



Study Guide

Lok Sabha



Agenda:

Reviewing the Current Status of Democracy
in India

Bureau:

Parth
Lahoti

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LETTER FROM THE EXECUTIVE BOARD

Greetings Parliamentarians!

It is our utmost pleasure to serve as the bureau members, and we warmly welcome you to this MUN conference.

The agenda for this committee is "Reviewing the Current Status of Democracy in India," wherein we hope to have excellent conversations on the status of democracy, together with recent news as well as some well-known Indian bills, facts, and actions.

This guide is intended to serve as a foundation for your research. We believe that this guide should be the first and most basic material for you all to prepare for the conference. We also recommend that you conduct more study and enthusiastically participate in the conference in order to enhance your knowledge and experience. Interesting discussions are awaited, but they might not be feasible without a complete understanding of the agenda. We expect that you, all the parliamentarians, will carefully and thoroughly read the agenda in the spirit of effective and competent discourse.

Taking into account that each delegate is the spokesman for a particular political party in India, and that the ideas you espouse should be consistent with the fundamental principles of the party you are representing. The Bureau foresees that you will identify effective solutions, be ready for any unexpected turn in the committee that may arise, examine every facet of the issue, and assume the role of a politician with assurance. We expect you all to come to the aid of the minister you are representing and deliver the best speeches and on-the-spot solutions.

We ask Ministers to draw up a list of possible solutions and actions to be taken on the issues discussed in the Committee in accordance with your party's policy. As the bureau, we hope that we will have the opportunity to benefit from your knowledge. We are confident that we can learn a lot from you and hope that you will have an equally rewarding experience. If you have any questions, feel free to contact us at "email jo abhi tak aaya nahi he".

NOTE: Use of ANY AI based software, e.g. Chat GPT, Ask AI, for your material, speeches and solutions would result in strict actions taking place against him/her.

Under no circumstances will sources like Wikipedia or newspapers be accepted as PROOF/ EVIDENCE. But they can be used for better understanding of any issue or even be brought up in debate if the information given in such sources is in line with the beliefs of the Government.

Regards,

Hon'ble Speaker: **Parth Lahoti**

Hon'ble Co-Deputy Speaker: **Madhav Bansal**

Shishukunj Mun 2023:
Study Guide- Lok Sabha



Hon'ble Co-Deputy Speaker: **Raagi Parashar**



COMMITTEE BACKGROUND

Article 79 of the Indian Constitution states that the council of the Parliament of the Union consists of the President and two houses known as the Council of States, Rajya Sabha, and secondly, the House of the People, Lok Sabha. Lok Sabha is composed of representatives of the people, chosen by them in direct elections on the basis of adult suffrage. 550 is the maximum strength of the House, as mentioned by the Indian Constitution.

India follows a bicameral ¹parliamentary system. Through the elections, the representatives of the people are elected, and these representatives are known as Members of the Legislative Assembly (MLAs). The tenure for the elected MLAs is for 5 years or until the body is dissolved by the President (on the advice of the ministers and internal discussions). The house meets in Sansad Bhavan, New Delhi.

The following are the powers and provisions of the Lok Sabha:

- The Lok Sabha can consider and pass motions of no confidence ²against the government. The Prime Minister and the Council of Ministers will jointly resign if approved by a majority vote.
- Money bills can only be introduced in Lok Sabha; if they are approved, they are then sent to the Rajya Sabha. The Finance Minister of India delivers the budget in Lok Sabha.
- A bill for constitutional amendment, a motion for the impeachment of the president, judges of the Supreme Court, and the state high courts can be introduced, as can initiating and passing a resolution declaring war, a national emergency, or a constitutional emergency in a state.
- If, after the declaration of an emergency, the Lok Sabha is dissolved, then the Rajya Sabha gets the power to be the sole body of the Parliament.

