



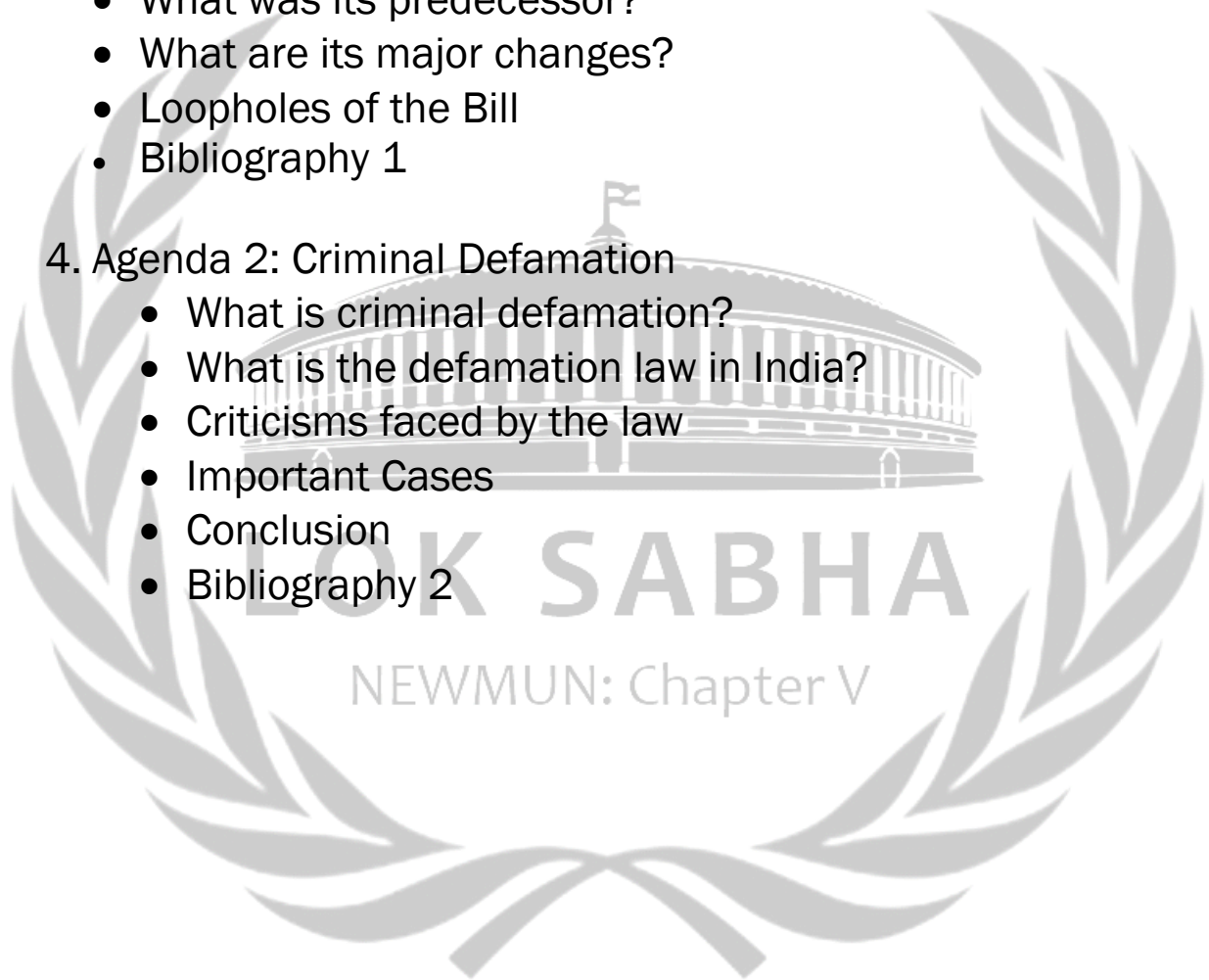
NewMUN: Chapter V

LOK SABHA

Background Guide

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LETTER FROM THE CHAIRS

Greetings delegates!

We extend a warm welcome to all of you to Lok Sabha at NewMUN: Chapter-V 2023! In this prestigious council, each one of you represents a unique identity of the Lok Sabha of the Indian Parliament. Over these 2 days of the NewMUN conference, we will be addressing 2 issues that are in need of urgent attention: The Bharatiya Nyaya Sanhita, and Criminal Defamation in India.

