



WELMUN



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Lok sabha

Agenda

1. Deterioration of political climate in India with special emphasis on Free Speech and Federalism.
2. The Second Wave of COVID-19 Pandemic in India.



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LETTER FROM THE EXECUTIVE BOARD

Dear Delegates,

It gives us immense pleasure to welcome you to the lower house of the Indian Parliament, Lok Sabha at the seventh edition of WELMUN.

Being a member of the Lok Sabha is a weighty charge to bear. You have the responsibility of making laws that would directly affect 1.34 billion people. This calls for a very thorough and detailed knowledge of the issue that we are addressing. Although the manner in which you speak has no relevance, speaking clearly and confidently will enhance the depth of your speech. You, as a delegate or an MP, will have to keep in high esteem your party stances and your party policies, the statements made by your co party workers and your actions in the past. All of this simply calls for the importance of relevant and in-depth research.

We are discussing two agendas this year. The Primary Agenda would focus on **Free Speech and Expression plus Farm Laws with respect to Federalism** and the **Secondary Agenda** would tackle the **Second Wave** of Covid.

Your Position Papers would be on the Secondary Agenda, the details of which would be explained later in the Guide. We would only be covering the Secondary agenda through position papers and only discuss it in committee if time permits.

The topic of Freedom of Speech and Expression has a lot of room for debate. The debate can cover topics like **sedition, dissent, role of media, increasing communal forms of speech** etc. It is entirely up to you to decide the course of the debate. For the Farm Laws, the points of discussion **are already well-laid out** for both sides. This topic calls for a good understanding of the effects on all stakeholders and subsequent



action. We would only be able to discuss the Second Agenda in detail if time permits. **Nonetheless, your Position Papers would be on the Second Agenda.** The groundwork of research has been laid out for you in this Background Guide. This Guide is just a compilation of simple facts and this would act as a good starting point for your research. From hereon, you can cover topics more deeply and cover other aspects of the debate. As the 17th Lok Sabha, you have your work cut out for you.

Whether you are relatively new to the concept of MUNs and debates or experienced, please don't hesitate to try and give it your best shot. And leave it to us to give you an environment that is equal parts fun and learning. Anticipate two days of intense debate, good fun and memories to last a lifetime.

Feel free to contact the Executive Board if you have any query. Looking forward to seeing you this fall.

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The Executive Board
The Lok Sabha

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AGENDA 1: Deterioration of political climate in India with special emphasis on Free Speech and Federalism.



<https://www.organiser.org/Encvc/2019/6/25/When-Freedom-of-Speech-and-Press-were-by-completely-curtailed-by-Congress-and-IndiraGandhi-during-Emergency.html>

Part A: Status of Speech and Expression

Introduction

Politicians and Perception Management- probably the only love story better than Twilight. What are political leaders if not masters in controlling the narratives around them? Respecting public opinion is an important feature after all in a healthy democracy. Thus, people in power have always squealed at the sound of unflattering voices. Therefore **controlling the flow of free speech has been a frequently employed tactic by all types of governments.**



India, a country as large as it is and as diverse as it gets, has thus naturally seen impingements on speech and expression. Throughout Indian political history, from the British imprisoning freedom fighters during the days of colonial rule to the dark days of the Emergency, curbs have been put on free speech at every level. Thus, due to India's long history of various kings and kingdoms, it would be unfair to assume that any one particular element in Indian society has always been an unequivocal supporter of free speech and expression and vice versa.

Given below in the Guide would be a brief introduction to some of the most oppressive detention laws in the country, and their brief history. Also, beside it would be small briefs on laws and phenomena that seek to deter unfavourable speech and discourse.

Talking about Federalism, **our focus would be on examining the new Farm Laws.** We would **not only debate the spirit of the Laws** but also examine it through the lens of federalism. If the delegates so wish, they can link the overall themes involved in the debate about Farm Laws to other happenings in the country and seek to establish a pattern for example, **potential federal overrides by the Government or alleged opposition for the sake of it by the Opposition.**

As per our Second Agenda, we would focus on **Vaccine Policy** and **Rebuilding** after the Second Wave. **We would only require a Position Paper on this topic and discuss it in the committee if time permits.** Nonetheless, having a good foundational knowledge on this Agenda would be very helpful.



