

GDMUN'23

AIPPM

BACKGROUND GUIDE



LETTER FROM THE EXECUTIVE BOARD

Greetings Members! It gives us immense pleasure to welcome you to this simulation of AIPPM at GDMUN. We look forward to an enriching and rewarding experience.

Our agenda for the session is quite significant: **'Mitigating civil unrest and Ensuring public safety.'** This study guide is a stepping stone; we encourage our leaders to venture beyond its boundaries, discovering new perspectives to bring forth in our discussions. Your research, coupled with compelling arguments and a robust presentation of facts, holds immense value. Here, it's essential to note that the crux lies in the substance of your contributions—**fluency, diction, or oratory skills**, while good to have, take a backseat to the content you bring to the table. So, dive into your research, express your thoughts, and you're sure to make a lot of sense.

We're genuinely looking forward to learning a great deal from each one of you and hope this committee brings you an equally rewarding experience. If you have any queries or need clarification, please feel free to reach out. We'll do our best to respond to your questions. The upcoming committee sessions promise excitement and interest, fueled by the all-encompassing nature of the issue at hand. As members of the Executive Board, we're not just here to guide; we genuinely hope to gain insights from being part of this vibrant committee. Don't hesitate to get in touch with us for any doubts you may have.

Looking forward to an engaging and interesting committee session.

Best of Luck!

Regards,

Aayaan Manhas (Moderator)

Sahabdeep Singh (Deputy-Moderator)

Mahir Mahajan (Scribe)

Introduction to AIPPM:

The All India Political Parties Meet (AIPPM) is a non-technical but powerful committee in the Model United Nations (MUN) setting. It is a meeting between all the political parties of the nation, typically called before the session of the Parliament or before the introduction of a bill. The purpose of the AIPM committee is to arrive at a consensus before the sessions begin. It is a supplementary body to the Parliament without any legislative provisions. The AIPPM committee in MUN aims to mimic this reality by reproducing the stages of policies and jurisdiction, with delegates representing personalities from the divergent group of Indian political parties. Delegates are expected to be well-versed with their political party's ideology, manifesto, and beliefs. This helps them grasp the multi-layered processes that go behind policy-making and governance in India. The AIPPM committee is unlike other conventional MUN committees, as it is characterized by heated debates, cross talks, high levels of negotiations, and political democracy. It echoes hopes of change and evolution. The AIPPM committee is a great opportunity for delegates to learn about the Indian political system and to develop their skills in negotiation, public speaking, and critical thinking. It is also a chance to make new friends and to network with other MUNers from India and around the world.

Here are some of the skills that delegates can develop in the AIPPM committee:

1. **Negotiation skills:** The AIPPM committee is all about negotiation. Delegates will need to be able to build relationships, compromise, and reach consensus with delegates from other political parties.
2. **Public speaking skills:** Delegates will have many opportunities to speak in front of the committee. They will need to be able to articulate their points clearly and persuasively.
3. **Critical thinking skills:** Delegates will need to be able to analyze complex issues and to develop creative solutions.
4. **Teamwork skills:** The AIPPM committee is a team effort. Delegates will need to be able to work together effectively with their fellow delegates to achieve their goals.

Valid Sources:

1. Government Reports (Each ministry publishes its own reports including External Affairs Ministry)
2. PTI , PIB
3. Government Websites
4. Government run News channels i.e. RSTV, LSTV, DD News
5. Standing Committee Reports/ Commission Reports
6. RTI Proofs
7. Parliamentary Standing Committee reports
8. Questions and Answers of the parliament

Introduction To The Agenda:

Civil unrest in India is a complex challenge that demands a sophisticated approach, delicately balancing the preservation of individual freedoms with the imperative of maintaining public safety. As the world's largest democracy, India is a testament to the intricate interplay between constitutional guarantees and the multifaceted challenges posed by social, economic, and regional disparities. The canvas of civil unrest spans a wide spectrum, encompassing historic disputes like the Ayodhya conflict and contemporary issues such as protests against legislative changes like the Citizenship Amendment Act (CAA). The Ayodhya dispute of 1992, marked by the demolition of the Babri Masjid, not only ignited widespread civil unrest but also laid the foundation for protracted legal battles. The recent Ayodhya Verdict of 2019, delivered by the Supreme Court, exemplifies the judiciary's crucial role in resolving complex and deeply divisive issues. Similarly, the abrogation of Article 370 in Jammu and Kashmir in 2019 led to significant unrest, illustrating the dynamic interplay between constitutional changes, legal responses, and the imperative to preserve public safety. This intricate fabric of civil unrest intertwines with judicial precedents, notably the controversial ADM Jabalpur v. Shivkant Shukla (1976) case during the Emergency. The subsequent evolution of judicial activism, seen in cases like Mazdoor Kisan Shakti Sangathan (2006), reflects the judiciary's commitment to balancing individual freedoms with the need for public safety. Real-life incidents, such as the Citizenship Amendment Act (CAA) protests, vividly demonstrate the ongoing challenges of managing civil unrest in India's diverse and vibrant democracy. Navigating these complexities occurs against the

backdrop of constitutional guarantees, particularly Article 19(1)(a) – the right to freedom of speech and expression. However, this right is not absolute, as emphasized in Article 19(2), allowing for reasonable restrictions in the interest of public order. The legal arsenal to address civil unrest is embodied in Sections 141 to 160 of the Indian Penal Code (IPC), offering a comprehensive framework to tackle offences related to unlawful assemblies, rioting, and affray. As India grapples with these challenges, delegates are invited to explore the intricate tapestry of legal frameworks, judicial precedents, and real-life incidents shaping the mitigation of civil unrest. The nuanced discussions and pragmatic solutions they formulate during Model United Nations sessions are not merely diplomatic exercises but vital contributions to the ongoing discourse on preserving public safety while upholding democratic values in the Indian context. Grounded in legal frameworks, India's nuanced approach is reflected in constitutional provisions such as Article 19(1)(a), guaranteeing freedom of speech and expression, while Article 19(2) allows for reasonable restrictions in the interest of public order. Sections 141 to 160 of the Indian Penal Code (IPC) form the legal foundation to address offences related to civil unrest, providing a framework for law enforcement agencies. Supreme Court judgments, typified by the *Ram Manohar Lohia v. State of Bihar* case, underscore the imperative of balancing individual freedoms with the state's duty to maintain law and order. The judiciary plays a pivotal role in interpreting and upholding these legal provisions, ensuring the constitutionality and proportionality of measures taken to quell civil unrest. Collaborative efforts among law enforcement agencies, policymakers, and the judiciary are indispensable in navigating this intricate landscape while upholding individual liberties and preserving public safety. In this dynamic context, Model United Nations delegates are encouraged to delve into the complexities, drawing on legal references, real-life incidents, and constitutional principles to contribute to nuanced discussions and pragmatic solutions.

History:

To understand the roots of civil unrest in India, a journey into history is essential. India's struggle for independence, marked by seminal events such as the Jallianwala Bagh massacre in 1919, reflects the high price paid for the pursuit of freedom.

Post-independence, challenges persisted as seen in the linguistic reorganisation of states in 1956, which, while addressing linguistic concerns, also led to protests and socio-political tensions.

The Emergency declared in 1975, a dark chapter in India's democratic history, witnessed a suspension of fundamental rights, a stark reminder of the delicate balance between individual liberties and the state's authority during times of crisis. The lessons learned during this period have significantly influenced subsequent legal and constitutional developments, reaffirming the commitment to upholding democratic values. These historical chapters are integral to the fabric of civil unrest, contributing to the evolution of legal frameworks and societal responses. The resonance of historical struggles for justice, equality, and democratic rights echoes in contemporary movements, shaping the discourse on civil unrest and public safety in India. This intricate fabric of civil unrest intertwines with judicial precedents, notably the controversial *ADM Jabalpur v. Shivkant Shukla* (1976) case during the Emergency. The subsequent evolution of judicial activism, seen in cases like *Mazdoor Kisan Shakti Sangathan* (2006), reflects the judiciary's commitment to balancing individual freedoms with the need for public safety. Real-life incidents, such as the Citizenship Amendment Act (CAA) protests, vividly demonstrate the ongoing challenges of managing civil unrest in India's diverse and vibrant democracy. Navigating these complexities occurs against the backdrop of constitutional guarantees, particularly Article 19(1)(a) – the right to freedom of speech and expression. However, this right is not absolute, as emphasised in Article 19(2), allowing for reasonable restrictions in the interest of public order. The legal arsenal to address civil unrest is embodied in Sections 141 to 160 of the Indian Penal Code (IPC), offering a comprehensive framework to tackle offences related to unlawful assemblies, rioting, and affray.