Each of your allocations have been made with due consideration of their take and stance in these issues and plays a vital role in the council. Each representative has the potential to bring forth various solutions and resolutions to the problems at hand and your individual participation can have a major impact and consequences.

We would like to also mention the importance of following the Rules and Procedure with utmost diligence.

Research is a vital part of any MUN conference, hence, take this background guide as your starting point in research and dive into the treasure troves of information available at your hand. It is also encouraged that you can research your own personality's policies and do individual research besides what has been given in this guide. We value your individual participation and are committed to helping you bring out the best delegate in you, hence, feel free to contact any of us if you have any queries or concerns.

Sincere regards,

Your Lok Sabha chairpersons

Mohammed Irfaan Naufal and Mariam Shamnad

ABOUT THE COUNCIL

The Lok Sabha or House of the People is the lower house of the Parliament of India. The Lok Sabha meets in the Lok Sabha Chambers, Sansad Bhavan, Sansad Marg, New Delhi. Lok Sabha is composed of representatives of the people chosen by direct election on the basis of adult suffrage. The maximum strength of the House envisaged by the Constitution of India is 552 representing the people of 28 states and 19 members representing 8 union territories. The total elective membership is distributed among the States in such a way that the ratio between the number of seats allotted to each State and the population of the State is, so far as practicable, the same for all States. The Lok Sabha generally consists of the ruling party and an opposition. The current parliament consists of 334 members and parties under the NDA alliance, 142 members and parties under the INDIA alliance and 63 unaligned members. The Lok Sabha is headed by the Speaker who is elected by the members of parliament. Currently the position is taken by Sri. Om Birla.

In our council, the speaker is represented by the chairpersons and the delegates are the MPs (Members of Parliament) of their respective parties.

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AGENDA 1:

BHARATIYA NYAYA SANHITA BILL

What is the Bharatiya Nyaya Sanhita Bill (BNSB)?

The Bharatiya Nyaya Sanhita, 2023 was introduced in Lok Sabha on August 11, 2023. The Bill repeals the Indian Penal Code, 1860 (IPC). IPC is the principal law on criminal offences. Categories of offences covered under it include those affecting: (i) human body such as assault and murder, (ii) property such as extortion and theft, (iii) public order such as unlawful assembly and rioting, (iv) public health, safety, decency, morality, and religion, (iv) defamation, and (v) offences against the state.

What was its predecessor? The IPC?

The Indian Penal Code is the official criminal code of India. It is a code which intends to cover all aspects of criminal offences. It was drafted in 1860 by the British Government. However, as of recent times, the IPC has been criticized for being outdated, complicated and failing to align with the contemporary realities of India. Consequently, there have been demands for the IPC to be amended in order to assess these issues.

What are its major changes?

Sedition:

Section 124-A of the Indian Penal Code (IPC) addresses the offence of sedition and prescribes penalties ranging from life imprisonment to imprisonment for up to three years, along with the possibility of a fine. In contrast, provision 150 of the BNS Bill's chapter concerning offences against the State focuses on acts that pose a threat to India's sovereignty, unity, and integrity. This section states that individuals who knowingly and purposefully, through spoken or written words, signs, visible representations, electronic communication, financial means, or any other means, incite or attempt to incite secession, armed rebellion, subversive activities, separatist sentiments, or endanger the sovereignty, unity, and

integrity of India, shall be punished with either life imprisonment or imprisonment for up to seven years, and may also be subject to a fine.

Terrorism: A notable point regarding the BNS Bill is that it introduces a definition of terrorism, something that was previously absent in the IPC. According to provision 111 of the BNS Bill, an individual is considered to have committed a terrorist act if they engage in any action within India or in a foreign country with the intention to pose a threat to the unity, integrity, and security of India, to instill fear among the general public or a specific portion thereof, or to disrupt public order through their actions.

Organized crime: According to the BNS bill, organized crime pertains to unlawful actions such as actions conducted by groups or individuals as a part of an organized syndicate. It includes money laundering, smuggling, drug trafficking, etc. This is a new addition to the Indian legal system, as organized crime is not mentioned in IPC and was penalized through state legislations only. The maximum punishment as per the BNS bill, is life imprisonment or death.

Petty organized crime: The proposed BNS defines petty crimes like chain snatching, vehicle thefts, ATM/ticket frauds, and pickpocketing are included under the definition of organized petty crime in Section 110. The existing definitions of theft and robbery from the IPC are retained in the BNS but with different section numbers and stricter punishments, such as up to seven years for repeated theft offences under Section 301.

Murder by a group of persons on grounds of caste or race:

If a group consists of five or more individuals acting together, commits murder based on facts such as race, sex, caste, personal differences, language, etc., the individuals and/or group may face anywhere from seven years of imprisonment with fine up to death or life imprisonment

Loopholes of the Bill:

The new Bill, which intends to replace the IPC, suffers a lot of defects and issues. Proper deliberation is required to remove any kind of ambiguity. A lot of this new Bill contains existing laws from the IPC, but certain amendments have to be examined closely:

- a. Community service
- b. Organized crime (Refer paragraph above)
- c. Petty organized crime (Refer paragraph in above section)

It is being criticized that in the name of doing away with the old colonial Indian Penal Code, hasty changes are proposed within the bill which have not been examined thoroughly. The above given is just a few among the many changes proposed. In the council you will have to draft your resolutions about the bill, its amendments, its requirements, and remove all forms of loopholes at the end of the day

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AGENDA 2:

CRIMINAL DEFAMATION

What is criminal defamation?

Technically, criminal defamation is a form of defamation that constitutes a crime, as it was made maliciously and is subject to criminal penalties. While some countries still have the offence of criminal defamation on their statute books, it is widely opposed, most notably by the United Nations and the African Commission on Human and Peoples Rights (ACHPR) who have both urged states to reconsider such laws.

What is the Defamation Law in India?

In India, 'defamation' is a criminal as well as civil offence that is punishable with monetary fine as well as imprisonment. For defamation to be said to be done, an individual must have either created or disseminated content that is defamatory, i.e., that causes injury to a third party's reputation. The purpose of this law is to protect the interests of a person's reputation, but this law can be misused and highlighted quite easily to help propaganda or personal agendas. Sections 499, 500, 501 and 502 of the Indian Penal Code, 1860 contain the provisions regarding the offence of defamation.

Criticisms of the law

The Indian Constitution contains a chapter on fundamental rights, styled after the American Bill of Rights. Chief among the constitutionally guaranteed freedoms is the right to free speech and expression, subject only to limited restrictions. One of these restrictions is defamation. The key is that the restrictions have to be reasonable. But the criticisms faced by the government regarding the law, state that the Indian judiciary has been interpreting and applying these restrictions narrowly. There also has been accusations that these laws are being used to stifle criticisms specifically by politicians.

Important Cases:

1. Subramanian Swamy V. Union of India

Dr. Subramanian Swamy brought a corruption allegation against Ms. Jayalathitha the then CM of Tamil Nadu in 2014. The Tamil Nadu State Government filed defamation suits against Dr. Subramanian Swamy in reaction to these charges. This was a watershed moment in the history of criminal defamation prosecutions. It was also one of the first times the Supreme Court heard a direct challenge to the validity of one of the earliest and perhaps most stringent speech-restriction statutes, criminal defamation.

2. Disqualification of Rahul Gandhi:

One of the most recent and talked about case of criminal defamation is that of MP Rahul Gandhi. Gandhi had stated in a previous speech of his that “Why do all these thieves have Modi as their surname?” which led to Purnesh Modi, an MLA of Gujarat Legislative Assembly accusing him of ‘defaming the Modi community’. This led to Rahul Gandhi being sentenced to 2 years which is the maximum sentence for criminal defamation and was disqualified as an MP from the Lok Sabha.

Conclusion

Since reputation is important for every being, the offence of defamation is also crucial and time and again. To many, it appears that the criminal law of defamation seems to be weaponized for the greater impact of silencing and intimidating critics into silence and protecting the ruling class. Although the law is being used by politicians to stifle their opponents, it can be used as a way to silence the general public. This would lead to a situation where the notion of Freedom of Speech would be called into question.

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