Sébastien Thibault

https://www.google.com/search?q=status+of+free+speech+and+expression+image&tbn=isch&chips=q:status+of+free+speech+and+expression+image,online_chips:indian+constitution:9hBHNJIN19Y%3D&hl=en-GB&sa=X&ved=2ahUKEwi_ju7FoNDxAhWBS30KHyeJASsO4IYoCHoECAEOIO&biw=1349&bih=663

Article 19

Free speech and expression are guaranteed to Indian citizens under Article 19 of the Indian Constitution. Along with it, the right to assemble peacefully, to form unions, to move freely and reside in other parts of the country, and to practice any profession of choice are also guaranteed under the Article. ***Article 19(2) highlights the several “reasonable restrictions”*** that the aforementioned rights are subject to, which include:-

- National interest,
 1. Sovereignty and integrity of India
 2. Security of State
 3. Friendly relations with foreign states (Unique provision to the Indian Constitution)
 4. Public order

- Societal Interest,
 1. Decency or morality
 2. Contempt of court
 3. Defamation
 4. Incitement to an offense

Therefore, this clause gives flexibility to the ruling establishment in imposing restrictions, and more often than not these have been misused. **Do ponder on whether these flexibilities exist due to a genuine need or are they more of a stifling tool?** The ‘loopholes’ in Article 19(2) can be a good point of debate. Interestingly, this feature has been used by nearly all ruling parties to keep voices that they find uncomfortable in check.

Controversial Detention Laws

Throughout the political history of independent India the common denominator **of all ruling parties**, apart from their love of power has



been their discomfort at dissenting voices. The **history of detention laws in India goes far back**. Almost every party that ruled at the Centre brought out versions of it and misused it.

According to the Britannica Encyclopaedia, preventive detention refers to the practice of **incarcerating accused individuals before trial** on the assumption that their **release would not be in the best interest of society**. A scheme under article 22 of the Indian Constitution enunciated the enactment of a preventive detention law based on which the PD act of 1950 was passed. It determined the time period for detention as 3 months which could be extended to two years after correspondence with an Advisory Board, made up of judges from the High Court.

You should be aware of the basic history of such laws in India and be prepared to discuss the democratic feasibility of these. Given below is a list of some such laws in India rolled out during various points in history:-

1. MISA

Initially meant to be practised for two years, the PD act was constantly renewed through amendments before finally exhausting in 1969. The administration of Prime Minister Indira Gandhi then proceeded to implement the Maintenance of Internal Security Act (MISA), a provision that became controversial in the following years. Critics of this law, ranging from opposition parties to legal experts, **believed that it exponentially increased the powers of law enforcement agencies** by allowing them to **detain individuals indefinitely, search and seize property** without warrant and **wire-tape without consent**. While resistance against the act was scattered in the earlier stages, the imposition of National Emergency in 1975 saw a united opposition against MISA. It's

inclusion in the ninth schedule of the Constitution allegedly helped it bypass any judicial supervision. The Rashtriya Swayamsevak Sangh and the Communist Party of India were two **large factions that revolted against MISA** and the Emergency in general. Leaders like **Atal Bihari Vajpayee, Chandra Shekhar and Mulayam Singh Yadav** were detained for up to 21 months under suspicion. Their supporters have described MISA as one of the **most dreaded, draconian laws** to have been implemented to date. Under the administration of the Janata Party, MISA was repealed in 1977 and until the promulgation of National Security Act in 1980, the Indian Republic did not have a preventive detention law.

2. TADA

In the early 1980s, an armed nationalist movement broke out in Punjab which argued for the creation of a sovereign Sikh state called Khalistan. The campaign evolved into a secessionist one after appeals for negotiation were neglected and resulted in the Punjab insurgency which lasted for approximately 10 years. Against this background the Terrorist and Disruptive Activities (Prevention) Act of **1985 was passed**. It was further modified in 1987 and continued to dictate the anti-terrorism law in India until the implementation of POTA in 2002. TADA **was the first law to thoroughly define and counter terrorism in India**. Under this, law enforcement agencies had the following powers in relation to terrorist activities:

- They were **not obliged** to present the accused in front of a magistrate **within 24 hours** of arrest and they could detain the accused for upto a year.



