such protests and movements has caused academic disruption in the University and that she displays no remorse. Consequently, on June 27, 2025, the University officially ordered her expulsion as a disciplinary measure.

Nadia approached the High Court of Delhi, lodging a Writ Petition under Article 226 of the Constitution of India. She lodged a Writ of Certiorari to seek annulment of the University's expulsion directives issued on June 27, 2025, and August 11, 2025.

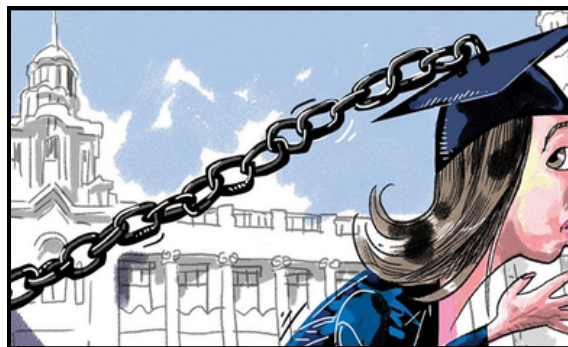
ISSUES

The main issues before the court in this matter were:-

- Whether the University's disciplinary action against Nadia for her alleged participation in the peaceful protest was justified?
- Whether the protests and dissent are protected under Articles 19 (1)(a) and 19(1)(b) of the Constitution.
- Was the Disciplinary action taken was proportionate to the alleged misconduct.

COURT'S REASONING

Nadia argued that her expulsion had no legal basis since she had not actively participated in the demonstration. She claimed that punishing a student for a peaceful protest ran counter to democratic values and fundamental rights. She further asserted that she respected the court's orders and that expelling her was a “highly disproportionate” reaction to merely being present at the protest site. On the other hand, the University maintained that Nadia had knowingly violated its disciplinary code as well as the court order dated April 15, 2025, which barred her from participating in protests. It argued that her continued presence at the site disrupted the campus's peaceful academic environment.



Credits: Civils Daily

THE GAVEL



The strike of the mallet, in recent judgements, summarised for easy reading.

The Court has held that peaceful protests are an important part of a democratic state. It referred to the precedent – Ramlila Maidan Incident (Suo Motu Cr. WP NO. 122 OF 2011), In Re and Mazdoor Kisan Shakti Sangathan vs. UOI, (C. WP No. 1153 OF 2017). The court ultimately held:

“A school/ university is an instrumentality of the State and carries out an indispensable public function, that is, shaping the makers of tomorrow. The University cannot restrict speech and peaceful expression of ideas, merely because the views expressed by a group of students do not align with the ideology of the management.” (para 10)

The Court further encouraged the Universities to inculcate and appreciate the practice of independent thought, questioning, critical thinking and discussion. Also a matter of fact, peaceful disagreement cannot be treated as misconduct merely because of the ideologies of the management. The court further held that the order of expulsion issued against her was disproportionate and that even if she was participating in the protests, expulsion was particularly an extremely harsh step despite having no concrete evidence as to how University's other students' academic rights were disrupted. The court further established a boundary between disciplinary authority and enforcement of judicial orders upholding that consequences of alleged disobedience of court's orders are completely at the court's discretion. (para 11-13).



CONCLUSION

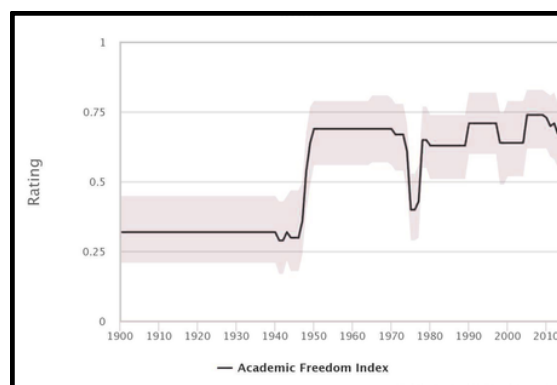
The significance of this landmark judgement is the fact that it weighs dissent as a democratic value higher than merely institutional inconvenience. It promotes the ideology that creating unquestioning, docile citizens is against the ideologies of a constitutional democracy. This judgement does not give unrestricted freedom to disobey laws and court orders, rather establishes that democracy protects peaceful dissent and defines the contours within which such dissent can be carried out. Ultimately, the show cause notice of expulsion against Nadia was annulled with the court directing her to normally resume her academics.

Ms. Saanica Nankani
Student, 2nd year

ACADEMIC FREEDOM INDEX (2025)	0.14 ⬇️
Freedom To Research And Teach:	1.29 ⬇️
Academic Exchange And Dissemination:	1.11 ⬇️
Institutional Autonomy:	1.12 ⬇️
Campus Integrity:	1.00 ⬇️
Academic And Cultural Expression:	1.01 ⬇️

Academic Freedom Index, CC BY 4.0

Credits: The Print



Credits : The India Forum

THE GAVEL



The strike of the mallet, in recent judgements, summarised for easy reading.