1. People's Union for Civil Liberties v. Union of India (1997):

This case challenged the use of "fake encounters" by the police to kill suspected criminals. The Supreme Court ruled that fake encounters are illegal and that the police must be held accountable for their actions.

2. Nisha Sharma v. State of Uttar Pradesh (2005):

This case involved the killing of a 16-year-old girl named Nisha Sharma by a mob of Hindu extremists. The Supreme Court ruled that the state government had failed to protect Nisha Sharma from the mob and that it was therefore responsible for her death.

3. Father Stan Swamy v. Union of India(2021):

This case challenged the detention of Father Stan Swamy, a Jesuit priest and human rights activist, under the Unlawful Activities (Prevention) Act. The Supreme Court ruled that Father Swamy's detention was illegal and that he should be released immediately.

4. Asghar Ali Engineer v. State of Gujarat (2003):

This case involved the killing of a Muslim cleric named Asghar Ali Engineer by a Hindu mob. The Supreme Court ruled that the state government had failed to protect Asghar Ali Engineer from the mob and that it was therefore responsible for his death.

5. Abu Salem v. State of Maharashtra (2007):

This case involved the extradition of Abu Salem, a gangster who was wanted in India for his alleged involvement in the 1993 Mumbai bombings. The Supreme Court ruled that Abu Salem could be extradited to India, but that he should not be sentenced to death.

6. Kuldip Nayar v. Union of India (1995):

This case challenged the use of preventive detention laws to detain political opponents. The Supreme Court ruled that preventive detention laws could only be used in exceptional circumstances and that they could not be used to silence political dissent.

7. Narendra Dabholkar v. Union of India (2013):

This case challenged the constitutional validity of the Maharashtra Control of Organised Crime Act (MCOCA). The Supreme Court ruled that MCOCA was unconstitutional because it gave the police too much power and did not provide adequate safeguards against misuse.

Communalism in India:

One must understand that the differences between Hindus and Muslims were actually not the reason for communalism because these differences were there during the mediaeval times itself. Hindus and Muslims were living with their own distinct identities, but they had a common, unifying culture. They learnt each other's traditions, customs, and evolved a common language, 'Urdu'. Even in the fields of music, painting, architecture, administration, dress, food, they learnt a lot from each other. The difference of faith alone wasn't a reason for conflict. The differences arose only during the colonial period (mainly post the events of the 1857 rebellion), when many developments were seen and they were responsible for the rise and growth of communalism in modern India.

1. 1946 Calcutta Riots

Known as 'Great Calcutta Killings', is one of the bloodiest communal riots to have ever happened in India. The minorities residing in India believed that they would be asked to leave the country by Hindus after the end of British rule. As a result, they started the violence against Hindus which turned into a brutal massacre. The deadly killings continued till four days in the capital of West Bengal and around 10,000 people lost their lives.

2. 1969 Gujarat Riots

The 1969 Gujarat riots are known to be one of the most deadly Hindu-Muslim riots to have ever occurred in India. It was the evening of 18th September 1969, when the violence started. A minor incident relating to some cattle damaging the carts of shoppers, belonging to a particular community, led to a large-scale violence, arson and stoning. The riots continued until 24 September 1969 and around 514 people lost their lives in the riots and 6,123 houses and shops were damaged.

3. 1970 Bhiwandi Riots

The 1970 Bhiwandi riots are considered to be one of the brutal kinds of the rift to have ever occurred in the state of Maharashtra till the 1992 Babri Masjid riots. The cause of the massacre was a procession held to celebrate the birth anniversary of the legendary Maratha ruler, Shivaji. During the procession, Hindu and Muslim communities got into violent clashes which resulted in the death of 250 people.

4. 1984 Anti-Sikh Riots

After former Indian Prime Minister Indira Gandhi was assassinated by two of her Sikh bodyguards on 31 October 1984 in response to her actions authorising the military operation, riots triggered in many parts of Delhi and other parts of India. The Sikh community was targeted in these riots and around 2800 people were killed, including 2,100 in Delhi. Human rights organisations and newspapers across India believe the massacre was organised.