- **Confessions made to police officers** were **now admissible** as evidence in court, with the accused carrying the burden to prove innocence
- Designated courts were created to handle these cases where installation of cameras was allowed while the witnesses' identities were kept secret.

Human Rights Organisations criticised TADA and its specific provisions which endangered the rights of detainees. The act permitted detainment of a person for a year without filing a charge sheet which critics thought increased the risk of torture, in turn increasing the chance for a false confession to occur (now admissible in court.) Moreover, the location of the trial was allegedly often kept secret.

3. UAPA

The Unlawful Activities (Prevention) Act **was passed in 1967** with the aim of promoting the integrity and sovereignty of the nation by disbanding unlawful activities, associations and declaring violent separatist groups to be null and void. In the 1990s, in the context of the destruction of Babri Masjid, several secessionist movements in Kashmir were controlled under its provisions. The act has seen several amendments with the aim of strengthening its scope. The first major modifications were made in 2004 and 2008 after the Mumbai attacks **under the Congress led UPA government**. They **incorporated clauses of the TADA and POTA acts** into the UAPA in order to specify criteria including maximum period for police arrest, warrantless arrest and bail restriction. Due to the already controversial nature of these clauses, the UAPA became an equally criticised law and, similar to the acts that came before it, it was termed 'draconian' by the opposition parties of the Lok Sabha.



Critics pointed out that the definitions of ‘terrorism’ and ‘terrorist’ **were very broad and open to misuse** by authorities and no provision had been incorporated to avert such misuse. A relatively **recent update was the Unlawful Activities (Prevention) Amendment Act of 2019** which was enacted under the incumbent BJP government. It grants the National Investigation Agency the power to designate individuals as terrorists without trial, based on suspicion, when before, they could only specify organisations as terrorist groups. According to Siddharth Varadarajan, founding editor of the Digital Wire newsletter, this will stack the federal structure of the country by giving a central agency more power over subjects that would normally fall under the domain of state police. In recent times, several high profile arrests were made under this provision

Sedition Law - Section 124A.

Sedition Law in India was designed by the British to **imprison Indian freedom fighters** and derail the independence movement. Several leaders, including Bal Gangadhar Tilak, were charged under this law. Even though the British left, the law stayed. Many have called it a vestige of colonial rule. England itself scrapped the Law in 2009.

Sedition is described as “Whoever, by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards the Government established by law in India, shall be punished with imprisonment for life, to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine.”



- **Explanation 1.**—The expression “disaffection” includes disloyalty and all feelings of enmity.
- **Explanation 2.**—Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means, without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this section.
- **Explanation 3.**—Comments expressing disapprobation of the administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this section.

While some like the The Editors Guild of India has called this a "*draconian law*" and has demanded the repeal of this law and has also expressed that "*this law has no space in any modern liberal democracy*", others **have highlighted the necessity for such a law.**

Communalisation

India is an extremely diverse country with library archives worth of history. People who have historically lived here have always been diverse due to the different types of topography and terrain. Add to this various invasions, settlements, migrations and you get a spectacular melting pot of different traditions and cultures. Owing to all this diversity and a massive population with strained resources, some form of communal strife is not unexpected.

But what is unexpected is the kind of communal colour Speech and Expression in this country has been taking. With Independence and the



adoption of modern civilizational values, you would expect discourse in this country to move past communal flares but instead we have seen it being embroiled by it more and more.

In the Indian context, communalisation has come to be associated with tension amongst religious groups. Bipin Chandra, an Indian historian has explained the concept based on three simple premises:

- A belief that people who follow the same religion have the same political, economic and social interests.
- In a multi-religious society like ours, the interests of one religion are divergent and dissimilar from those of the others.
- These interests of the followers of different communities are incompatible and hostile.

This translates to what we know as communal politics today, which includes using religion to influence masses and incites widespread violence throughout states. Communal politics has been going on in India for a long time. Consequences of such provocative methods are well known to us. Leaders often make speeches that are provocative and meant to polarize. **This is often used as a political tool.** There have been numerous cases where political leaders have poisoned the atmosphere with religiously charged speeches and actions. Oftentimes, these have resulted in such big escalations that violence has broken out. Such incidents of violence lead to unhealable rifts between communities.