To conclude, this committee, Lok Sabha, allows all the different diverse sections of India to reach out to a conclusion on matters of concern. Different political parties debate various important issues. This body for this MUN assists in offering varied perspectives and opinions to the legislative process. The ultimate objective of this Lok Sabha is to promote the reciprocation of various ideas and the generation of remarkable and pertinent interactions and communication. We expect to see a representation of the Lower House that truly is concerned about its motherland, has been apprised, and is ready to pass legislation to the changes that the present situation necessitates.

¹ (of a legislative body) having two chambers.

² The parliamentary motion demonstrates to the head of government that the elected parliament either has or no longer has confidence in one or more members of the appointed government.



INTRODUCTION TO THE AGENDA

"Reviewing the Current Status of Democracy in India"

India is considered as the mother of democracy. According to its preamble, the constitution of India is guided by a phrase that states to form a "Sovereign Socialist Secular Democratic Republic."

Wisely quoted by Abraham Lincoln, "Democracy is the government of the people, by the people, and for the people." India has been a big proponent of universal adult franchise since its independence because it firmly believes in the tenets of equality and democracy.

We have chosen this agenda because, in the light of recent events, there have been stances where the true essence of democracy is not seen. There have been actions taken that are undemocratic and unconstitutional. India has a constitution that guarantees and emphasises the legal freedom of its citizens. However, people have raised the question, has the Mother of Democracy been undemocratic?

There have been many issues, including restrictions on freedom and the fundamental rights of the people. The freedom of expression and the freedom of speech have been violated by the government recently, and we have also seen the government's apparent lack of concern for the humanitarian rights of minority communities. The independence of the judiciary has also been questioned by allegations of government interference. These instances are witnesses to the concern over the chances of the slow ending of true democracy in India.

Recently, a situation has arisen where people are not allowed to fully exercise their rights. Is this acceptable in a country like India?

Considering the violations of basic human rights and the current democratic system, it is necessary to consider this agenda. Because this agenda is not just a topic of discussion but a topic with which the country shares its feelings and emotions, now it is the time to make a change, and if not, then why?



GLOSSARY

1. "**Act (of Parliament)**" - An Act is a bill passed by both houses of the Parliament.
2. "**Amendment(s)**" – It is a provision to edit or alter a motion or question under discussion in the Legislature. It includes omission, substitution, addition, and insertion of certain words, figures, or marks to the clause of a bill, a resolution, or a motion. There can also be an amendment to an amendment.
3. "**Adjournment of the House**" – Suspending the proceedings of the house for the day and then resuming it on the following working day or a fixed decided date. The Adjournment of the House can be to a particular day or to an hour, time, or part of the same day.
4. "**Bill(s)**" - A draft of a legislative proposal put in the proper format. It later becomes an Act.
5. "**Constitution**" - The system of fundamental laws and principles of a government (written), a system of laws and customs established by the sovereign power of a State for its own guidance.
6. "**Speaker**" - The Speaker is the Principal Presiding Officer Moderator of the Lok Sabha. In the House, his authority is supreme, which is based on his absolute and unvarying impartiality.
7. "**Deputy Speaker**" - Deputy Speaker is an elected moderator who is not subordinate to the Speaker and holds an independent position. When the Speaker is not present in the house, the Deputy Speaker is required to perform all the duties of the Office of the Speaker.
8. "**Election Commission**" - A constitutional independent body in India created for the purpose of holding and smoothly functioning elections.



9. "Houses of Parliament" – There are two Houses of Indian Parliament: the Rajya Sabha and the Lok Sabha.
10. "**Leader of the House**" - In Lok Sabha, usually the Prime Minister or the person elected by him serves as the leader of the house. He/She is the leader/ representative of the ruling party.
11. "**Leader of Opposition**" - Leader of the largest minority party in the house is the leader of opposition.
12. "**Draft bill**"- Government Bills that are issued first in a draft form to allow them to be looked at in detail before they are introduced.
13. "**Forceful conversion**"- Conversion of religion by being suppressed and forced by power and influence and not by one's will.