Imran Pratapgadhi v. State of Gujarat (2026) 1 SCC 721

INTRODUCTION

“Ae Khoon Ke Pyaason, Baat Suno” translated in English as “You blood thirsty people, listen up”, is a poem which promotes non-violence. However the irony is, that the recital of this same poem triggered an FIR for incitement to violence. The appellant, Imran Pratapgadhi, is an Indian Urdu language poet and a Member of the Rajya Sabha. On 29th December, 2024 he was at a wedding in the Sanjari Education and Charitable Trust in Jamnagar, Gujarat, on December 29, 2024. On this occasion, he recited a poem namely “Ae Khoon Ke Pyaason, Baat Suno” translated as “You-blood thirsty people, listen up”, which he posted on X (Formerly Known as Twitter) from his verified and official account. A subsequent FIR was filed against the MP under 5 different sections of Bharatiya Nyaya Sanhita (BNS), 2023, namely:

Section 196: Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, caste, or community.

Section 197(1): Making imputations or assertions prejudicial to national integration.

Section 299: Deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs.

Section 302: Uttering words, etc., with deliberate intent to wound the religious feelings of any person.

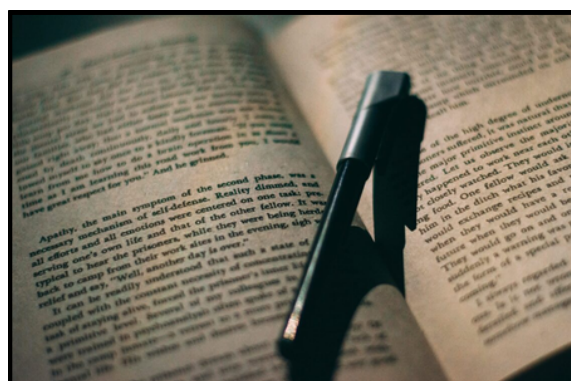
Section 57: Abetting the commission of an offence by the public or by more than ten persons.



Credits: Article 19 Organisation

ISSUES

- Whether the recital of “Aye Khoon ke Pyaason Baat Suno” was free speech or did this poem mean to promote enmity and hatred between different religions, castes, communities and threaten national unity?
- Is a preliminary inquiry before registering an FIR required before filing an FIR, if it concerns someone’s freedom of speech?



Credits: Read Poetry

REASONING

Pratapgadhi initially approached the Hon’ble Gujarat High Court, seeking to quash the FIR on the grounds of Article 19(1)(a) which is the Freedom of Speech and Expression. However the Hon’ble High Court rejected the quashing petition, on the grounds that the nature of the responses of people from social media indicated that the post on social media had potential for disturbing social harmony and the Court cannot intervene when the investigation is still at a “nascent stage” referring to its beginner or developmental nature still. Pratapgadhi later filed an appeal at the Supreme Court. The division bench headed by Hon’ble Justice Abhay S Oka and Justice Ujjal Bhuyan, held that the poem does not cite any caste, language or religion. The judgement held that “even, a society wedded to the rule of law, held, cannot trample upon the rights of those who assert views which may be regarded as unpopular or contrary to the views shared by a majority...” (para 49 to 51 and 53.8)

THE GAVEL



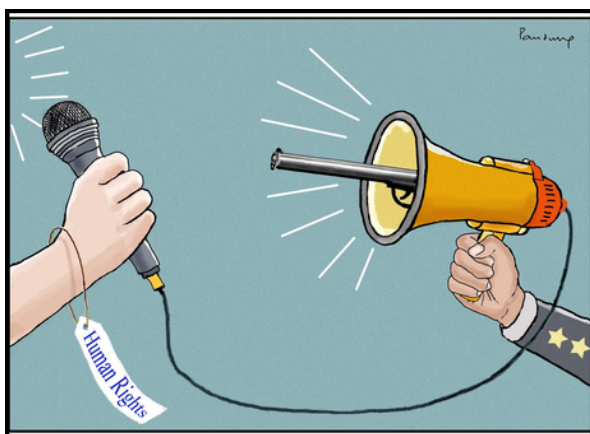
The strike of the mallet, in recent judgements, summarised for easy reading.

Moreover, while analysing the poem, the Supreme Court established that this poem is about peacefully facing injustice, and does mention any caste, religion or communities. The Court further held that there was no inherent *mens rea* to promote enmity between different communities, and relied upon precedent like Manzar Sayeed Khan v. State of Maharashtra and Patricia Mukhim v. State of Meghalaya (Cr. Appeal No.141 of 2021) for the same. Thus there was no offence committed under Section 196. Police officers, citizens themselves were mandated by law to respect the Constitution of India and Freedom of Speech [Article 19(1)(a)] and held that the reasonable restrictions, as per Article 19(2) cannot restrict freedom of expression.



Credits: Association for Progressive Communications

The court asserted that the mere unpopular nature of the speech is not sufficient for criminalisation, and the fundamentals of the Indian constitution are not “fanciful and oppressive” (para 29) that a mere recital of a poem is alleged to lead to animosity among different communities. To agree with such a view would block all legitimate forms of expression in the public sphere which is fundamental for a free society.



Credits: Toon Mag

**THE COURT
AFFIRMED THAT
ARTISTIC AND
CRITICAL
EXPRESSION IS
VITAL TO
DEMOCRACY AND
CANNOT BE
CURTAILED
MERELY FOR
CAUSING
DISCOMFORT**

CONCLUSION

The Supreme Court's decision in *Imran Pratapgadhi v. State of Gujarat* reaffirms that criticism, dissent, or unpopular expression cannot, by itself, fall within the contours of, 'reasonable restrictions' under article 19 (2) of the Constitution of India. By quashing the FIR and emphasising that police officers must apply a judicial mind to the content of speech before invoking criminal law, the Court sought to institute a safeguard against the mechanical or politically motivated use of hate-speech provisions to stifle artistic and political expression. Moreover, the judgment does not hold that all speech touching on communal or social themes is immune from scrutiny; rather, it creates a neat balance between speech that merely provokes discomfort or disagreement and speech that meets the higher threshold of incitement required for criminal liability.

Ms. Ananya Shirke
Student, 2nd Year

THE COMMENTARY



Straight from the commentary box of our editorial board, curated reads to expand your legal mind.

Why India's Democracy is Dying?

Democracy is almost always associated with elections, elections being its most visible feature. However, democracy as a concept additionally requires a certain set of foundational principles to keep the system in place. Some of them include holding the power accountable, a good opposition, executive checks, independent press and open dissent. Exploring the role of these in a democracy, Maya Tudor, a Professor of Politics and Public Policy at the Blavatnik School of Government and Fellow at the St. Hilda's College at the University of Oxford, in her article titled 'Why India's Democracy is Dying', formally published at the Journal of Democracy, has rightly pointed out how India is facing a rapid democratic backsliding, not due to a "dramatic coup or suspension of elections" but rather a collective gradual collapse of what according to her are the 5 institutional pillars of democracy - elections, genuine political competition & opposition, government autonomy, civil liberties and executive checks; making the article a compelling read. The article as a whole seeks to assess the State of India's democracy.

Tudor argues that the democratic decline has taken place incrementally, due to the weakening of these institutions over time. This argument is particularly riveting when she compares the present day democratic scenario to the 1975 emergency, where the democratic freedoms were suspended openly. Referencing the V-Dem Institute Project which relegated India to the status of an 'electoral autocracy'.



Credits: Association of Democratic Reforms

Tudor asserts that India seems to be more of a hybrid regime, i.e. neither a full democracy nor a full autocracy while stating her reasons for the same. Throughout, Tudor aims to answer whether "India has really departed the shores of democracy and if so, is India's transition into a hybrid regime reversible?". Answering both in affirmative, the author continues to individually dissect each of the 5 institutional pillars in contemporary India, evidencing the democratic erosion.

Given that the theme of the newsletter this month focuses on dissent, Tudor's discussion on civil liberties is particularly significant. Dissent, simply put, is the freedom to disagree and criticize those in power. It allows the people of the country to question government decisions, expose failures and demand accountability. According to Tudor, this right to dissent, and other such civil liberties seem to find place in the law but not in practice. The possibility of vocal dissent without any harassment or consequence today is negligent. Using several instances since the present government stepped into power, Tudor emphasizes the lack of space for disagreement, constant media censorship and bias, and disproportionate restrictions on free speech.

Though the article was published in 2023, it shows the broader systemic failures that we continue to see today, maybe even in an aggravated sense, making the article worth revisiting. It provides a framework through which current developments can be examined rather than offering a conclusion that the reader is expected to accept. Towards the end, it will make you reconsider whether we should continue to call ourselves democratic in the truest sense. Following Tudor's positivity, the democratic backslide may be real but it is not irreversible. If efforts are taken to preserve the space for dissent, compel fair elections, build a respected opposition, and maintain independent executive and judicial checks, we could see the democracy we hope for.

Link: Journal Article: Why India's Democracy is Dying?