Other Guiding Topics:-

1. Role of Media in India

2. Protest and Dissent
3. Role of Opposition

Part B: Federalism

The Federal structure

The new Farm Laws present an interesting case of Centre - State relations. Federalism, simply put, is sharing of power between a central authority and the constituent units. Due to checks and balances in the power structure, no one side can make decisions unilaterally. But financial crises, world wars and pandemics have often been used to declare federalism obsolete. Such crises create problems of coordination which were not anticipated in many constitutional schemes, and can legitimize the use of emergency powers which can crush the distribution of power that already exists.

Agriculture has been deemed a state subject and the states have been given the power to make laws on agriculture and related subjects. The Union government's role is to prevent monopolies and ensure consistency in the standards and quality of food and other consumable items. Consequently, supply, commerce, agricultural trade, production, and food distribution are the State Government's responsibility. The new Farm Laws thus present a good opportunity to grapple with these ideas.

Given below is a brief summary of the Laws as well as a crystallized form of both the Government and the Farmers' stances.

The Farm Laws of 2020:



<https://www.nbcnews.com/think/opinion/india-s-farmers-are-protesting-authoritarianism-disguised-capitalism-sound-familiar-ncna12580>
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1. 'The Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act

This act will reportedly allow farmers to engage in the trade of their agricultural produce outside the markets under various state agricultural Produce Marketing Committee laws. According to the Government, it will:-

- Introduce barrier-free and inter-state trade of farmers' produce.
- Give the freedom to trade anywhere outside APMC markets.
- Prohibit APMCs from levying service fees or any other charge on farmers' produce.



2. Farmers (Empowerment and Protection) Agreement of Price Assurance and Farm Services Act

The government says this act will seek to provide farmers with a framework to engage in contract farming, where farmers can enter into a direct agreement with a buyer (before sowing season) to sell the product to them at predetermined prices.

- Entities that may offer contracts with farmers to buy agricultural produce are defined as sponsors' and can include individuals, companies, partnership firms, limited liability groups and societies.
- It provides for setting up agreements between sponsors and farmers. Any third party involved in the transaction will have to be explicitly mentioned in the agreement. Registration authorities can be formed by the state governments to provide for an electronic registry of agreements.
- Agreements can include agreed terms between farmers and sponsors and the terms can cover quality, standards, supply, price, as well as farm services. It also includes the supply of feed, seeds, fodder, agrochemicals, machinery and technology, non-chemical agro-inputs and other farming inputs.
- Provides a dispute settlement mechanism where the conciliation board comprising representatives of parties to the agreement, the sub-divisional magistrate and appellate authority will sort out disputes between the two parties.

3. Essential Commodities (Amendment) Act

This act seeks to restrict the powers of the government concerning the production, supply and distribution of certain key commodities.

- Government can regulate the prices and impose stock holding limits only under exceptional circumstances. These include extraordinary price rise, war, famine and natural calamities.
- Stock limits on produce will be based on price rises in the market. They may be imposed only if there is a 100 per cent increase in the retail price of horticultural produce or a 50 per cent increase in the price of everlasting agricultural food items.
- Gives complete freedom to hold, produce, move, distribute and supply products, leading to harnessing private sector investment in agricultural infrastructure.

What the Government wants to do

The government's main agenda was to change the whole market in the agriculture sector to resolve the issues faced by farmers in the current system. The new bill will help farmers:

- Now farmers have got a new option in so far as they will have the freedom to sell their produce outside the APMC (Agricultural Produce Market Committee) market and there will be no tax on trades such as this which will help farmers get higher prices.
- Farmers can make trades anywhere out of the APMC without any service fee.
- Now farmers can get contracts with sponsors which will help them get a predetermined price.
- Dispute settlement management will be under the sub-divisional magistrate because it is a more approachable action for farmers.

- The new bill did not bring any major changes; only a parallel system working which will work alongside the present system.

Farmers' Issues with the Laws

The amendments were made for the benefit of the farmers, but the farmers believe that these new regulations could worsen their trade and affect them. The believed drawbacks are:

1. There is no mention of minimum support price in the ordinance and it would take away their rightful minimum pay.
2. The interstate trade would mainly benefit the big corporations as they can choose a deal that favours them from any part of the country.
3. In a case of danger, there is a risk of farmers' interests being ignored as they believe there is a possibility of corruption with government officials.
4. