

NMMUN22
LOK SABHA
Background Guide



—  PARLIAMENT OF INDIA  —

INTRODUCTION

It is an absolute pleasure to welcome you to the **Lok Sabha** at the New Millennium Model United Nations Conference 2023. We, Srijan Pande and Gunaditya Singh Rathore serve as your chairpersons. We will be there to bring forth discussions and help you as and when you require it. We expect you to thoroughly read this guide before commencing your research on the issue. The topic of the Lok Sabha is open-ended but requires focused research in certain key aspects listed in this guide. The following pages intend to guide you in researching the various possible topics for debate in committee sessions. This background guide must only provide the basis for your investigation. You must further study as much information as necessary on the motions and how they relate to the personality you represent. Feel free to research and caucus on issues well beyond those highlighted (ensuring that you push your investigation to matters related to the agenda of the council). We suggest starting your research as early as possible. Please remember that the Sabha is only as strong as its members, and we are here merely to guide debate, not to partake in it. We look to make our sessions productive, enjoyable, and memorable. Best Of Luck!

Regards

Srijan Pande and Gunaditya Singh Rathore

Chairpersons

Lok Sabha

Lok Sabha Overview

Mandate

The Lok Sabha is the lower house of the Indian Parliament. Its fundamental goal is as a law-making entity, intended to govern and legislate the Republic Of India. It is tasked with representing the aspirations and visions of the citizens of India in the legislature it processes, keeping in mind the values embellished in the Constitution of India.

Functions And Power

The Important Functions of the Lok Sabha are:

- 1) Legislative Function:** As a law-making body, the Lok Sabha can pass bills concerning all those subjects that have been included in the Union and Concurrent list.
- 2) Financial Power:** The money bill has to be introduced in the Lok Sabha first and the Lok Sabha alone has the exclusive power of sanctioning all government expenditures.
- 3) Executive Control:** The Government is accountable to the Lok Sabha for its acts. The Lok Sabha can impeach the council of ministers.
- 4) Electoral Function:** The Lok Sabha members are part of the electoral college for the election of the President. The members of Lok Sabha also elect the Vice-President. The Lok Sabha also selects the Speaker and Deputy Speaker.

*There are several more important functions of the Lok Sabha relating to judicial matters and redressing grievances among others. However for the NMMUN22 Lok Sabha, only the legislative and executive functions (and powers granted to the council in those aspects) shall be holding significance.

The Important Powers of the Lok Sabha are :

1. A bill becomes law only when assented by the Lok Sabha.
2. A Motion Of No Confidence against the government may only be introduced and passed in the Lok Sabha
3. The Lok Sabha may make amendments to the constitution of India.
4. The Lok Sabha has a say in electing the President, Vice-President, Speaker,

and Deputy Speaker (of their council).

5. The Lok Sabha may impeach the President, Vice President, Judges of the Supreme Court of India, High Court Judges, The Election Commissioner, and Members of Parliament.

Historical Background

Historically, the Lok Sabha has had great freedom in legislating and creating amendments to the constitution. It is also the more powerful house of the Bicameral Indian Parliament.

Scope Of The Committee

Bills passed by the Lok Sabha take effect all across India. The Lok Sabha also has relatively few legal restrictions on the decrees it can pass. However, there are external barriers to the ordinance it chooses to execute.

India is a vast country with a behemoth population. As such all resolutions passed by the conference must be such that they can be strictly and thoroughly put into effect across the entire country.

The financing of the regulations passed is another concern. As per the 2022 Union Budget of India, the Government had a whopping 32 Trillion Rupees (US\$400 Billion) in Government Revenue. However, there was an expenditure of almost 40 Trillion Rupees (US\$490 Billion) also. As such with the annual budget stretched thin so badly, delegates must also briefly touch on means to finance their proposed decrees.

Lastly, the delegates must ensure their proposed mandates are amenable to the diverse sections of Indian society (or at the very least, the core support of the candidate/party they represent).

TOPIC- UNIFORM CIVIL CODE

Uniform Civil Code, or Samana Nagrika Samhita (IAST: Samāna Nāgrika Saṃhitā), sometimes referred to as UCC, is a proposal in India to formulate and implement personal laws of citizens which apply to all citizens equally regardless of their religion, gender and sexual orientation.

The objective of Article 44 of the Directive Principles in the Indian Constitution was to address the discrimination against vulnerable groups and harmonise diverse cultural groups across the country. Dr B R Ambedkar, while formulating the Constitution had said that a UCC is desirable but for the moment it should remain voluntary, and thus Article 35 of the draft Constitution was added as a part of the Directive Principles of the State Policy in part IV of the Constitution of India as Article 44. It was incorporated in the Constitution as an aspect that would be fulfilled when the nation would be ready to accept it and the social acceptance of the UCC could be made.

Its origin dates back to colonial India in the year 1835 when the British government submitted a report stressing the need for a Uniform Civil Law in India.

Having a uniform civil code in India will have its own Pros and Cons

Pros

1. Equal rights for all citizens
2. Increased gender parity
3. Support national integration (Ekta)

Cons

1. Difficult to implement due to cultural diversification
2. Sensitive and tough task
3. Considering India is developing it would be hard to implement.

Post-independence, the question of a UCC appeared in our Constituent assembly debates. Many arguments had a political undertone to them.

Personal laws in India are a subject of common interest to both the federal government and the states. So states have been making their own laws since the 1970s. Years before a landmark 2005 amendment to an existing federal Hindu personal law allowing daughters to have an equal share of the ancestral property as sons, at least five states had already tweaked their laws to enable this.

Now the problem exists in the fact that there are differences and discrepancies within the personal laws. There is no uniformity. Also, there have been instances where personal laws denied the rights of women or did not even give them rights. To counter these shortcomings, the Uniform Civil Code can be enacted.

The Uniform Civil Code means a uniform personal law for all citizens of the country. This code will replace the existing religious personal laws in India and have a uniform law that will cater to all citizens, irrespective of their religion. This has been envisaged by the makers of our Constitution under Article 44. But it has been strongly opposed because it is considered violative of Article 25 of the Constitution since it does not let people enjoy personal laws.

This research paper is going to focus on how a Uniform Civil Code is going to ensure equality among all people on all grounds and will also deal with the cons of implementation of a uniform civil code in India which can result in a chance of disintegration of the nation because of the demand for personal laws. This paper will also discuss what is the relationship between a uniform civil code and secularism and evaluate all the points it is going to analyze if the implementation of a uniform civil code in India is a good idea.

Agenda

Providing A Single Legal

Framework For Censorship Introduction To The Agenda

Censorship in India has been a widely used mechanism for controlling the state by

the government since colonial times. Post Independence, the newly independent Republic gave itself the Constitution of India, which secured the liberty of speech and expression for all its citizens. However, history has shown this to be *de jure* and not *de facto*. Ever since the first Lok Sabha was convened on 17 April 2022, said rights to freedom of expression have been transgressed multiple times. Let us take a look at two cases of censorship in Indian History as well as a timeline of various legislation meant to suppress freedom of speech.

History Of The Agenda

CHAPTER 1: The Ratification

The Constitution of India was formally ratified (done so on 26 November 1949) and put into effect on 26 January 1950. Until then, the present-day Republic of India did not “exist” per se. Rather it was the Union of India which existed in its place. This Dominion of the British Government had Jawaharlal Nehru as its interim prime minister. The laws followed, while the ratification took place, were those of the colonial era. Many of them were despotic and unjust. With There being communist disturbances and violence in many states (in addition to much more significant issues such as the violence of the partition, integration of princely states, and the war with Pakistan), the congress-dominated governments at all levels would use the antiquated laws to quell violence. Several times they would use it to (unjustifiably) crush political dissent from the communists.

With the adoption of the Indian Constitution on 26 January 1950, the old colonial legislation fell out of legal backing. This was for two reasons. Firstly many of the British regulations were found to be violating the various freedoms and dignities the new Constitution mandated. Secondly, To ensure [constitutional autochthony](#), its framers repealed prior acts of the British parliament in Article 395. With the old decrees out of place, the Bombay and Patna High Courts ordered the release of all communist activists detained by the use of pre-independence ordinances. This outraged the congress governments of the time. An incensed Nehru wrote about the communists - “*(They) constituted a danger to the existence and security of the state*”

which cannot deal with them under the provisions of ordinary laws.”

