

Of Protests, Publics and Law: Shaheen Bagh as an Instance of Legal Mobilization

Sanjana Hooda*

Abstract

Since the emergence of the Arab Spring protests of 2010-2011, meaningful mass protests are observable across the world, which rely on law in their protest action. One such instance arose in India on a late winter evening in December 2019, when several elderly Muslim women organized themselves into a peaceful sit-in at Shaheen Bagh, a residential locality in New Delhi. They were protesting The Citizenship (Amendment) Act 2019 (CAA), which expedites the acquisition of Indian citizenship for the specified religious communities, except Muslims. The protestors at Shaheen Bagh creatively deployed law, particularly the Constitution of India, in their demonstration, as law was simultaneously wielded by the Indian state to suppress democratic dissent in the anti-CAA protests in the country. This essay offers Shaheen Bagh as an instance of legal mobilization. It first explores the Shaheen Bagh protest as a 'protest public', a form of social actor theorized to examine spontaneous, self-organized mass protests around the world. It then explains how the public of Shaheen Bagh used the language of rights and the framework of legality to resist against CAA and articulate its vision of a secular and inclusive regime of Indian citizenship. In doing so, the essay argues for a critical and inclusive approach to legal mobilization, one which recognizes law as a complex terrain of social struggle and recognizes emergent forms of collective actors like protest publics. Such an analysis contributes to a more thorough understanding of the interrelation between protests and legal mobilization.

Keywords: protests, protest publics, anti-CAA protests, Shaheen Bagh, legal mobilization.

* Lecturer, Jindal Global Law School (JGLS), O. P. Jindal Global University, India. To everyone who made this essay possible. I acknowledge the Aboriginal and Torres Strait Islander peoples as the Traditional Owners of the unceded land on which I began writing this essay. I benefitted immensely from the feedback shared by Chantal Morton and Tom Daly on an earlier draft at Melbourne Law School, The University of Melbourne. I am indebted to Saksham Shukla, Albeena Shakil, Hamsini Marada, Anmol Jain, Gitanjali Surendran and Niharika Banerjee at JGLS for their generous and thoughtful engagement with the essay and to Dipika Jain for her mentorship and belief in me over the years. I owe a debt of gratitude to Michal Stambulski and Sanne Taekema at Erasmus School of Law, Erasmus University Rotterdam for the opportunity to contribute to this Special Issue and for their support throughout the writing process. I am grateful to the anonymous reviewers for their careful and precise suggestions which greatly enriched this essay and acknowledge the editorial team at Erasmus Law Review for their assistance. Finally, I thank my family and friends for their unwavering support, especially Shubhangi Hooda and Shubhang Gupta for helping me improve this essay in more ways than one.

License: CC-BY-NC-SA

1 Introduction

'Revolt does not sprout only out of misery: it is also born from the love of life, from the desire to build a more beautiful existence. Creativity takes the form of a vitality that speaks of the pleasure of revolution.'¹

It is indeed the love for life and the desire for a beautiful existence that inspire millions of people to flock to the streets in protest. Recall the 'Jasmine Revolution' of December 2010 in Tunisia, which successfully toppled despotic rule in the country and inspired several protests in other parts of West Asia and North Africa (collectively known as the Arab Spring protests of 2010-2011).² Or the occupation of public squares in Spain by thousands of *indignados* (indignant people) against the austerity measures enforced by the Spanish government.³ Soon thereafter, the Occupy Wall Street movement emerged in the US, in the wake of the financial crisis of 2007-2008 and the Great Recession in September 2011, as people dissented against worsening economic inequality.⁴ This was followed by large demonstrations between late 2011 and early 2012 in Moscow's Bolotnaya Square in Russia, as people protested electoral fraud.⁵ These protests, among others, ushered in 'a new era of political consciousness' and laid the groundwork for spontaneous, leaderless mass demonstrations around the world.⁶ The sit-in protests in Hong Kong in March 2019 against a bill

1 Julia Ramirez Blanco, 'Banners and the 2011 Madrid Protest Camp: Reading the Signs of Revolt' (V&A, 16 April 2014) <https://www.vam.ac.uk/blog/disobedient-objects/banners-and-2011-madrid-protest-camp-reading-signs-revolt?srsltid=AfmBOop25W8xTDxC_oSjWqPTg4DoJvzd5WXO8TEOrj6UXpDKUeHfUKPP> accessed 2 January 2025.

2 'The Jasmine Revolution' (*Britannica*, 4 January 2026) <<https://www.britannica.com/place/Tunisia/The-Jasmine-Revolution>> accessed 4 December 2025.

3 Zachary Arestad, 'Spanish Indignados Protest Austerity Measures, 2011' (*Global Nonviolent Action Database*, 21 October 2013) <<https://nvdatabase.swarthmore.edu/content/spanish-indignados-protest-austerity-measures-2011>> accessed 4 December 2025.

4 Akin Olla, 'Occupy Wall Street Swept the World and Achieved a Lot, Even If It May Not Feel Like It' (*The Guardian*, 6 October 2021) <<https://www.theguardian.com/commentisfree/2021/oct/06/occupy-wall-street-achieved-a-lot-even-if-it-may-not-feel-like-it>> accessed 4 December 2025.

5 Andrei Kolesnikov, 'Moral Protests: How Citizens are Born in Russia' (*Carnegie Endowment*, 18 April 2018) <<https://carnegieendowment.org/posts/2018/04/moral-protests-how-citizens-are-born-in-russia?lang=en>> accessed 25 December 2024.

6 Olla, above n. 4.

which allowed criminal suspects to be extradited to China for trial; the student protests in Indonesia in September 2019 against the anticipated new criminal code; and the massive student rallies in October 2019 against the rise in the subway fare in Chile are a few examples.⁷ The extensive use of audio-visual and social media has produced new imaginaries of protests through the rapid transmission of ideas, massive participation of people and a digitized mode of coordination.⁸ Though the usefulness and efficacy of such protest behaviour – spontaneous, leaderless and transitory – in achieving political reform is oft debated, it has undoubtedly created a template for peaceful resistance traversing both online and offline spaces.⁹ It signifies hope in a world order progressively experiencing democratic decline.¹⁰

As opposed to being an outcome of the rule of law, protests are gradually becoming the condition of its possibility, as protestors rely on law to articulate their demands or protect their dissent.¹¹ Two illustrative instances may be considered here from the world's recent political history. In November 2020, tens of thousands of farmers marched towards New Delhi, India to *gherao* (encircle) the city by setting up camp on its borders, as they protested the introduction of three new agricultural laws.¹² A unique feature of the farmers' protests was the institutionalization of its agenda through the *Kisan Sansad* (Farmers' Parliament), wherein farmers present-

ed their submissions against the three laws in mock parliamentary sessions.¹³

We are showing them how to conduct a Parliament with knowledgeable discussions. The government says the farmers are uneducated, they say they need to educate the farmers about the impact of these three farm laws. Listen to the debates here. Is it not clear that the farmers have understood how their lives and livelihoods will be hurt by these laws?

This was remarked by one of the participants, as they raised concerns about the constitutionality of the laws and their impact on farmers in the *Kisan Sansad*.¹⁴ Likewise, between 2020 and 2021, women protestors in Warsaw, Poland waved copies of the country's constitution at the police, pointing out the page that enumerated the right to peaceful protest, as they marched against the anti-abortion law.¹⁵ The protestors' zeal was met with violence as the state deployed forceful tactics to crack down on dissenters.¹⁶ Despite this, the protestors were unwavering in their determination as the Polish Women's Strike (an informal, non-partisan, grassroots coalition of women in Poland) organized a Consultative Council in November 2020, gathering the rallying calls of protestors from the streets and transforming them into legal demands ranging from education and climate change to reproductive rights.¹⁷

These instances of protest are reminiscent of early theorizations of legal mobilization, such as that of Zemans who suggests that law is mobilized 'when a desire or want is translated into a demand or an assertion of rights'.¹⁸ Legal mobilization is both a theoretical framework and a form of practice, conceptualized differently by those writing on it.¹⁹ While some view legal mobilization as broadly as a means of pursuing social change

- 7 'Huge Protest in Hong Kong Against China Extradition Plan' (*Al Jazeera*, 28 April 2019) <<https://www.aljazeera.com/news/2019/4/28/huge-protest-in-hong-kong-against-china-extradition-plan>> accessed 23 December 2024; Kate Lamb, 'Thousands Protest Against New Criminal Code in Indonesia' (*The Guardian*, 24 September 2019) <<https://www.theguardian.com/world/2019/sep/24/thousands-protest-against-new-criminal-code-across-indonesia>> accessed 25 December 2024; Loreto Cox, Ricardo González and Carmen Le Foulon, 'The 2019 Chilean Social Upheaval: A Descriptive Approach' (2023) 16(1) *Journal of Politics in Latin America* 68.
- 8 Anindya Sekhar Purakayastha, Manas Dutta and Tirthankar Ghosh, *Social Movements, Media and Civil Society in Contemporary India* (Palgrave Macmillan 2022) 140.
- 9 Vincent Bevins, 'The Mass Protest Decade: Why Did the Street Movements of the 2010s Fail?' (*The Guardian*, 10 October 2023) <<https://www.theguardian.com/world/2023/oct/10/the-mass-protest-decade-why-did-the-street-movements-of-the-2010s-fail>> accessed 23 December 2024; James A. Anderson, 'Some Say Occupy Wall Street Did Nothing. It Changed Us More Than We Think' (*Time*, 15 November 2021) <<https://time.com/6117696/occupy-wall-street-10-years-later/>> accessed 11 January 2025.
- 10 Neera Chandhoke, 'Leaderless Protests: A New Wave of Political Activism in the 21st Century' (*The Wire*, 31 May 2024) <<https://thewire.in/world/leaderless-protests-a-new-wave-of-political-activism-in-the-21st-century>> accessed 30 November 2025; Sarah Repucci and Amy Slipowitz, 'Freedom in the World 2022: The Global Expansion of Authoritarian Rule' (*Freedom House*, February 2022) <<https://freedomhouse.org/report/freedom-world/2022/global-expansion-authoritarian-rule>> accessed 30 November 2025.
- 11 Michał Stambulski, 'Symposium on Protest and Legal Mobilization: Reimagining the Rule of Law Through Mass Protest' (*Opinio Juris*, 24 September 2025) <<https://opiniojuris.org/2025/09/24/symposium-on-protest-and-legal-mobilization-reimagining-the-rule-of-law-through-mass-protest/>> accessed 8 December 2025.
- 12 Sudhir Kumar Suthar and Manish Kumar, 'Contemporary Farmer's Movements in India: Hybrid Political Agenda and Modernisation of Protests' (2022) 71(4) *Sociological Bulletin* 495, 496; Adnan Shakeel, et al., 'Reforming Indian Agriculture and the Rise of Farmer's Protest in India: Tracing the Discourse and the Way Ahead' (2022) 23(1) *Journal of Public Affairs* 1, 2.

- 13 Oishika Neogi, 'The Beginning of the Kisan Sansad: A Simulation of a Democracy' (*The Wire*, 25 July 2021) <<https://thewire.in/rights/kisan-sansad-farmers-protest-jantar-mantar-police-security>> accessed 23 October 2022.
- 14 Priscilla Jebaraj, 'Farmers Debate Farm Laws at Parallel Kisan Sansad Outside Parliament' (*The Hindu*, 22 July 2021) <<https://www.thehindu.com/news/national/security-beefed-up-at-jantar-mantar-in-view-of-farmers-protest/article35458012.ece>> accessed 23 October 2022.
- 15 Katarzyna Boni, 'The Power of the Polish Women's Strike' (*Jewish Currents*, 1 April 2021) <<https://jewishcurrents.org/the-power-of-the-polish-womens-strike/>> accessed 11 December 2025.
- 16 Emma Beswick, 'Police Using "Excessive Violence" Against Peaceful Protesters in Poland Amid Abortion Row' (*Euro News*, 24 November 2020) <<https://www.euronews.com/2020/11/24/police-using-excessive-violence-against-peaceful-protesters-in-poland>> accessed 11 January 2026; Zuzanna Krzątała, '"You Will Never Walk Alone" – Polish Women's Strike Back' (*Humanity in Action Poland*, January 2021) <https://humanityinaction.org/knowledge_detail/you-will-never-walk-alone-polish-women-strike-back/#:~:text=The%20protests%20have%20also%20brought,weigh%20in%20on%20best%20practices> accessed 11 December 2025.
- 17 Ashok Dhawale, 'Parallel Kisan Sansad Begins in Delhi, Slams BJP-RSS Modi Regime on Farm Laws' (*Peoples Democracy*, 2021) <https://peoplesdemocracy.in/2021/0801_pd/parallel-kisan-sansad-begins-delhi-slams-bjp-rss-modi-regime-farm-laws> accessed 23 October 2022.
- 18 Frances Kahn Zemans, 'Legal Mobilization: The Neglected Role of the Law in the Political System' (1983) 77(3) *The American Political Science Review* 690, 692, 700.
- 19 Jeff Handmaker, 'Researching Legal Mobilisation and Lawfare' (2019) International Institute of Social Studies Working Paper 641, 5 <<https://repub.eur.nl/pub/115129/wp641.pdf>> accessed 20 September 2024.

through legal norms, discourse or symbols,²⁰ others view it as specific ‘law-based interventions’, focusing on litigation and other formal mechanisms to effect such change.²¹ In recent years, a surge in spontaneous marches and leaderless mass demonstrations is being witnessed around the world which mobilize law.²² Such forms of collective organizing lack prior planning, a pre-existing collective identity and other features generally considered desirable for effective mobilization and yet embody the potential to effect profound societal change. This essay interrogates one such instance: the hundred-and-one-day-long peaceful assembly at Shaheen Bagh (a residential neighbourhood) in New Delhi, India which emerged against The Citizenship (Amendment) Act 2019 (CAA), an amendment of the law on citizenship in the country, in December 2019.²³

I first analyse the Shaheen Bagh protest as a ‘protest public’. Protest publics are peaceful, spontaneously self-organized publics comprised of strangers who are summoned by a unique shared discourse, occupy public spaces and engage in collective protest.²⁴ I then evaluate how the ‘public’ of Shaheen Bagh utilized law to propagate its discourse, offering Shaheen Bagh as an instance of legal mobilization. The category of protest publics attends to the nature of organization of the different actors who mobilize law, but does not address the role of law in the creation and/or proliferation of such actors. The framework of legal mobilization addresses the role of law in effecting societal change but does not yet critically interrogate the different *types* of actors mobilizing law and their internal organization. Analysing legal mobilization through protest publics bridges these gaps and contributes to a deeper understanding of the interrelation between protests and legal mobilization.

The analysis of legal mobilization at Shaheen Bagh reveals how states strategically use law to restrain protests and lends an insight into the constitutive role of law as both a resource and a constraint, ‘a source of em-

powerment and disempowerment’ for collective action.²⁵ India’s socio-political landscape – characterized by widespread and pervasive inequality, diverse regional and cultural identities and a history of both democratic mobilization and state repression – provides a rich context for such an analysis. This essay does not compare the effectiveness of legal mobilization by protest publics against formal, institutionalized or more organized actors. Rather, it presents protest publics as an emergent form of legal mobilization, given both the increasing use of law in protests and the inability of formal legal processes to effectively address citizens’ grievances.²⁶

Part 2 of this essay complicates the dominant conceptualization of legal mobilization through protest publics. Part 3 presents the 2019–2020 anti-CAA protest at Shaheen Bagh as a protest public. Lastly, part 4 explores how the Shaheen Bagh protest public deployed law in its action and advances it as an instance of legal mobilization.

2 Reimagining Legal Mobilization Through Protest Publics

Legal mobilization encompasses political processes in which different actors – from individual rights claimants to state actors and other organizations – interact with one another, law and other social forces.²⁷ It includes a variety of strategies and tactics, from raising rights consciousness amongst specific groups or the public more generally to lobbying for legislative reform, among others.²⁸ The research on legal mobilization is fraught with conceptual tensions across different axes: the type of law being deployed (formal vs. informal); the venue of contestation (specific formal legal institutions vs. the broader social, cultural or juridical field); the objective sought (social change vs. private interest); and the target of mobilization (state vs. individuals or private actors).²⁹ As a result, significant divergence underlies its conceptualization in the literature. Some scholars emphasize the significance of ‘legal consciousness’ as a related concept.³⁰ Legal consciousness refers to how people ‘experience, understand, and act in relation to

20 Julieta Lemaitre and Kristin Bergtora Sandvik, ‘Shifting Frames, Vanishing Resources, and Dangerous Political Opportunities: Legal Mobilisation Among Displaced Women in Columbia’ (2015) 49(1) *Law & Society Review* 5, 8; Lisa Vanhala, ‘Legal Mobilization’ (*Oxford Bibliographies*, last reviewed 23 November 2021) <<https://www.oxfordbibliographies.com/display/document/obo-9780199756223/obo-9780199756223-0031.xml>> accessed 14 September 2024.

21 ‘Legal Mobilization: Analyzing Law-Based Advocacy’ (*Netherlands Institute for Advanced Study in the Humanities and Social Sciences*, 2021) <<https://nias.knaw.nl/themegroup/legal-mobilization-analyzing-law-based-advocacy/>> accessed 2 December 2025; Michael W. McCann, ‘Legal Mobilization and Social Reform Movements: Notes On Theory and Its Application’ (1991) 11 *Studies in Law, Politics, and Society* 225; Michael McCann (ed.), *Law and Social Movements* (Routledge 2006); Emilio Lehoucq and Whitney K. Taylor, ‘Conceptualizing Legal Mobilization: How Should We Understand the Deployment of Legal Strategies?’ (2020) 45(1) *Law & Social Inquiry* 166, 178–180.

22 Thomas Carothers and Richard Youngs, ‘The Complexities of Global Protests’ (*Carnegie Endowment for International Peace*, 8 October 2015) <<https://carnegieendowment.org/research/2015/10/the-complexities-of-global-protests?lang=en>> accessed 11 December 2025.

23 The Citizenship (Amendment) Act 2019 (India).

24 Nina Belyaeva, ‘Exploring Protest Publics: A New Conceptual Frame for Civil Participation Analysis’ in Nina Belyaeva, Victor Albert and Dmitry G. Zaytsev (eds), *Protest Publics: Toward a New Concept of Mass Action* (Springer 2019).

25 McCann (2006), above n. 21, at xiii.

26 See Michal Stambulski and Sanne Taekema, ‘Protest and the Rule of Law’ (2026) *Erasmus Law Review* in Special Issue ‘Protest and Legal Mobilization in the Global Context’, 1–2.

27 Michael W. McCann, *Rights at Work: Pay Equity Reform and the Politics of Legal Mobilization* (The University of Chicago Press 1994); Lynette J. Chua, ‘Legal Mobilization and Authoritarianism’ (2019) 15 *Annual Review of Law and Social Science* 355, 360.

28 Lisa Vanhala, *Making Rights a Reality? Disability Rights Activists and Legal Mobilization* (Cambridge University Press 2010) 6.

29 Michael Molavi, ‘Collective Legal Mobilisation: Exploring Class Actions in Sweden and Canada’ (2024) 42(1) *Nordic Journal of Human Rights* 32, 35.

30 Handmaker, above n. 19, at 8; Lehoucq and Taylor, above n. 21; Lynette J. Chua, David M. Engel and Sida Liu, ‘Legal Consciousness’ in *The Asian Law and Society Reader* (Cambridge University Press 2023).

law'.³¹ Chua, Engel and Liu view legal mobilization as 'a form of legal consciousness manifesting in actions, words, and thoughts', citing the scholarship on legal mobilization as a subset of the research on legal consciousness.³² Others distinguish legal mobilization from legal consciousness and 'legal framing'. For instance, Lehoucq and Taylor understand legal mobilization as the 'use of law in an explicit, self-conscious way through the invocation of a formal institutional mechanism', differentiating it from both legal consciousness and legal framing.³³

Conventional or more dominant strands in the research on legal mobilization consider certain factors as desirable: prior organization and the existence of mobilizing structures,³⁴ a pre-existing shared identity,³⁵ favourable political and legal opportunity structures,³⁶ reliance on litigation and other formal, institutional mechanisms,³⁷ and the shoring up of expertise and other resources.^{38,39} While the literature meticulously considers them, it leaves unexamined the different types of actors that mobilize law and the nature of their organization. Munro (in her contribution in this *Special Issue*) explains how legal mobilization generally views the relationship between such institutional features and collective action as largely unidirectional, in that the former determine the latter.⁴⁰ However, different cultures of protest

demonstrate that when conventional forms of democratic dissent are unsuccessful or ineffective, they tend to yield new forms of social organization.⁴¹

Since the emergence of the Arab Spring protests of 2010–2011, instances of meaningful protests are observable around the world which lack most, if not all, of the aforementioned factors. At times, such protests mobilize law both as a means and an end, as law provides both 'normative principles and strategic resources for the conduct of social struggle'.⁴² Consider the assembly of people at Shaheen Bagh, New Delhi, who organized themselves into a peaceful sit-in, from December 2019 to March 2020, to protest CAA (discussed in detail in part 3). Led primarily by elderly Muslim women, they shared neither a history of prior organization nor a pre-existing common identity but the discourse of their protest as they creatively deployed law to critique CAA. They invoked the Constitution of India with an unprecedented affective intensity, as they engaged in mass readings of its Preamble, held up its copies in sit-ins and rallies and displayed posters with the text of the Preamble inscribed on them.⁴³ The spontaneous occupation of public space at Shaheen Bagh has been quoted as an extraordinary socio-political moment in India.⁴⁴

Legal mobilization is a politicization of the juridical and a legalization of the socio-political.⁴⁵ It challenges existing power structures and requires strategic, bold and innovative approaches.⁴⁶ The emphasis on the pursuit of legal change through formal legal systems within conventional approaches to legal mobilization is driven by liberal legalism and its presuppositions that law and the state are neutral and that the rule of law guarantees justice.⁴⁷ Critical approaches which recognize law and the state as potential sites of oppression expose how such an emphasis can reify 'techniques of domination' disguised as 'strategies for redress'.⁴⁸ An interpretive, process-oriented view of legal mobilization rejects the positivist understanding of law as a set of determinate rules and emphasizes it as a resource that people utilize to structure societal relations, advance certain goals or ne-

31 Lynette J. Chua and David M. Engel, 'Legal Consciousness Reconsidered' (2019) 15 *Annual Review of Law and Social Science* 335, 336.

32 Chua et al., above n. 30, at 183–184.

33 Lehoucq and Taylor, above n. 21, at 178–180. The authors define legal consciousness as the 'implicit, nonarticulated use of law' and legal framing as the 'explicit, self-conscious' use of law to give meaning to an event.

34 See Doug McAdam, John D. McCarthy and Mayer N. Zald, *Comparative Perspectives on Social Movements: Political Opportunities, Mobilizing Structures, and Cultural Framings* (Cambridge University Press 1996); Doug McAdam, Sidney Tarrow and Charles Tilly, *Dynamics of Contentious Action* (Cambridge University Press 2001).

35 Francesca Polletta and James M. Jasper, 'Collective Identity and Social Movements' (2001) 27 *Annual Review of Sociology* 283, 286.

36 Opportunity structures include features of a regime that offer both the potential to advance one's claims and threats that caution against the making these claims. See Jack A. Goldstone and Charles Tilly, 'Threat (and Opportunity): Popular Action and State Response in the Dynamics of Contentious Action' in Ronald R. Aminzade et al. (eds), *Silence and Voice in the Study of Contentious Politics* (Cambridge University Press 2001); Charles Tilly and Sidney Tarrow, *Contentious Politics* (Oxford University Press 2015) 49. Chris Hilson, 'New Social Movements: The Role of Legal Opportunity' (2011) 9(2) *Journal of European Public Policy* 238; Lisa Vanhala, 'Legal Opportunity Structures and the Paradox of Legal Mobilization by the Environmental Movement in the UK' (2012) 46(3) *Law & Society Review* 523.

37 Michael McCann, 'Litigation and Legal Mobilization' in Gregory A. Caldeira, R. Daniel Kelemen and Keith E. Whittington (eds), *The Oxford Handbook of Law and Politics* (Oxford University Press 2008); Lehoucq and Taylor, above n. 21, at 168.

38 John D. McCarthy and Mayer N. Zald, 'Appendix: The Trend of Social Movements in America: Professionalization and Resource Mobilization' in Mayer N. Zald and John D. McCarthy (eds), *Social Movements in an Organizational Society* (Transaction Publishers 1987); Mark Aspinwall, 'Legal Mobilization Without Resources? How Civil Society Organizations Generate and Share Alternative Resources in Vulnerable Communities' (2021) 48(2) *Journal of Law and Society* 202, 207.

39 See Molavi, above n. 29, at 34.

40 See Rebecca Munro, "'Unlocking Opportunity" for Housing Rights Mobilisation in Spain (2010–20)' (2026) *Erasmus Law Review in Special Issue 'Protest and Legal Mobilization in the Global Context'*.

41 Nina Belyaeva and Victor Albert, 'Conclusion: The Common Features and Different Roles of Protest Publics in Political Contestation' in Nina Belyaeva, Victor Albert and Dmitry G. Zaytsev (eds), *Protest Publics: Toward a New Concept of Mass Action* (Springer 2019).

42 McCann (2006), above n. 21, at xii; Sanne Taekema, 'Beyond Common Sense: Philosophical Pragmatism's Relevance to Law' (2006) 29(4) *Retfærd: Nordisk Juridisk Tidsskrift* 22; Jeff Handmaker and Sanne Taekema, 'O Lingo Drom: Legal Mobilization as Counterpower' (2023) 15(1) *Journal of Human Rights Practice* 6, 8.

43 The Constitution of India 1950 (India); Anupama Roy, 'Constitutional Moments and Resurgent Citizenship' (2022) 26(4–5) *Citizenship Studies* 615, 618; Rahul Rao, 'Nationalisms by, Against and Beyond the Indian State' (2020) 207 *Radical Philosophy* 17, 18.

44 Aarti Sethi, 'One Year Later: Reflections on the Farmers' Protest in India' (2021) 11(2) *HAU: Journal of Ethnographic Theory* 869, 875.

45 Molavi, above n. 29, at 49.

46 'Legal Mobilization Platform' (*International Institute of Social Studies*, 2025) <<https://www.iss.nl/en/research/research-networks/legal-mobilization-platform>> accessed 15 June 2024.

47 Wendy Brown and Janet Halley (eds), *Left Legalism/Left Critique* (Duke University Press 2002) 4–7.

48 *Ibid.*, at 4.

gotiate disputes.⁴⁹ Shaheen Bagh is but one example of how legal words and practices carry powerful meanings not just for those trained in law but for laypersons as well.⁵⁰ How do we then approach legal mobilization by fluid, emergent and transitory actors like the assembly at Shaheen Bagh? I propose the category of ‘protest publics’ to pursue such an inquiry.

The idea of a public, as distinct from *the* public, has gained currency as a form of social organization in recent times (emphasis in original).⁵¹ While *the* public is a social totality which refers most commonly to people in general, a public consists of a group of people that emerges in relation to something specific.⁵² It is constituted by some sense of purpose and organizes around audio-visual ‘texts’ (such as speeches, books, debates, among others) that both create and circulate its discourse.⁵³ A public thus self-creates and self-organizes; it is ‘a space of discourse organized by nothing other than discourse itself’.⁵⁴ A public is also necessarily a relation among strangers, a feature implied by its self-organizing quality.⁵⁵ Publics are emergent and not yet fully developed in nature.⁵⁶ They ‘break out’ around problems, issues or processes that are not easily anticipated.⁵⁷ Their dynamic nature makes it difficult, if not impossible, to locate a central ‘who’ in their formation.⁵⁸ A public may thus be understood as a discursive space produced by practice.⁵⁹ Though described as ‘potent ideological figure[s] of democratic imagination’,⁶⁰ publics are not democratic by definition and could even be explicitly anti-democratic and anti-egalitarian in orienta-

tion.⁶¹ Publics signal the growth of discursive contestation,⁶² of which protest publics are an example. Protest publics are spontaneously self-organized peaceful assemblies comprised of strangers who inhabit public spaces and engage in reflexive activities grounded in their shared experience of protest.⁶³ Like publics, protest publics are emergent in nature, as opposed to being ‘pre-existing, readily identifiable and available to be mobilized’.⁶⁴ They emerge in response to and organize around a ‘troubling message’, which is typically an action of the state that elicits a joint reaction from members of the general public who find it concerning.⁶⁵ Protest publics are geared towards societal change and develop ‘alternative poetic discourses about the “other world possible”’.⁶⁶ Such discourses can mobilize their audience into pursuing the requisite structural change and even ensure that the public’s protest remains influential after it ends.⁶⁷ The nature of a protest public’s organization and the tactics it employs depend on the discourse which resulted in its emergence. Such a discourse also lends the protest its shared identity. For Belyaeva and Albert, the transformative power of protest publics lies in their discursive practices.⁶⁸

Protest publics engage in meaningful protest without prior organization or an established shared identity.⁶⁹ They ‘come to voice’ or assume a form as they generate the material and discursive conditions of their exist-

- 49 McCann (2006), above n. 21, at xii.
- 50 Sally Engle Merry, *Getting Justice and Getting Even: Legal Consciousness Among Working-Class Americans* (The University of Chicago Press 1990) 9; see generally Laura Beth Nielsen, ‘Situating Legal Consciousness: Experiences and Attitudes of Ordinary Citizens About Law and Street Harassment’ (2000) 34(4) *Law & Society Review* 1055; Patricia Ewick and Susan S. Silbey, *The Common Place of Law: Stories from Everyday Life* (The University of Chicago Press 1998).
- 51 Michael Warner, *Publics and Counterpublics* (Zone Books 2002) 66.
- 52 *Ibid.*, at 65-66.
- 53 Lee Weng Choy, ‘The Youths of Both Sexes: Target Audiences and Biennale Publics’ (2011) 40(1) *Broadsheet* 59; W.F. Hanks, ‘Text and Textuality’ (1989) 18 *Annual Review of Anthropology* 95, 95-96. For more on ‘texts’, see generally K. Barber, *The Anthropology of Texts, Persons and Publics* (Cambridge University Press 2007); Warner, above n. 51, at 67-68; Belyaeva, above n. 24, at 16.
- 54 Warner clarifies that such circularity is essential to the operation of publics for they are ‘conjured into being’ to enable the very discourse that creates them: Warner, above n. 51, at 67.
- 55 *Ibid.*, at 55-56.
- 56 Nick Mahony and John Clarke, ‘Public Crises, Public Futures’ (2013) 27(6) *Cultural Studies* 933, 948.
- 57 Clive Barnett, ‘Theorising Emergent Public Spheres: Negotiating Democracy, Development, and Dissent’ (2014) 46(1) *Acta Academica* 1, 15.
- 58 Debra Spitulnik Vidali and Thomas Tufte, ‘Introduction: Civic Mediations’ (2014) 15(1) *Ethnography* 5, 7.
- 59 Amahl A. Bishara, ‘Publics, Polls, Protest: Public Representation as Sociopolitical Practice’ (2023) 52 *Annual Review of Anthropology* 437, 438.
- 60 Karen Strassler, *Demanding Images: Democracy, Mediation, and the Image-Event in Indonesia* (Duke University Press 2020) 16.

- 61 According to Fraser, even those publics with egalitarian objectives may participate in or perpetrate their own forms of exclusion and marginalization: see Nancy Fraser, ‘Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy’ (1990) 25/26 *Social Text* 56, 67.

- 62 *Ibid.*

- 63 Belyaeva, above n. 24, at 15-17.

Spontaneity here may be understood as protest behaviour that is unplanned, unintended or not organized in advance of its occurrence. Snow and Moss explain that spontaneity in such a context depends on the non-hierarchical organization of a protest: see David A. Snow and Dana M. Moss, ‘Protest on the Fly: Toward a Theory of Spontaneity in the Dynamics of Protest and Social Movements’ (2014) 79(6) *American Sociological Review* 1122, 1123.

Belyaeva and others understand ‘self-organization’ as organization that is independent from state and other pre-organized structures like political parties, universities, trade unions or churches: Belyaeva, above n. 24, at 14. However, members of organizations, for instance, a university student or a political party member, can be a part of such publics so long as the public in question is not created through or dictated by their influence. It must be noted, likewise, that a protest public can subsequently form its own structures, modes and channels of organization. The quality of self-organization in a protest is inextricably linked with spontaneity and non-hierarchical planning: see Heather McKnight, ‘Chaos and Hope: Nano-Utopian Moments of Activist Self-Organisation’ (2020) 10(1) *Excursions* 33, 44.

Protest publics are peaceful by definition, as per the criteria laid down by the authors: see Belyaeva, above n. 24, at 15-17.

- 64 Mahony and Clarke, above n. 56, at 933; Belyaeva, above n. 24, at 15.

- 65 Belyaeva, above n. 24, at 16.

- 66 *Ibid.*, at 25-26.

- 67 Belyaeva and Albert, above n. 41, at 301.

- 68 Sanjay Kumar Rajhans, ‘The Transforming Role of Protest Publics in Processes of Sociopolitical Change in the Global South and Southern Europe: From Occasional Challengers to Institutionalized Watchdogs’ in Nina Belyaeva, Victor Albert and Dmitry G. Zaytsev (eds), *Protest Publics: Toward a New Concept of Mass Action* (Springer 2019).

- 69 Belyaeva, above n. 24, at 11; Mahony and Clarke, above n. 56, at 948.

ence.⁷⁰ They embody a publicness that is reflexive and creative and exhibit agency once its members collect and protest together.⁷¹ Determining whether a protest qualifies as a protest public involves examining the ‘troubling message’ which resulted in its emergence as well as its interpretation by members of the protest public; assessing whether it organized independently from formerly organized structures; identifying the public spaces where its unique discourse was produced and circulated; assessing the ‘intensiveness and regularity’ of its discourse exchange; and evaluating the creative vision of the ‘alternative world’ that its public represents.⁷² The following discussion analyses Shaheen Bagh as a protest public based on these criteria.

3 The Protest Public of Shaheen Bagh

‘Hum leke rahenge!
Azaadi!
Hum kya chahte hai?
Azaadi!’
‘We shall certainly have,
Freedom!
What do we want?
Freedom!’⁷³

One could hear this resounding call for *azadi* (freedom, from CAA) from afar Shaheen Bagh every other day in December 2019.⁷⁴ Shaheen Bagh was the site of the hundred-and-one-day-long assembly led by elderly Muslim women protesting CAA. CAA expedites the acquisition of Indian citizenship for religious communities fleeing religious persecution, except Muslims, from the Muslim-majority countries of Afghanistan, Bangladesh and Pakistan.⁷⁵ Many believe that CAA is predicated on the

prejudicial assumption that Muslims only persecute and are not persecuted and entrenches a majoritarian and exclusionary regime of citizenship in the country.⁷⁶ While the ruling government justified CAA as a protective measure intended for the protection of religious minorities from neighbouring countries,⁷⁷ many argue that it violates the constitutional guarantee of equality as it excludes Muslims from this accelerated route to citizenship.⁷⁸ Some also believe that it threatens the secular ethos of the Indian Constitution by introducing religion as a criterion in the determination of citizenship.⁷⁹ Others question why it addresses only religious and not other forms of persecution and why it does not include other vulnerable communities from neighbouring countries, such as the Tamils in Sri Lanka or the Rohingyas in Myanmar, in view of its oft-quoted legislative rationale.⁸⁰

Significantly, it was only months before the enactment of CAA that the National Register of Citizens (NRC) was concluded in August 2019.⁸¹ This citizenship verification exercise in Assam (a state in Northeast India), aimed ostensibly at tackling the issue of illegal migration, rendered those who could not produce the relevant documents ‘illegal migrants’ under The Citizenship Act 1955

ents. A significant revision was made to the 1955 Act in 2004 through The Citizenship (Amendment) Act 2003. The 2003 Act introduced the category of ‘illegal migrant’ into the law and restricted citizenship by birth to either those both of whose parents are Indian citizens or one of whose parents is an Indian citizen provided the other is not an ‘illegal migrant’. An ‘illegal migrant’ is a foreigner who has entered India without valid travel documents or exceeded the permitted duration of their stay as per section 2 of the 2003 Act.

Section 2 of CAA revised the 1955 Act by exempting ‘any person belonging to Hindu, Sikh, Buddhist, Jain, Parsi or Christian community from Afghanistan, Bangladesh or Pakistan’ who entered India on or before 31 December 2014 from being considered an ‘illegal migrant’ under it. Furthermore, under section 6(1) and the Third Schedule of the 1955 Act, the requirement of residence or working in service of the Indian government to apply for citizenship by naturalization is 11 years. Section 6 of CAA reduced this requirement to 5 years for the specified religious communities.

Simply put, CAA eases access to Indian citizenship for the specified religious communities, to the exclusion of Muslims.

76 Hashmi, above n. 73, at 4.

77 The incumbent Prime Minister celebrated the enactment of CAA on X: ‘A landmark day for India and our nation’s ethos of compassion and brotherhood! Glad that the #CAB2019 has been passed in the #RajyaSabha. Gratitude to all the MPs who voted in favour of the Bill. This Bill will alleviate the suffering of many who faced persecution for years’: Narendra Modi (X, 11 December 2019) <<https://x.com/narendramodi/status/1204788395613966336>> accessed 16 June 2025.

78 Mohsin Alam Bhat, ‘Stateless and Hyperlegalized’ (*The Baffler*, 3 January 2020) <<https://thebaffler.com/logical-revolts/stateless-and-hyperlegalized-alam>> accessed 18 February 2023; Farrah Ahmed, ‘Arbitrariness, Subordination and Unequal Citizenship’ (2020) 4(2) *Indian Law Review* 121; Abhinav Chandrachud, ‘Secularism and the Citizenship Amendment Act’ (2020) 4(2) *Indian Law Review* 138.

79 See Narender Nagarwal, ‘The Citizenship Amendment Act 2019: An Insight through Constitutional and Secularism Perspective’ (2021) 57(8) *Journal of Asian and African Studies* 1562.

80 ‘Citizenship and the Idea of India’ (2020) 39(1) *Common Cause* 1, 26 <https://www.commoncause.in/pdf/jan_mar2020/Common-Cause-Journal-January-March-2020.pdf> accessed 15 May 2025.

81 ‘Office of the State Coordinator of National Registration (NRC), Assam’ (*Government of Assam*, 2014) <<https://www.nrcassam.nic.in/index-M.html>> accessed 24 June 2025; Adil Hasan Khan, ‘India and Statelessness’ (2021) 3(1) *The Statelessness & Citizenship Review* 176, 177.

70 Warner, above n. 51, at 51; Belyaeva, above n. 24, at 14. Mahony and Clarke eloquently provide how such publics are capable of ‘cooperation, hope, argument, identification in difference, organisation, negotiation, empathy, care, interdependency, conscious individual and collective decision-making and even creativity and innovation’: see Mahony and Clarke, above n. 56, at 948.

71 *Ibid.*

72 Belyaeva, above n. 24, at 17-18.

73 Roughly translated from Hindi, one of the official languages of India. This slogan is popularly used during protests in the country and signifies a demand for freedom from a variety of injustices and oppressive structures. See Suresh Mathew, ‘Kamla Bhasin on the Origin of the Slogan “Azaadi!”’ (*The Quint*, 11 January 2020) <<https://www.thequint.com/news/india/the-origin-of-azaadi-slogan-kamla-bhasin-pakistan-feminist-movement#read-more>> accessed 14 March 2024; Fahad Hashmi, ‘Citizenship, Religion, and the Politics of Belonging: A Case Study of Shaheen Bagh’ (2022) 28 *South Asia Multidisciplinary Academic Journal* 1, 13.

74 Hashmi, above n. 73, at 13.

75 The Citizenship Act 1955 is the primary legislation governing the acquisition and determination of Indian citizenship and lays down five different ways of attaining Indian citizenship, namely, by birth, descent, registration, naturalization and as a result of territorial changes. The 1955 Act underwent several amendments before being revised through CAA in 2019. It was first revised in 1986, before which every person born in India from 1950 (the year of the Constitution’s enactment) was considered to be an Indian citizen irrespective of the citizenship status of their par-

and excluded nearly 2 million people from the ambit of Indian citizenship, producing the world's largest group of stateless persons.⁸² This devastating outcome left a deep imprint on people's minds and made them fear incarceration in detention centres being built for those without sufficient documentation proving their citizenship.⁸³ The government subsequently proposed to extend NRC to the rest of the country through the National Population Register (NPR), intended as an exhaustive list of Indian citizens which would empower the government to filter 'refugees' from *ghuspaithiye* (infiltrators).⁸⁴ The successful implementation of NPR would force Indians into the 'esoteric alleys of documentary proof' and subject them to unbridled executive discretion in the conferral of citizenship.⁸⁵

On 13 December 2019, a day after CAA was passed as an Act of Parliament, hundreds of students from the university of Jamia Millia Islamia (JMI) in New Delhi gathered outside its premises to protest.⁸⁶ This gathering was forcefully impeded by the police as students were beaten up, lathi-charged and teargassed.⁸⁷ Two days later, on 15 December, the protests by the students of JMI and Aligarh Muslim University (AMU) were likewise shut down by police officials with brutal and disproportionate force.⁸⁸ The disturbing incidents of police brutality against students and the 'crisis of citizenship' produced by the CAA-NRC-NPR triad led around 10 to 15 women and some men to organize an indefinite, peaceful sit-in later that evening.⁸⁹ The protest site, initially a small patch on the G. D. Birla Marg, gradually evolved into a kilometre-long compound covered in protest art and popularly became known as Shaheen Bagh (named after the predominantly Muslim neighbourhood situated adjacent to it).⁹⁰

82 Bhat, above n. 78.

83 Hashmi, above n. 73, at 10.

84 Express News Service, 'NRC Will Come in Future but No Draft Yet, Says BJP's Trivedi' (*The Indian Express*, 4 January 2020) <<https://indianexpress.com/article/india/nrc-will-come-in-future-but-no-draft-yet-says-bjps-trivedi-amit-shah-modi-ravi-shankar-prasad-6198707/>> accessed 7 June 2025; Madabhushi Sridhar, 'Myths & Truths of CAA's Link with NRC-NPR' (*Countercurrents.org*, 24 January 2020) <<https://countercurrents.org/2020/01/myths-truths-of-caas-link-with-nrc-npr-1/>> accessed 5 February 2023; Bhat, above n. 78.

85 Bhat, above n. 78.

86 Supriti David, 'The World Moves on, but We're Stuck in the Same Evening': Remembering the Jamia Violence of 2019' (*NewsLaundry*, 17 December 2021) <<https://www.newsLaundry.com/2021/12/17/the-world-moves-on-but-were-stuck-in-the-same-evening-remembering-the-jamia-violence-of-2019/>> accessed 12 May 2025.

87 'Bloody-Sunday 2019: Police Brutalities at Jamia University 13-15 December 2019' (*People's Union for Democratic Rights*, 26 December 2019) <<https://www.pudr.org/publications/bloody-sunday-2019-police-brutalities-at-jamia-university-13-15-december-2019/>> accessed 12 May 2025.

88 'India Police Storm Jamia, AMU to Break Citizenship Law Protests' (*Al Jazeera*, 16 December 2019) <<https://www.aljazeera.com/news/2019/12/16/india-police-storm-jamia-amu-to-break-citizenship-law-protests>> accessed 2 June 2025.

89 Arun Sagar and Oishik Sircar, 'The Crisis of Citizenship in Our Time' (2021) 12 *Jindal Global Law Review* 1; Ziya Us Salam, 'The CAA Protests and the Birth of the Shaheen Bagh Movement' (*The Hindu*, 20 March 2024) <<https://www.thehindu.com/books/the-cao-protests-and-the-birth-of-the-shaheen-bagh-movement/article67968206.ece>> accessed 20 July 2025.

90 Hashmi, above n. 73, at 1.

3.1 The 'Troubling Message' and Its Interpretation by the Public

The entrenchment of a non-secular and exclusionary citizenship in India through CAA and the incidents of indiscriminate police violence against students and Muslims that followed in its wake constituted the 'troubling message' for Shaheen Bagh.⁹¹ The outcome of NRC in Assam, moreover, left a deep imprint on the minds of the people as they feared incarceration in detention centres being built for 'illegal migrants' or those without sufficient documentation proving their identity as Indian citizens.⁹² As a public outcry against CAA and NRC began to envelop the country, elderly Muslim women – frequently described as *daadis* (grandmothers) – took it upon themselves to express public dissent against the imminent threats of statelessness, deportation and internment.⁹³

The protestors at Shaheen Bagh were unanimous in their belief that CAA was discriminatory against Muslims and violated the Constitution of India.⁹⁴ Articles 14, 15 and 25 of the Constitution, which guarantee respectively the rights to equality and equal protection of the law, freedom from discrimination and freedom of religion, were particularly influential in shaping their understanding of CAA.⁹⁵ Bilkis Bano, the 82-year-old woman who became one of the spokespersons of the protest at Shaheen Bagh, said in one of her interviews, 'Even if I died, I want to make sure that our children remained sure of a future as equal citizens of India'.⁹⁶ Nausheen, another 68-year-old woman, expressed how she was disturbed by the spread of the Hindutva ideology under the governance of the ruling political party.⁹⁷ She was afraid that the ruling party would continue to suppress the rights of Muslims in India if people did not speak up against it.⁹⁸ Firdaus Shafiq, who had never been part of a protest before, mentioned 'We've been forced to protest

91 *Ibid.*, at 4.

92 *Ibid.*, at 10-11.

93 Shoma Choudhury Lahiri, 'Women's Struggles Over Religion and Citizenship in Contemporary India' (2021) 29(2) *Contemporary South Asia* 281, 283.

94 Hashmi, above n. 73, at 10.

95 The Constitution of India 1950, above n. 43, Arts. 14, 15 and 25.

96 Alisha Ibkar, 'Protest and Serve' (*The Sociological Review*, 8 August 2023) <<https://thesociologicalreview.org/magazine/august-2023/strikes-and-care/protest-and-serve/>> accessed 8 January 2026.

97 Hindutva is an ethnonationalist political ideology which defines the cultural identity of India in terms of the Hindu religion and is committed to transforming India into a Hindu *rashtra* (nation). The term 'Hindutva' was first defined in the early 1920s by Indian nationalist activist and politician Vinayak Damodar Savarkar. It is currently most closely associated with the *Bharatiya Janata Party* (BJP), one of the main political parties in India, and the *Rashtriya Swayamsevak Sangh* (RSS), a Hindu nationalist organization: see Sanat Pai Raikar, 'Hindutva' (*Britannica*, 11 January 2026) <<https://www.britannica.com/topic/Hindutva>> accessed 13 January 2026; Angana P. Chatterjee, 'Anatomy of Unbelonging: Hindutva Citizenship and Muslim Dispossession' (*The Wire*, 3 April 2024) <<https://thewire.in/government/the-anatomy-of-unbelonging-cao-nrc-and-muslim-dispossession>> accessed 27 June 2025; Kiran Vinod Bhatia, 'The Revolution Will Wear Burkas and Bangles': Feminist Care and Politics at Shaheen Bagh' (2021) 37(2) *Journal of Feminist Studies in Religion* 143, 143.

98 Bhatia (2021), above n. 97, at 143.

because of the government'.⁹⁹ She added, 'If we fail to prove our citizenship, we would either be put into a detention centre or banished from the country. So, it's better to struggle for our rights now'.¹⁰⁰ The collective goal of upholding equality and secularism encouraged the protestors to forge a united front of resistance against CAA.¹⁰¹

3.2 Nature of Organization

The public at Shaheen Bagh was both intergenerational and intersectional as people (as many as 2000 on most days) from across different ages, classes, castes and religions of the country frequented the protest site.¹⁰² The protest witnessed participation from a host of groups, including students, activists, public figures and artists. Majority of the protestors were strangers to one another and did not have any prior experience of protesting.¹⁰³ The public of Shaheen Bagh was autonomous and had organized itself independently of state institutions and other pre-organized structures. It also deliberately distanced itself from religious and political leaders.¹⁰⁴ Though the protest was supported by university students, student unions and women's organizations who were welcome to give speeches on stage or work backstage in the protest's day-to-day organizing, it remained led by a diffuse set of women.¹⁰⁵

3.3 Expression and Circulation of Discourse in Public Spaces

The protest initially began as a small sit-in within a tent and soon grew into a large compound covered in protest art.¹⁰⁶ The protest site had a stage and a tented, carpeted area for women in the front (men sat at the back and the elderly on folding chairs on the sides).¹⁰⁷ An overbridge alongside the site was transformed into a makeshift photo gallery, adorned with handwritten poems, caricatures, cartoons and paintings depicting people's angst against CAA/NRC.¹⁰⁸ Replicas of monuments like India Gate and similar other installations were erected.¹⁰⁹ A

mock detention camp made out of steel was built under the footbridge, displaying the anticipated horrors of NRC and people's fear of incarceration.¹¹⁰ A 35-foot tall iron and mesh map of India was also constructed at the protest site with the phrase 'We, the people of India, reject CAA-NPR-NRC' written on it (see Figure 1).¹¹¹ A giant printout of the Wikipedia page of the Shaheen Bagh protest was placed to highlight the significance of the protest for those visiting it.¹¹²

Two libraries – 'Fatima Sheikh-Savitribai Phule Library' and 'Read for India' – were set up at the protest site where visitors donated books and art supplies.¹¹³ These created a safe space for people to freely debate issues relating to citizenship, religion and the Constitution and linked education to resistance (Figures 2 and 3).¹¹⁴ The libraries featured posters of Dalit feminist Babytai Kamble, Urdu novelist Qurratulain Hyder and American Civil Rights activist Rosa Parks, among others, to highlight the historic significance of women's participation in social reform movements.¹¹⁵ The protestors, through song and art, also celebrated figures like Dr B.R. Ambedkar, Chairman of the Indian Constitution's Drafting Committee; social reformer and educator Savitribai Phule; and poets and freedom fighters like Hasrat Mohani, Bismil Azimabadi and Faiz Ahmed Faiz, as a reminder of the important role played by historically marginalized communities like Dalits and Muslims in shaping India.¹¹⁶

The protestors took up the varied responsibilities of maintaining the protest site and helped one another with domestic responsibilities.¹¹⁷ Zabin, a student and member of the voluntary organizing committee at Shaheen Bagh, said:

<<https://dhaaramagazine.in/2021/03/25/monumentalising-the-streets-of-delhi-protest-scenes-from-shaheen-bagh-and-jamia-millia-islamia/>> accessed 12 September 2024. The names of protestors who died in the anti-CAA protests, which erupted across 14 different states in the country, were inscribed on the India Gate replica: Hashmi, above n. 73, at 13-14.

110 Bhakuni, above n. 109.

111 This phrase was inspired by the Preamble of the Indian Constitution which reads as 'We, the People of India, having solemnly resolved to constitute India into a ... secular democratic republic ... do hereby adopt, enact and give to ourselves this Constitution': see The Constitution of India 1950, above n. 43; Bhakuni, above n. 109.

112 Sujatha Subramanian, 'Icons and Archive of the Protests Against the Citizenship (Amendment) Act and the National Register of Citizens' (2021) 37(2) *Journal of Feminist Studies in Religion* 127, 130-132.

113 Subramanian, above n. 112, at 130-132.

114 Lahiri (2021), above n. 93, at 285; Laila Kadiwal, 'Feminists Against Fascism: The Indian Female Muslim Protest in India' (2021) 11(793) *Education Sciences* 1, 16.

115 Mustafa Quraishi and Appu Ajith, 'Standing Their Ground: Documenting the Daily Resistance at Shaheen Bagh' (*The Caravan*, 1 February 2020) <<https://caravanmagazine.in/photo-essay/standing-their-ground>> accessed 2 June 2025.

116 Kadiwal, above n. 114, at 16.

117 Bhatia (2021), above n. 97, at 146; Syed Mohammed Faisal, 'Shaheen Bagh and the Hermeneutics of Muslim Identity in South Asia' (2020) 10(3) *HAU: Journal of Ethnographic Theory* 767, 771.

99 'Shaheen Bagh: The Women Occupying Delhi Street Against Citizenship Law' (BBC, 4 January 2020) <<https://www.bbc.com/news/world-asia-india-50902909>> accessed 13 December 2025.

100 *Ibid.*

101 Bhatia (2021), above n. 97, at 148.

102 Syeda Hameed, 'The Brave Women of Shaheen Bagh' (*The Wire*, 23 December 2019) <<https://thewire.in/women/caa-nrc-protests-shaheen-bagh>> accessed 11 January 2024.

103 Deepta Chopra, 'The Resistance Strikes Back: Women's Protest Strategies Against Backlash in India' (2021) 29(2-3) *Gender & Development* 467, 470-471; Hashmi, above n. 73, at 13.

104 Lahiri, above n. 93, at 285.

105 *Bharatiya Muslim Mahila Andolan, Pinjra Tod* and National Women's Association were some organizations that joined and collaborated with the Shaheen Bagh protestors: see Chopra (2021), above n. 103, at 476.

106 Surabhi Chopra, 'Asserting Citizenship, Claiming Space' in Amy Barrow and Sara Fuller (eds), *Activism and Authoritarian Governance in Asia* (Routledge 2022).

107 *Ibid.*

108 Hashmi, above n. 73, at 13.

109 A pre-independence war memorial dedicated to the soldiers of the British Indian Army which transformed into a martyrs' memorial through the 'Amar Jawan Jyoti' ('Flame of the Immortal Soldiers') in independent India: See Tanuja Bhakuni, 'Monumentalising the Streets of Delhi: Protest Scenes from Shaheen Bagh and Jamia Millia Islamia' (*Dhaara*, 25 March 2021)

Figure 1 The overbridge at the protest site bedecked with art made by the protestors to express their angst against CAA.



Photo by Raghu Karnad, 'Shaheen Bagh on Republic Day.'

The Wire Staff, 'In Photos: Republic Day at Shaheen Bagh' (*The Wire*, 27 January 2020) <<https://thewire.in/rights/in-photos-republic-day-at-shaheen-bagh>> accessed 28 July 2025.

Figures 2 and 3: The libraries at the protest site.



Photos by Mustafa Quraishi and Elizabeth Puranam respectively.

Quraishi and Ajith, above n. 115. Elizabeth Puranam, 'Why Shaheen Bagh protests are an important moment in India's history' (*Al Jazeera*, 3 February 2020) <<https://www.aljazeera.com/features/2020/2/3/why-shaheen-bagh-protests-are-an-important-moment-in-indias-history>> accessed 29 July 2025.

Women here are building each other! We are all scared for our life and safety, and we continue to strive and help each other. Someone brings food, someone offers blankets and cups of tea on a cold night, while others ensure that the protestors maintain their composure in the face of increasing police brutality and suppression.¹¹⁸

The sit-in was sustained by mutual care and support from women lawyers, doctors and activists who offered their services free of cost.¹¹⁹ It also received support

from other groups as it grew in size: farmers from Punjab and Haryana (in Northern India) held *langars* (communal kitchens) for everyone, a women's Adivasi rights group from Jharkhand (in Eastern India) expressed their solidarity by joining the protests and the landlords did not take rent from the shop owners on the adjoining G.D. Birla Marg throughout the duration of the sit-in.¹²⁰ The provision of multi-faith prayer at the protest site also allowed different groups to transcend their religious identities and forge solidarities with one another.¹²¹ The protest was characterized by women's solidarity and an ethic of care which helped the protestors highlight the significance of their resistance against the

118 Bhatia (2021), above n. 97, at 147.

119 Doctors from the community set up a tent to give free consultations and medication for minor ailments to the protestors and their families. Local lawyers likewise set up a tent to offer legal advice to the protestors following arrests and petitions being filed against the protest: Ibkar, above n. 96; Bhatia (2021), above n. 97, at 146.

120 Hashmi, above n. 73, at 15.

121 Subramanian, above n. 112, at 132.

backdrop of increased violence against Muslims in India.¹²²

3.4 Intensiveness and Regularity of Discourse Exchange

The protest site was busiest in the evenings as people from both Shaheen Bagh and outside gathered then.¹²³ Women protestors ‘rotated’ throughout the day; while some would finish household chores in the morning to join the protest for the rest of the day, others would go to their jobs during the day and come back either at late evenings or early mornings.¹²⁴ The main area was never empty as the elderly women stayed continuously at the protest site.¹²⁵

The protest strategies at Shaheen Bagh developed organically, in keeping with its decentralized and diverse leadership.¹²⁶ Awareness about the protest was spread through both traditional media, albeit distortedly, and social media by activists, students and others.¹²⁷ Social media and word-of-mouth messages were integral in drawing out support and attention to Shaheen Bagh and helped the voice of the protest reach a wider audience.¹²⁸ Within weeks of the sit-in, the protest developed signs of a movement, as ‘a stir had become a call for social awakening’.¹²⁹ It drew large crowds and media attention, eventually garnering the support of more than 100,000 people.¹³⁰ Through their conversations, discussions, performances, speeches, sloganeering and protest art, the public of Shaheen Bagh ensured a constant flow of information and debate and consistently propagated their discourse. The digital circulation of the protest inspired similar women-led sit-in protests across India, effectively spreading the movement’s discourse nationwide.¹³¹

3.5 Poetic Vision of the ‘Alternative World’

Although the sit-in by the women of Shaheen Bagh was the fundamental form of the protest, its essence, however, far transcends its physical form. Shaheen Bagh is no longer just a physical space, but an idea, a warm sentiment, a symbol of indefatigable spirit and democratic force.¹³²

This was posted by the official X (then *Twitter*) handle of Shaheen Bagh on 24 March 2020, after the protest site had been evacuated. It embodies the hope that Shaheen Bagh generated in Indians – that they could alter their feared fate (loss of citizenship and consequent incarceration) through democratic engagement with the political regime – and reflects the protesters’ vision of a secular and peaceful India. The women of Shaheen Bagh showed that a united, inclusive India is possible, that it existed at least in the small space they had occupied.¹³³ Najrana, a 45-year-old social activist who was actively involved at Shaheen Bagh, believed that the protest was ‘living evidence to the possibility of a truly secular India’.¹³⁴ The public of Shaheen Bagh preserved the possibility of inclusive citizenship as it imagined and brought together a ‘coalitional form of universal citizenship’, based on ‘connections across marginalisations’.¹³⁵ Through their conversations, discussions, performances and art, the protestors at Shaheen Bagh generated the vision of a new India in which questioning the government, working together as citizens and challenging discrimination and hatred through peaceful ways were the new normal.¹³⁶

This part presents the protest at Shaheen Bagh as a protest public. The following analysis explores how the protest public of Shaheen Bagh creatively mobilized law, against the government’s attempts to quash their peaceful protest, to advance its discourse and presents it as an instance of legal mobilization.

4 Being With and Against Law: Legal Mobilization at Shaheen Bagh, 2019-2020

Law, as a social institution, is indeterminate and embedded within social relations.¹³⁷ It is a pivotal site of contestation, shaped disproportionately by powerful social, economic and political forces that perpetuate structural inequalities.¹³⁸ Scholars underscore the importance of understanding how people interpret law to explain legal

122 Bhatia (2021), above n. 97, at 146-147.

123 Chopra (2021), above n. 103, at 474.

124 *Ibid.*

125 *Ibid.*

126 Chopra (2021), above n. 103, at 472.

127 Omer Fayaz and Rayees Amin, ‘How Rightwing Media Outlets’ Obsession with Shaheen Bagh Led to False Reporting’ (*The Wire*, 11 March 2020) <<https://thewire.in/media/rightwing-media-channels-shaheen-bagh>> accessed 16 January 2026.

128 Chopra (2021), above n. 103, at 482.

129 Ziya Us Salam and Uzma Ausaf, *Shaheen Bagh: From a Protest to a Movement* (Bloomsbury 2020).

130 Ibkar, above n. 96.

131 Salam and Ausaf, above n. 129.

132 Shaheen Bagh Official (X, 24 March 2020) <<https://twitter.com/Shaaheenbaghoff1/status/1242434958523760643?cxt=HHwWhoCw9eKAg4iAAAA>> accessed 17 August 2022; Seema Mustafa, ‘Afterword’ in Seema Mustafa (ed.), *Shaheen Bagh and the Idea of India* (Speaking Tiger 2020).

133 Mustafa, above n. 132.

134 Bhatia (2021), above n. 97, at 144.

135 Meenakshi Gopinath et al., ‘Voicing Democracy and Reclaiming Citizenship: A Dialogic Conversation about Shaheen Bagh’ in Meenakshi Malhotra, Krishna Menon and Rachana Johri (eds), *The Gendered Body in South Asia* (Routledge India 2023).

136 Bhatia (2021), above n. 97, at 148.

137 Michael W. Yarbrough, Corey S. Shdaimah and Steven A. Boutcher, ‘Introduction to the *Research Handbook on Law, Movements and Social Change*: On “legitimate political discourse” in the global twenty-first century’, in Steven A. Boutcher, Corey S. Shdaimah and Michael W. Yarbrough (eds), *Research Handbook on Law, Movements and Social Change* (Edward Elgar Publishing Limited 2023) 13.

138 Michael McCann and George Lovell, *Union by Law: Filipino American Labor Activists, Rights Radicalism, and Racial Capitalism* (University of Chicago Press 2020) 366; Molavi, above n. 29, at 49. It is also important to understand the political context in which law is mobilized as well as the social location of those mobilizing it: see Yarbrough, Shdaimah and Boutcher, above n. 137, at 6.

mobilization.¹³⁹ Ewick and Silbey provide that people view law as ‘something before which they stand, with which they engage, and against which they struggle’.¹⁴⁰ The story of legal mobilization at Shaheen Bagh is as much one of peaceful resistance as it is of violence. The following discussion narrates this story as I first explore how protestors struggled against law, as it was used to stifle democratic dissent during the anti-CAA/NRC protests across India. I then analyse how they creatively engaged with law to protect and sustain their protest.

4.1 Law as Sword: Freedom of Peaceful Assembly Under Siege

The expression of civic dissent is collectively enshrined under Articles 19(1)(a) and (b) of the Indian Constitution, which guarantee respectively freedom of speech and expression and ‘to assemble peaceably’.¹⁴¹ Article 19(3) permits the imposition of reasonable restrictions on the freedom of peaceful assembly on two grounds, namely to protect the sovereignty and integrity of India and to maintain public order.¹⁴² Shaheen Bagh emerged in response to CAA and the violence inflicted by the police on the protesting students from JMI and AMU between 13 and 15 December 2019. On 19 December, civil society and community organizations called for an all-India protest against CAA which led to demonstrations in different parts of the country.¹⁴³ Orders under section 144 of the then The Code of Criminal Procedure 1973 (CrPC) were imposed in parts of New Delhi and across all of Uttar Pradesh and Karnataka (in Southern India) to prevent people from gathering in large numbers.¹⁴⁴ Section 144 empowers the issuance of orders restricting movement or prohibiting gatherings of four or more people, among others, and is often used to quash dissent.¹⁴⁵ While intended for ‘urgent cases of nuisance or apprehended danger’, in reality, the provision often operates as a blanket prohibition and gravely

restricts the freedom of movement and peaceful assembly.¹⁴⁶

The anti-CAA protests in Uttar Pradesh drew particular attention for sustaining casualties as the police opened fire on protestors in several districts, killing 22 Muslims and injuring hundreds of others.¹⁴⁷ The state government responded to the protests with mass arrests, arresting more than 1,500 people within the first 10 days.¹⁴⁸ It also issued notices to approximately 350 people to recover damages for the alleged destruction of public property during the protests.¹⁴⁹ People were also charged under different provisions of the then The Indian Penal Code 1860 for protesting against CAA.¹⁵⁰ In January 2020, the Jharkhand government registered criminal complaints against more than 3,000 protestors under ‘sedition’, among other charges.¹⁵¹ Like section 144, CrPC, the provision on sedition is routinely used to arrest journalists, activists and human rights defenders for expressing their views.¹⁵² As people demonstrated publicly, internet services were suspended in various cities in Uttar Pradesh and other states.¹⁵³ The police in New Delhi and Uttar Pradesh also used facial recognition technology to identify ‘habitual protestors’ and stigmatize the protests.¹⁵⁴ The use of such technology in the absence of a regulatory framework raises con-

139 Lisa Vanhala, ‘Is Legal Mobilization for the Birds? Legal Opportunity Structures and Environmental Nongovernmental Organizations in the United Kingdom, France, Finland, and Italy’ (2018) 51(3) *Comparative Political Studies* 380, 380; Alf Gunvald Nilsen, Kenneth Bo Nielsen and Anand Vaidya, ‘Theorizing Law, Social Movements, and State Formation in India’ (2022) 42(1) *Comparative Studies of South Asia, Africa and the Middle East* 20, 26.

140 Ewick and Silbey, above n. 50, at 49.

141 The Constitution of India 1950, above n. 43, Art. 19(1)(a), (b).

142 *Ibid.*, Art. 19(3).

143 Ahan Penkar, ‘“Orders Have Come from Higher Ups”: How the Police Detained a Bus of Anti-CAA Protestors’ (*The Caravan*, 20 December 2019) <<https://caravanmagazine.in/politics/anti-caa-protests-police-detentions-jnu>> accessed 29 July 2025.

144 The Code of Criminal Procedure 1973 was India’s primary law governing criminal procedure: see The Code of Criminal Procedure 1973 (India). It was replaced by the *Bharatiya Nagarik Suraksha Sanhita* in December 2023; Sruthisagar Yamanun, ‘Citizenship Act Protests: Why Sweeping Bans on Public Meetings in Entire States Are Illegal’ (*Scroll.in*, 19 December 2019) <<https://scroll.in/article/947275/citizenship-act>> accessed 2 December 2025.

145 Pallavi Singh, ‘Why 2 Courts Stopped Police from Using a Colonial Law’ (*Article 14*, 20 February 2020) <<https://article-14.com/post/why-2-high-courts-stopped-police-from-using-a-colonial-law>> accessed 2 December 2025.

146 Yamanun, above n. 144.

147 Madan B. Lokur, ‘We Need Accountability Jurisprudence to Check Abuse of Law by Officials of the State’ (*The Wire*, 5 October 2020) <<https://thewire.in/rights/accountability-jurisprudence-abuse-of-law-state-officials-rights>> accessed 2 December 2025.

148 Katelyn Burns, ‘Thousands Arrested Protesting a New Indian Citizenship Law that Excludes Muslims’ (*Vox*, 22 December 2019) <<https://www.vox.com/world/2019/12/21/21033083/india-muslim-protests-citizenship-amendment-bill-cab-caa>> accessed 15 May 2025.

149 Deeptiman Tiwary, ‘Protest Damage Notices: Uttar Pradesh Goes Where No State Has Gone Before’ (*The Indian Express*, 31 December 2019) <<https://indianexpress.com/article/india/protest-damage-notices-uttar-pradesh-goes-where-no-state-has-gone-before-6192271/>> accessed 7 January 2026.

150 The Indian Penal Code was the primary substantive criminal law legislation which defined offences and punishments for criminal offences: see The Indian Penal Code 1860 (India). It was replaced by the *Bharatiya Nyaya Sanhita* in December 2023; Anumeha Yadav, ‘How India Uses Colonial-Era Sedition Law Against CAA Protesters’ (*Al Jazeera*, 21 January 2020) <<https://www.aljazeera.com/news/2020/1/21/how-india-uses-colonial-era-sedition-law-against-caa-protesters>> accessed 8 January 2026.

151 The Indian Penal Code 1860, above n. 150, s 124A; Yadav, above n. 150.

152 ‘India: International Community Must Condemn Crimes Against Peaceful Protesters’ (*Amnesty International*, 3 March 2020) <<https://www.amnesty.org.au/india-states-must-condemn-human-rights-violations-against-peaceful-protesters/>> accessed 8 January 2026.

153 The Wire Staff, ‘Uttar Pradesh: 5 Killed in Anti-CAA Protests; ‘Not One Bullet Shot’, Says Police’ (*The Wire*, 20 December 2019) <<https://cms.thewire.in/rights/uttar-pradesh-5-killed-in-anti-caa-protests-not-one-bullet-shot-says-police>> accessed 2 May 2025; Sheikh Saaliq, ‘India Suspends Internet and Phone Services to Quell Protests’ (*AP News*, 21 December 2019) <<https://apnews.com/article/643423717f6494718e449dac441c3db9>> accessed 17 May 2025.

154 The Wire Staff, ‘Delhi Police Is Now Using Facial Recognition Software to Screen “Habitual Protestors”’ (*The Wire*, 29 December 2019) <<https://thewire.in/government/delhi-police-is-now-using-facial-recognition-software-to-screen-habitual-protestors>> accessed 7 January 2026; ‘Delhi, UP Police Use Facial Recognition Tech at Anti-CAA Protests, Others May Soon Catch Up’ (*India Today*, 18 February 2020) <<https://www.indiatoday.in/india/story/delhi-up-police-use-facial-recognition-tech-at-anti-caa-protests-others-may-soon-catch-up-1647470-2020-02-18>> accessed 7 January 2026; Chopra (2021), above n. 103, at 478.

cerns of mass surveillance and interferes with the freedoms of speech and expression, peaceful assembly, forming associations, movement as well as the right to privacy.¹⁵⁵ Further, this transfers the burden of exercising due caution during protests from the state and its authorities to the protestors, producing a chilling effect on the willingness to protest.¹⁵⁶

Some political leaders launched a vitriolic rhetorical crusade against the protest at Shaheen Bagh in the lead-up to the elections in New Delhi. This roused panic and triggered violence against the protestors as they were labelled ‘terrorists’ and ‘anti-nationals’ and were accused of being paid to protest.¹⁵⁷ A crowd of supporters at an election rally was led into chanting ‘*desh ke gaddaron ko, goli maaro saalon ko*’ (‘shoot traitors to the country’).¹⁵⁸ On another occasion, voters were encouraged to ‘Push the button with such force that the current makes the protesters leave Shaheen Bagh’.¹⁵⁹ The anti-CAA protests endured frequent police violence as a result and witnessed at least two instances of shootings in New Delhi within three days. On 30 January 2020, a student from JMI was shot at by a young man who shouted ‘*yeh lo azaadi*’ (‘here, take freedom’) before firing; *azadi* being a common slogan at the anti-CAA protests.¹⁶⁰ Almost two days later, another man fired shots in the air close to a large crowd at Shaheen Bagh while saying ‘This country is not for everyone. It’s only for Hindus’.¹⁶¹ In February 2020, horrific riots broke out between Hindu and Muslim groups, one of the worst instances of communal violence in India’s recent history, after the disruption of peaceful sit-ins in northeast Delhi by Hindu ethnonationalist mobs.¹⁶²

Months later, several young students and activists who had supported the protest at Shaheen Bagh were jailed

for ostensibly inciting violence in the riots and committing ‘terrorist act[s]’, amongst others, under the Unlawful Activities (Prevention) Act 1967.¹⁶³ Student activists Natasha Narwal and Devangana Kalita were granted bail by the High Court of Delhi more than a year later in June 2021.¹⁶⁴ The High Court held that

in its anxiety to suppress dissent and in the morbid fear that matters may get out of hand, the State has blurred the line between the constitutionally guaranteed “right to protest” and “terrorist activity”. If such blurring gains traction, democracy would be in peril.¹⁶⁵

The decision was appealed before the Supreme Court which decided that the High Court’s judgment was invalid and was a regrettable setback for the expression of democratic dissent in the country.¹⁶⁶ Others remained imprisoned and awaited trial for over five years.¹⁶⁷

Another such setback arrived in the form of the Supreme Court’s decision in *Amit Sahni v. Commissioner of Police & Ors (Amit Sahni)*.¹⁶⁸ Amit Sahni, a lawyer, first approached the Delhi High Court and then appealed to the Supreme Court, complaining that the Shaheen Bagh protest blocked several roads used by daily commuters travelling in the area.¹⁶⁹ The Supreme Court, in its decision, held that that the rights to protest and peaceful assembly are subject to reasonable restrictions under the Constitution.¹⁷⁰ But it did not deliberate whether the restrictions were ‘reasonable’ in this case, given the peaceful nature of the protest.¹⁷¹ Furthermore, it held that though ‘Democracy and dissent go hand in hand’, demonstrations of dissent ‘have to be in designated

155 The Constitution of India 1950, above n. 43, Arts. 19(1)(a), (b), (c), (d) and 21; Amnesty International, above n. 152.

156 Stambulski and Taekema (2026), above n. 29, 11.

157 Hannah Ellis-Petersen, “Feed Them Bullets Not Biryani”: BJP Uses Delhi Elections to Stoke Religious Hatred’ (*The Guardian*, 6 February 2020) <<https://www.theguardian.com/world/2020/feb/06/feed-them-bullets-not-biryani-bjp-uses-delhi-elections-to-stoke-religious-hatred>> accessed 6 January 2026.

158 Scroll Staff, “Watch: Union Minister Anurag Thakur Leads “goli maaro saalon ko” Slogans at Rally” (*Scroll.in*, 27 January 2020) <<https://scroll.in/video/951289/watch-anurag-thakur-minister-of-state-for-finance-lead-goli-maaro-saalon-ko-slogans-at-rally>> accessed 29 July 2025.

159 ‘Want A Delhi Where Shaheen Bagh Never Happens, Says Amit Shah: Report’ (NDTV, 27 January 2020) <<https://www.ndtv.com/india-news/delhi-assembly-elections-2020-amit-shah-says-want-a-delhi-where-shaheen-bagh-never-happens-2170057>> accessed 7 January 2026.

160 Saurabh Trivedi, ‘Slogan-Shouting Shooter Injures Jamia Student’ (*The Hindu*, 30 January 2020) <https://www.thehindu.com/news/cities/Delhi/jamia-millia-student-shot-at-during-protest-march-in-delhi/article30691192.ece#google_vignette> accessed 7 January 2026; Chopra (2021), above n. 103, at 478.

161 Saurabh Shukla and Deepshikha Ghosh, ‘Firing at Shaheen Bagh, Delhi’s Second in 3 Days at an Anti-CAA Protest’ (NDTV, 1 February 2020) <<https://www.ndtv.com/india-news/firing-at-delhis-shaheen-bagh-no-reports-of-injuries-so-far-2173268>> accessed 7 January 2026; Puranam, see figures 2 and 3.

162 ‘New Delhi Hit by Worst Violence in Decades: What You Need to Know’ (*Al Jazeera*, 27 February 2020) <<https://www.aljazeera.com/news/2020/2/27/new-delhi-hit-by-worst-violence-in-decades-what-you-need-to-know#:text=What%20started%20the%20violence?.battles%20between%20Hindus%20and%20Muslims>> accessed 19 January 2026.

163 The Unlawful Activities (Prevention) Act 1967, s 15 (India); Vrinda Grover, ‘Assessing India’s Legal Framework on the Right to Peaceful Assembly’ (International Center for Not-for-Profit Law Resource Paper, 2021) <<https://www.icnl.org/wp-content/uploads/India-freedom-of-assembly-report-2021-final.pdf>> accessed 27 May 2025, at 7.

164 CJP Team, ‘How Free Are All Indians to Exercise their Right to Peacefully Protest Under Article 19?’ (*CJP*, 3 September 2024) <<https://cjp.org.in/how-free-are-all-indians-to-exercise-their-right-to-peacefully-protest-under-article-19/>> accessed 7 January 2026.

165 *Devangana Kalita v. State of NCT Delhi*, 2021 SCC OnLine Del 3255, para. 48 (India).

166 Grover, above n. 163, at 7; Gautam Bhatia, ‘A Graveyard for Civil Rights Jurisprudence: The Devangana Kalita Bail Order’ (*Constitutional Law and Philosophy*, 2 May 2023) <<https://indconlawphil.wordpress.com/2023/05/02/a-graveyard-for-civil-rights-jurisprudence-the-devangana-kalita-bail-order/#comments>> accessed 19 January 2026.

167 Fozia Yasin, ‘Bail at Last: Gulfisha Fatima Walks Free in Delhi Riots Case’ (*Outlook India*, 8 January 2026) <<https://www.outlookindia.com/national/2020-delhi-riots-case-gulfisha-fatima-walks-out-of-tihar-jail>> accessed 19 January 2026; Geeta Pandey and Abhishek Dey, ‘No Bail for Indian Activists After Five Years in Jail Without Trial’ (BBC, 5 January 2026) <<https://www.bbc.com/news/articles/cd0ye2z33x9o>> accessed 19 January 2026.

168 *Amit Sahni v. Commissioner of Police & Ors*, AIR 2020 SC 4704 (India).

169 Zeeshan Thomas, ‘Court Lays Down Restrictions on the Right to Protest’ (SCO, 3 November 2020) <<https://www.scobserver.in/journal/court-lays-down-restrictions-on-the-right-to-protest/>> accessed 26 May 2025.

170 *Amit Sahni v. Commissioner of Police & Ors*, above n. 168, para. 16.

171 Arsh Rampal, ‘Guest Post: The Shaheen Bagh Review Order – An Unreasonable Restriction on the Right of Assembly’ (*Constitutional Law and Philosophy*, 30 March 2021) <<https://indconlawphil.wordpress.com/2021/03/30/guest-post-the-shaheen-bagh-review-order-an-unreasonable-restriction-on-the-right-of-assembly/>> accessed 29 July 2025.

places alone' and cannot entail an indefinite occupation of public spaces.¹⁷² However, it did not specify the permissible duration of protests in public spaces, how sites would be designated for protests or how many sites would be designated in a particular area.¹⁷³ Moreover, it did not consider whether such designated places for protest were available to the people at Shaheen Bagh, ignoring the gaping disparity in access to infrastructure and the cultural and socio-political capital enjoyed by different groups of citizens in the country.¹⁷⁴ The court thus substantially diluted the enjoyment and exercise of the freedom of peaceful assembly in *Amit Sahni* as it 'sanitized' protests by restricting them to 'designated places'.¹⁷⁵ Ultimately, by balancing the right to peaceful assembly of the protestors against the convenience of commuters, the court misguidedly privileged the latter akin to a fundamental right.¹⁷⁶

The Supreme Court's decision in *Amit Sahni* is worth noting not only for its affront to the freedom of peaceful assembly but also for what Bhatia calls 'judicial evasion' or when the court indefinitely leaves a case on its docket to avoid giving a decision against the government.¹⁷⁷ According to him, the very refusal to decide controversial or time-sensitive cases is a decision in favour of the government, 'as it is the government that benefits from the status quo being maintained'.¹⁷⁸ Despite acknowledging that the legality of CAA was yet to be decided, the Supreme Court did not consider why the public at Shaheen Bagh was camping outside in Delhi's freezing winter.¹⁷⁹ Even the interlocutors appointed by the court to speak with the protestors focused on reconciling their protest with the convenience of commuters over understanding their concerns.¹⁸⁰ Instead of engaging with the protestors on the level of rights, the court decided the case at the level of administration, as it compared occupations of public spaces like Shaheen Bagh to 'encroachments' and 'obstructions'.¹⁸¹

172 *Amit Sahni v. Commissioner of Police & Ors*, above n. 168, para. 17.

173 V. Venkatesan, 'Supreme Court's Shaheen Bagh Judgment Will Lead to Fresh Curbs on Right of Peaceful Protest' (*The Wire*, 8 October 2020) <<https://thewire.in/law/supreme-court-shaheen-bagh-judgment-fresh-curbs-right-of-peaceful-protest>> accessed 29 July 2025.

174 *Ibid.*; Grover, above n. 163, at 20.

175 Badri Raina, 'Sanitising the Polity: Making the Protester Invisible' (*The Wire*, 12 October 2020) <<https://thewire.in/rights/sanitising-the-polity-making-the-protester-invisible-shaheen-bagh-supreme-court>> accessed 12 December 2025; Grover, above n. 163, at 9.

176 Rampal, above n. 171; Nandini Sundar, 'SC's Shaheen Bagh Order: Fundamental Rights for Commuters, No Country for Protesters' (*The Wire*, 14 October 2020) <<https://thewire.in/rights/supreme-court-shaheen-bagh-fundamental-rights-protest-commuters>> accessed 12 December 2025.

177 Gautam Bhatia, 'Judicial Evasion and the Status Quo: on SC Judgments' (*The Hindu*, 14 April 2021) <https://www.thehindu.com/opinion/lead/judicial-evasion-and-the-status-quo/article25953052.ece#google_vignette> accessed 21 January 2026; Amal Sethi, 'Taking the Constitution Away from the Supreme Court of India' (2021) 33(1) *National Law School of India Review* 1, 16.

178 Bhatia (2021), above n. 177.

179 *Amit Sahni v. Commissioner of Police & Ors*, above n. 168, para. 3; Sundar, above n. 176.

180 *Ibid.*

181 The second anonymous reviewer who reviewed an earlier draft of this essay is to be credited for this argument. *Amit Sahni v. Commissioner of Police & Ors*, above n. 168, para. 19; Venkatesan, above n. 173.

4.2 Law as Shield: Legal Mobilization in and as Shaheen Bagh

Law can be a durable shield even when the state mobilizes all its forces of repression.¹⁸² Legal symbols and discourses serve as 'malleable resources' which undergo reconstruction as people invoke law to effect social change.¹⁸³ The Constitution of India was significantly influential in solidifying the protestors' resistance against CAA at Shaheen Bagh. As a 'performative text', a 'historical legacy of ideas and icons integral to the national imagination' and a 'source of citizenship consciousness', the Constitution became one of the most powerful symbols of the protest (Figure 4).¹⁸⁴ It became a 'charter of rights' that was publicly 'rehearsed and exercised' at the protest site.¹⁸⁵ Shaheen Bagh represented a new political possibility of the 'vernacularization' of law in the public sphere.¹⁸⁶

The Constitution was perceived to be under threat by the protestors, who considered it their civic duty to defend it against CAA and the political leadership.¹⁸⁷ '*Sam-vidhan Bachao*' ('Save the Constitution') was a common poster and slogan at Shaheen Bagh.¹⁸⁸ A 6-year-old boy recited the following poem at the protest site one evening,

'We have set out to save the country, come walk with us,
We have set out to save Jamia, come walk with us,
We have set out to save the Constitution, come walk with us'.¹⁸⁹

It also served as a 'legitimizing touchstone' for the protest, for when the sit-in was unjustifiably condemned for breaking the law, the protestors stressed their fidelity to the constitutional ideals of equality, secularism and democracy.¹⁹⁰

182 Richard Abel, 'Legality Without a Constitution: South Africa in the 1980s' in David Dyzenhaus (ed), *Recrafting the Rule of Law: The Limits of Legal Order* (Bloomsbury Publishing 1999).

183 McCann (1991), above n. 21, at 228.

184 Roy, above n. 43, 617.

185 Mukul Kesavan, 'Shaheen Bagh: If Not Now, Then When?' (*The Telegraph*, 4 January 2020) <https://www.telegraphindia.com/amp/opinion/shaheen-bagh-if-not-now-then-when/cid/1732951?utm_source=twitter&utm_medium=social&utm_campaign=tt_daily_tweet&_twitter_impression=true> accessed 21 January 2026.

186 Sally Engle Merry, 'Transnational Human Rights and Local Activism: Mapping the Middle' (2006) 108(1) *American Anthropologist* 38, 39; Kalpana Kannabiran, 'Introduction: Exploring the Contours of Interdisciplinary Law' in Kalpana Kannabiran (ed.), *Routledge Readings on Law and Social Justice: Disposessions, Marginalities, Rights* (Routledge India, 2022).

187 Hameed, above n. 102.

188 Fathima Nizaruddin, 'Resisting the Configurations for a Hindu Nation' (2020) 10(3) *HAU: Journal of Ethnographic Theory* 727.

189 Seema Pasha, 'Women, Violence and Democracy' in Seema Mustafa (ed), *Shaheen Bagh and the Idea of India* (Speaking Tiger 2020).

190 Chopra (2022), above n. 106, at 78-79.

Figure 4 A mural which displays the Constitution's influence on the protest at Shaheen Bagh. 'Closeup of Wall-Art Graffiti at Shaheen Bagh Protests 7 Feb 2020'



Wikimedia Commons, 7 February 2020) <https://commons.wikimedia.org/wiki/File:Closeup_of_wall-art_graffiti_at_Shaheen_Bagh_Protests_7_Feb_2020.jpg> accessed 15 May 2025.

Protestors invoked 'one form of documentation against another' as they resisted the government's demands for identity documents as proof of citizenship through the Constitution, especially its Preamble.¹⁹¹ The Preamble conferred the power of nation-building in the hands of the people as opposed to the state.¹⁹² By reading out the Preamble and countering it against CAA, the protestors used the language of rights and the framework of documentation and legality to challenge CAA and the violence against the protestors.¹⁹³ 'Hum kaagaz nahi dikhayenge' ('We will not show our papers'), a poem penned by Varun Grover during the protests, expressed the widespread sentiment of people's refusal to comply with a law that demands documentary proof as the basis for citizenship.¹⁹⁴ Thousands sang along to the following

191 Kenny Bhatia, "Hum Kaagaz Nahi Dikhayenge" ("We Won't Show Our Papers"): The Narratives of Bodies and Belongings at the Anti-CAA Shaheen Bagh Protests 2019-20' (2023) 8(2) Samyukta: A Journal of Gender and Culture (unnumbered).

192 *Ibid.*

193 *Ibid.*

194 Arushi Vats, 'A Sea of Songs: The Paper Boats of Shaheen Bagh' in International Research Group on Authoritarianism and Counter-Strategies (eds), *Beyond Molotovs - A Visual Handbook of Anti-Authoritarian Strategies* (transcript Verlag 2024) 126.

excerpt from a song performance at the protest site on 13 February 2020,

'Kaagaz lao, pattra lao
Angoothe ki chhaap lagao
Kehte khud ko Hindustani
Toh apni pehchan batao'¹⁹⁵

('Bring your papers, bring your documents
Put your thumb print
You call yourself Indians
Well, what's your proof of identity?')

The creative reconfiguration and profusion of legal symbols and the sincerity with which they were invoked conveyed the protestors' faith in their power to shield them, even when they blatantly did not.¹⁹⁶ Through civic engagement and collective protest, the public of Shaheen Bagh exhorted the ruling political regime to remain loyal to constitutional values and avowed the Con-

195 Zeyad Masroor Khan, 'How Shaheen Bagh Became a Symbol of Dialogue and Solidarity' in Seema Mustafa (ed), *Shaheen Bagh and the Idea of India* (Speaking Tiger 2020).

196 Rao, above n. 43, at 19.

stitution as belonging to the commons.¹⁹⁷ Unflinching in the face of episodic violence and the biting winter cold, the protestors at Shaheen Bagh persevered in their resistance until the protest site was forcefully evacuated in March 2020, following COVID-19.¹⁹⁸ ‘Our sit in may have been removed..., but our movement will endure’ was posted by the public of Shaheen Bagh on X after its protest had ended and the physical site was callously destroyed.¹⁹⁹ The protestors reflected on their protest as they posted,

We have come a long distance in our fight against injustice ... When we began, only four states had passed a resolution against CAA-NRC-NPR. Today, the number stands at 12.²⁰⁰

Shaheen Bagh became a revered symbol of women’s resistance in India and sparked similar sit-ins across the country, marked by a feminist ethic of care which emphasized inclusivity and women’s leadership.²⁰¹ It was a non-centralized but concerted instance of peaceful resistance by ordinary people which claimed acknowledgement and space – both physical and discursive – as citizens.²⁰² The actions of a collective actor, even in a short period of time, can result in long-term consequences, though they may be difficult to identify and assess at once.²⁰³ Almost a year later, thousands of farmers from Punjab, Haryana and Uttar Pradesh marched towards New Delhi to encircle the city by setting up camps on its borders.²⁰⁴ They were protesting the introduction of three new agricultural bills in September 2020 which had the combined effect of minimizing state regulation over agriculture in the country.²⁰⁵ The farmers’ *gherao* (encirclement) was largely peaceful and comprised over 200,000 farmers living together, majorly at the Tikri and Singhur borders of New Delhi.²⁰⁶ A protesting farmer voiced that ‘the historical protests at Shaheen Bagh gave [them] the inspiration and courage to protest’.²⁰⁷ Many farmers died at the protest sites, as their lives gave way to the vagaries of weather and the difficult living conditions.²⁰⁸ Yet their protest sustained

for over a year, from November 2020 to December 2021, until the Prime Minister declared the official withdrawal of the three laws.²⁰⁹

Unlike the farmers’ protest, the sit-in at Shaheen Bagh did not result in the repeal of CAA. Since its enactment in December 2020, scores of petitions, more than 200 in number, have been filed before the Supreme Court challenging its constitutionality.²¹⁰ The court is yet to deliver a verdict on the legality of CAA and has no response for why it has not yet heard those petitions.²¹¹ However, it summarily dismissed the review petition filed by the Shaheen Bagh protestors against its decision in *Amit Sahni*.²¹² As of January 2026, the very arguments that motivated people to approach the Supreme Court in the first place have neither been accepted nor denied but have simply been refused an audience.²¹³ The court’s deferral of constitutional interpretation (of the legality of CAA) and its refusal to meaningfully engage with the protest at Shaheen Bagh reveal not merely judicial evasion but an ‘ethical abandonment’ of judicial responsibility.²¹⁴ However, unlike the man from the country in Kafka’s renowned parable, the protestors did not stand helplessly ‘Before the Law’.²¹⁵ Given the shrinking space for democratic dissent and the apex court’s failure to uphold the Constitution, the public of Shaheen Bagh wrested the Constitution ‘Away from the Supreme Court’ and into the streets.²¹⁶ It was as if the protestors sought a direct relationship with the Constitution’s text, to interpret it unmediated by the authority of a court whose recent judgments did not inspire confidence.²¹⁷ I advance Shaheen Bagh as an instance of legal mobilization in this context.

Shaheen Bagh illustrates that legal mobilization is not necessarily most effective or always possible through litigation and/or other formal channels. Such institutional avenues can splinter collective action by the people into isolated, individual claims, impeding the constituent power of protests.²¹⁸ Munro’s analysis of civil

197 Kalpana Kannabiran, ‘Constitution-As-Commons: Notes on Decolonizing Citizenship in India’ (2021) 120(1) South Atlantic Quarterly 232.

198 Hashmi, above n. 73, at 2.

199 Shaheen Bagh Official, above n. 132; Mustafa, above n. 132; Chris Moffat, ‘Shaheen Bagh and the Force of Foundation’ (*Allegra Lab*, May 2020) <<https://allegralaboratory.net/afterlives-shaheen-bagh-and-the-force-of-foundation/>> accessed 20 July 2025.

200 Shaheen Bagh Official, above n. 132; Mustafa, above n. 132.

201 Bhatia (2021), above n. 97, at 145-146.

202 Sagar and Sircar, above n. 89, at 2.

203 Dmitry G. Zaytsev, Anastasia I. Galina and Anna A. Sokol, ‘Cross-National Comparison of Protest Publics’ Roles as Drivers of Change: From Clusters to Models’ in Nina Belyaeva, Victor Albert and Dmitry G. Zaytsev (eds), *Protest Publics: Toward a New Concept of Mass Action* (Springer 2019).

204 Suthar and Kumar, above n. 12, at 496.

205 Shakeel et al., above n. 12, at 16.

206 Sethi (2021), above n. 177, at 873.

207 The Wire, ‘Shaheen Bagh Is Our Inspiration- Say Women Farmers Protesting the Farm Laws’ (*YouTube*, 4 December 2020) <<https://www.youtube.com/watch?v=VdPNRrAqU0>> accessed 27 August 2024.

208 Surinder S. Jodhka, ‘Why Are the Farmers of Punjab Protesting?’ (2021) 48 (7) *The Journal of Peasant Studies* 1356, 1356-1357.

209 Suthar and Kumar, above n. 12, 496.

210 Ismat Ara, ‘CAA Legal Battle: Many Petitions in the Supreme Court’ (*Frontline*, 16 March 2024) <<https://frontline.thehindu.com/news/caa-legal-battle-examining-the-key-arguments-in-supreme-court-kerala-tamil-nadu-owaisi/article67958420.ece>> accessed 13 June 2025.

211 Venkatesan, above n. 173.

212 Rampal, above n. 176; The Wire Staff, ‘Shaheen Bagh Activists File Review Petition Against Supreme Court’s Verdict on Protests’ (*The Wire*, 17 November 2020) <<https://thewire.in/law/shaheen-bagh-review-petition-supreme-court-public-places-protest-verdict>> accessed 19 January 2026.

213 Desmond Manderson, ‘Apocryphal Jurisprudence’ (2001) 26 *Australian Journal of Legal Philosophy* 27, 56.

214 *Ibid.*, at 55.

215 Before the Law is an allegory about, among other things, negotiating the innumerable bureaucratic and other obstacles in accessing the legal process: see Franz Kafka, *The Trial* (tr. Willa and Edwin Muir, 1925) 235; Victor A. Fleming, ‘Before the Law: An Analysis for the Legal Profession’ (1978) 1(2) *University of Arkansas at Little Rock Law Review* 321, 325.

216 See Sethi (2021), above n. 177, at 18; Rohit De, ‘The Constitution Has Always Inspired Indians to Question Power and Demand Their Rights’ (*The Indian Express*, 26 January 2020) <<https://indianexpress.com/article/express-sunday-eye/peoples-republic-indian-constitution-preamble-br-ambekar-constituent-assembly-6232816/>> accessed 22 January 2026.

217 Rao, above n. 43, at 22.

218 Stambulski and Taekema, above n. 29.

society mobilization to address the housing crisis in Spain in this *Issue* illustrates how different actors can become ‘strategy entrepreneurs’ and create alternative opportunities when confronted with largely foreclosed legal opportunity structures.²¹⁹ Legal mobilization at Shaheen Bagh highlights how law is capable of being mobilized without prior organization, a pre-existing shared identity, material resources, favourable political and legal opportunity structures or institutional ways of engaging the state, factors which are generally considered desirable for mobilization. The sit-in at Shaheen Bagh unfolded spontaneously and independently in a politico-legal context that was far from desirable, as it deployed the Constitution to resist against CAA and propagate its vision of a secular and inclusive regime of Indian citizenship. It sustained and grew as the state used law to quash political dissent. Shaheen Bagh represents, perhaps, the most profound ‘constitutional argument’²²⁰ against CAA yet, supported by hundreds of thousands of Indians but responded to by the Supreme Court as of now with merely its decision in *Amit Sahni* (and its rejection of the review petition against the verdict).

5 Conclusion

‘ab apnā ikhtiyār hai chāhe jahān chaleñ
rahbar se apnī raah judā kar chuke haiñ ham’²²¹
‘Now it is our discretion to go wherever we want
We have separated from our leader’

This essay presents the sit-in at Shaheen Bagh as an instance of legal mobilization. It elaborates how the protestors deployed law, particularly the Indian Constitution, to dissent against CAA. They laid claim over citizenship and constitutional interpretation as they fervently invoked the Preamble, both physically and symbolically, in their protest. They brought the Constitution into the street, confronted as they were by the apex court’s deferral of determining the legality of CAA – to a day that has not yet come – and its privileging of the convenience of commuters over upholding the fundamental freedom of peaceful assembly. Law emerged both as an instrument of ‘surplus repression’²²² and a source of citizenship consciousness in the story of Shaheen Bagh. It was used to quash political dissent in the anti-CAA protests in the country, as protestors endured mass arrests under different criminal laws and subsequent harassment through regulatory means as they were unjustifiably labelled as ‘terrorists’ and ‘anti-nationals’. Still law enlivened collective protest and the

219 Vanhala (2018), above n. 139, at 397-398; Munro, above n. 40.

220 Stambulski, above n. 11.

221 Poetry by Faiz Ahmed Faiz, *Rekhta* (X, 26 April 2019) <<https://x.com/Rekhta/status/1121765873826574336>> accessed 23 January 2025.

222 Baxi uses this phrase to refer to the use of illegal and unjustifiable force by the state against its people: see Upendra Baxi, ‘Law and State Regulated Capitalism in India: Some Preliminary Reflections’ in Ghanshyam Shah (ed), *Capitalist Development: Critical Essays* (Popular Prakashan 1990) 199.

reclamation of citizenship at Shaheen Bagh as protestors mobilized constitutional values and the language of rights to critique CAA and express their vision of Indian citizenship. The public of Shaheen Bagh stood against law, in the form of CAA, which made citizenship and belonging precarious for Muslims in the country. Yet they stood with law, in the form of the Constitution, as they engaged with it closely and carefully to engage in protest and shield their collective action. The protestors’ relationship with law was deeply paradoxical as they relied on the very source of their disenfranchisement to voice themselves.²²³ Exploring this duality of law, in that it both facilitates and restricts collective action, enables an informed understanding of the relation between protest and legal mobilization.²²⁴

The potential of legal mobilization for societal transformation remains underexamined and lacks coherence as an area of research.²²⁵ This essay argues for the adoption of a critical approach to legal mobilization, which does not reject dominant or more technical imaginations of the concept but recognises and incorporates its various emerging dimensions.²²⁶ This is crucial given the conceptual tensions in its conceptualization in the literature and the increasing proliferation of new forms of political expression against shrinking spaces for democratic dissent. In advancing the protest at Shaheen Bagh as legal mobilization, I advocate displacing the latter’s emphasis on effecting social change through formal avenues alone and accommodating the variety of ways in which legal norms govern social life.²²⁷ A mere focus on formal and institutionalized forms of political participation can neglect emergent actors like protest publics. Instrumental readings of protests, through the narrow lens of gains and losses, can overlook their generative, emancipatory and transformative potential.²²⁸ Though protest publics are loosely organized – and, in some cases, may only achieve modest gains – they have the potential to spark sustained, long-term social movements and can effect profound societal change.²²⁹ The legacy of Shaheen Bagh speaks to this potential.

Shaheen Bagh has been referred to as an ‘interrupted future’, having laid the groundwork for the ‘horizon of the future’.²³⁰ A glimpse into this future could be witnessed in the subsequent farmers’ agitation of 2020-2021 in India which resulted in a direct change in law (the eventu-

223 Sagar and Sircar, above n. 89, at 5.

224 Nilsen et al., above n. 139, at 22.

225 ‘Legal Mobilization: Analyzing Law-Based Advocacy’, above n. 21.

226 Molavi, above n. 29, at 34.

227 *Ibid.*

228 Yash Sharma and Shatakshi Singh, ‘Shaheen Bagh and the Politics of Protest in the Anti-CAA Movement in India’ (2023) 7(1) *Feminist Encounters* 1, 7.

229 Sanjay Kumar Rajhans and Sambhavna Biswas, ‘Protest Publics as the “Watchdogs” of the Quality of Democracy in the Polyarchies of the Global South’ in Nina Belyaeva, Victor Albert and Dmitry G. Zaytsev (eds), *Protest Publics: Toward a New Concept of Mass Action* (Springer 2019).

230 Irfan Ahmad, ‘Shaheen Bagh; An Interrupted Future: Irfan Ahmad’s Essay- Part II’ (*Maktoob*, 13 March 2021) <<https://web.archive.org/web/20210909005439/https://maktoobmedia.com/2021/03/13/shaheen-bagh-an-interrupted-future-irfan-ahmads-essay-part-ii/?amp>> accessed 20 July 2025.

al repeal of the three farm laws). The category of protest publics contributes to the research on legal mobilization as it attends to the different types of actors who mobilize law and the nature and extent of their organization. The analysis of Shaheen Bagh as a protest public lends insights into how developing forms of collective social actors can engage in legal mobilization, even when formal opportunities of contestation are unsuccessful or remain foreclosed. It underscores the transformative power of discourse as a tool of mobilization – as the protestors at Shaheen Bagh relied on the discourse of their shared protest action to galvanize a movement and stir the citizenry into action – and adds to the nascent scholarship on protest publics. Finally, through its analysis of Shaheen Bagh as a protest public, this essay offers the latter as a ‘repertoire’ of contention’ worth exploring.²³¹

231 Charles Tilly, *From Mobilization to Revolution* (Newbery Award Records, Inc. 1978) 149-153.