HISTORY AND OVERVIEW

- When it comes to finding solutions, there is to be a significant issue for which there are exceptional solutions. To this end, India has many issues that are not being addressed, but primarily handling this situation has resulted in many wrong steps that have negatively impacted many Indians, which has become a major complication in the very recent past.

Under Article 19(1)(a), freedom of speech has been regarded as the lawful constitutional right granted to every citizen living in India, regardless of his or her gender, caste, race, or other characteristics. This law states that any person living in India has the right to speak anything, anywhere he or she wants, under the constitutional parameters mentioned. Also, under Article 105(1), it has been mentioned that "Subject to the provisions of this Constitution and to the rules and standing orders regulating the procedure of Parliament, there shall be freedom of speech in the Parliament."

- Freedom of speech has been the essence of the right to express the views of every citizen in public. The above-mentioned articles are the sections of the Indian Constitution that mention and clarify the birthright of freedom of speech. This right, however, is not outright, as the speech should be limited to some parameters concerning national security, morality, and public sentiments. Despite these provisions, there have been instances where there have been violations of this right. If not a violation, then on what grounds were the past decisions taken? The committee plans to discuss whether there should be any amendments to the constitution, and if not, then why?

Also, freedom of press or media refers to the rights given by the Constitution of India under freedom and expression of speech in Article 19, but many times such freedom is either bought, suppressed, or restricted.

In India, religion and the areas related to it are often very connected to a person's sentiments. Any new change or addition of laws related to religion is often thought as unlawful or as harmful to the religion of a person. Similarly, there have been disputes, debates, and conflicts due to the Citizenship Bill of 2019 and the Anti-Conversion Law.

- The Citizenship Bill of 2019 intends to make illegal migrants from Afghanistan, Bangladesh, and Pakistan who are Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians eligible for citizenship. An anti-conversion law seeks to restrict or prohibit religious conversions. The restrictions are meant to discourage fraudulent³ religious conversions, and the legislation safeguards the country's cultural and religious diversity.

³ done in order to cheat somebody; dishonest



FREEDOM OF PRESS

The role of the press in a functioning democracy is not one that is unrecognised. The Constitution of India itself provides Article 19(1), which enables all citizens, including journalists, to exercise freedom of speech and expression. The First Press Commission (1952–54) has said that ‘opportunities should be given to study the different points of view of the people so that there can be an exchange of views and ideas in public affairs without any problem or pressure’.

Mahatma Gandhi recognised three objectives of the press that can’t go unfulfilled in a developed country: the role of the press to recognise and convey the views of the public, to arouse desirable sentiments desirable to the progress of the country, and to boldly reveal defects and errors of the system.

Democracy functions on the foundation of a public that can make educated judgements about what policies best propel India in the right direction. It is the role of newspapers and the journalistic media to keep people informed about the grievances faced by the unprivileged parts of society and put pressure on the government to prevent complacency.

The United Nations has codified freedom of the press in Article 19 of the Universal Declaration of Human Rights, declaring that "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers."

United Nations on Free Press:

The United Nations has the following view on freedom of speech and the ways to make this a reality: These are:

1. There should be an established regulatory body that is open and easy to access. Such a media sector should be formed.
2. The political power should safeguard the free press sector, and the nation should have the law to protect the institution.
3. The entire information should be accessible to the public in the public domain.
4. Not only the publishing institution but also the readers and customers should have the basic skills and literacy to analyse and understand the information in the news.



Information, Paid Censorship and Media:

The media plays an important role in politics. While politics is not just winning an election, the most important part of it is the establishment of a government. In each and every section of the governing process in a democracy, getting to know the information and the communication between the representatives and the public has to be very accurate, and for this communication, the media is the thread that joins leaders and the public.

This is the reason why the media needs to be very precise, transparent, and well-organised in order to avoid conflicts. There are many examples where the media has delivered the wrong information.

In 2019, fake news was at its peak for the Indian General Elections. This gave rise to problems in the management of public services. In order to invoke citizens, both of Pakistan and India, pictures of the Syrian and Iraqi civil wars were floated across the internet. During the demonetisation in 2016, the INR 2000 notes were claimed by the public and media to be spying tools. Later, the government gave clarification on this.