CHAPTER 2: The Slap

In February 1950, *Cross Roads* magazine, a communist publication, criticized the Madras government for an attack on communists in Salem Central Jail which left 22 dead with a series of condemnatory articles. On the First of March, the Madras government responded by banning the circulation and distribution of the magazine citing outlawed colonial provisions. *Cross Road* editor Romesh Thapar petitioned against the ban in the Supreme Court, a month later.

As with the *Cross Roads*, A right-wing magazine - *Organiser*, was also pushing against the government's policy with regards to Pakistan. On 2 March 1950, the Chief Commissioner of Delhi issued a 'pre-censorship order'. Justified once again by old British laws, the order required the publisher and editor to get consent from the government about all material on Pakistan and communal matters. *Organizers* appealed to the Supreme Court on 10 April.

On 26 November, the Supreme Court ruled in favor of the press, withering a tight slap to the Nehru administration.

CHAPTER 3: The Assault

The Congress government once again came under fire for its mismanagement of the refugee crisis in Bengal. It had additionally been heaping criticism for its extrajudicial killings of communists. Nehru had other turmoils too. In a hasty effort to end the practice of Zamindari, there had been a judicial crisis in Bihar. Several key ministers including Dr.SC Mukherjee and KC Neogy had resigned over a disagreement with the Liaquat-Nehru Pact. Then finance minister John Mathai had also resigned, in protest to Nehru's authoritarianism.

Several attempts to censor the press from disclosing news about the above-mentioned events were made. Despite the over-reaching measures adopted by the administration, freedom of the press ultimately prevailed, due to the tenacity

of the Supreme Court in upholding the right to freedom of speech to its fullest extent.

Now desperate for a coverup to its folly, and unable to bog down the courts from overturning orders of censure, Nehru decided to increase his powers as prime minister. With the untimely demise of Sardar Patel, the path to do so was without any barrier for the Prime Minister

On New Year's eve of 1950, the leader of the largest political party in the world wrote to his chief ministers - *'We have to make clear that no individual in India, whoever he may be, can challenge the authority of the State or Parliament. We are not going to tolerate any defiance to the State's authority.'*

First postponing all upcoming elections, the prime minister of the world's largest democracy turned towards draconian methods to get his way.

Congress took to constitutions of other sovereign democracies, justifying a halt on the absolute freedom of speech on grounds of abuse by the people. However, where the party itself was subtle, its leader certainly wasn't. Brazenly declaring that if the Constitution restricted his functioning, the constitution itself would be junked, sent the rest of the parliament (even the Pandit's closest aides) into a state of wide-eyed disbelief.

The opposition tried to detract Nehru, arguing about the poor precedent it would set to amend such a rudimentary natural right. They presented the case of the First Amendment of the United States of America, where the state was explicitly barred from denying a citizen's right to speech, enshrining it as essential to the functioning of a healthy democracy. Furthermore, the opposition warned about how such repudiation of free speech could be subject to abuse and would erode the people's belief in the young republic. There were even judicial verdicts against censorship. Several courts had passed judgment deeming a person innocent, even if he were to champion murder and violent crime, templing Article 19(1)(a) of the Constitution of India to a divine status.

Moved on 10 May 1951 and passed on 12, the majority government of the Congress ultimately got its way, bringing to life the first of many amendments to

the Constitution of India, in what was a savage assault, blasphemy in fact against democracy.

The government now had free rein on censoring the press as and when they felt the need to do so. Clamping down on political opposition was also now constitutionally validated.

For an ornate read on chapters 1,2 and 3 click [here](#).

CHAPTER 4: The Rise

Indira Gandhi came to become the Indian Government itself in the time between 1967 and 1971. She did so by vesting the powers of the Union Government with her secretariat rather than the prime minister's cabinet. Furthermore, she put into place the idea of a committed bureaucracy, one whose members are wholly immersed in her ideology and relent to her commands unconditionally.

She then ruthlessly demarcated the party, eventually causing a split. The old guard which was discontent with her autocratic tendencies made up the Congress(O). Much of the congress sided with the prime minister to form the Congress(R). Many of its leaders quickly came to see the wrath Mrs Gandhi could spout, and realized their power was in proportion to their closeness with the Nehru-Gandhi dynasty. As such overpraise and taffy became the ways of the new guard and would be followed by shocking sites of sycophancy. Thus Madam Prime Minister could now ensure she had a vast pool of subservient candidates for “appointing” as chief ministers, knowing fully well they would do her bidding to the letter.

