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Background Guide

LOK SABHA
CMRCETMUN 2026

LETTER FROM THE EXECUTIVE BOARD

Dear Parliamentarians, We are honoured and privileged to welcome you to the Lok Sabha

Simulation at

CMCET Model United Nations. It is with great pleasure that we extend this invitation to participate in a conference that promises to be intellectually rigorous, procedurally enriching, and deeply engaging.

As esteemed Members of the Lok Sabha, you are entrusted with considerable authority and an equally significant responsibility. We expect each of you to uphold the dignity of this role throughout the committee proceedings. The onus lies upon you to present insightful, well-researched arguments and to actively contribute towards meaningful debate on issues of national importance. This Background Guide has been curated to serve as a foundational resource for your preparation; however, it is by no means exhaustive.

The Executive Board strongly encourages every delegate to arrive well-prepared with comprehensive research—not only on the agendas but also on their assigned portfolios and those of other members within the matrix. A clear understanding of your portfolio's relevance and its contribution to the agenda will enable more effective, nuanced, and productive debate. We wish to emphasize that pre-conference preparation and diligent effort are highly valued by the Board.

The Board appreciates spirited rhetoric when coupled with strong technical substance and sound research. In the spirit of fostering a challenging yet rewarding experience, we extend our best wishes to all participants and eagerly look forward to witnessing your informed, proactive, and dynamic engagement during the committee sessions.

Any queries regarding committee procedure will be duly addressed by the Board to ensure the smooth and efficient functioning of the committee. In closing, we encourage all delegates to approach this Lok Sabha with a commitment to cooperation, strategic deliberation, and decisive legislative action.

We look forward to welcoming you at CMCET Model United Nations.

Warm Regards,

Speaker – Naman Vankdari

Deputy Speaker – N Krishna Reddy

Deputy Speaker – Sai Rutwik Gampa

Executive Board – Lok Sabha

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COMMITTEE OVERVIEW

The Lok Sabha, also known as the House of the People, is the lower chamber of India's bicameral Parliament, established under Article 79 of the Constitution. As a crucial part of the legislative process, it holds significant power in shaping India's laws and policies. The Lok Sabha consists of representatives who are directly elected by the people of India, making it the more populous house compared to the Rajya Sabha, the upper house.

Each member of the Lok Sabha represents a specific geographical constituency and is elected for a five-year term. The Lok Sabha can have a maximum of 552 members, including up to 530 representatives of the states, up to 20 representatives of the Union territories, and not more than two members from the Anglo- Indian community, nominated by the President of India if he/she believes that the community is not adequately represented.

The Speaker, elected from among its members, presides over the Lok Sabha. The Speaker's role is pivotal in maintaining order during debates, ensuring the rules of procedure are followed, and representing the house in its relations with the President and the Rajya Sabha.

The Lok Sabha has several functions, including law-making, controlling the executive branch, representing the people's views, and scrutinizing the functioning of the government. It holds the executive accountable through mechanisms like Question Hour, Zero Hour, and various parliamentary committees. Bills, especially money bills, must be passed by the Lok Sabha to become law.

The Lok Sabha's meetings are often lively and reflect India's diverse and dynamic democracy. It plays a vital role in ensuring that the voices of India's citizens are heard and acted upon, making it a cornerstone of the country's democratic structure. Its power and influence underscore its importance in the governance and political landscape of India.

Powers and Functions of the Lok Sabha

1. Legislative Powers

- *Ordinary bills can only become law after being approved by both Houses of Parliament.*
Although ordinary bills can be introduced in either chamber of Parliament,
- *about 90% of bills are introduced in the Lok Sabha.*
If a law passed by the Lok Sabha is rejected by the Rajya Sabha and returned with or without changes, the Lok Sabha reconsiders the bill.
- *A deadlock occurs if the Lok Sabha approves it again but the Rajya Sabha is still unwilling to approve it. If this deadlock is not resolved after six months, the President calls a joint sitting of the two Houses in accordance with Article 108's rules.*

2. Executive Powers

- *The Council of Ministers is collectively responsible before the Lok Sabha in accordance with Article 75(3). The majority leader in the Lok Sabha becomes Prime Minister. The Lok Sabha is home to the majority of the ministries.*
As long as the majority in the Lok Sabha has confidence in them, the ministers remain in their positions.
- *In accordance with the mechanism outlined in Rule 198 of the norms of procedure and conduct of business of the Lok Sabha, the Lok Sabha has the power to remove the ministry from office by voting a vote of no-confidence against it.*
As a result, the Lok Sabha has the power to make or break the ministry.
The Lok Sabha continues to have direct authority over the Council of Ministers.
- *Ministers can be questioned by MPs about the administration's policies and activities. They are free to critique their actions. The Indian Constitution's Article 75 grants the right to ask inquiries. They are capable of moving and adopting a variety of resolutions and motions (adjournment motion, call attention motion, censure motion, and no-confidence motion)*

3. Financial Powers

- *The Lok Sabha has extensive budgetary authority. A money bill may only be introduced in the Lok Sabha in accordance with the guidelines provided by Article 109. The money bill then moves on to the Rajya Sabha after being approved by it.*
The Lok Sabha Speaker decides if a certain law qualifies as a money bill or not in the event of a disagreement. His choice is final; it cannot be contested in a court, the Lok Sabha, or even the Rajya Sabha.

- *As a result, we can assert that the Lok Sabha has ultimate authority over the state's finances. No tax can be imposed, collected, altered, or eliminated without the consent of Loksabha.*



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Judicial Powers

- Additionally, the Lok Sabha has some judicial duties. Either the Lok Sabha or the Rajya Sabha may initiate the impeachment procedures against the President referred to in Article 61. Only when an impeachment resolution is approved by both Houses with a 2/3 majority of their members can the President be removed from office.
The Rajya Sabha's allegations against India's vice president are also the subject of an investigation by the Lok Sabha.
- According to the provisions of Article 124 (4), the Lok Sabha and the Rajya Sabha may vote together to remove any judge of the Supreme Court or of a State High Court.
- For the removal of some high-ranking state officials, such as the Attorney General, the Chief Election Commissioner, and the Comptroller and Auditor General of India, both Houses may pass a special address jointly and submit it to the President.
- Any member or citizen found guilty of violating the House's rules may also face punishment from the Lok Sabha.
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4. Electoral Powers

- The Lok Sabha's elected members participate in the presidential election. In accordance with Article 66 of the Indian Constitution, members of both the Lok Sabha and the Rajya Sabha vote to choose the vice president of India.
- The members of Loksabha also choose the Speaker and Deputy Speaker from among themselves.

5. Miscellaneous Powers

- Approval of the President's ordinances [Article 123 (2)] A change in the state's borders.
- addition of new states, and renaming any state, Article (3)
- Changes the requirements for members of the State Legislatures and the Parliament as set forth in the RPA Act of 1951
- Modifying the members of Parliament's pay and benefits.
- Creating a Joint Public Service Commission with at least two other states.
- Passing a resolution to dissolve or establish a state legislature's upper chamber
- (Article 169)
- Approval of an emergency declaration (Article 352 and Article 356)
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PROCEDURE OF THE HOUSE

1. Committee Structure

- **Speaker:** Presides over the session, ensuring order and adherence to procedures.
- **Deputy Speaker:** Assists or substitutes the Speaker as needed.
- **Ruling Party:** Seated to the right of the Speaker.
- **Opposition & Other Parties:** Seated to the left of the Speaker.
- **Panel of Chairpersons:** A group of up to ten members nominated to preside in the absence of the Speaker and Deputy Speaker.

2. Language Policy- This is a multilingual committee and thus, delegates are allowed to use their vernacular languages for delivering speeches. However, delegates should use only one language per speech to maintain clarity and must provide a transcript of their speech to the Executive Board if it is given in vernacular language.

3. Opening Formalities

- **National Anthem:** Marks the commencement of the session.
- **Roll Call:** Members respond with:

(i) **Present:** Can vote Yes, No, or Abstain.

(ii) **Present and Voting:** Must vote Yes or No; abstention is not permitted.

4. Quorum- At least one-third (1/3rd) of the members must be present to commence proceedings.

5. Agenda Setting- Members must table the agenda and propose the order of topics for discussion. This requires a vote of simple majority to pass.

6. Statements from the House

- All members are required to express their initial positions on the agenda. After establishing a quorum, the Speaker invites statements. A total of 16 members (8 each from the government and opposition) are given time on the floor to make their statements.
- The Leader of the House is the default first speaker, and the Leader of Opposition is the default last speaker.
- Each speaker is allotted a maximum of 90 seconds.
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7. Caucus

- **Moderated Caucus-** *this session facilitates focussed discussion on specific subtopics within the main agenda. Once a motion for a moderated caucus is raised specifying the time duration, individual speaker time and specific sub-topic, and is subsequently passed with a simple majority, the motion is in order.*
- **Unmoderated Caucus-** *this session allows the members to engage in informal discussions, negotiate and draft documents. Members on bringing this motion into order may move freely, form groups and collaborate to bring a direction to the committee proceedings.*

8. Discussion Hour

- *This session aims to facilitate focussed discussion on specific sub-agendas within the main agenda.*
- *A maximum of one hour is allotted for discussing sub-agendas proposed by members.*
- *Agendas are submitted in writing and prioritized based on submission time.*
- *The Speaker may withdraw any agenda deemed irrelevant.*
- *All points, including Points of Information, are permitted during this time.*
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9. Question Hour

- *This is a designated time when Members of Parliament (MPs) can ask questions to ministers about their ministries' policies, decisions or any public concerns. It is an excellent opportunity for members to hold the government accountable and gain clarity on various issues and also for the government to bring to light the efficacy of their policies and programmes.*
- *Generally, the question hour lasts for 30 minutes, and is subject to change depending on the agenda of the committee.*
- *Questions must adhere to specific guidelines, avoiding arguments, defamatory statements, or matters under adjudication.*
- *The Speaker decides on the admissibility of the questions.*
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10. Zero hour

- *This is a session where members raise matters of urgent importance without prior notice. It begins immediately after the Question Hour.*
- *Members shall submit notices 1 hour prior to the day of the sitting, stating the subject they wish to raise.*
- *The Speaker decides whether to allow the matter to be raised.*
- *Each Member is typically allotted three minutes to raise an issue.*
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- *The Government is expected to respond, though not obliged. All Points, except for*
- *Points of Information, are allowed during this time.*

11. Points and Motions

- **Point of Personal Privilege-** *A Point of Personal Privilege is usually raised if someone has any physical discomfort during the proceedings of the committee. The point may also be used to get repetition of a part of a statement which was not audible clear.*
- **Point of Parliamentary Enquiry-** *A member may raise a Point of Procedural Enquiry requesting an explanation from the Executive Board on the Rules of Procedure or the committee proceedings. This point may not interrupt a Speaker.*
- **Point of Order (POO)-** *Points of Orders shall be raised only on the factual inaccuracy in the speech of any member. The line has to be quoted verbatim in order to assert the same followed by an unquote with the correct established fact. Please note, the Executive Board shall be the sole adjudicator of the same.*
- **Point of Information (POI)-** *This is a point in which a question in the context of the speech may be asked. The Executive Board shall decide if they would accept Points of Information in writing or verbally depending on the committee dynamics.*
- **Exclusions-** *No motions pertaining to no confidence, breach of privilege or impeachment of any member of the Executive Board shall be permitted.*
- **Motions-** *Motions are proposals to alter the flow of the debate, such as moving into a moderated or unmoderated caucus. It requires a simple majority vote to pass.*

12. Voting Procedure

- **Simple Majority-** *most procedural decisions, except the passing of bills, require a simple majority i.e., 50% + 1 Members present and voting in committee.*
- **Closure of debate-** *A motion to end debate on a topic requires a two-thirds majority. Two speakers may speak against the motion before voting.*
- **Adjournment of Committee-** *A motion to end the session, not open to debate, requires a special majority vote.*

13. Bill Introduction and Passage

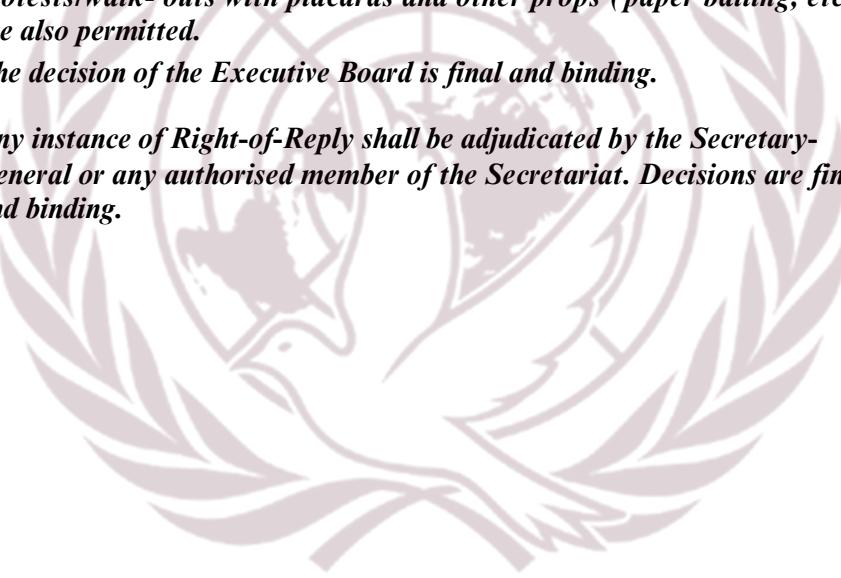
- **Introduction-** *Members may introduce bills relevant to the agenda. Debate and*
- **Amendments-** *Bills and debates and amendments may be proposed to the same.*
- **Voting-** *the passing of a bill or other substantial proceedings requires a special majority that is 2/3rds Members present and voting in the*

committee.



14. General Conduct of Members

- *Attire- Indian formal attire on both days of the committee shall be appreciated. Dressing alike your portfolio is also welcomed.*
- *AI usage- This committee has a strict policy against AI and Internet usage. All speeches must be the original work of the Members. Any plagiarism or reference made to AI, including humanised content shall be marked accordingly.*
- *Desk tapping- Members are allowed to tap their desks in agreement to a fellow Member's speech/ statements.*
- *Sloganeering- Members are welcome to sloganise throughout the committee proceedings. However, such interferences shall not be entertained while a Member is speaking. They shall obtain prior permission from the Executive Board for the same. Peaceful protests/walk-outs with placards and other props (paper balling, etc.) are also permitted.*
- *The decision of the Executive Board is final and binding.*
- *Any instance of Right-of-Reply shall be adjudicated by the Secretary-General or any authorised member of the Secretariat. Decisions are final and binding.*



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AGENDA 1: DELIBERATING UPON STRENGTHENING PRIVACY LAWS IN INDIA WITH SPECIAL EMPHASIS ON REGULATING MORAL POLICING AND COUNTERING FORCES CURTAILING LIBERTY IN INDIA.

PART I: INTRODUCTION AND FOUNDATIONAL FRAMEWORK

Chapter 1: Introduction: The Privacy Imperative and the Liberty Paradox

India stands at a critical juncture where rapid technological advancement, digital governance expansion, and the assertion of state power collide with the constitutional promise of individual liberty and dignity. The present agenda "Deliberating upon strengthening privacy laws in India with special emphasis on regulating moral policing and countering forces curtailing liberty in India" mandates the Lok Sabha to undertake a comprehensive examination of the nation's privacy architecture, its enforcement gaps, and the systemic threats to personal liberty posed by both state and non-state actors.

The challenge is profound and paradoxical: India's digital economy is expanding exponentially, requiring data collection at an unprecedented scale for governance, commerce, and service delivery. Simultaneously, the nation grapples with an epidemic of moral policing vigilante groups, often enabled by state indifference or complicity, enforcing arbitrary moral codes through intimidation, violence, and social ostracization. These forces work in tandem to curtail the fundamental freedoms of Indian citizens, particularly women, religious minorities, LGBTQ+ communities, and socio-economically vulnerable populations.

*The constitutional framework has evolved considerably since independence. The Supreme Court's landmark 2017 judgment in *Justice K.S. Puttaswamy v. Union of India* elevated the right to privacy to the status of a fundamental right under Article 21 (Right to Life and Personal Liberty). This judicial mandate has been operationalized through the Digital Personal Data Protection Act (DPDP Act), 2023, and its recently notified Rules (2025), which represent India's first comprehensive data protection regime. Yet, significant gaps remain:*

- 1. The State Exemption Problem:** *The DPDP Act grants sweeping exemptions to government agencies, creating a legal paradox where the state, the largest collector of personal data, operates with minimal accountability.*
- 2. Moral Policing Vacuum:** *India lacks specific legislation criminalizing or deterring moral policing. Existing criminal law provisions are routinely misused to enable, rather than prevent, vigilante actions.*
- 3. Enforcement Deficits:** *The newly constituted Data Protection Board of India and sectoral regulators lack coordination, resources, and political will to ensure compliance and protect citizens.*
- 4. Federal Fragmentation:** *The concurrent nature of privacy regulation creates jurisdictional gaps, with states often reluctant to acknowledge or act against moral policing within their territories.*

This background guide provides the intellectual foundation for the Lok Sabha's deliberation on whether India's emerging privacy architecture adequately protects individual liberty, how moral policing can be effectively curtailed, and what legislative and institutional reforms are necessary to translate constitutional promises into lived reality for all citizens.

1.1 The Duality: Digital Progress and Regressive Practices *India's development trajectory is marked*

by a peculiar contradiction. On one hand, the nation has become a global technology powerhouse, with digital transactions, cloud infrastructure, and AI applications expanding rapidly. The government's push for Digital India, initiatives like Aadhaar, Ayushman Bharat Digital Mission (ABDM), and widespread e-governance have generated vast quantities of personal and health data, creating unprecedented opportunities for service delivery, fraud prevention, and public welfare optimization.

On the other hand, large sections of Indian society continue to enforce regressive social codes through vigilante action. From targeting couples in public spaces, to harassing women over their clothing choices, to persecuting LGBTQ+ individuals, to attacking religious minorities these acts of moral policing operate without fear of legal consequence, often with tacit state support. The victims of such actions primarily women, youth, and marginalized communities face a tripartite threat:

- 1. Violation by Vigilantes:** *Extrajudicial enforcement of arbitrary moral codes.*
- 2. State Indifference:** *Police inaction or active complicity in moral policing acts.*
- 3. Data Exploitation:** *Digital surveillance, doxxing, and data-based targeted harassment.*

The legislative agenda before the Lok Sabha must therefore address both dimensions: strengthening privacy protections against state overreach and creating robust legal mechanisms to deter and punish moral policing by non-state actors.

1.2 The Constitutional Foundation: From Directive Principles to Fundamental Rights

The Indian Constitution's protection of individual liberty has evolved significantly from its inception in 1950 to the present day.

The Original Framework (1950): The Constitution, as originally drafted, did not explicitly mention a right to privacy. Instead, it enshrined general rights to freedom of expression (Article 19), freedom of association, and movement. Individual liberty was subsumed under the broader "Right to Life" in Article 21, interpreted narrowly at the time.

The Constitution also contained "Directive Principles of State Policy" (Chapter IV-B) that called for the state to work toward social justice, equality, and the general welfare. Education and health were included, but privacy was not explicitly addressed. This reflected the framers' post-colonial focus on nation-building, economic development, and addressing systemic poverty, rather than on individual privacy rights.

The Judicial Expansion (1984–2017): The Indian judiciary gradually expanded

the meaning of Article 21 through landmark judgments:



- **Bandhua Mukti Morcha v. Union of India (1984):** *The Supreme Court established that the "right to life" encompasses the right to live with dignity, including freedom from arbitrary detention and right to minimal living conditions. This opened the door to interpreting Article 21 expansively.*
- **Mohini Jain v. State of Karnataka (1992):** *The Court established that arbitrary interference in a person's private life violates both the right to equality (Article 14) and the right to life (Article 21). This judgment struck down the charging of "capitation fees" by private educational institutions, asserting that education cannot be treated as a commodity to be bought and sold.*
- **Unni Krishnan v. State of A.P. (1993):** *A landmark judgment that formally recognized education as a fundamental right under Article 21, leading eventually to the constitutional amendment establishing Article 21A and the Right to Education Act, 2009.*
- **Justice K.S. Puttaswamy v. Union of India (2017):** *This watershed moment elevated privacy to the status of a fundamental right. The 9-judge bench judgment, authored by Justice D.Y. Chandrachud, held that:*

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- *Privacy is an intrinsic component of the right to life and personal liberty under Article 21. Privacy encompasses bodily autonomy, informational privacy (control over personal data), and the right to conduct one's private life according to one's own values.*
- *Any infringement of privacy by the state must satisfy strict scrutiny: it must be authorized by law, pursue a legitimate aim, and be proportionate to that aim.*
- *The judgment explicitly addressed the tension between state privacy,*
- *surrendering that privacy cannot be treated as a privilege to be surrendered for state benefits.*

The Legislative Codification (2023–2025): Building on the Puttaswamy judgment, Parliament enacted the Digital Personal Data Protection Act, 2023 (DPDP Act). This Act:

- *Establishes a rights-based, consent-driven framework for data processing.*
- *Creates the Data Protection Board of India as an independent quasi-judicial authority to adjudicate violations.*
- *Grants individuals specific rights: the right to obtain information about their data, seek correction and erasure, withdraw consent, and lodge grievances.*
- *Imposes obligations on "Data Fiduciaries" (organizations processing personal data) to ensure transparency, security, and accountability.*
- *The DPDP Rules, 2025, notified on November 13-14, 2025, operationalize the Act with a phased implementation timeline extending to May 2027.*

This evolution represents a paradigm shift: from treating privacy as an afterthought to enshrining it as a constitutional imperative that shapes governance, commerce, and civil society interactions.

Chapter 2: The Constitutional and Legal Bedrock

Privacy protection in India is woven into the Constitution through multiple provisions, but the framework remains fragmented, with significant exemptions and enforcement gaps that the Lok Sabha must address.

2.1 Constitutional Articles Protecting Privacy and Liberty

Article 21 – Right to Life and Personal Liberty: This is the foundational provision. In its original interpretation, it guaranteed only the right to live, interpreted narrowly. The Supreme Court's expansions, culminating in Puttaswamy, have transformed it into a comprehensive right encompassing privacy, dignity, bodily autonomy, and freedom from state intrusion.

Article 19 – Freedom of Expression and Movement: Article 19(1)(a) protects freedom of speech and expression; Article 19(1)(d) protects freedom of movement. Together, these underpin the right to live as one chooses including choices about dress, companionship, religious practice, and personal relationships. Yet, moral policing often targets these very freedoms, and the state frequently uses Article 19(2) exceptions (related to public order, morality, etc.) to justify restrictions on these freedoms.

Article 14 – Right to Equality: This ensures equal protection before the law and forbids discrimination on grounds of religion, race, caste, sex, or place of birth. Moral policing and algorithmic discrimination (enabled by privacy violations) often violate this right by targeting specific communities.

Article 15 – Prohibition of Discrimination: Specifically prohibits discrimination by the state on grounds mentioned above. Moral policing by police forces, or state surveillance systems that amplify bias against minorities, violates this article.

Article 20 – Protection in Respect of Conviction for Offences: Protects individuals from retroactive punishment and double jeopardy. Moral policing often involves extrajudicial punishment without due process, violating this article.

Article 25-28 – Freedom of Religion: These articles protect the right to freedom of conscience and religion, the freedom to profess, practice, and propagate religion, and the freedom to manage religious affairs. Moral policing frequently targets religious minorities, violating these rights.

2.2 The DPDP Act, 2023: Scope and Limitations *The Digital Personal Data Protection Act, 2023, represents India's first comprehensive privacy law specifically addressing digital data. Key aspects:*

Scope: *The Act applies to the processing of digital personal data any information relating to a natural person which is capable of identifying that person directly or indirectly. It covers:*

- *Data processed digitally.*
- *Data collected offline but later digitized (e.g., scanned government forms).*
- *Data processed by both Indian and foreign entities, if the data concerns Indian residents or if processing occurs within India.*

Rights of Data Principals (Individuals):

- Right to information: *Individuals can request what data is held about them and how it is being used.*
- Right to correction: *Individuals can correct inaccurate or incomplete data.*
- Right to erasure: *Under certain conditions, individuals can demand deletion of data (the "right to be forgotten").*
- Right to withdraw consent: *Individuals can revoke consent given for data processing at any time without facing adverse consequences.*
- Right to grievance redressal: *Individuals can lodge complaints with the Data Protection Board.*

Obligations of Data Fiduciaries (Organizations):

- Obtain explicit, informed consent before processing personal data (with narrow exceptions).
- Provide transparency: Inform data principals about the purpose, nature, and use of data collection.
- Maintain data security: Implement reasonable safeguards against data breaches.
- Report breaches: Notify the Data Protection Board and affected individuals of any breach within reasonable timelines.
- Data minimization: Collect only data necessary for the stated purpose.
- Storage limitation: Retain data only as long as necessary for the purpose; thereafter, erasure is mandatory (except where retention is required by law).

The Critical State Exemption: Article 36 and Schedule 2 of the DPDP Act grant broad exemptions to government agencies. These entities can:

- Process personal data without explicit consent if it relates to "national security, public order, public health, or prevention and investigation of offences."
- Exempt themselves from the right to erasure and storage limitation obligations.
- Claim exemption from transparency and notice requirements in certain cases.

This exemption creates a fundamental accountability gap: the state India's largest data processor operates with minimal oversight, despite handling sensitive health data (Aadhaar, ABDM), financial information (tax records, GST), biometric data, and location data from various agencies.

2.3 Sectoral Regulations and Ongoing Legislative Gaps The Pending DISHA: The Digital

Information Security in Healthcare Act (DISHA)

has been under consideration for years but remains unenacted. DISHA would: Establish specific standards for electronic health records (EHRs).

Define penalties for health data breaches.

Clarify the liability of healthcare providers and data processors.

Mandate interoperability standards across hospitals.

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Its absence creates uncertainty in the healthcare sector, particularly problematic given the expansion of digital health under Ayushman Bharat Digital Mission (ABDM), which links health records to Aadhaar numbers and other identifiers.

The Information Technology Act, 2000: *The IT Act, while predating digital privacy concerns, remains relevant. Section 66 criminalizes hacking and unauthorized data access. However, the Act is outdated regarding deepfakes, AI-generated content, and the liability of platform operators for user-generated content facilitating moral policing (e.g., doxxing, coordinated harassment).*

Aadhaar Act, 2016: *This act establishes the legal framework for Aadhaar enrollment, authentication, and use. The Puttaswamy judgment placed significant limits on mandatory Aadhaar linking for government benefits, but significant ambiguities remain regarding the collection and use of Aadhaar data by private entities and the state.*

Sectoral Regulators: *The Reserve Bank of India (RBI) for financial data, the Ministry of Health for medical records, and the Telecom Regulatory Authority of India (TRAI) for telecom data each have sector-specific guidelines. However, these are often inconsistent, and gaps exist in coordination.*

2.4 The Federal-Concurrent List Challenge

Education, health, and public order are in the Concurrent List (List III of the Seventh Schedule), meaning both the Union and States can legislate. This creates:

- *Inconsistent privacy standards across states.*
- *States are reluctant to enact strict privacy regulations, fearing loss of surveillance capacity for law and order.*
- *Unequal enforcement, with better-resourced states establishing robust Data Protection Boards and others lacking institutional capacity.*

Chapter 3: Foundational Policy Frameworks

3.1 The National Digital Governance Initiatives and Data Creation

India's rapid shift toward digital governance has exponentially increased data collection by the state:

Aadhaar (Unique Identity Project): *Launched in 2009, Aadhaar has enrolled over 1.4 billion residents, collecting biometric data (fingerprints, iris scans, facial photographs) and demographic information. This data is linked to welfare schemes, tax filings, banking, and more. The Puttaswamy judgment curtailed mandatory Aadhaar linking for welfare, but significant linking persists, creating a panopticon-like surveillance system.*

Ayushman Bharat Digital Mission (ABDM): *Launched to create health IDs linked to Aadhaar, consolidating health records across hospitals and providers. This offers efficiency gains but raises acute privacy concerns given health data's sensitivity.*

GST and Indirect Tax Systems: *Business data linked to PAN (Permanent Account Number), enabling cross-matching of financial transactions, purchase patterns, and movement of goods.*

Telecom Data: *Billions of Call Detail Records (CDRs) maintained by telecom providers, enabling location tracking and communication surveillance. Law enforcement agencies access this data with minimal oversight.*

E-Surveillance Systems: *CCTV networks, facial recognition systems, and Automatic Number Plate Recognition (ANPR) systems in major cities, often without privacy impact assessments or public consent frameworks.*

The Critical Gap: *While these systems generate massive datasets, there is no unified, transparent governance framework. Different agencies maintain data in silos, with inconsistent security standards, no unified breach reporting, and minimal public accountability.*

3.2 The Existing Anti-Moral Policing Jurisprudence

While India lacks specific anti-moral policing

legislation, the courts have begun to address the issue through existing constitutional and criminal law provisions:

S. Khushboo v. Kanniammal (2010): *A landmark Supreme Court judgment where Justice Markandey Katju held that moral policing is unconstitutional. The case involved a film actress expressing personal views about pre-marital relationships.*

The Court established:

- *The right to personal opinion on matters of morality is protected by Articles 19 and 21.*
- *The state cannot use its machinery to enforce majority moral views on minorities.*
- *Such enforcement violates the constitutional guarantee of individual liberty.*

Suresh Kumar Koushal v. Union of India (2013): *Though this judgment upheld Section 377 IPC (criminalizing consensual same-sex relationships), multiple judges noted in dicta that the law should not be used for moral policing against the LGBTQ+ community. This observation opened the door for later judicial intervention.*

Navtej Singh Johar v. Union of India (2018): *The Supreme Court partially decriminalized consensual same-sex relationships by striking down parts of Section 377 IPC. Justice Chandrachud explicitly held that moral policing, including police entrapment and harassment of the LGBTQ+ community, violates Article 21.*

Navanitha v. The State of Tamil Nadu (2025) (Madras High Court): *A recent, highly significant judgment addressing moral policing and its consequences. Justice L. Victoria Gowri held:*

- *Moral policing is a "dangerous and regressive practice with no legal sanction."*
- *It particularly victimizes women in rural areas, leading to social ostracization and psychological harm.*

- *Moral policing violates Article 21 (right to dignity and personal liberty), Article 19 (freedom of expression and movement), and India's international obligations under CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women) and ICCPR (International Covenant on Civil and Political Rights). Police complicity in moral policing constitutes abuse of state power and grounds for strengthened bail conditions and enhanced judicial scrutiny.*

This case exemplifies the judiciary's recognition that moral policing is a systemic problem requiring legal remedies beyond individual criminal charges.

3.3 The International Legal Framework

India is signatory to multiple international conventions that protect privacy and personal liberty:

International Covenant on Civil and Political Rights (ICCPR) (1979): Article 17 guarantees the right to privacy, and the UN Human Rights Committee has held that this includes protection from government surveillance, arbitrary data collection, and discrimination based on personal characteristics.

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1993): Article 2 mandates state action to eliminate discrimination against women, including through law enforcement. Moral policing that targets women violates CEDAW.

Universal Declaration of Human Rights (UDHR) (1948): Article 12 protects freedom from arbitrary interference in private affairs.

These international obligations are increasingly cited by Indian courts to expand privacy and liberty protections. The Navanitha judgment, for example, explicitly invoked India's CEDAW and ICCPR obligations.

PART II: HISTORICAL CONTEXT AND CONTEMPORARY CHALLENGES

Chapter 4: The Evolution of Privacy Consciousness in India

4.1 Pre-Independence and Immediate Post-Independence Era (Pre-1947 to 1970s) *The Colonial Surveillance State: The British Raj built one of history's most extensive surveillance systems. Colonial administrators used informant networks, monitoring of political activities, and data collection on populations to maintain control. The Census, established in 1872, became a tool for racial categorization and administrative control. After independence, the Indian state inherited both these surveillance apparatuses and the absence of privacy protections.*

The Nation-Building Phase (1947–1970s): *The immediate post-independence era was characterized by a focus on nation-building, economic development, and addressing poverty and inequality. Privacy was not a priority. The Constitution, while establishing fundamental rights, did not explicitly mention privacy. The state railways, electricity grids, public sector expanded massively establishing enterprises, and universal education with minimal attention to data protection.*

The Emergency (1975–1977): *Prime Minister Indira Gandhi's declaration of a national Emergency revealed how weak privacy protections could enable authoritarian governance. Mass arrests, press censorship, and surveillance of political opponents occurred. This period, though brief, left a lasting imprint on Indian constitutional jurisprudence: the danger of unchecked state power.*

4.2 The Judicial Awakening (1980s–1990s)

The 1980s and 1990s saw a global pivot toward privacy rights, driven by computerization, globalization, and the rise of data-driven economies. India's judiciary began to interpret the Constitution expansively to address these new threats.

The Privacy Doctrine Emerges: *Cases like Bandhua Mukti Morcha (1984) and later Mohini Jain (1992) began carving out a right to privacy within the ambit of Article 21. The judiciary recognized that personal dignity, bodily autonomy, and autonomy in personal choices are integral to the "right to life."*

Moral Policing Begins as a Recognized Problem: *By the 1990s, as India urbanized and traditional societies began to erode, moral policing became more visible particularly targeting women's mobility and dress, interfaith relationships, and non-heterosexual orientations. The judicial system began receiving cases of harassment and violence justified by moral concerns.*

4.3 The IT Revolution and Privacy Challenges (2000s–2010s) *The passage of the Information*

Technology Act, 2000, and India's emergence as an IT superpower created new data-related challenges:

The Rise of Data-Driven Governance: *With computerization came the ability to collect, store, and analyze data at unprecedented scales. The government launched e-governance initiatives, digital identity schemes (Aadhaar from 2009), and online service delivery. These innovations offered efficiency but also concentration of power.*

Vigilante Digital Harassment: *The rise of social media and smartphones democratized the tools of surveillance and harassment. Moral policing expanded from physical intimidation to digital doxxing, deepfakes, coordinated online campaigns, and data-based targeted harassment.*

The Aadhaar Controversy: *Aadhaar, launched without explicit statutory authorization and later formalized through the Aadhaar Act, 2016, generated massive public controversy. Civil society organizations raised concerns about:*

- *Mass biometric collection without informed consent. Lack of transparency in*
- *data usage. Disproportionate impact on poor and marginalized communities.*
- *Risk of state surveillance and control.*
-

These concerns ultimately led to the Puttaswamy petition before the Supreme Court.

4.4 The IT Revolution and Privacy Challenges (2000s–2010s)

Puttaswamy Judgment (2017): The Supreme Court's recognition of privacy as a fundamental right was transformative. It:

- *Established that the state must justify any infringement of privacy through law, with a legitimate aim and proportionality.*
- *Directly addressed surveillance, data collection, and algorithmic decision-making.*
- *Set the stage for comprehensive data protection legislation.*

Decriminalization of Consensual Same-Sex Relationships (2018): The Navtej Singh Johar judgment further recognized that moral policing violates individual liberty, giving constitutional protection to private consensual conduct.

The DPDP Act (2023): Parliament responded to Puttaswamy by enacting the DPDP Act, India's first comprehensive privacy law.

Recent Judgments on Moral Policing (2025): The Navanitha judgment and others have crystallized the legal status of moral policing as a violation of multiple constitutional rights.

Chapter 5: The Anatomy of Moral Policing in Contemporary India

5.1 Definitions and Manifestations What is Moral Policing? *Moral policing refers to the enforcement of arbitrary*

moral or social codes by non-state actors (vigilante groups, community members) or by the state acting beyond its legal mandate. It is characterized by:

1. **Absence of Legal Authority:** *Vigilantes enforce moral rules that have no basis in criminal or civil law.*
2. **Arbitrary Standards:** *The moral codes enforced vary by region, community, and the prejudices of the enforcers.*
3. **Extra-Judicial Punishment:** *Victims face social ostracization, violence, property damage, or forced "corrective" actions without due process.*
4. **Targeting of Vulnerable Groups:** *Women, youth, religious minorities, LGBTQ+ individuals, and the poor are disproportionately victimized.*

Key Manifestations in Contemporary India:

- Targeting of Clothing Choices: *Vigilantes harass women wearing jeans, short skirts, or non-traditional dress, claiming these violate Indian culture or religious norms.*
- Policing of Relationships: *Vigilante groups intimidate and assault couples (particularly interfaith or intercaste couples) in public spaces, claiming to protect "tradition" or "honor."*
- Attacks on Food Practices: *Vigilante groups assault consuming, transporting, or selling beef or other foods deemed "culturally inappropriate."*
- Harassment of LGBTQ+ Individuals: *Despite the decriminalization of same-sex relationships, LGBTQ+ individuals face persistent harassment justified on grounds of morality or cultural tradition.*
- Persecution of Religious Minorities: *Attacks on churches, harassment of conversion activities, and intimidation of Christian communities under the guise of protecting Hindu culture.*
- Violence Against Sex Workers: *Despite sex work being decriminalized to some extent, sex workers face violence and harassment justified by moral opposition.*

5.2 The Role of State Actors and Systemic Complicity Police Inaction and Complicity: *Many moral policing incidents go unreported because victims fear police would either be indifferent or complicit. In some cases:*

- *Police refuse to register FIRs (First Information Reports) for moral policing incidents.*
- *Police threaten victims for "defaming" their community or culture.*
- *Police use colonial-era laws (like Section 294 IPC obscene acts in public) to harass victims rather than protect them.*

Ideological Alignment: *In some regions, state actors share the moral views of vigilantes, leading to active or tacit support for moral policing. Local politicians sometimes endorse or encourage vigilante groups.*

Use of Archaic Laws: *Section 294 IPC, which penalizes "obscene" acts in public, is frequently misused to criminalize consensual adult behavior, intimate expressions, and personal clothing choices. The law's vagueness enables arbitrary application.*

5.3 The Data and Privacy Dimensions of Moral Policing *Modern moral policing increasingly involves digital harassment:*

- Doxxing: *Publishing personal information (address, phone number, family details) of moral policing targets online, leading to real-world harassment.*
- Deepfakes and Morphed Images: *Creating fake intimate images or videos of targets to shame and humiliate them.*
- Coordinated Online Campaigns: *Organizing mass online harassment, threatening messages, and calls for violence through social media.*

- Data Breaches for Harassment: *Obtaining personal data through illegal means (hacking, insider access, or through government databases) to facilitate targeted harassment.*
- Algorithmic Amplification: *Social media algorithms that amplify content promoting moral policing or targeting vulnerable communities.*

The Privacy Violation: *All these acts involve unauthorized collection, use, or dissemination of personal data, violating both the right to privacy and the DPDP Act, 2023. Yet, enforcement is minimal.*

5.4 The Scale and Impact

Quantification of Moral Policing: *While comprehensive national data is lacking, available evidence suggests moral policing is widespread:*

- Women and Girls: *According to civil society organizations, hundreds of incidents of moral policing targeting women's clothing, mobility, and relationships occur annually. The true figure is likely much higher due to underreporting.*
- LGBTQ+ Community: *Studies indicate that despite decriminalization, the LGBTQ+ community faces persistent harassment, intimidation, and violence justified on moral grounds.*
- Religious Minorities: *Christian communities report hundreds of incidents of attacks, harassment, and intimidation annually.*
- Interfaith Couples: *Documented cases of couples being attacked, families being pressured, and relationships being terminated due to moral policing.*

Psychological and Social Impact: *Moral policing creates a climate of fear, self-censorship, and reduced autonomy. Victims report:*

- *Anxiety, depression, and trauma.*
- *Withdrawal from public life and reduced participation in civic activities.*
- *Erosion of family relationships due to ostracization.*
- *In extreme cases, self-harm and suicide (as in the Navanitha case).*

Chapter 6: The Data Protection Ecosystem and Implementation Challenges

5.1 The Data Protection Board of India: Structure and Capacity

The DPDP Rules, 2025, established the Data Protection Board of India (DPBI) as a quasi-judicial authority to:

- *Adjudicate complaints from data principals against data fiduciaries.*
- *Impose penalties for violations of the DPDP Act.*
- *Recommend measures for compliance and systemic improvement.*

Structural Issues:

- *The Board has limited investigative capacity and relies heavily on self-reporting by data fiduciaries.*
- *Funding and staffing are unclear; the Board is nascent and lacks experience in adjudication.*

- *The Board has no authority to investigate state agencies due to the Article 36 exemption, creating a massive accountability gap.*

5.2 State Exemptions and the Governance Vacuum *The broadest exemption in the DPDP Act is the state exemption (Article 36 and Schedule 2). Government agencies can:*

- *Process data without consent under the guise of "national security," "public order," "public health," or "prevention of offences."*
- *Avoid the obligation to provide transparency and notice to data principals.*
- *Exempt themselves from the right to erasure and storage limitation, meaning the state can retain personal data indefinitely.*

The Paradox: *The Puttaswamy judgment established that privacy is a fundamental right, and any state infringement must pass strict scrutiny. Yet, the DPDP Act grants the state blanket exemptions without requiring it to demonstrate necessity or proportionality.*

The Lack of Oversight: *There is no independent body to oversee state data collection, no mandatory privacy impact assessments before launching new government data programs, and no requirement for the state to justify its data holdings.*

5.3 Sectoral Gaps and Unfinished Legislative Work

Healthcare: *The absence of DISHA creates uncertainty regarding health data governance, particularly concerning the rapid expansion of ABDM. Hospitals have inconsistent data security practices, and there is no unified standard for patient consent, data access, or breach notification.*

Law Enforcement: *Police forces access vast amounts of data CDRs, CCTV feeds, Aadhaar data with minimal oversight. The absence of specific regulations on police data access creates scope for misuse and discriminatory surveillance.*

Financial Services: *While the RBI has issued guidelines, there is no comprehensive law governing the collection and use of financial data by banks and fintech companies.*

Social media and Platforms: *The IT Act's provisions on intermediary liability are outdated. There is no clear framework for the liability of platforms for user-generated content facilitating moral policing (hate speech, doxxing, deepfakes).*

6.3 Enforcement and Capacity Building

The Data Protection Board: *While established, the DPBI is understaffed, under-resourced, and has limited visibility. Few data principals are aware of its existence or how to lodge complaints.*

State-Level Enforcement: *The DPDP Act is a Union law, but much enforcement depends on state compliance and state-level coordination. States with weak institutional capacity may struggle to implement the law.*

Civil Society Engagement: *Organizations like Internet Freedom Foundation, Centre for Internet and Society, and others have been instrumental in raising awareness, but reliance on civil society for enforcement is not sustainable.*

Chapter 7: The Core Debate and Policy Crossroads

7.1 Strengthening the DPDP Act: The State Exemption Debate

The Problem: Article 36 exemptions render the DPDP Act largely ineffective against the state, the largest collector of personal data. Key debates:

- *Should the state be exempt? Some argue that state exemptions are necessary for national security and public order. Others contend that the state, precisely because it holds enormous power, should be held to the highest standard of privacy protection, not exempted from it.*
- *How to balance security and privacy? The Puttaswamy test mandates that any state infringement of privacy must:*
 - *Be authorized by law (satisfied by the exemption itself, but should this alone be sufficient?).*
 - *Pursue a legitimate aim (national security, public order).*
 - *Be proportionate to that aim (but who determines proportionality if the state is exempt from oversight?).*
- *Independent Oversight: Should an independent body perhaps strengthened DPBI or a new "State Data Commission" have the authority to review state data practices, demand justifications for mass surveillance, and impose conditions on data collection?*

7.2 Addressing Moral Policing: The Legislative Gap

The Absence of Specific Legislation: *India lacks a law specifically criminalizing or regulating moral policing. Existing criminal law provisions (like Section 294 IPC, which criminalizes obscene acts in public) are often misused to enable rather than prevent moral policing.*

Key Debates:

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- *Should a specific "Anti-Moral Policing Act" be enacted? Such an act could:*
 - *Define moral policing explicitly.*
 - *Criminalize vigilante enforcement of moral codes.*
 - *Hold state actors accountable for complicity.*
 - *Provide enhanced protection and remedies for victims.*
- *Reform of Archaic Laws: Section 294 IPC, Section 304 (constructive murder through negligence), and other provisions are regularly misused. Should these be reformed or repealed?*
- *Definition Challenges: How does one define "moral" in a plural, multicultural society? How does one distinguish between legitimate community standards and illegitimate moral policing?*

7.3 Data Sovereignty and Digital Governance

The Aadhaar Paradigm: *Aadhaar represents a tension between state efficiency and individual privacy:*

- *Proponents argue it enables targeted welfare delivery and reduces fraud.*
- *Critics argue it enables mass surveillance and disproportionately impacts the poor.*

Key Debates:

1. *Mandatory Aadhaar Linking: While the Puttaswamy judgment curtailed mandatory linking, significant linking persists in welfare programs. Should this be restricted further?*
2. *Data Minimization in Government: Should the state be required to minimize data collection, collecting only what is strictly necessary for a stated purpose?*
3. *Citizens' Rights to Access, Audit, and Challenge: Should citizens have the right to access what data the state holds about them, audit how it is used, and challenge or seek erasure of inaccurate data?*

7.4 Digital Harassment and Platform Liability

The Problem: *Social media platforms and online services facilitate moral policing through doxxing, deepfakes, coordinated harassment, and hate speech. Current regulations are inadequate*

Key Debates:

1. *Intermediary Liability: Should platforms be held liable for user-generated content that facilitates moral policing? Should there be a "notice-and-takedown" requirement?*
2. *Algorithmic Accountability: Should platforms be required to disclose how their algorithms recommend content, particularly content promoting moral policing or targeting vulnerable communities?*
3. *Data Protection in Digital Harassment: When a data breach or unauthorized use of personal data occurs (e.g., leaked intimate images, doxxing), what remedies should be available to victims?*

7.5 Digital Harassment and Platform Liability

Women: *Moral policing disproportionately targets women. Should women receive enhanced legal protections, such as:*

- *Specific provisions criminalizing moral policing targeting women's clothing or mobility?*
- *Fast-track legal remedies for victims of digital harassment?*
- *Mandatory consent for data collection by relatives?*

LGBTQ+ Community: *Despite partial decriminalization, the LGBTQ+ community remains vulnerable to moral policing. Should:*

- *The law explicitly protects the right to sexual orientation and gender identity.*
- *Data collection discriminating on the basis of sexual orientation be prohibited?*

Religious Minorities: *Minority communities face moral policing justified on protecting "majority" culture. Should:*

- *Does the law explicitly protect minority religious practices?*
- *Vigilante violence targeting minorities be prosecuted with enhanced penalties?*

Chapter 8: International Best Practices and India's Positioning

8.1 The European Model: GDPR

The General Data Protection Regulation (GDPR, 2018) is the gold standard globally.

Key features:

- Consent-driven: *Like DPDP, GDPR requires explicit, informed consent for data processing.*
- Individual Rights: *Robust rights to access, rectification, erasure, and data portability.*
- Accountability: *Organizations must demonstrate compliance and conduct impact assessments.*
- No Blanket Exemptions: *Even government agencies face oversight; exemptions must be narrow and justified.*
- Extraterritorial Reach: *GDPR applies globally if data of EU residents is processed.*
- Penalties: *Fines up to 4% of global annual turnover for breaches.*

India's Comparison: DPDP is broadly similar to GDPR but with weaker enforcement and broader state exemptions.

8.2 Regional Models: Brazil, Kenya, South Africa

These countries have developed privacy frameworks suited to their development contexts:

- *Brazil's LGPD has a consent-driven approach similar to GDPR but with greater flexibility for developing economies.*
- *Kenya and South Africa balance privacy rights with development needs while providing mechanisms for vulnerable populations' protection.*

8.3 Addressing Moral Policing Globally

Few countries have specific anti-moral policing legislation. However:

- *Brazil has laws addressing vigilantism and extrajudicial punishment.*
- *South Africa, with a history of state violence, has strong protections against state-enabled harassment.*
- *International human rights frameworks (ICCPR, CEDAW) provide templates for protecting against moral policing.*

India's Opportunity: As a large, diverse democracy with an active civil society, India could develop a model anti-moral policing law that could guide other democracies.

PART III: CRITICAL POLICY QUESTIONS FOR DELIBERATION

Chapter 9: Portfolio-Wise Mandates and Deliberation Framework

The Lok Sabha debate on privacy and moral policing will center on competing visions of development, federalism, security, and individual liberty. The following mandates outline expected positions of major political coalitions:

9.1 The Ruling Coalition (Focus: Governance Efficiency, National Security, Development)

Mandate: *The ruling coalition will likely argue that:*

- *Data collection by the state is essential for effective governance, welfare delivery, and national security.*
- *The Puttaswamy judgment, while establishing privacy as a right, must be balanced against state capacity and public interest.*
- *The DPDP Act, 2023, and its Rules represent a comprehensive framework that respects privacy while enabling development.*
- *State exemptions are necessary and proportionate, given the state's unique responsibilities.*

Key Arguments:

- *Governance Efficiency: Large-scale data collection enables targeted welfare (Direct Benefit Transfer, health schemes), reduces fraud, and improves resource allocation.*
- *National Security: Counterterrorism, prevention of organized crime, and border security require surveillance capabilities.*
- *Digital India Vision: The state's digital governance initiatives (Aadhaar, e-courts, e-governance) have improved service delivery for hundreds of millions of citizens.*
- *DPDP Compliance: The state is complying with DPDP obligations; independent audit and oversight are unnecessary bureaucratic additions.*

Stance on Moral Policing: *The ruling coalition will likely:*

- *Acknowledge that moral policing is problematic when it leads to violence.*
- *Argue that existing criminal laws (assault, harassment, intimidation) are sufficient to address moral policing.*
- *Resist a new "Anti-Moral Policing Act," arguing it could be misused to criminalize legitimate cultural or religious expression.*
- *Emphasize law and order; police should be empowered to maintain order without being hobbled by concerns about "moral policing."*

9.2 Major Opposition Parties (Focus: Individual Liberty, Accountability,

Federalism) Mandate: *Major opposition parties will argue that:*

- *Privacy is a fundamental right that the state must respect, not a privilege.*
- *The state exemptions in DPDP create an accountability vacuum that threatens democratic governance.*
- *Moral policing is a systemic problem requiring comprehensive legislative and institutional reform.*
- *Privacy and security are not opposed; strong privacy protections enhance trust in democratic institutions.*

Key Arguments:

- *Puttaswamy Was Clear: The Supreme Court established that the state must justify any infringement of privacy through proportionate, necessary measures. Blanket exemptions violate this test.*
- *Surveillance Risks: Mass data collection by the state creates tools for authoritarian governance, as seen in many examples globally (China, Myanmar, etc.).*
- *Moral Policing as Systemic: Hundreds of documented incidents show that moral policing is not aberrational; it reflects systemic failures in law enforcement and a lack of political will to protect minority rights.*
- *Women and Minority Rights: Women, LGBTQ+ individuals, and religious minorities face disproportionate moral policing. The state has failed to protect these groups.*

Stance on Moral Policing: *Major opposition parties will likely:*

- *Call for comprehensive anti-moral policing legislation that criminalizes vigilante enforcement and police complicity.*
- *Demand that existing laws be reformed (e.g., Section 294 IPC clarified to exclude consensual adult conduct).*
- *Advocate for stronger protections for women, LGBTQ+ individuals, and minorities.*
- *Recommend mandatory police training on constitutional rights and the prohibition of moral policing.*

9.3 Regional and Minority-Focused Parties (Focus: Minority Rights, Federalism, Community Autonomy)

Mandate: *Regional parties will argue that:*

- *Privacy protections must respect regional and cultural diversity.*
- *The DPDP Act should not override state-specific regulations reflecting local values and customs.*
- *Moral policing is often cultural expression, not a violation; the center should not impose uniform standards.*
- *Vulnerable minorities (religious minorities, linguistic minorities, women) require specific, tailored protections that may vary by region.*

Key Arguments:

- *Federal Autonomy: Privacy regulation should respect the Concurrent List structure, allowing states to develop context-specific regulations.*
- *Cultural Diversity: What constitutes "appropriate" dress, behavior, or relationships varies across regions. National uniformity can erase cultural distinctiveness.*
- *Minority Protection: Religious and linguistic minorities require specific protections; a uniform law might not address their unique vulnerabilities.*

Stance on Moral Policing: *Regional parties will likely:*

- *Distinguish between "legitimate cultural expression" and "harmful moral policing."*
- *Resist uniformity; advocate for state-specific regulations reflecting regional values.*
- *Emphasize the role of community and family in moral matters, while acknowledging legal limits on extrajudicial action.*
- *Demand protections for religious minorities against attacks justified as "defending culture."*

9.4 Women's Rights and Civil Liberties Organizations (Pressure from Outside)

While not formally part of the Lok Sabha, civil society organizations representing women's rights, LGBTQ+ rights, and civil liberties will exert significant pressure:

Key Demands:

- *Comprehensive anti-moral policing legislation with enhanced protections for women.*
- *Reform of archaic laws (Section 294 IPC, Section 375 IPC provisions on "honor").*
- *Mandatory training for police on constitutional rights and discrimination.*
- *Victim support systems: counseling, legal aid, compensation for moral policing victims.*
- *Strong regulation of digital harassment and platform accountability.*
- *Independent oversight of state data practices.*

Chapter 10: Critical Policy Questions for Deliberation

The Lok Sabha's deliberation should focus on resolving the following fundamental questions:

On State Data Governance:

1. *State Exemptions in DPDP Act: Should Article 36 exemptions for government agencies be narrowed or eliminated? If retained, what independent oversight mechanism should review state data practices?*
2. *Aadhaar and Data Minimization: Should mandatory Aadhaar linking for welfare be phased out? What legal limits should be placed on government data collection and retention?*
3. *Privacy Impact Assessments: Should government agencies be required to conduct mandatory Privacy Impact Assessments (PIAs) before launching new data collection programs, and should these PIAs be subject to public review?*
4. *Police Surveillance: Should there be specific legislation governing law enforcement data access (CDRs, CCTV, location data)? Should warrants be required for all surveillance?*

On Moral Policing:

1. *Specific Anti-Moral Policing Legislation: Should Parliament enact a comprehensive "Protection of Individual Liberty Act" or "Prevention of Vigilantism Act" that criminalizes moral policing and holds state actors accountable?*
2. *Reform of Section 294 IPC: Should Section 294 (obscene acts in public) be reformed to explicitly exclude consensual adult conduct between adults?*
3. *Police Training and Accountability: What mechanisms should hold police accountable for moral policing? Should there be mandatory training on constitutional rights and the prohibition of moral policing?*
4. *Victim Protection and Support: What legal remedies and support systems (counseling, compensation, protection orders) should be available to moral policing victims?*

On Digital Harassment and Platform Accountability:

1. *Deepfakes and Non-Consensual Intimate Images: Should Parliament enact specific legislation criminalizing deepfakes and non-consensual intimate images used for harassment?*
2. *Doxing and Coordinated Harassment: Should platforms be required to prevent and promptly remove content facilitating doxing and coordinated harassment?*
3. *Algorithmic Transparency: Should platforms be required to disclose how algorithms recommend content, particularly content promoting moral policing or hate speech?*

On Vulnerable Populations:

1. *Enhanced Protections for Women: Should women receive specific, enhanced legal protections against moral policing, such as fast-track courts or expanded definitions of harassment?*
2. *LGBTQ+ Rights and Data Privacy: Should the law explicitly protect sexual orientation and gender identity as categories receiving heightened protection against discrimination and moral policing?*
3. *Religious Minority Protections: What specific measures should protect religious minorities against moral policing justified as "defending culture"?*

On Institutional Framework:

1. *Data Protection Board Independence: Should the Data Protection Board be granted independence from government, including budgetary autonomy and the power to investigate government agencies?*
2. *State-Level Coordination: How should the center and states coordinate on privacy enforcement, given privacy's placement in the Concurrent List?*
3. *Grievance Redressal and Remedies: What should be the timeline and process for addressing privacy violations? Should there be monetary compensation, legal remedies, or both?*

Chapter 11: Glossary of Key Terms

Term	Definition
Moral Policing	<i>The enforcement of arbitrary moral or social codes by non-state actors (vigilantes) or by the state acting beyond its legal mandate, typically without due process.</i>
Data Principal	<i>Any individual to whom digital personal data relates. Under DPDP, data principals have rights information, correction, erasure, and withdrawal of consent.</i>
Data Fiduciary	<i>An entity (organization, business, government) that determines the purpose and means of processing personal data.</i>
Privacy Impact Assessment (PIA)	<i>A systematic evaluation of a proposed project or initiative to identify potential risks to privacy before implementation.</i>

Doxxing	<p><i>The unauthorized publication of personal information (address, phone number, family details) online to facilitate harassment or intimidation.</i></p>
ABDM	<p><i>Ayushman Bharat Digital Mission; India's initiative to create a unified digital health ecosystem with health IDs linked to Aadhaar.</i></p>
CDR (Call Detail Records)	<p><i>Records of telephone communication maintained by telecom providers, including caller identity, duration, and location data.</i></p>
Vigilantism	<p><i>The act of a person or group taking the law into their own hands, enforcing justice without legal authority.</i> <i>Harassment or intimidation conducted through</i></p>
Cyberstalking	<p><i>digital means, including email, social media, or messaging platforms.</i></p>
Informed Consent	<p><i>Voluntary agreement to data processing based on clear, complete information about what data will be collected and how it will be used.</i></p>
Right to Erasure	<p><i>Also known as the "right to be forgotten"; the right to demand deletion of personal data under certain conditions.</i></p>
Data Breach	<p><i>Unauthorized access, use, or disclosure of personal data, potentially putting individuals at risk of harm.</i></p>
Data Security	<p><i>Protective measures implemented to prevent unauthorized access, use, modification, or destruction of personal data.</i></p>
Consent Manager	<p><i>An intermediary entity authorized under DPDP to manage the giving, recording, and withdrawal of consent between data principals and data fiduciaries.</i></p>
Significant Data Fiduciary (SDF)	<p><i>Organizations identified under DPDP as processing large quantities of personal data, subject to enhanced obligations.</i></p>
Article 21 (Constitution)	<p><i>Guarantees the right to life and personal liberty; basis for the constitutional right to privacy.</i></p>
Article 19 (Constitution)	<p><i>Guarantees freedom of speech and expression, freedom of movement, and freedom of assembly and association.</i></p>
Section 294 IPC	<p><i>Criminal law provision penalizing "obscene" acts in public; frequently misused to criminalize consensual adult conduct.</i></p>
LGBTQ+ (or LGBTQIA+)	

	<i>gender minorities.</i>
Interfaith Relationship	<i>A romantic or familial relationship between individuals from different religious communities.</i>
Bodily Autonomy	<i>The right of individuals to make decisions about their own bodies without interference from others.</i>
Digital Governance	<i>The use of digital technologies and data systems for government service delivery, administration, and public engagement.</i>



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AGENDA 2: DISCUSSION ON REGULATING SPORTS SECTOR IN INDIA AND EMPHASISING DEBATE ON PRIVATISING ALL THE SPORTS BODIES OR BRINGING IN GOVERNMENT CONTROL ACROSS ALL THE SPORTS BODIES IN INDIA, WITH DETAILED ANALYSIS OF NATIONAL SPORTS GOVERNANCE ACT,2025.

PART I: INTRODUCTION AND FOUNDATIONAL FRAMEWORK

Chapter 1: Introduction - The Sports Governance Imperative

1.1 The Central Challenge: Sports as a National Priority *India stands at a critical juncture in its sports sector. With approximately 1.4 billion citizens and a growing appetite for sporting excellence, the nation seeks to establish itself as a global sporting power by 2047. However, the sports ecosystem faces a fundamental structural challenge: the absence of a unified, modern legal framework governing the nation's sports bodies.*

This agenda addresses a core constitutional and policy question: How should India regulate its sports sector through heightened government control over all sports bodies, through complete privatisation and self-regulation, or through a balanced hybrid model that combines private sector dynamism with public accountability? The urgency of this debate is underscored by the recent passage of the National Sports Governance Act, 2025, which represents the most significant legislative intervention in India's sports governance in over a decade.

Historically, India's sports governance has been characterized by fragmentation, opacity, and the dominance of individual federations operating with minimal accountability. The Board of Control for Cricket in India (BCCI), a private body generating billions in revenue, operates with virtual independence from government oversight. Meanwhile, lesser-funded sports struggle for resources, recognition, and institutional capacity. This dualism reflects the absence of a coherent national sports policy framework.

The National Sports Governance Act, 2025 (NSGA 2025) attempts to rectify this through mandatory standardization, institutional oversight, and the establishment of regulatory bodies but its implementation raises profound questions about federalism, institutional autonomy, and the balance between public welfare and private enterprise.

1.2 India's Sports Market and Global Context *India's sports sector is experiencing unprecedented growth. The sports market, valued at approximately \$52 billion in 2024, is projected to reach \$130 billion by 2030, growing at a Compound Annual Growth Rate (CAGR) of 14%[1]. This expansion is driven by:*

- *Rising disposable incomes and urbanization* *The success of franchised leagues (IPL, WPL)*
- *demonstrating the commercial appeal of Indian sport* *Growing international interest in Indian talent and events* *Government promotion through schemes like the Pradhan Mantri Khel Vikas Yojana (PMKCY)*
- *⋮*

Yet, this growth masks deep institutional weaknesses. India's Olympic and Paralympic performances remain modest relative to the nation's population and resources. The Tokyo 2020 Olympics saw India win 7 gold medals (ranking 48th), while China won 38 gold medals (ranking 3rd). This disparity, despite India's significantly larger population and sports talent pool, indicates systemic inefficiencies in talent identification, training, and resource allocation.

Furthermore, many sports beyond cricket remain fragmented, underfunded, and plagued by governance scandals involving match-fixing, financial misappropriation, and autocratic leadership structures. The absence of professional standards, ethical codes, and transparent financial mechanisms has eroded public trust in sports institutions.

1.3 Constitutional and Legal Bedrock *Sports governance in India is situated within the constitutional framework,*

primarily under the ambit of Article 12 (definition of "State") and the constitutional right to life (Article 21), which courts have interpreted to include the right to physical fitness and participation in sports. However, there is no explicit constitutional provision directly addressing sports governance or the regulation of sports bodies.

The main legislation relevant to sports includes:

1. **The Sports Code (2011):** *A non-statutory, voluntary framework developed by the Ministry of Youth Affairs and Sports, establishing governance norms for national sports federations. However, its non-binding nature limited compliance.*
2. **The National Anti-Doping Act (2021):** *Criminalizes doping and establishes the National Anti-Doping Agency (NADA) as the statutory body for anti-doping regulation.*
3. **The National Sports Governance Act (2025) [New]:** *The comprehensive, legally binding statute to regulate national sports bodies, replacing the Sports Code with enforceable legal standards.*

Chapter 2: The National Sports Governance Act, 2025 - Structural Overview

2.1 Institutional Framework and Regulatory Bodies

The NSGA 2025 establishes a multi-tiered regulatory structure to oversee India's sports ecosystem. The key institutions are:

A. National Sports Board (NSB)

- *A regulatory authority established by the Central Government*
- *Composition: A chairperson and prescribed members with expertise in public administration, sports governance, sports law, and related fields*
- *Function: To recognize national sports bodies (NSBs), maintain standards, and oversee governance compliance*
- *Powers: The NSB has authority to issue directives to national sports federations and to recommend sanctions for non-compliance*
- *•*

B. National Sports Tribunal (NST)

- *A quasi-judicial body with powers equivalent to a civil court*
- *Composition: A chairperson who must be a sitting or former Supreme Court Judge or High Court Chief Justice; two members with eminence in sports, public administration, and law*
- *Jurisdiction: To adjudicate disputes related to:*
 - *Athlete selection and deselection*
 - *Federation elections and governance disputes*
 - *Grievances of athletes, coaches, and other stakeholders*
 - *Interpretation of federation bylaws*

C. National Olympic Committee (NOC) and National Paralympic Committee (NPC)

- *Statutory bodies with exclusive responsibility for coordinating Olympic and Paralympic participation*
- *Must maintain compliance with Olympic Charter and Paralympic Charter*
- *Oversight over all national federations participating in Olympic/Paralympic sports*

D. National and Regional Sports Federations

- *Each recognized sport has a designated National Sports Federation (NSF)*
- *NSFs are required to establish State and District-level affiliate units*
- *Must align with international bodies governing their respective sports (e.g., International Cricket Council for cricket, World Athletics for athletics)*

2.2 Governance Standards and Administrative Requirements

The NSGA 2025 mandates rigorous governance standards for all recognized sports bodies:

A. Executive Committee Composition

- *Maximum 15 members*
- *At least 2 members must be outstanding/practicing sportspersons*
- *At least 4 members must be women*
- *Age restrictions: Members must be between 25 and 70 years (certain exceptions for up to 75 years if permitted by international rules)*
- *Term limits: Maximum of 3 consecutive terms in the same or combined roles*
- *Leadership positions (President, Secretary General, Treasurer) must be filled by individuals meeting specific criteria and cannot exceed 3 consecutive terms*

B. General Body Representation

- *Equal representation from each affiliate member Prescribed ex-officio members*
- *representing government or independent expertise Mandatory mechanisms for athlete representation and youth participation*
-

C. Mandatory Governance Structures

Each national sports body must establish:

- *Code of Ethics: Governing conduct of members, affiliates, athletes, coaches, sponsors, and officials*
- *Grievance Redressal Mechanism: For addressing complaints from athletes, coaches, officials, and other stakeholders*
- *Electoral Oversight: A dedicated electoral panel to oversee fair and transparent elections*
- *Compliance Reporting: Annual filings with the NSB demonstrating adherence to statutory requirements*
- *Financial Transparency: Audited accounts, public disclosure of financial dealings, and prevention of conflict of interest*

D. International Charter Alignment

- *NSBs must comply with international charters and statutes (e.g., Olympic Charter, World Athletics Constitution)*
- *In case of conflict between the Act and international rules, the Central Government may issue clarifications*
- *Recognition is contingent on demonstrated commitment to international standards*

2.3 Exemptions and Flexibility Clauses

The Act grants the Central Government discretionary power to:

- *Exempt specific national bodies or their affiliates from any or all provisions of the Act if necessary in the "public interest for promotion of that sport"*
- *Issue clarifications regarding international charter compliance*
- *Modify recognition criteria based on emerging governance needs*

This flexibility is intended to accommodate unique circumstances while maintaining the framework's integrity.

PART II: HISTORICAL CONTEXT AND JUDICIAL OVERSIGHT

Chapter 3: Historical Context of Sports Governance in India

3.1 The Colonial and Post-Independence Era (1947-1990s) 3.1.1 Fragmented Beginnings

The modern Indian sports system was largely a colonial inheritance. Institutions like the National Stadium and organized sports clubs were established during British rule, often with limited participation from the majority Indian population. Post-independence, the government recognized sports as a tool for nation-building and social integration.

The Constitution of India (1950) did not explicitly address sports, but the Fundamental Rights and Directive Principles hinted at the state's responsibility to promote physical fitness and sports participation. The initial focus was on mass participation and the development of sporting talent through government channels.

3.1.2 Institution-Building Phase (1950s-1980s)

Key developments included:

- *National Sports Authority of India (1977): Established to coordinate and promote sports at the national level*
- *Sports Code (1984): An informal, non-statutory framework providing governance norms however, it lacked enforcement power*
- *Establishment of Apex Bodies: Creation of the Indian Olympic Association, various National Sports Federations, and premier training facilities like the National Institute of Sports (NIS), Patiala*

However, these institutions operated with minimal accountability and often suffered from political interference, bureaucratic inertia, and mismanagement. Elected government officials frequently held positions in sports federations despite lacking sports expertise.

3.1.3 The BCCI Exception and Growing Privatisation (1980s-2000s)

The Board of Control for Cricket in India (BCCI), founded in 1933, evolved into a selfregulating, private entity generating massive commercial revenue. By the 1990s, following the commercialisation of cricket and the rise of media rights, the BCCI became arguably the world's richest cricket board, wielding enormous political and financial influence.

Crucially, the BCCI operated largely outside government oversight despite being recognized as the national cricket federation. This established a precedent of private, autonomous management that would later become contentious when other sports bodies sought similar independence.

3.2 The Pre-NSGA 2025 Period: The Sports Code Era (2011-2025)

3.2.1 Voluntary Compliance Framework

The 2011 Sports Code, developed by the Ministry of Youth Affairs and Sports, was a nonbinding document providing governance best practices. It recommended:

- *Democratic governance with term limits*
- *Athlete representation in decision-making bodies*
- *Transparent financial management*
- *Anti-doping compliance*
- *Grievance redressal mechanisms*

However, the Sports Code's non-statutory nature meant compliance was voluntary. Many federations ignored provisions they found inconvenient, leading to persistent governance scandals

3.2.2 Governance Scandals and Judicial Intervention

The period saw numerous high-profile controversies:

1. *Political Interference: Sports federations headed by politicians, leading to corruption and nepotism*
2. *Autocratic Leadership: Federation heads serving indefinitely without term limits or democratic accountability*
3. *Financial Misappropriation: Funds allocated for athlete development diverted to non-transparent uses*
4. *Match-Fixing and Doping: Institutional failures to address these crises despite international mandates*
5. *Athlete Exploitation: Lack of grievance mechanisms left athletes vulnerable to abuse*

These scandals prompted judicial intervention. The Supreme Court issued multiple directions, particularly in the context of PIL (Public Interest Litigation) cases, emphasizing the state's obligation to ensure equitable, transparent governance of sports institutions.

3.2.3 The Gap Years: Why Legal Reform Was Needed

The Sports Code's limitations became increasingly apparent:

- *Enforcement Vacuum: No mechanism to compel compliance*
- *Weak Accountability: Federation heads operated without clear legal consequences for misconduct*
- *Ambiguous Overlap: Unclear delineation between government roles and federation autonomy*

- **Judicial Activism as Substitute:** *The Supreme Court repeatedly intervened to issue directives on governance matters, essentially filling the legislative vacuum*

This led to calls for comprehensive statutory reform, culminating in the NSGA 2025.

3.3 Post-2000s: Policy Framework and Schemes

3.3.1 Pradhan Mantri Khel Vikas Yojana (PMKCY)

Launched in 2016, PMKCY represented the government's recognition of sports' strategic importance. The scheme aimed to:

- *Provide financial assistance to national sports federations*
- *Support grassroots sports development*
- *Improve training infrastructure and coaching*
- *Fund athlete support programs*

While well-intentioned, PMKCY revealed the fragmented nature of sports governance. Federations receiving PMKCY funding were not necessarily subject to rigorous governance standards, leading to instances of misuse. 3.3.2 National Anti-Doping Agency

and Sports Institutions The establishment of NADA (2007) and later the National Anti-Doping Act (2021)

showed the government's willingness to create statutory bodies for specific sports governance challenges. However, the existence of anti-doping laws alongside weak overall governance created a patchwork regulatory environment.

3.4 The 2036 Olympics Bid and NSGA 2025 Context

India's recent submission of a formal letter of intent to host the 2036 Summer Olympics and Paralympics significantly influenced the timing of the NSGA 2025. The International Olympic Committee (IOC) emphasized robust, transparent governance structures as prerequisites for hosting. This external pressure, combined with domestic demands for sports reform, catalyzed parliamentary action.

Chapter 4: Judicial Oversight - Courts as Guardians of Sports Rights

4.1 Landmark Judicial Intervention *The Indian judiciary has played a transformative role in shaping sports governance through constitutional interpretation and judicial activism.*

A. The Foundational Judgment: The Olympic Case (2010)

The Delhi High Court's judgment in a PIL regarding Olympic organization established that:

- *Sports governance is subject to constitutional principles of transparency and accountability. Federation governance affecting public interests cannot be entirely private matters. Citizens have a justiciable interest in fair, equitable sports systems.*
-

This judgment established the legal precedent that courts would not defer entirely to federation autonomy.

B. BCCI Regulation Cases (2010-2020)

Multiple cases involving the BCCI clarified the Court's position:

- *Zee Telefilms v. Union of India (2005): The Supreme Court held that despite receiving government recognition, the BCCI is not a state entity (not subject to Article 12) because it is financially and functionally independent. However, the Court recognized that the BCCI's near-monopoly on cricket administration warrants regulatory attention.*
- *BCCI Restructuring Post-Lodha Committee: Following the Supreme Court's acceptance of recommendations from the Justice Lodha Committee (2016), the Court mandated structural reforms including:*
 - *Term limits for BCCI leadership*
 - *Reduction in conflict of interest*
 - *Improved governance norms*
 - *Athlete representation*

These decisions, while not creating statutory law, established judicial expectations for sports federation governance.

C. Athlete Rights and Grievance Redressal

Cases involving athlete deselection (e.g., athletes challenging arbitrarily biased selection processes) established that:

- *Athletes have constitutional rights to fair procedure and due process*
- *Federation decisions impacting athlete careers must be transparent and appealable*
- *Grievance mechanisms are not merely administrative conveniences but constitutional requirements*

4.2 Constitutional Dimensions

1. Right to Life and Sports Participation (Article 21)

Courts have interpreted the Right to Life to include:

- Right to participate in sports*
- Right to equitable access to training facilities and opportunities*
- Right to protection from exploitation or discrimination in sports*

2. Right to Equality (Article 14)

Judicial scrutiny has addressed:

- Gender discrimination in sports (e.g., unequal prize money, facilities)*

- b. *Discrimination based on socio-economic status (e.g., exclusion of underprivileged athletes from federations)*
- c. *Discrimination based on caste or community*

3. Right to Information (Article 19) and Transparency

Courts have mandated transparency in:

- a. *Federation financial dealings*
- b. *Selection criteria and processes*
- c. *Governance decisions affecting athletes*

4.3 The Judiciary's Stance on Private vs. Public Regulation

The judiciary has consistently held that:

- *While sports federations may be private entities, their governance has public dimensions warranting judicial oversight*
- *Fundamental rights protections extend to federation decisions affecting citizens (athletes, coaches, officials)*
- *The Court will intervene where governance breaches constitutional principles, even in private bodies*

This judicial activism created the foundation for the NSGA 2025's more explicit statutory regulation.

Chapter 5: The Dual Model - Government Control vs. Privatisation Paradigm

5.1 The Case for Heightened Government

Control Argument: Sports as a Public Good

Proponents of enhanced government oversight argue that sports is fundamentally a public good with societal benefits extending beyond commercial returns. They contend:

- **Equity and Social Inclusion**
 - *Government control ensures equitable access for athletes from economically weaker backgrounds*
 - *Private models prioritize high-revenue sports (cricket, badminton), neglecting sports with broader participation but lower commercial appeal (archery, weightlifting, shooting)*
 - *Government can mandate inclusion of marginalized communities, women, and persons with disabilities*
- **National Strategic Interest**
 - *Sports excellence reflects national prestige and soft power globally*
 - *Government control aligns sports development with broader national objectives (health, education, international standing)*
 - *Private models optimize for shareholder returns, not national interest*

- **Corruption Prevention**

- *Government oversight, with statutory transparency requirements, can minimize fraud, match-fixing, and financial misappropriation. Government-controlled bodies subject to audits, parliamentary scrutiny, and RTI (Right to Information) Act*
- *Private bodies historically resist transparency despite pledges of self-regulation*

- **Athlete Welfare**

- *Government can mandate minimum standards for athlete compensation, healthcare, career counseling*
- *Private federations often prioritize star athletes, exploiting or neglecting junior athletes*
- *Government ensures long-term athlete support systems regardless of commercial viability*

5.2 The Case for Privatisation and Autonomy

Argument: Sports Excellence through Market Forces

Opponents of enhanced government control argue that privatisation and federation autonomy drive excellence and innovation. They contend:

A. Efficiency and Accountability to Market

- *Private entities respond to consumer demand and revenue imperatives, driving efficiency*
- *Commercial success (IPL, WPL) demonstrates that privatisation can generate unprecedented resources for sports*
- *Market competition incentivizes quality, professional management, and innovation*
- *Government bureaucracy historically stifles sports management with red tape and inertia*

B. Innovation and Global Competitiveness

- *Private federations attract world-class international talent and expertise*
- *Commercial imperatives drive investment in modern training technology, analytics, and sports science*
- *International federations are typically private entities. India's federations need autonomy to compete globally*
- *Government bodies lack agility to respond to rapidly evolving international standards*

C. Talent Retention and Revenue

- *Private models generate revenue enabling:*
 - *Higher athlete compensation, preventing brain drain*
 - *Investment in grassroots development*
 - *Professional coaching and world-class facilities*
- *Government's chronic underfunding means athletes and talent migrate abroad*

D. Freedom from Political Interference

- *Government control historically resulted in:*
 - *Political appointments to federation leadership (irrespective of merit or sports expertise) Manipulation of selections based on political considerations*
 - *Diversion of sports resources for political purposes*
 -
- *Private federations, while imperfect, can establish meritocratic leadership and insulate sports from political whims*

E. International Precedents

- *Major sports globally are governed by private federations (IOC, FIFA, ICC for cricket)*
- *These bodies, while subject to some regulation, retain substantial autonomy*
- *India's federations must maintain compatibility with international governance structures for participation and legitimacy .*

5.3 The NSGA 2025 as a Hybrid Compromise *The NSGA 2025 represents a deliberate*

attempt to balance these competing imperatives. It establishes:

● Elements of Government Control

- *Statutory recognition and licensing of national sports bodies*
- *Mandatory governance standards and ethical codes*
- *Government-appointed oversight bodies (NSB, NST)*
- *Requirements for transparency, financial disclosure, and grievance mechanisms*

● Elements of Private Autonomy

- *Federation autonomy in day-to-day operations and sports management*
- *Protection of federation rights to establish bylaws within statutory framework*
- *Flexibility for sport-specific innovations and international alignment*
- *Limited exemptions for extraordinary circumstances*

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PART III: THE CORE DEBATE AND CONTEMPORARY CHALLENGES

Chapter 6: The BCCI Question - A Case Study in Governance Complexity

6.1 The BCCI's Unique Position *The Board of Control for Cricket in India presents the central paradox of sports governance in India:*

Financial Dominance: *The BCCI generates approximately ₹3,500-4,000 crores annually (approximately \$420-480 million USD) from media rights, sponsorships, and tournaments. This vastly exceeds the combined revenue of all other Indian sports federations.*

Political Power: *Cricket's cultural preeminence in India translates to political influence. BCCI decisions affect not just sports but national morale, political narratives, and public discourse.* **Institutional Status:** Despite being a private entity, the BCCI:

- *Is recognized as the national cricket federation by international cricket bodies*
- *Receives government recognition and certain privileges*
- *Operates with quasi-governmental status despite lacking government ownership*

Historical Autonomy: *The BCCI has historically operated with minimal government oversight, a precedent established decades ago due to its private status and the relative indifference of government to sports matters.*

6.2 The BCCI and NSGA 2025 Tensions

The NSGA 2025 applies to the BCCI as to all national sports federations, yet several tensions arise:

1. The Financial Disparity Issue

Mandatory compliance with governance standards costs resources. The BCCI, due to its massive revenue base, can absorb these costs. Smaller federations (athletics, archery, badminton) struggle with compliance costs, creating potential competitive disadvantage in resources available for athlete development.

2. Leadership Structure Implications

NSGA 2025 mandates athlete representation and limiting executive committee terms. For the BCCI, this requires recalibrating leadership structures established over decades and potentially limiting the influence of politically connected figures.

3. International Obligations

The BCCI must align with the International Cricket Council (ICC) structures while complying with NSGA 2025. Conflicts can arise if ICC governance norms differ from Indian statutory requirements.

4. The Exemption Clause Risk

The Central Government's power to exempt specific bodies "in the public interest for promotion of that sport" raises concerns: Could the BCCI secure exemptions from governance requirements due to its political and economic power, thereby evading accountability mechanisms that apply to other federations?

6.3 The Resource Redistribution Debate *A core question for the Lok Sabha: Should government policy mandate that the BCCI share a portion of its cricket revenues to subsidize development of lesser-resourced sports (athletics, badminton, wrestling, etc.)?*

Arguments FOR Redistribution

- *Cricket's dominance is a historical accident, not meritocratic*
- *Equitable resource distribution would democratize sports excellence*
- *Many Olympic sports receive negligible funding despite producing world-class athletes*
- *International comparison: The IOC redistributes Olympic revenue globally; India's cricket body should similarly support non-cricket sports*

Arguments AGAINST Redistribution

- *The BCCI's revenue is earned through cricket's commercial appeal, not subsidy*
- *Forced redistribution amounts to unconstitutional taking of private earnings*
- *Cricket's revenue finances world-class cricket infrastructure benefiting the entire system*
- *Smaller sports must develop their own commercial appeal rather than relying on cricket's largesse*

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Chapter 7: Contemporary Challenges and Implementation Issues

7.1 The Recognition and Compliance Puzzle *The NSGA 2025 requires all national sports federations to seek fresh recognition under the new statutory framework. However, this creates several dilemmas:*

1. Scope and Coverage

- a. *Which sports qualify for recognition? Is recognition limited to Olympic sports or extended to all sports with national participation (e.g., kabaddi, kho-kho)?*
- b. *How does recognition interact with international federation membership?*
- c. *What happens to currently recognized federations during transition?*

2. Capacity and Support

Implementing governance standards requires:

- a. *Technical expertise in administrative structures, financial systems, and grievance mechanisms*

- b. *Capital investment in IT systems, compliance infrastructure*
- c. *Ongoing training for federation officials and elected representatives*

Smaller federations, particularly in less commercially viable sports, lack these capacities. The question: Should the government provide support, or is it federations' responsibility?

7.2 The Conflict of Interest Labyrinth

NSGA 2025 mandates conflict of interest provisions and Code of Ethics, yet defining and enforcing these remains complex:

- **The BCCI Precedent**

The Supreme Court's acceptance of the Lodha Committee recommendations included reducing conflict of interest yet the BCCI continues to face questions about:

- *Executive committee members with commercial interests in cricket (e.g., IPL team owners)*
- *Board officials with media interests*
- *Ambiguity regarding what constitutes "conflict"*

- **Smaller Federations**

For niche sports with small administrative pools, rigid conflict of interest rules could make it impossible to find unattached, qualified leadership. How strictly should these standards apply?

7.3 Athlete Representation and Voice

The NSGA 2025 mandates athlete representation in governance structures. However:

- **Whose Voice?**

- *Should representation be only for elite/national team athletes or include grassroots participants?*
- *How are athlete representatives selected to ensure they genuinely represent athlete interests rather than federation-friendly candidates?*

- **Power Dynamics**

- *In federations with weak administrative institutions, athlete representatives may be co-opted by established leadership*
- *Conversely, athlete dominance in governance could marginalize administrative expertise*

7.4 Financial Transparency and Public Accountability

The Act mandates financial disclosure and auditing. However:

Implementation Costs

- *Federations must develop accounting systems, hire auditors, file public returns*
- *Smaller federations struggle with these requirements*

Privacy vs. Transparency

- *How much financial detail should be public? Complete transparency might reveal commercially sensitive information (e.g., athlete salaries) Balancing transparency with legitimate privacy interests is complex*

7.5 International Alignment and Sovereignty

The NSGA 2025 requires alignment with international sports charters and statutes, yet tensions persist:

Governance Conflicts

- *What if international rules conflict with Indian constitutional principles (e.g., if an international federation mandates leadership structures India deems undemocratic)?*
- *Who adjudicates such conflicts?*

Data Sovereignty

- *International federations often require athlete data in certain formats; this may conflict with Indian data protection laws (e.g., DPD Act)*

Chapter 8: Key Debates for Lok Sabha Deliberation

8.1 Funding and Resource Allocation Question 1: Should the government mandate cross-subsidization across sports? *Should cricket revenues generated by the BCCI be partially redirected to fund Olympic sports like athletics, weightlifting, and badminton? Or should each sport's development depend on its own commercial success?*

8.2 Government vs. Private Regulation Question 2: What should be the proper balance between government control and federation autonomy?

Should the NSB maintain continuous oversight of federation operations, or intervene only in specific governance crises? Can the current regulatory framework prevent political interference while preserving federation independence?

8.3 Athlete Rights and Welfare Question 3: What legal protections should athletes have against arbitrary federation decisions?

Beyond the NST, should athletes have direct recourse to civil courts for federation decisions affecting their careers? Should athletes be guaranteed minimum compensation and healthcare?

8.4 BCCI Special Treatment Question 4: Should the BCCI be exempted from certain NSGA 2025 requirements due to its unique status?

The BCCI's financial and political power may necessitate special provisions.

However, should a private entity receive preferential treatment under law? What principles should guide such decisions?

8.5 Grassroots and Development Question 5: Should the NSGA 2025 mandate specific investment levels in

grassroots sports development?

Currently, federations determine development spending. Should statutory minimums be mandated to prevent neglect of grassroots training and talent identification?

8.6 International Competitiveness Question 6: Should Indian sports governance prioritize Olympic/international excellence or grassroots participation and development?

These goals can conflict. Limited resources force prioritization. What should be India's strategic choice?

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PART IV: DELIBERATIONS AND THE PATH FORWARD

Chapter 9: Portfolio-Wise Deliberation Mandates

9.1 The Central Government and Ruling Coalition

Mandate: Implementer of Reform and Regulator *The*

Ruling Coalition will emphasize:

- *The NSGA 2025 as historic reform strengthening sports governance*
- *Government's commitment to transparent, equitable sports administration*
- *The need for federations to comply swiftly with new standards*
- *Investment in sports infrastructure and athlete support through schemes like PMKVKY*
- *India's preparation for hosting the 2036 Olympics as validation of governance reforms*

Key Arguments:

- *Emphasize success stories (athletic medals, IPL commercial success) as evidence that regulation need not stifle sport*
- *Defend the regulatory framework as balancing federation autonomy with public accountability*
- *Stress the 2036 Olympics as an external validation pushing India toward governance best practices*
- *Justify exemption clauses as necessary flexibility for sport-specific circumstances*

9.2 Major Opposition Parties

Mandate: Scrutinizer of Government Overreach and Advocate for Athlete Rights

Opposition parties will focus on:

- *Whether the NSGA 2025 adequately protects athlete interests or merely shifts power to bureaucrats*
- *The chronic underfunding of sports despite government schemes*
- *Whether government regulation will become a tool for political interference in sport*
- *The BCCI's continued dominance despite regulatory reform*
- *Equity concerns: Are all sports treated equally under the law?*

Key Arguments:

- *Demand concrete evidence that governance reforms improve athlete outcomes, not just satisfy international requirements*
- *Challenge whether NST provides sufficient independence from government pressure*
- *Question whether government will properly fund sports development or merely impose regulatory burdens*

- *Call for mandatory cross-subsidization ensuring all sports receive equitable resources
Scrutinize the exemption clause as potential tool for political favoritism*
-

9.3 Regional and State-Level Parties

Mandate: Protectors of Regional Sports and Federalism

State parties will emphasize:

- *Sports governance should respect federalism states should have autonomy in statelevel sports*
- *Regional sports traditions (e.g., kabaddi in Bihar, mallakhamb in Maharashtra) should receive equitable treatment*
- *Concern that centralized regulation marginalizes non-Olympic, regionally significant sports*
- *Resources should flow equitably to state and district levels for grassroots development*

Key Arguments:

- *Push for state representation in NSB and NST to prevent central overcentralization*
- *Demand financial autonomy for state sports bodies*
- *Insist on protection for regional sports and cultural sporting traditions*
- *Question whether Olympic-centric governance neglects India's rich, diverse sports heritage*

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Chapter 10: Critical Questions for Parliamentary Debate

Question 1: Financial Sustainability and Cross-Subsidization

Should parliament mandate that commercially successful sports federations (primarily cricket) contribute a fixed percentage of their revenues to develop lesser-funded sports? What statutory mechanism would enforce this without violating federation rights?

Question 2: Government Oversight Limits *What specific circumstances should trigger NSB intervention in federation governance?*

Should routine compliance monitoring occur or only intervention in crisis situations (corruption, athlete abuse)?

Question 3: The BCCI Precedent *Should the BCCI, given its massive revenue and market dominance,*

be subject to

additional accountability measures (e.g., quarterly parliamentary reports) beyond statutory requirements applied to other federations?

Question 4: Athlete Protections *Should the NSGA 2025 be amended to include a comprehensive*

Athlete Bill of

Rights, including guarantees on compensation, healthcare, and fair selection procedures?

Question 5: International Alignment vs. National Sovereignty

How Indian conflicts between international sports charters constitutional requirements be resolved? Should Indian law override international norms or vice versa?

Question 6: Grassroots Investment Mandates *Should parliament mandate that national sports*

federations invest a minimum percentage of their annual revenue in grassroots talent identification and development?

Question 7: Political Safeguards *What institutional mechanisms can prevent the NSB and NST from*

becoming

instruments of political interference in sports?

Question 8: Privatisation Possibility *Should parliament consider allowing private entities to compete*

with government

recognized federations in administering sports, introducing market competition in governance?

Chapter 11: Glossary of Key Terms

Term	Definition
National Sports India's first comprehensive statutory framework regulating the Governance Act governance, recognition, and oversight of national sports bodies. (NSGA) 2025	<i>Replaces the non-binding 2011 Sports Code with enforceable legal standards.</i>
National Sports Board (NSB)	<i>Statutory regulatory authority established under NSGA 2025 to recognize, maintain standards for, and oversee compliance of national sports bodies.</i>
National Sports Tribunal (NST)	<i>Quasi-judicial body with civil court powers, established under NSGA 2025 to adjudicate sports-related disputes, selection appeals, and federation governance conflicts.</i>
National Sports Federation (NSF)	<i>A recognized body governing a specific sport nationally, responsible for athlete selection, domestic competitions, and international representation for that sport.</i>
Code of Ethics Grievance	<i>Mandatory written standards in each sports federation governing conduct of members, athletes, coaches, officials, and sponsors.</i>
Redressal Mechanism in Conflict of Interest	<i>Mandatory internal system within federations for athletes and stakeholders to appeal decisions or report misconduct.</i>
	<i>Situations where federation officials have personal financial or familial interests that could bias their decision-making regarding federation matters.</i>
Athlete Representation	<i>Requirement for practicing or retired elite athletes to hold positions on federation governance bodies, ensuring athlete voice in decision-making.</i>
Term Limits	<i>Restrictions on how many consecutive terms individuals can serve in federation leadership positions, preventing indefinite tenure and promoting democratic succession.</i> <i>Requirement for national sports bodies to comply with rules and structures mandated by international governing bodies (e.g., Olympic Charter, World Athletics Constitution).</i>
International Charter Alignment	<i>Non-statutory voluntary governance framework preceding NSGA 2025, providing best-practice recommendations that were not legally binding.</i>
Sports Code (2011)	
BCCI (Board of Control for Cricket in India)	<i>Private entity recognized as India's national cricket federation, currently the world's richest cricket board; central to governance debates given its dominance and autonomy.</i>
Pradhan Mantri Khel Vikas Yojana (PMKCY)	<i>Government scheme providing financial assistance to national sports bodies for athlete development and infrastructure.</i>

National Anti-Doping Agency (NADA)	<i>Statutory body under the National Anti-Doping Act (2021) responsible for combating doping in sports and athlete testing.</i>
Court of Arbitration for Sport (CAS) Olympic Charter	<i>International sports tribunal based in Switzerland; some disputes may appeal to CAS rather than Indian courts if international rules permit.</i>
Private Federations	<i>Fundamental governing document of the international Olympic movement, establishing principles and regulations for Olympic sports.</i>
Government Control Public Good Resource	<i>Sports bodies that are not government-owned, typically registered as societies or companies, making governance decisions independently (though subject to law).</i>
Redistribution	<i>State ownership and direct administration of sports body governance, with government officials making management decisions.</i>
Fiscal Federalism	<i>Goods or services from which society broadly benefits beyond individual consumption (e.g., health, education, national prestige through sports).</i>
Exemption Clause	<i>Policy of reallocating revenues or resources from commercially successful sports to less-funded sports for equitable development.</i>
Medico-Legal Liability Arbitration	<i>Constitutional arrangement distributing financial powers and resources between central and state governments.</i>
	<i>NSGA 2025 provision allowing Central Government to exempt specific sports bodies from statutory requirements if deemed in public interest.</i>
	<i>Legal responsibility assigned to healthcare providers or officials for harm resulting from improper medical care or decision-making.</i>
	<i>Process of resolving disputes outside courts through neutral third-party decision-making, often used in sports governance.</i>

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