Censorship is the act of providing limited information to the public and editing and cutting some information that may lead to disharmony among the people, be a concern for national security, contain hate speech or abusive language towards some sections, etc. This work is very important to maintain social peace and order, but now censorship has been claimed to be bought.

Some political parties and pressure groups bribe or buy the media, and the public is shown limited news. This can be illegal, as it disrupts the right to information and freedom of the press. This act also disturbs the natural and true flow of any incident.

The government has been accused of paying for censorship and posting restrictions on the media. For example, during the COVID-19 pandemic in 2021, several tweets were asked to be removed from the Twitter application that contained information about the handling of the situation by politicians and some institutions.

During times of crisis, lockdowns, and protests, there have been several internet shutdowns across the country. During the 2019 General Elections, several media coverages were stopped from being shown to the public.



India's problems with media

In 2021, the current ruling party, the Bharatiya Janata Party, started to use authoritarian regulations on social media, social applications, and other online information-sharing platforms regarding the content being put up. In 2021, the BJP threatened Twitter for not taking down several accounts of journalists and activists. This has caused important people to speak out against the government.

The BJP has also been accused of threatening media publication houses and companies. Tamil Nadu Congress Committee president K.S. Alagiri stated about the improper use of media through televisions. He spoke about the partial news shown by the media anchors. "The BJP is replicating the strategy used against certain channels in Delhi and is trying to take revenge on media houses in Tamil Nadu. The party is not capable of putting forth views on questions posed by anchors in television debates. Instead, they are now creating a smokescreen that the anchors are biased against them," he said in a statement.

A lot of the media outlets in India are funded by powerful politicians and businessmen who skew the reporting in their own ideologies' favour. NDTV, News Nation, India TV, News24, and Network 18 are linked to Reliance. Another Indian billionaire businessman who funds the media is Subhash Chandra. This is a problem because if people with primary interests outside of media outlets are the owners of media, they may have more incentive to suppress news harmful to their various businesses. Chandra, an MP, owns the Essel Group, which runs one of India's oldest and largest television networks with 14 news channels across eight language markets and 35 entertainment channels across 19 languages.

The main point of talking about this is: when the media gives us wrong information, when the media is bought by some people, when the information is partial and not complete, does this deny our right to freedom of speech, expression, and information? Is this undemocratic? And if yes, then what should the government do to avoid this?



THE CITIZENSHIP (AMENDMENT) BILL, 2019

The first and foremost thing required by a person to live in any country legally, for a longer duration of time is citizenship. By acquiring the citizenship of the country a person is eligible for voting, if above 18 years of age, he/she will have the right to contest elections, right to social security, right to healthcare, right to own property etc.

In a huge country like India, seeing the importance of citizenship being unimaginable, an act was passed in Lok Sabha, on 11th december, 2019 which was named as the "Indian Citizenship act, 1955" which provides for the acquisition of citizenship by birth, in India, Indian parentage and being staying in India for more than 12 years. Later, it was decided that this period of time (12 years) was a lot for the religiously persecuted⁴ people in the neighbouring countries of India and then the need to minimise this period of time was felt and the result led to the passing of "The Citizenship (Amendment) Act, 2019" which amended the Indian Citizenship act, 1955, which seeks to bring religious consideration to bear on the acquisition of Indian citizenship.

This act (The citizenship (Amendment) Act, 2019) includes the following aspects :

Granting of Indian citizenship and exclusion of "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" who came to India before December 11,2014.

For the immigrants from these countries who arrived in India after December 11,2014, there was a reduction in the time period to acquire citizenship from 11 years which was stated under Indian Citizenship act,1955 to 6 years.

Certain areas in the north-eastern India have been exempted from the application of this amended act which includes the tribal areas of Assam(Karbi Anglong), Meghalaya (Garo Hills), Mizoram (Chakma District), Tripura and the areas under the "Inner Line Permit," i.e Arunachal Pradesh, Mizoram, and Nagaland.

This Bill also made amendments to provisions related to Overseas Citizens of India (OCI) cardholders that a foreigner may register as OCI as stated under 1955 act to get entitled with the benefits such as the right to travel to India, work and study in the country.

The government now has the right to cancel OCI registration of a person, If the laws specified by the central government are violated by OCI cardholders.

⁴ to behave with someone with cruelty



The Bill and Issues

Article 14 of the Indian constitution states, Equality before the law, in which not a single identity should be discriminated on the grounds of his/her religion, but this, as an Indian bill, is not providing attention to other religious minorities existing like the Rohingyas in Myanmar, Tamils in Sri Lanka, and Ahmadiyyas in Pakistan, wherein only six specific religious minorities (Hindus, Sikhs, Jains, Parsis, Buddhists, and Christians) are given the benefit of this bill.

The bill mentions only three neighbouring countries (Pakistan, Afghanistan, and Bangladesh) from which immigrants would be accepted to be given Indian citizenship from the specified religions. In the Statements of Objects and Reason (SoR) in the bill, it states that India has had historic migration from these countries that are religion-specific, but there has been no clear reason for the inclusion of people from Afghanistan, and there are more neighbouring countries of India with a state religion that are not mentioned in the act, where minorities are being persecuted.

Also, it is unclear from the bill, why the date was selected as December 31, 2014. There has been criticism of the date that was selected due to the central government elections in 2014.

Critics have been arguing continuously since the presentation of the bill in Lok Sabha that the Modi government has sought to align Indian nationalism with Hindu nationalism. 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

Raising Questions:

Many conflicts have been noticed in India regarding this bill, which deprives a citizen of his right to freedom of religion and is trying to dominate other religious minorities over Muslims. People have been continuously raising questions against the bill, demanding their rights, and such questions include:

Is this bill overlooking the constitutional rights of religious minorities?

Will it have a positive impact on the secularism of India and its secular ethos?

Should the people of Pakistan, being a country with a violent past history associated with it, be given the right to enter Indian boundaries?

These questions question the Indian republic and its state as a follower of one of the best constitutions in the world and the mother of democracy. Again, the question arises: Is this act undemocratic? In what sense is it? How is this unconstitutional and undemocratic? How should we change it?

ANTI-CONVERSION LAW

In India, do you need permission to change your religion? Is this undemocratic? Well this law talks all about this. Let us see more about this.

These laws aim to regulate religious conversions, particularly those involving force, fraud, or inducement.

History

During British colonial rule, some Hindu princely states were under the law of anti-conversion. In the 1930s, the aim of this law was the prevention of Christianization, i.e., converting the original religions of Indians, assumed to be Hindu, to other religions such as Christianity.

Later in India, the need for this law was to protect the majoritarian religion, thought as the original religion of India, and prevent the forceful conversion to other people, mostly poor, scheduled castes, and scheduled tribes' people, for the sake of money. Some examples of such acts and laws are Raigarh State Conversion Act of 1936 and the Udaipur State Anti-Conversion Act of 1946.

After Indian independence, on the same law, an addition and amendment were suggested by the Constituent Assembly's Advisory Committee on Fundamental Rights, stating the prohibition of 'forceful conversion and undue influence conversion'. At that time, this law was completely rejected.

Legislation aimed at preventing forced religious conversion was primarily directed at Muslims attempting to convert non-Muslims during the 1980s. However, in the 1990s, Christianity became the focus of such legislation because it was associated with Western colonialism.

In 1954, again, a law was introduced in the Lok Sabha, that stated that missionaries should get licenced and that whenever a person gets converted, he/she should be registered with the government, beforehand. Again, this law was not passed by the majority. Since that time, several other laws and bills have been introduced in India.

