

Making dissent invisible

Last week, the National Green Tribunal (NGT), while deciding the petition filed by residents of Jantar Mantar road (in the matter of *Varun Seth & Ors v. Police Commissioner, New Delhi & Ors*), passed an order of questionable wisdom. The green panel asked the Delhi government to stop all protests at Jantar Mantar. Residents had alleged that protesters occupying Jantar Mantar were continuously using the road, affecting their sanity.

However, the reasoning in the order appears dubious for lack of supportive evidence in respect of claims of nuisance, besides the primary contention that neither the tribunal nor other legal or administrative structures have a determinative say in how public spaces are used for non-violent expression of dissent. There is indeed very little to reflect on the text of the order. It puzzlingly, and rather painfully, delves on definitions of noise pollution, harping on the lines of submissions made by the petitioners themselves. Arguably, the petitioners made an effort to restrict their grievance against the use of the road passing through residential areas and the unresponsiveness of the Delhi municipality. However, the NGT has remedied it through a ban on protests at Jantar Mantar.

Worryingly, the NGT also directed that the protesters be shifted to an alternative venue at Ramlila Maidan. This order raises several concerns about the attitude towards use of public spaces for protests.

It is not unusual for use of politically visible, geographical units like parks, clubs, Parliament to be sites of political protests and other forms of dissent. In fact, the iconic occupation of Cairo's Tahrir Square in 2011 or the Occupy movements worldwide more recently have been significant spectacles of contemporary democracies. Jantar Mantar, in fact, has its own legacy in being a platform for various political dissensions, ranging from farmers' agitations to the protests against rising cultural and political intolerance. There is no reason why one assertion of public space must be celebrated while the others condemned.

Access to public spaces also expands the possibility of inclusion of marginal communities and the less empowered in democratic processes. Mere existence of a public space does not guarantee a healthy dialogue for useful dissent. The NGT order reveals a disquieting attitude towards 'sanitising' public places, literally and metaphorically. Protests at Jantar Mantar have mostly been vital expressions public engagement with contemporary politics.

It is impossible for courts or governments to define what an ideal protesting space could be. Our immediate priority should be to correct the NGT's errors at the appellate level and unequivocally re-assert our claim to democratic spaces of social and political significance.

Sakshi is pursuing her MPhil in Environmental Policy at the University of Cambridge

The new U.S. Fed Chairman is unlikely to opt for policies that might upset the President's plan

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