Risha Patel
Alumnus, SVKM's PGCL

THE COMMENTARY



Straight from the commentary box of our editorial board, curated reads to expand your legal mind.

An Unbothered World: Bradbury's Dystopian Classic

If we stop questioning, do we really need someone to silence us?

Dissent is about questioning power, and dystopian classics are excellent places to begin; the reader gets an opportunity to imagine what happens when we blindly conform. If you haven't already read George Orwell's 1984 and Animal Farm, or Aldous Huxley's Brave New World, they are must-reads.

The book that I'm suggesting for this issue, however, is more closely related to dissent and censorship. Ray Bradbury's Fahrenheit 451 is a novel about a society where books are banned and questioning is quietly and strategically discouraged by elusive authoritarian figures. What makes it particularly relevant is the way the author presents censorship as internalised and imposed upon themselves. Self-censorship becomes the most effective form of censorship.



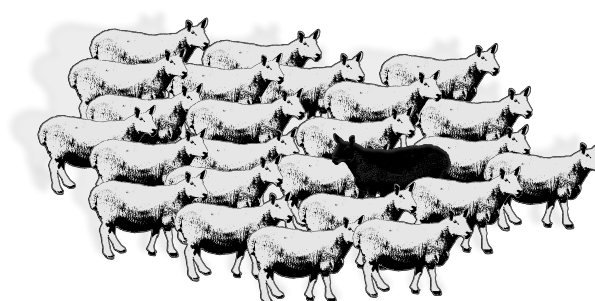
Credits: Lutum Stilo Art Tumblr



Credits: Open Culture

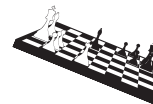
Ray Bradbury's Fahrenheit 451 reminds us that "we need to be really bothered once in a while," artfully pointing us towards what dissent truly demands and how complacency can subdue societies. It is a short, accessible read, which raises important questions about freedom of thought, censorship and the role of the individual in questioning what is accepted as the norm.

Read it and find out why the book is called Fahrenheit 451.



Dr. Apurva Thakur
Professor, SVKM's Pravin Gandhi College of Law

THE BLACK & THE WHITE



A legal chessboard of diverse opinions, which shade of justice are you going to checkmate?

Meme Culture, Satire and Political Expression- Is Humour the New Language for Dissent?

When Rohtak's MP Deepinder Hooda appreciated Gen-Z's creativity in the Lok Sabha, he specifically mentioned 'vasteguna huiya' alongside azadi slogans of political dissent calling for liberation and reform. In the literal sense, 'vasteguna huiya' may carry no such meaning, being as it is a deformation of words meant to reflect absurdity. But its impact is precisely what absurdist humour is supposed to achieve: it makes politics easy and digestible.

At Jantar Mantar, when the new-gen protestors ran from the police, they did it to the sound of Subway Surfers gameplay or paused for a recorded fit check. Ironic, considering the protest itself was over something momentous, the approach was anything but. That was the protest's real strength: its apparent unseriousness. Peel it back, and you hit the actual gravity: citizens asking for exactly what they were promised: accountability amidst an environment of administrative failure and alleged police brutality.

Humour and satire have long been vital tools for political expression. From Saddat Hassan Manto's Toba Tek Singh, exploring a lunatic's reaction to the 1947 partition, to Thanda Ghosht examining the horrors of partition and its brutality, Manto's work placed him in the centre of a trial, prosecuting him for obscenity and while that may have been unfavourable for a then financially impoverished Manto, it did give him a platform to convey to the world that his stories depicted the society exactly how it was. The objective was to simply make the said society aware. Decades later, RK Laxman is persecuted for depicting the then government's imposed emergency (1975-77), in an unfavourable light through his hilarious cartoons.

Several of those were banned by state-censorship but the ones that did make it to the paper, said a thousand words without uttering a single one. Research shows how these cartoons and stories became legible micro narratives that restore communicative action. There are multiple tools of dissent- petitions, judicial action, essays, articles, speeches etc. but humour and satire are inarguably the ones with the highest ROI. In a research article published in the Oxford Journal of Communications, researchers through a series of behavioural experiments concluded 'that humor increases the likelihood to share political information with others and enhances people's memory for information.'

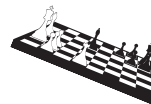


Credits: India.com

Historically, the precedent has been strong. But one must laud the significant success it has achieved in recent times, the Jantar Mantar student protests specifically. One could not have scrolled without seeing the multiple memes, satirical commentary or a protestor requesting the police to deploy high pressure water canons because the heat might be proving to be a little unbearable. The political movement demanded the resignation of Education Minister, Dharmendra Pradhan following the NEET UG-2026 paper leak. At the crux of it, the protest highlighted the erosion of the country's education system and demanded accountability and reform. The youth communicated through memes and satire, it was impossible not to laugh and just as impossible not to care. Another favourable circumstantial factor for this content was the social media algorithm.

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THE BLACK & THE WHITE



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Humorous content that generates laughs and user engagement was pushed for maximum visibility, effectively bypassing the content guidelines that usually takes down such politically sensitive posts that might be flagged as 'hate speech' or objectionable per se.

It has been fairly established that first, satire or jokes require no investment, just unbound creativity- and it might just end up converting apolitical scrollers into the politically informed engaged youth of this country. Second, the majority of our humour is always political. Manto wrote about the 1947 partition as a survivor of one, R.K Laxman created cartoons as a commentary on the emergency as a state-censored artist and the youth of this country used the same tools to express dissent as politically aware citizens of a democratic nation and victims of an education system that needs rapid reform.

The digital space has always been a platform that is extensively used for politics and politicians alike, who have sometimes also used humour to communicate with the new generation. Prime Minister Narendra Modi's first official address to the protestors was delivered through his official instagram account. Official pages of political parties regularly engage in entertaining spats. Social media campaigning also played a crucial role in Zohran Mamdani's election as a mayor of New York City.

Although this new wave does carry its own set of concerns. First, they are fairly susceptible tools to push political propaganda. Second, the platform for such dissent and expression are platforms owned by private tech companies that classify as 'intermediaries' subject to a country's Information Technology Guidelines. Such content may temporarily bypass flags but they are not completely shielded against censorship either. Third and the most important one perhaps, grabbing one's attention is a far easier task than retaining it. A study measuring the relationship between consumption of online political comedy and political engagement of Indian youth, concluded that while humour may get you attention, awareness and memory.

The engagement effect is unlikely to sustain, which holds especially true for a youth deprived of long attention-spans in recent times. The honest limit here is high initial return but poor compounding. Humour is a good entrance to political engagement but not a replacement for the sustained unglamorous activism that political change really requires. Long-term attention? In this economy? Might be difficult.



Credits: The Print

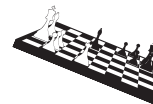
But not impossible. Attention and awareness are only opening moves, the responsibility to retain and utilise it relies on the forbearers of such political movements. A punchline has to be translated into policies, testimonies and petitions eventually. Efforts such as turning reach into actual contact, linking petitions or even a link to an explainer thread for the issue at hand. The satire has created awareness that has to transform into action. Most importantly, create a true feeling of emotional connection with the audience, real testimonies and experiences, awareness drives tailored to tell them their duties, rights and responsibilities to express dissent. As for this particular movement of dissent, memes may have done what manifestos could not. Make people look, and demand.

Sana Singh
Student, 4th Year

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THE BLACK & THE WHITE



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From Passive Voice to Active Participant: How is Gen-Z Redefining Democracy?

In the summer of 2026, a wave of protests at Delhi's Jantar Mantar was widely reported by the Indian newsrooms as a "Gen-Z Movement". The label draws on the generational category popularised by the Pew Research Centre for those born between 1997 and 2012. This article argues that the protest was not a spontaneous uprising but a coalition between the youth of this nation and the democratic values of dissent, accountability and reform that this country is built upon. The protest brought longstanding constitutional questions surrounding the right to dissent and reform in a democracy to the forefront – and this time, it was the country's youth asking them. The spark was small and specific. On 15th May 2026, Chief Justice of India Surya Kant, while hearing a case about fake law degrees and practitioners, drew a comparison between the unemployed youth of this country carrying fraudulent degrees to "cockroaches" who become social media or RTI activists to attack the system. He later clarified that his comment had been misquoted for malicious intent, and that he was only referring to the fake degree holders, not unemployed youth as a whole. Irrespective, within a day his comment sparked humorous outrage. A former political strategist named Abhijeet Dipke had turned the insult into a political and satirical movement. The Cockroach Janta Party, self-described as the 'Voice of the Lazy and Unemployed.' An absurd origin for a mass movement, which is exactly what makes it worth dissecting.



Credits: The Hindu

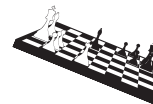
The Indian Gen-Z is routinely described as apolitical by the masses – more invested in exam results and reels than in Parliament. The cockroach remark made by the CJI broke through that description. Radicalised young people by insulting their material reality, which is joblessness, exam stress, and the sense of being talked down to by the very institutions meant to represent and aid them. Within weeks, CJP had millions of members and an actual grievance to organise around. The NEET-UG 2026 paper leak, handed to the CBI after allegations that the medical entrance exam had again been compromised. Relatives of students who died by suicide after the leak due to mental distress over the leak demanded compensation and reform for this broken system. The demands were concrete. Even the government's response of suspending the exam, ordering a retest, and promising a shift to computer-based testing from the next year failed to satisfy many aggrieved students. Much scope was left for some concrete administrative change and accountability on the government's end.

So the remark did politicise young people specifically – but the movement it built was never theirs alone. The protest itself started at Jantar Mantar, Delhi's designated protest ground, through June and July 2026, and it was run together with established student unions, such as the All India Students Association, the Students' Federation of India and more, not by a specific age group acting all by itself. Engineer, education reformer and environmental activist, fifty-nine year old Sonam Wangchuk joined the sit-in at Jantar Mantar and began an indefinite hunger strike in late June demanding Education Minister Dharmendra Pradhan's resignation. Proving that this was not solely a movement of young people acting by themselves but rather a call for action initiated by the distressed youth and joined by their elders in solidarity, support and strength. Beneath the coalition's generational optics lay a set of long-standing constitutional and procedural questions. The Constitution guarantees the right to assemble peacefully (Article 19(1)(b)), and gives any citizen the right to appeal directly to the Supreme Court when this right is denied (Article 32).

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THE BLACK & THE WHITE

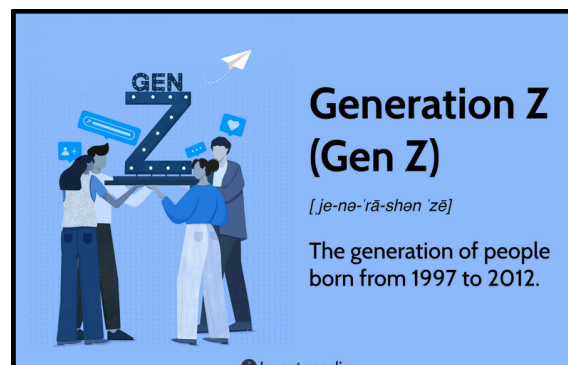


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Delhi Police invoked Section 163 (the new Section 144), under Bharatiya Nagarik Suraksha Sanhita, to prohibit a gathering of more than five people in the city of New Delhi. The Supreme Court had earlier stated in the case of Mazdoor Kisan Shakti Sangathan v Union of India (2018) (AIR 2018 SC 3476) that regulating a protest should not be the same as banning it outright. On 20 July, thousands marched anyway and the police responded by pelting tear gas and violent crackdowns on the protestors injuring several, a number of FIRs were filed against individuals who allegedly pelted stones, and several other demonstrators were forced to take shelter in the Gurdwara Bangla Sahib and other locations to evade the brutality.

The crackdown did not remain confined to the streets; it followed the movement into court as well. A plea for an urgent Supreme Court hearing on the allegedly excessive police brutality emerged two days after that crackdown. The matter was listed before CJI Surya Kant, whose remark had started it all. He responded by saying, “We are not interested in videos, we don't have time to watch videos,” a remark that drew further criticism.

Far from demoralising the protestors, such institutional apathy deepened their agitation. Eventually, what got the government's attention was not the number of attendees but their unwillingness to leave. On 25 July, Pradhan resigned, saying, “I did not want this protest to be ‘exploited’.” The Cockroach Janta Party noted that this was only one of its three demands. Yet the youth had already demonstrated their ability to turn a sprawling, knotted set of grievances into a single, recognisable political language. One hashtag, amplified across millions of screens, became a testament to their creativity and their ability to organise outside conventional methods. Ironically, a generation once ridiculed for its overconsumption of the internet had turned the same tools into instruments of dissent, mobilisation and demands for institutional accountability.



Credits: Investopedia

The Jantar Mantar protests, therefore, were not simply a “Gen Z movement”, but an example of young people moving from passive observers of democracy to active participants. The constitutional questions they raised were not new: the right to protest, the limits of state power, and institutional accountability have long shaped Indian democracy. What was significant was the generation asking them – and the way it used protest, organisation and social media to demand answers. Gen Z did not redefine democracy; it reclaimed its place within it, proving that dissent is not apathy but participation.



Credits: The Guardian

Ms. Priyal Shukla
Student, 4th year



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THE WIG & THE WIT

Simple and fun puzzles to judge your wit!

DISSENT BINGO

USED A POLITICAL
HASHTAG

KNOW WHAT
ARTICLE 19(1) (B)
MEANS

DISCUSSED POLITICS
WITH AUTO WALE
BHAIIYA AT LENGTH

SENT A POLITICAL
MEME

INDEPENDENTLY
FACT CHECKED A
NEWS STORY

KNOW WHAT A
PEACEFUL ASSEMBLY
IS

KNOW WHAT
ARTICLE 19(1) (A)
MEANS

USED HUMOUR TO
MAKE A POLITICAL
POINT

KNOW WHAT
REASONABLE
RESTRICTIONS MEAN

ARGUED ABOUT
POLITICS ONLINE

HAD A POLITICAL
ARGUMENT WITH
YOUR FAMILY

THOUGHT YOU'D
MAKE A FAR BETTER
POLITICAL LEADER
THAN THE ONES YOU
SEE RIGHT NOW



POLL RESULTS

4 in a row? casual observer

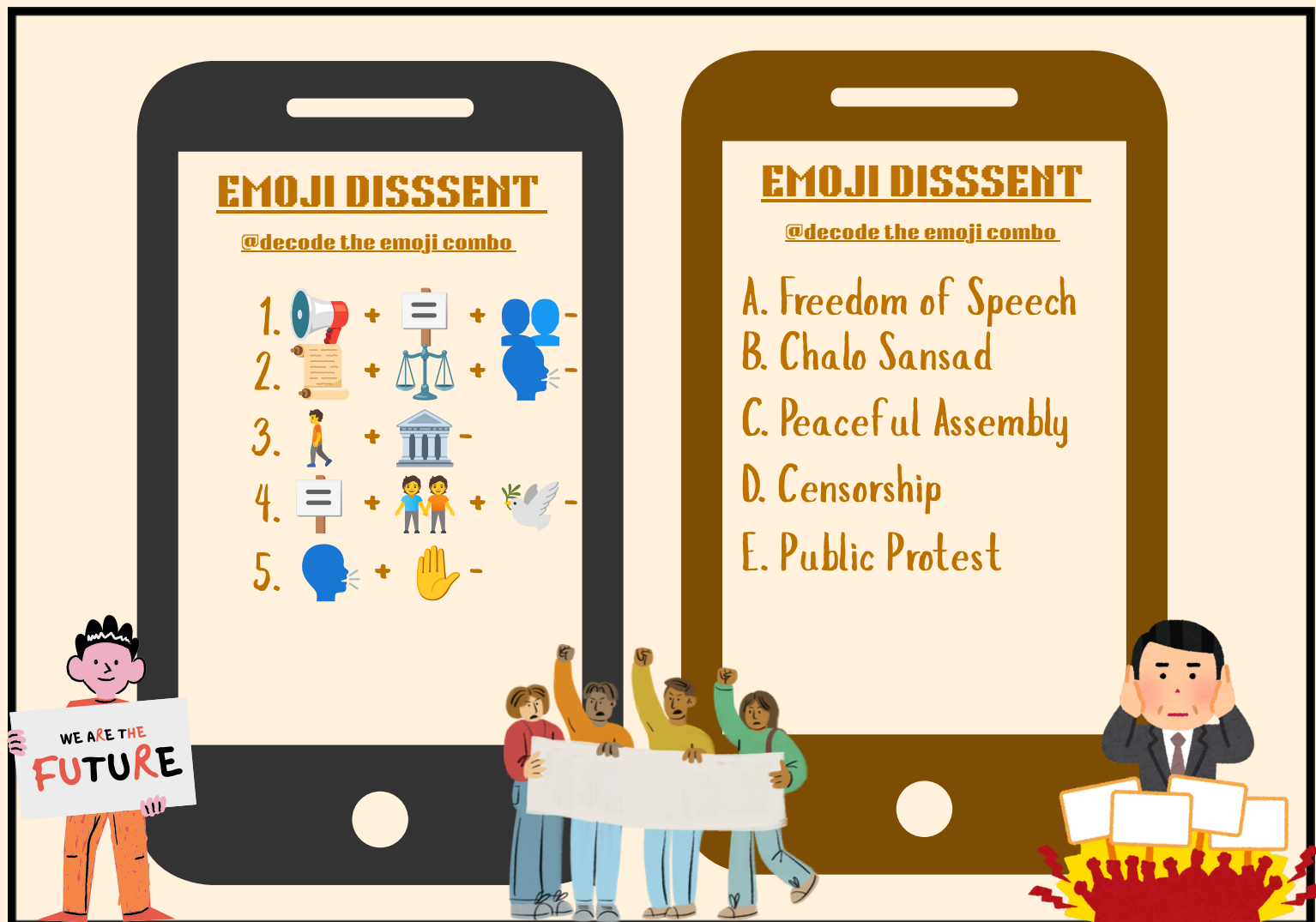
8? digital dissenter

12? constitutional menace

14-16? please touch grass

THE WIG & THE WIT

Simple and fun puzzles to judge your wit!



Match the GEN-Z political term

1. SLACKTIVISM	a. When a post receives significantly more negative reactions or replies than support, signalling widespread disagreement
2. TOUCH GRASS	b. Being subjected to widespread public criticism or rejection, often online, because of something one said or did.
3. RATIOED	c. Political participation that takes place primarily through low-effort online actions such as liking, sharing or signing petitions.
4. CANCELLED	d. A sarcastic reminder to step away from the internet and reconnect with real life.



THE CAUSELIST

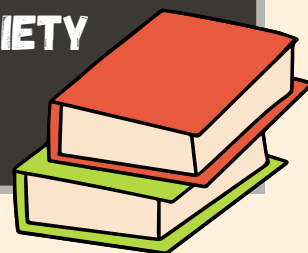
The Newsletter's schedule for all things high and happening around the world.

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INTERNATIONAL CONFERENCE ON POLITICAL PARTIES, ELECTION AND DEMOCRACY

**DATE: 12 SEPTEMBER 2026
LOCATION: CHANDIGARH, INDIA**

**APSA'S ANNUAL 122ND MEETING & EXHIBITION
THEME: DEMOCRACY UNDER THREAT:
HOW TO UNDERSTAND, PROTECT AND REBUILD.**

**DATE: 3-6 SEPTEMBER 2026
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INTERNATIONAL CONFERENCE ON HISTORY, POLITICS, AND CIVIC ENGAGEMENT

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**DATE: 20 SEPTEMBER 2026
LOCATION: KOLKATA, INDIA (CAN ATTEND VIRTUALLY AND IN PERSON)**

THE POST-ITS



Sticky Notes to tack up some fun legal facts.



THE UMBRELLA REVOLUTION WAS A 79-DAY PRO-DEMOCRACY PROTEST IN HONG KONG IN 2014, SPARKED BY DEMANDS FOR FULLY FREE ELECTIONS. IT WAS NAMED AFTER THE UMBRELLAS PROTESTERS USED TO SHIELD THEMSELVES FROM POLICE PEPPER SPRAY AND TEAR GAS.



IN JUNE 1929, BHAGAT SINGH AND OTHER IMPRISONED REVOLUTIONARIES BEGAN A HISTORIC HUNGER STRIKE IN LAHORE AND MIANWALI JAILS AGAINST THE DISCRIMINATORY TREATMENT OF INDIAN PRISONERS. LASTING OVER 100 DAYS, IT LED TO IMPROVED STANDARDS FOR FOOD, BOOKS, AND CLOTHING.



HUNGER STRIKES DATE BACK TO MEDIEVAL IRELAND, WHERE THE WRONGED WOULD FAST AT AN OFFENDER'S DOORSTEP TO SEEK REDRESS. IF THE PROTESTER DIED, THE OFFENDER FACED DISHONOUR AND WAS REQUIRED TO COMPENSATE THE FAMILY.



THE FIRST RECORDED LABOUR STRIKE OCCURRED IN ANCIENT EGYPT AROUND 1152–1151 BCE, WHEN ROYAL TOMB ARTISANS AT DEIR EL-MEDINA STOPPED WORK OVER DELAYED GRAIN RATIONS. OFFICIALS NEGOTIATED AND PAID THE OVERDUE WAGES, ENDING THE PROTEST.

IT IS THE FIRST RESPONSIBILITY OF EVERY CITIZEN TO QUESTION AUTHORITY – BENJAMIN FRANKLIN



Until Next Time...

As we conclude this Dissent in Democracy edition of The Briefcase, we thank you for journeying with us through conversations that explored one of the most pressing issues of our time. This issue invited us to critically examine the principles of dissent, democracy and accountability in the context of the new-age generation, evolving youth perspectives and emerging technologies.

This is not where the conversation ends. The quest to demand, disagree and deliberate has to continue, and a major chunk of that responsibility falls on the youth of this nation.

Next month, The Briefcase returns with fresh legal insights, thought-provoking discussions, engaging games, and exciting new features that continue to make the law accessible, relevant, and inspiring.

Until then, stay curious, keep questioning, and continue exploring the law beyond the classroom.

With purpose and commitment,
The Editorial Board

Thank you for reading!

This month's issue is brought
to you by: -

Authors & Contributors -

Dr. Apurva Thakur
Ms. Risha Patel
Ms. Sana Singh
Ms. Priyal Shukla
Ms. Piya Parmar
Mr. Parth Shukla
Ms. Ananya Shirke
Ms. Saanica Nankani

Editors -

Dr. Apurva Thakur
Ms. Tanvi Goyal
Ms. Tisha Manek
Ms. Sana Singh
Ms. Priyal Shukla
Ms. Ananya Shirke

Design -

Ms. Sana Singh
Ms. Priyal Shukla
Ms. Ananya Shirke

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Contact Info:

Email - pgclbriefcase@gmail.com
Website -
<https://thepgclbriefcase.wixsite.com/the-briefcase>