Current Law:

India is a country with a variety of religious customs and beliefs. Four significant global religions - Hinduism, Buddhism, Sikhism, and Jainism—originated from the Indian subcontinent. As per the 2011 census data, Hinduism is followed by 79.80% of the Indian population, followed by Islam by 14.23%, Christianity by 2.30%, Sikhism by 1.72%, Buddhism by 0.70%, and Jainism by 0.37%.

An anti-conversion law is a law, followed in some states, but not all states of India. The laws are in force in seven out of twenty-eight states: Arunachal Pradesh, Odisha, Madhya Pradesh,



Chhattisgarh, Gujarat, Jharkhand, Himachal Pradesh, and Uttar Pradesh. The law declares that it is prohibited for anyone to change their religion using deceitful methods, pressure, manipulation, enticement, coercion, or fraudulent means, including marriage. The law only prohibits involuntary or forced conversion.

State Wise Study:

- **Chhattisgarh:**

Chhattisgarh follows the Chhattisgarh Religion Freedom (Amendment) Act of 2006. By this act, it is legal to have a punishment of three years in prison and a fine of INR 20,000 for the people who violate it. If the offender is a woman, a minor, or a member of a scheduled caste or tribe, the penalty rises even higher, with a punishment of four years in prison and a fine of INR 200,000.

- **Haryana:**

In Haryana, the Prevention of Unlawful Conversion of Religion Act was enacted in 2022. This is the establishment of a punishment of one to five years imprisonment or a fine of INR 100,000 or both. It also criminalises hiding one's religion while getting married and imposes a penalty of three to ten years imprisonment and a fine of INR 300,000 for those who violate this.

- **Madhya Pradesh:**

Madhya Pradesh was the second state to implement the anti-conversion law. It also enacted the Dharma Swatantrya Adhiniyam (Religious Freedom Act) in 1968. The law declares that it is prohibited for anyone to change their religion using deceitful methods, pressure, manipulation, enticement, coercion, or fraudulent means and has a penalty of either one-year imprisonment, a fine of INR 1,000, or both for violators.

In 2021, the Madhya Pradesh Freedom of Religion Ordinance, 2020, came into effect, which imposes a penalty of up to one year in prison and a fine of INR 5,000 for offences. If the offender is a minor, a woman, or a member of a scheduled caste or tribe, the punishment can be up to two years in prison and a fine of INR 10,000.

- **Karnataka:**

The Karnataka Protection of Right to Freedom of Religion Act, 2021, was passed in 2022. Karnataka is one of the states that is very strict concerning the law. This law bans unauthorised inter-religious marriage. Any forced conversion is punishable by three to five years imprisonment, and a fine of INR 25,000. Here, in case an offender is a minor, woman, or a member of a scheduled caste or scheduled tribe, the penalty increases to three to ten years imprisonment, and a fine of INR 50,000. In the case of a Mass conversion, punishment would



lead to three to ten years of imprisonment and a fine of INR 100,000, depending on the intensity of the crime.

- **Odisha:**

Odisha follows the Orissa Freedom of Religion Act, of 1967. It states that: "provides that no person shall convert or attempt to convert, either directly or otherwise, any person from one religious faith to another by the use of force or by inducement or by any fraudulent means." Violation again follows the punishment of money and imprisonment.

The states of Jharkhand, Himachal Pradesh, and Uttarakhand also follow a similar system.

- **Uttar Pradesh:**

UP has the Uttar Pradesh Prohibition of Unlawful Religious Conversion Ordinance, 2020. This law is also known as Love Jihad Law by the media and the public, however, the law does not claim any phrase like this.

The laws mention the punishment for conversion as non-bailable imprisonment with imprisonment that can be till 10 years, if undertaken through misinformation, unlawfully, forcefully, allurement, or other allegedly fraudulent means.

The laws mention that the conversions need to be approved by the district magistrate beforehand.

Problems with the law:

A similar law was initiated in the 1980s, but this time, the law was considered to be against Muslim populations, so was opposed by the communal forces. This time again there are chances of disruption of the law.

Article 25 of the Indian Constitution (1950) states: All people are entitled to the freedom to rightly and freely practise any religion they want. The question that arises is, would this anti-conversion law affect Article 25?

Sarla Mudgal vs Union of India is a Supreme Court of India case. In this case, the issue was, if a Hindu changes his religion to Islam, for doing more than 1 marriage, would the law be valid? Its judgement in 1995 laid down the principles against the practice of conversion to Islam, stating that conversion is not allowed.

The biggest question that arises is the law going against secularism and freedom of religion in India, where the citizens are free to practise and believe in any religion they want. Is punishing people for changing their religion constitutional and democratic.



FREEDOM OF SPEECH

Safeguarding liberty of expression enables individuals to come forward and speak out, making it more straightforward to address fundamental concerns from within.

Freedom of speech and expression is one of the basic rights guaranteed to Indian citizens. This falls under the right to liberty, one of the seven fundamental rights of the Indian constitution. Other rights include rights to equality, rights to religious freedom, rights to culture and education, rights to privacy, rights against exploitation, and rights to constitutional remedy.

History:

The Constituent Assembly decided on the article and incorporated a "right to freedom of speech and expression" in the Indian Constitution of 1950, with constraints identical to those specified in the Draught Constitution of 1948.

What is freedom of speech?

An Indian citizen has certain essential rights guaranteed by the Indian Constitution. Article 19(1)(a) of the Constitution affirms the right to free speech and expression for each and every Indian citizen, regardless of his or her caste, gender, religion, race, etc. With some appropriate constraints, freedom of speech and expression allows a person to freely express his or her ideas; therefore, it stipulates the concept of "unrestrained opinion and speech" stated in the Preamble.

Freedom of Speech and Expression allows Indian residents the freedom to freely express their thoughts and beliefs, whether by written or spoken words, photos, or any other communicative or visual representation such as gestures or signs.

It involves the freedom to spread one's own ideas as well as the freedom to publish the ideas of others. However, the right to free expression is not an absolute right, and the state may apply reasonable limits under Article 19(2) of the Constitution.

What is freedom of speech in parliament?

The Indian parliament is an elite conference where diverse viewpoints are presented on a national level by the members of parliament (MP), and if such a platform does not include freedom of speech for them, it might limit alternative points of view and opinions from being addressed and will lead to the passing over of certain important issues prevailing in Indian society.



Article 105 states:

The existence of freedom of speech in the standing committee,

(1) Subject to the requirements of this constitution and the rules and standing orders governing Parliamentary procedure, there must be freedom of expression in Parliament.

(2) The powers, privileges, and protections granted to each House of Parliament, as well as its members and committees, will be determined by Parliament through legislation. Until such legislation is enacted, these powers and protections will remain the same as they were prior to the implementation of Section 15 of the Constitution (Forty-Fourth Amendment) Act in 1978.

(3) The rules outlined in clauses (1), (2), and (3) will also be applicable to individuals who, by virtue of the constitution, have the privilege to speak and participate in the proceedings of a House of Parliament or any of its committees. These rules will apply to them in the same manner as they apply to the Members of Parliament.

Case Study: Defamation

The Indian politician and former member of the Lok Sabha, Rahul Gandhi, was disqualified from the Lok Sabha on March 24, 2023, due to his conviction in a defamation case on the basis of his remarks on Prime Minister Shri Narendra Damodardas Modi's surname. Gandhi was highly criticised by the members of the National Democratic Alliance (NDA) and all the Bharatiya Janata Party (BJP) politicians for not using the surname of India's highest political authority in a sensible manner.

Before the Indian general election, on April 13, 2019, Rahul Gandhi made the following remark in Hindi: "Why do all thieves, be it Nirav Modi, Lalit Modi, or Narendra Modi, have Modi in their names? Purnesh Modi, a Bharatiya Janata Party (BJP) MLA from Surat West, launched a criminal defamation lawsuit, alleging that Gandhi had disparaged all bearers of the surname Modi and indirectly regarded all of them as profound thieves.