5. 1986 Kashmir Riots

Ever since independence, Kashmir has been plagued by consistent operations launched by the insurgents. In 1986, communal riots broke out in the state against the Kashmiri Hindus. These riots occurred when the Kashmiri Muslims forced Kashmiri Pandits to evacuate the Kashmir valley as a result of terrorism. Approximately 1000 people lost their lives and more than 1000 people became homeless.

6. 1989 Bhagalpur Riots

During the Ramshila processions, which were supposed to proceed from Gaushala area and to move on to Ayodhya, people started shouting provocative slogans. The communal violence started when a series of rumours spread that around 200 students were killed by a particular community, which was followed by series of other baseless rumours. The riots continued for two days in Bhagalpur city and 250 villages around it. It was reported that 1,070 people were killed and 524 injured.

7. 1992 Mumbai Riots

In December 1992 and January 1993, whole Mumbai faced brutal riots which killed around 1000 people. The cause of riots was the escalations of hostilities after a large-scale protest by Muslims in reaction to the 1992 Babri Masjid Demolition by Hindu Karsevaks in Ayodhya. 1993 Bombay serial bomb blasts were the result of these riots.

8. 2002 Gujarat Riots

On February 27, 2002, a coach of Sabarmati Express caught fire and around 58 Karsevaks of Vishwa Hindu Parishad died. VHP called for a statewide band which further resulted in arson and killings of the Muslim community. The riots lasted for three days before Army had to be called in. Around 1,000 people were killed in the riots, leaving 2,500 people injured and 220 people missing.

9. 2006 Aligarh Riots

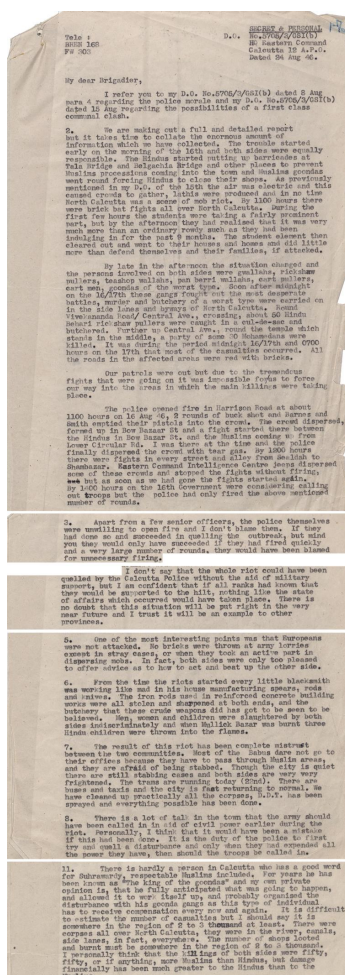
One the occasion of Ram Navmi on 5th April 2006, a violent incident took place in Aligarh Due to an alleged misunderstanding between Hindus and Muslims. Around six people lost their lives due to this communal rift and several others were injured. Soon after the incident, a curfew was imposed in the city, helping the region become normal once again.

10. 2013 Muzaffarnagar Riots

2013 Muzaffarnagar riots are among the major blotches on the history of Uttar Pradesh. These riots occurred due to the rivalry between Hindu and Muslim community, however, the exact cause of these riots are not known. The riots led to the death of 423 Muslims and 20 Hindus and disruption in the lives of more than 50,000 people of the district. A Certain amount of sexual violence like gang rape was also reported during these riots.

CALCUTTA RIOTS (1946):

is considered one of the biggest pre independence riots that lead to a huge question of public safety under the British government, The information about this had always been kept censored but in the confidential British document as shown below is the information according to the British government to this:



Role of Media in communalism – It is often accused of sensationalism and disseminates rumours as "news" which sometimes resulted into further tension and riots between two rival religious groups.

Social media has also emerged as a powerful medium to spread messages relating to communal tension or riot in any part of the Country.

Analysing Recent Law and Policy Developments:

Anti-Conversion Laws:

India's Freedom of Religion Acts or "anti-conversion" laws are state-level statutes that have been enacted to regulate religious conversions. Post-independence governments have upheld anti-conversion laws that originated during the period of British colonial rule, and only apply to conversion from the "original religion," which is assumed to be Hindu. A long-standing antipathy to Christian conversions, in particular, is reflected in laws and public policy.