Additionally, the Iron Lady of India earned herself the nickname around the same time. Defeating Pakistan at war, causing its split, endorsing far-left policies, pledging lofty promises to end poverty, and abolishing privy purses all contributed to her popularity.

The Gandhi administration also saw several interventions in judicial matters, particularly overturning the verdict against the government on the matter of privy purses, establishing the [24th amendment](#) in opposition to rulings about the

unbending sanctity of fundamental rights secured in the constitution, and breaking precedent by appointing A.N.Ray as Chief Justice of India over three senior dissenting judges in the landmark [Kesavananda Bharati](#) case.

The media rightfully covered these affairs in a negative light. The public seeing these events unfold could see the rust begin to corrode their iron lady.

CHAPTER 5: The Unrest

The ever-growing opposition to their incumbent government and their clash with the supreme court motivated the congress leaders to demand a significantly more powerful executive branch and greater capabilities to censor the media.

Various social movements took place during this time. The [Navnirman](#) Movement (December 1973 - March 1974) was a prominent one, as it led to the resignation of then Gujarat CM Chimanbhai Patel. It focused primarily on food shortages and corruption charges. For a month starting in March 1974, one JP Srivastava led an uprising amongst students, peasants, and labor unions which ultimately saw a strike from the railway union. The largest labor union of its time, it was repressed savagely by Gandhi. Thousands of workers were arrested, their families displaced, and many lost their livelihoods. Lastly, there were a series of assassination attempts made on various cabinet ministers and the railway minister LN Mishra was assassinated employing a petrol bomb. This petrified Congress, which sought to maintain its dominance over the political system. Eventually, its leadership turned to undemocratic means to accomplish the same

CHAPTER 6: The Censorship

The final blow to the Indira Gandhi government came with the verdict of the [Raj Narain Case](#) verdict. Indira Gandhi lost her status as a Member of Parliament. However, she was allowed to keep her prime ministership while the resolution on her appeal was pending. Following this, she took upon the advice of West Bengal

chief minister Siddhartha Shanker Ray, and with the backing of her counsel, she asked President Fakhruddin Ali Ahmed to declare a state of emergency. Before he could even formally assent to the same, electricity was cut off to major media and publishing houses. Journalists, editors, and publishers were arrested or placed in detention. The assault on the fourth pillar of democracy began before it was even ordered.

Delegates are encouraged to further read about [The Emergency](#) of 1975-1977 independently.

Timeline Of Key Ordinances

The following is a timeline of significant legislation passed by the Indian Parliament over the years as a tool of censorship. Delegates must be aware of these bills, and if possible read about how they came to be, their impact on Indian society, and whether they are a case of positive usage of censoring.

- Criminal Defamation of Indian Penal Code 1860 - forbids slander addressed towards another individual
- The Constitution (First Amendment) Act 1951 - restrictions on freedom of speech and expression by the government for the first time in Independent India.
- Section 124(A) of the Indian Penal Code - established maximum life imprisonment for entities expressing views that may reduce the affection of the citizenry towards the government
- The Official Secrets Act 1923 - an anti-espionage act, forbids providing aid to the enemy in any form, held over from the colonial era
- The Cinematograph Act of 1952 - lead to the creation of the Central Board of Film Certification
- Section 124A of the Indian Penal Code 1973 - sedition made a punishable crime, allowed for arrests without a warrant, put on hold on 11 May 2022 for reexamination by the Supreme Court of India
- The Emergency 1975 - suspension of the natural right to freedom of thought and expression, clampdown on presses and media houses.

- Cinematographic Rules 1983 - expanded powers of the previous Cinematograph Act 1952
- Cable Television Network Rules, 1994 - set the skeleton of cable TV censorship in India
- The Cable Television Networks (Regulation) Act 1995 - aimed at moderating content and operations of cable networks and television programs
- Information Technology Act 2008 - putting in place censorship rules for the internet, online platform, and social media
- Information Technology Act 2008 - expanding the scope of Information Technology Act 2008

The Idea Of A Single Independent Commission

India has several diverse groups in terms of ethnicity, language, socio-economic factors, etc, and an extremely large population. One might argue that it is simply not possible to maintain freedom of speech for the entire populace without risking the offense an individual can cause to an entire community with a single expression. To put it simply, we may value the sensibilities of the masses more than an individual's right to express themselves freely. This would put us in favor of censorship of a mild form.

At the same time, one must understand that allowing governments the power to censor has far-reaching consequences and challenges.

Finally ensuring censorship laws are enforced uniformly and justly is also a cause of concern.

As such one may propose the idea of first abolishing all previous laws concerning the government's grasp on suppressing freedom of expression. This is motivated by the fact that ultimately these laws were given with ulterior motives and have been misused in the past.

Instead, a single independent censor board is created for the entire nation. Inspired

by the idea of the election commission, one can seriously see the possibility of a neutral apolitical entity having charge of finding the balance between liberty to express oneself and ensuring no severely objectionable content is put out by anybody

The Idea Of Absolute Free Speech In India

Another style of argument would be that however difficult it may be to support doing so, the government must protect man's natural right to creatively express himself. After all, the government has not eliminated poverty and destitution, yet it continually strives to do so per the values of the Constitution. This isn't to say no work has been done to uplift the marginalized. Rather we are practical enough to realize that securing all people's dignity of a peaceful and prosperous life won't happen in a single day and must be worked on continually. Thus we strive to make it an ideal to do so, and everyday work towards the same.

Similarly, one must be practical and respect an individual's freedom of speech, ensuring that the said person doesn't face legal backlash and is protected from overzealous offended parties. Thus this reinforces the ideal of the original Constitution, which was to without any hiccups extend man's right to freedom of expression

Stances Of Key Parties

At present, seeing the vulnerable position of India on the global stage, with Russia hinting towards leaning with China, a change in the world order, and the recent covid-19 pandemic the BJP has maintained a pro-censorship stand to manage national security troubles.

The *INC* on the other hand despite its history of (mis)using censorship bats against tighter refractions from the BJP.

The *AITC* would staunchly advocate for allowing existing censorship laws to

continue, as a way to maintain control over West Bengal. This is in contrast to the BJP, which would prefer a single legal bill that grants the power of censorship only to the central government or an independent authority.

Guiding Questions

1. What is free speech? (Both as an abstract concept and an ideal in social life)
2. Is there such a thing as reasonable restrictions on a free commodity?
3. Can there be reasonable restrictions on freedom of expression? If so, what are these restrictions?
4. Which is of greater importance - an individual expression of thought or an individual's feelings and sensitivities?
5. Is a threat of violence protected under free speech? Is abusive language protected under free speech?
6. Who decides what is a "reasonable" restriction?
7. Who will enforce said censorship? How will it be ensured that said censorship is used equally in all cases?
8. Should be censored material be inaccessible to the public forever? If not, when should it be made available, and in what mediums?
9. Is it realistic to maintain total freedom of expression or censorship of some form in India?
10. Can the government censor criticism directed toward it? If so, in which scenario and to which extent can it do so? If not, what if said homily *"threatens the unity, integrity, defense, security or sovereignty of India, friendly relations with foreign states or public order"*? [[Information Technology Act 2011](#)]
11. Is it reasonable to suspend a natural right such as freedom of expression during a state of emergency?
12. How can the structure of power in India be amended to close loopholes which allow unjust suspension of free speech and political dissent? (Refer to Chapter 4,5,6)
13. Is it possible to have a single legal bill as the ordinance for censorship?
14. Are censorship laws applied uniformly across India? Can they be uniformly applied across India?

Moderated Caucus Topics

Please Note That These Are Only Suggested And Possible Moderated Caucus Topics. **DELEGATES ARE ENCOURAGED TO COME UP WITH THEIR TOPICS FOR THE MODERATED CAUCUS.** Given List of Topics need not be put up for debate

1. Degree of freedom of speech suitable for India
2. Need for a single legal authority on censorship in India
3. Feasibility of outright, unhindered freedom of expression
4. Challenges to censoring information and individuals
5. Establishing a single independent commission for censoring media in India
6. Should the state protect advocates of murder
7. Justifying state-controlled censorship
8. Measures to improve press freedom and safety in India
9. Censoring Social Media Platforms and Users
10. Censorship of Art, Music, Literature, and Drama

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