On March 24, 2023, Rahul Gandhi was disqualified to serve as the Member of Parliament (MP) for the Wayanad constituency beginning on March 23, according to a notification made by Lok Sabha Secretary General Utpal Kumar Singh, in accordance with Section 8 of the Representation of the People Act, 1951 (RPA).

He was disqualified under Article 102(1)(e) of the Indian Constitution as read with Section 8 of the Representation of People Act, 1951, and has been sentenced to two years' imprisonment for the criminal charge for which he was convicted.



Other opposition parties reiterated the Indian National Congress's observation that the day of the disqualification was a "black day for Indian democracy." Following the conviction and disqualification, opposition leaders came together to take a unified stance. Together, 14 significant opposition parties petitioned the Supreme Court of India for judicial intervention regarding the alleged abuse of investigative agencies by the Modi administration to target opposition parties. Chief Justice of India D.Y. Chandrachud dismissed the petition, saying that while the Supreme Court could look into specific cases, it would not issue separate rules for politicians based on statistical extrapolation and instead advised them to seek political solutions in response to the claim that skewed application of the law had resulted in an uneven playing field leading to a shrinking of the space for opposition.

Gandhi's expulsion from parliament was called a "deep betrayal" of India's "deepest values" by Ro Khanna, a Democrat who serves as co-chair of the India Caucus in the US House of Representatives. Vedant Patel, a spokesman for the US State Department, said that the US was closely monitoring Rahul Gandhi's situation and would keep in touch with the Indian government while highlighting the significance of democratic ideals and human rights, including freedom of expression. Senator Chris Van Hollen of the United States said that the exclusion news was "alarming" in a separate statement. The spokesperson for the German Foreign Ministry stated that Berlin had "taken note" of the decision and was monitoring the next course of action, including his right to appeal the decision and whether the "suspension of his mandate" was appropriate.

This sudden disqualification of Rahul Gandhi from the Lok Sabha can lead to many enormous questions coming up in the future that could challenge Indian laws and democracy. The questions coming up with this case are:

- Are the actions taken against Rahul Gandhi because of his words an act of violation of freedom of speech?
- With respect to Article 105, was Rahul Gandhi really a culprit?

Summary:

While open debate allows society to thrive, it may sometimes have negative consequences. It should not be used to offend or provoke people. It should not be manipulated by the media as well. We, the citizens of this country, must be responsible when using our right to free speech and expression. We are privileged to be Indian citizens. It is a country that respects all of its residents and provides them with the rights they require for their development and growth.

The 'Freedom of Speech', a basic right of every Indian citizen, permits persons to express their own thoughts and opinions.



CONCLUSION

"The power to question is the basis of all human progress." -Indira Gandhi

Democracy is the soul of India, and any way to change that would be a step closer to India's demise. There have been many actions by the government, to the government, and from the government that are often seen as undemocratic and unconstitutional.

Now, for the benefit of our country, it is time to bring about a change. By deliberating on this agenda and talking about the prevailing unsaid constitutional problems in India, which are very little spoken about and very little thought of, the committee aims to resolve and come to a consensus that is inclined towards 'Achieving Peace, Dignity, and Harmony Through Integrated Development'.

As we come to an end of this study guide, we, the bureau of Lok Sabha for SISMUN-NC, 2023, hope that this study guide serves as a basis for your research, and we look forward to a fruitful discussion.



QUESTIONS A HOUSE MUST ANSWER

- Q1. Should there be changes in the constitution of India? If yes, then why or why not?
- Q2. What should be the steps to change India's undemocratic provisions to democratic ones, if required?
- Q3. Is the Citizenship (Amendment) Bill overlooking the constitutional rights of religious minorities? If yes, then how do I solve the issue?
- Q4. What should be the provisions to make the press and media more genuine and true? Also, how can we decrease the chances of paid media and censorship?
- Q5. Thinking of the violations of rights, keeping in view the fundamental rights of people and the current system of democracy, should there be a change, and if not, then why?



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