The laws are in force in various states across India. While there are some variations between the state laws, they are very similar in their content and structure. All of the laws seek to prevent any person from converting or attempting to convert, either directly or otherwise, any person through "forcible" or "fraudulent" means, or by "allurement" or "inducement." However, the anti-conversion laws in Rajasthan and Arunachal Pradesh appear to exclude reconversions to "native" or "original" faiths from their prohibitions. Penalties for breaching the laws can range from monetary fines to imprisonment, with punishments ranging from one to three years of imprisonment and fines from 5,000 to 50,000 Indian rupees. Despite criticism of India's anti conversion laws, some human rights bodies have acknowledged that these laws have resulted in few arrests and no convictions. However, some observers note that these laws create a hostile, and on occasion violent, environment for religious minority communities because they do not require any evidence to support accusations of wrongdoing. All the state laws are similar in scope. They do not directly ban conversion but make conversion by "force, allurement, inducement or fraud" illegal. Of course, these terms are not defined, giving the state a wide berth to harass the powerless. For instance, in Jharkhand's new law – the Religious Freedom Bill, 2017 – the word "force" also includes the "threat of divine displeasure". So, what criteria do we evolve to situate threat of

divine displeasure in this context? How is the state supposed to prosecute on the basis of this? The term “allurement” is also not defined. So, is education or healthcare “allurement”? And what is “fraud”? Jharkhand’s Act defines it as “misrepresentation”. But then, considering the nature of religion itself, what does it even mean to indulge in misrepresentation? Despite the fact that our Constitution confers a right to “propagate” religion, statutes enacted in several states, which make it difficult for preachers to proselytise and convert Hindus to religions like Christianity, have been upheld on the grounds that propagating religion does not include conversion. What would such a move mean for the secular fabric of the country? While the courts have upheld the validity of the state wide anti-conversion laws, however, how do we look at these from the lens of the principle of secularism, especially in light of non-discrimination and freedom to profess religion? How do we adequately differentiate between legally professing one’s religion and forcibly converting another? Should there be a need to do that at all? How do we judge the secular character of the law, in light of harassment by the state in one’s personal choices or in light of the very letter and spirit of the law, or both?

Citizenship Amendment Act:

In its 2014 parliamentary election manifesto, the BJP stated that Hindus who were fleeing persecution from other countries would find a home in India. In keeping with this promise, the Citizenship (Amendment) Act seeks to bring religious considerations to bear on the acquisition of Indian citizenship. Whereas the Citizenship Act of 1955 denies citizenship rights to all “illegal” immigrants, the proposed bill excludes “minority religious individuals”—specifically Hindus, Sikhs, Jains, Parsis, Buddhists and Christians from “Muslim-dominated countries” specifically Afghanistan, Bangladesh and Pakistan from the category of “illegal immigrant.” The Act further reduces the requirement for immigrants to be naturalised, from 11 to just 6 years of residence in India. The Act hence has would exclude such persecuted Muslim minorities as the Rohingyas from Myanmar, Ahmadiyyas from Pakistan, and Uighurs from China. Critics have claimed that through this the Modi government has sought to align Indian nationalism with Hindu nationalism. The central concern within this is the issue of granting citizenship on the basis of religion. Civil Society and the opposition have raised concerns that not only is such a measure exclusive and unprecedented, but it also goes against Article 14 of the Constitution and hence violates the secular ethos of India. Moreover, the North-eastern states have opposed it on the grounds that it

violated the Assam Accord of 1985. Does such a measure violate the secular fabric of India? Is it a violation of Article 14? How do we approach the question of citizenship with respect to religion and the principle of secularism? Are the criteria of granting citizenship on the basis of religious minorities and not persecuted individuals in line with the tenets of secularism?

Defilement of Places of Worship or objects of Great Respect (veneration):

According to Section 295 of the IPC, “any person who destroys, damages or defiles any worship place, or any object declared as holy object by any class of persons with the intention of insulting the religious sentiments of any other class or with the knowledge that any of the class is likely to consider such destruction or defamation as an insult to their religion, shall be guilty and punishable with imprisonment of mentioned term which may extend to two years, or with fine, or with both.” In simple words, if any act is done by a person which results in defamation and destruction of any worship place or object (which is declared as sacred by any religion) with a sole intention of insulting their religion, then that person shall be held liable under the Section 295 and shall be punishable with imprisonment, or with fine, or both. Section 295 enforces people to respect the religious beliefs of persons of any religion. According to Section 297 of the IPC, “If a person (with an intention of destroying the religious feelings of any person, or hurt the religious feelings of any person, or with the knowledge that the feelings of any person are probably to be hurt or destroyed, or with the knowledge that the religion of any person is probably to be insulted) commits any trespass in any worship place or place of sculpture, or any place set aside from the performance of funeral rites or as a repository for the remains of the dead, or offers any shame to any human body, or causes disturbance to any persons assembled for the performance of funeral ceremonies, then that person shall be held liable under the IPC and he shall be punished with imprisonment of term, mentioned in description which may extend to one year, or with fine, or with both.” In simple words, Section 297 deals with punishment to people (with the intention to hurt religious feelings of another) who commit a trespass in any worship place, or in sepulture, or burial, or place set apart for burial rites.

Question of funding religious practices and endowments: NDA's 2018 decision to cancel Haj Subsidy:

The government in January 2018 abolished the subsidy being given to Haj pilgrims every year. The policy to support Muslims in making the pilgrimage to Mecca in Saudi Arabia, can be traced back to 1932, when the British enacted the Port Haj Committees Act. In the ensuing decades, the Act has undergone numerous changes. And in recent years it has called for significant criticism from various parties. In 2012, a Supreme Court order directed the Haj subsidy to be gradually phased out in the coming ten years. In 2017, a Central Haj Committee meeting decided to do away with the subsidy by the following year. This policy move by the Government raises various pertinent question with respect to the relationship between the state and religion. While this has been termed anti-muslim by some sections of the society, many others have contended that the State should do away with subsidising or spending on religious events and activities altogether. The Haj is not the only religious pilgrimage being funded by the State. A number of other religious tours are supported by the government. For instance, the state and central governments spend considerable amounts on the pilgrim facilities at the four Kumbh Melas in Haridwar, Ujjain, Nashik and Allahabad. The Kailash Mansarovar yatra from North India to the mountains of Tibet is yet another pilgrimage which is organised by the government with arrangements being made for security and health facilities. There are various other such cases wherein the state spends on or funds religious matters. While one can debate whether this move is anti-muslim or not and thus discriminatory, however, the central question that this raise is of whether the state should at all fund or spend on religious matters? Is this in line with the ethics of secularism? Does it come under the conception of state maintaining a principled distance with religion or not? How, through this act of the state do we look at the practise of secularism in India and the notion of principled distance?

De-operationalisation of Article 370: Question of maintenance of the secular fabric of India:

On 5th August 2019, the Central Government led by BJP chose to de-operationalise Article 370 of the Constitution along with effective abrogation of Article 35A – provisions granting special status to the (former) State of Jammu and Kashmir. Along with this, a bill has been passed to bifurcate the state into the Union Territory of Jammu and Kashmir (with legislature) and the Union Territory of Ladakh (without legislature). The move by the centre has met with a lot of fanfare as well as criticism. While some have been hailing it as an unprecedented move, the others have questioned the legality and morality of it. The move has been and can be debated from different angles – legal, political, social and moral. What we are looking at is to see if such a move fits within the secular ethos of India. Why this is particularly important is because Jammu and Kashmir is the only Muslim majority state, which has been marred in conflict and the politics and nature of the state has always been a central point of debate within the larger debate of secularism in India. How do we place the debate on secular ethics here? There is no one way of going about this. Critics of the decision to de-operationalise Article 370 have held that secure existence (by extending special provisions like 370) of the Muslim majority J&K in India validated the secular character of the country, which has been lost now with the decision to impose such a move, especially without consulting the populace or the leaders of the state. People on the other side of the debate claim that the existence of Article 370 actually represented a pseudo secularism of the Indian state as it extended undue benefits and special provisions to the state of J&K. Thus, for them, de-operationalising and bringing J&K to the mainstream does not hamper the secular fabric of the country, but rather it gives legitimacy to it. Most importantly, the biggest point of contention has been raised by critics who claim that such a move will result in the change of demographic of the state, thus, is regarded as a plot to achieve the goal of legitimising Hindu majoritarianism and nationalism. How do we look at the move to de-operationalise Article 370 from the lens of secularism? Do arguments claiming development and mainstreaming have a link with the secular fabric of India? Where do we place the idea of one-ness and mainstreaming within the larger debate concerning the secular fabric of India? Is differentiated citizenships in line with the principles of secularism or Not?

AFSPA:

The Armed Forces (Special Powers) Act was passed on 11 September, 1958 to handle the chaos happening in the disturbed regions of the North Eastern region of the country. Later due to the increasing insurrection the act was implemented in Kashmir as well. The act provides the Indian armed forces with special permission to take whatever action they consider necessary in the interest of maintaining law and order in the disturbed areas. An area is declared to be disturbed according to the differences in the communities based on religion, race, language, caste and region or any radical situation arises. AFSPA is only imposed in those areas which have been declared disturbed by the government. As soon as the AFSPA law is implemented upon a state the Army and the armed forces are sent to the concerned region. Any state declared as a disturbed state would stay in the control of the armed forces for at least three months. Section (3) of the AFSPA act specifies that for the central government to declare any area as disturbed the state government of the state's opinion should be considered deeply as to take any further action. AFSPA gives the armed forces the following allowances:

I. Any suspect could be arrested without a warrant.

II. The armed forces could search any house without any search warrant.

III. The law enables the armed forces to forbid any gathering of five or more people in an area.

IV. After giving due warning to any disturbing factor, if it still persists to stay the armed forces have the authority to open fire on the disturbing factor.

V. If a person is a repeated offender and keeps at disturbing the peace of the area, then the armed forces have been authorised to use force till his/her death.

VI. If the armed forces suspect any militant or offender hiding in a building, then the armed forces can destroy the site.

The debate on AFSPA hinges around fundamental human rights violations and the matter of security.

On one hand, AFSPA are required to maintain decorum and reduce encounters of violence in areas which are fuelled by unrest. They help protect the country's boundaries and require special status and strict law, so that citizens of the state and potential insurgents cooperate with the forces and stay civil. There is also the possibility that the special status that the armed forces are provided contributes to the reasons why the citizens remain civil, in other

words under the force of fear. Without the special permissions accorded to them, the armed forces may not be able to control a serious insurgency, should such an occasion arise in disturbed areas. Dealing with home and foreign terrorists alike is not feasible without the special permissions accorded to the armed forces, as claimed by the army. The armed forces are also bound by morality in a social contract as they enforce law in disturbed areas in return for the special permissions that allow them to do so. Furthermore, if AFSPA is repealed in a particular area, the army would have to withdraw, leaving an area all the more vulnerable to violence and attack. On the other hand, the special permissions in the AFSPA have been repeatedly used for the wrong reasons. There are claims of the armed forces using their legal immunity to force sexual favours and of conducting fake encounters in disturbed areas. The Supreme Court recently ordered an investigation by a CBI Special Investigation Team into these allegations and also for extra-judicial killings in Manipur. Similarly disturbing reasons that stand against the AFSPA are the human rights violations that it so clearly commits by existing as an act itself.

AFSPA is in violation of the following human rights in the Indian Constitution and International Conventions –

Article 21: The right to life – As AFSPA gives the armed forces the right to kill suspects and arrest them by force.

Article 22: The protection against arrest and detention: AFSPA gives the forces authorisation to arrest any person simply on the basis of doubt.

Some Protests that turned violent leading to Civil Unrest:

Agnipath protest:

Agnipath Scheme is a tour of duty style scheme approved by the Government of India on 14 June 2022, for recruitment of soldiers below the rank of commissioned officers into the three services of the armed forces. All recruits will be hired only for a four year period. Personnel recruited under this system are to be called Agniveers which will be a new military rank. The introduction of the scheme has been criticised for lack of consultation and public debate. The scheme was implemented in September 2022. This scheme will bypass many things including long tenures, pension and other benefits which were there in old system. Opposition parties in India have criticised and expressed concerns about the consequences of the new scheme. They have asked the scheme to be put on hold and that the scheme be discussed in the Parliament. On 16 June 2022, violent protests erupted in several states in India where the army aspirants angry with the new scheme called for its rollback and damaged public property. By 17 June, 12 trains were set on fire, and the movement of 300 trains were affected. 214 trains were cancelled, 12 trains were diverted, and 90 were terminated short of their destination. At least 1 person was killed in the protests.

The Jats Reservation Agitation:

In February 2016, the Jat reservation agitation rocked North India, particularly Haryana, for ten tumultuous days. The Jat community demanded inclusion in the Other Backward Class (OBC) category to access affirmative action benefits. Initially, the protests were peaceful, but they later escalated into violent riots, notably in Rohtak. Starting on February 12th, Jats organized non-violent protests by blocking railway lines and roads, while non-Jats, opposing their demands, organized counter-protests. On February 18th, a group of non-Jat protesters clashed violently with lawyers, mistaking them for Jats, and later, tensions flared between them and Jat students. On the same day, police actions came under scrutiny when they allegedly beat up Jat students in Rohtak while attempting to clear a blockade. The situation worsened as police raided a boys' hostel, reportedly assaulting Jat students. These incidents were captured on camera and circulated widely on social media, further intensifying the unrest.

Azad maidan protest:

Azad Maidan Riot refers to a riot by Indian muslims, organised in Azad Maidan on 11 August 2012 to condemn the Rakhine riots and which started as a protest and later turned into a riot. The riot reportedly began as the crowd got angry either after hearing an inflammatory speech or after seeing photographs of Rakhine state riots. The riot resulted in two deaths and injuries to 63 people including 58 police officers. Mumbai Police estimated that the riots caused a loss of ₹2.74 crore in damages to public and private property.

Suppression of Media:

Union of India V. Association for democratic reforms(2002):

The Supreme court observed that- One sided information, disinformation, misinformation and non information all equally creates an uninformed citizenry which makes democracy a farce.

Democracy is known to have 4 pillars out of which the media or press shapes the ideology of a country.

Romesh thappar V. State of Madras(1950)

Freedom of speech and of the press lay at the foundation of all democratic organisations for which political decisions have no essential and proper functioning, The purpose of government is to be answerable.

When the press of a country is not free, misinformation creates a huge Civil disturbance, as well as violates basic freedom of a person to hold an opinion.

A few cases of suppression of media:

Massart Zahra:

A journalist was booked under UAPA terrorist charges for sharing allegedly "anti national" social media posts.

Aasif Sultan:

He was arrested when documenting terrorism in the country, under the charges of allegedly "Aiding" and "Abetting" militants.

Vikram Joshi:

He was killed when he tried to report about a harassment case.

Abdur Rauf Alamgir:

He was killed for which the Director General of UNESCO condemned and requested a proper investigation by authorities of India.

Emergency under Indra Gandhi (1975):

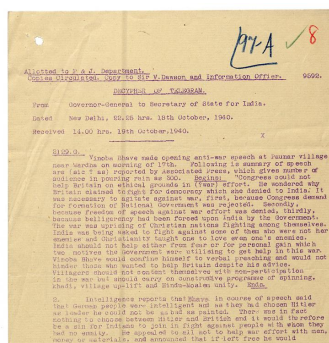
There is a need to discuss the relationship between Press and Mrs. Gandhi in the pre-emergency period before we set out to underline the relation between emergency and Press censorship. During the Sino-Indian war of 1962, though censorship was imposed on the Press there was no effort on the part of the Nehru administration to impose it stringently 18; on the other hand, at the first announcement of the India-Pakistan war in 1971 censorship on the Press was also decreed. The press had to face various struggles under the Emergency.

Bofors Scandal (1980s):

The government's response to investigative reporting on the Bofors arms deal scandal raised concerns about press freedom and intimidation of journalists.

Speech of violence:

From the time of pre independence Speeches have played an important role of sparking a sense of unity in people as well as violence. Also as seen in this classified document from British intelligence below:



Delhi Riots of CAA(2020):

Kapil Mishra a member of BJP, gathered his supporters near the area of protest against CAA and openly gave a call to violence which lead to conflict like situation between protests and his supporters.

Assam riots (2012):

When conflict was brewing in Assam certain speeches and statements from various influential people lead to violence on a mass scale, creating situations of one of the worst civil unrest seen by Assam.

THE COUNTRY MUST ALWAYS BE IN PEACE AND FOR THIS REASON ALL THE DELEGATES ARE REQUESTED TO RESEARCH ABOUT VARIOUS CASES THAT NEED ATTENTION TO REACH A CONSENSUS AT THE END OF THE COMMITTEE.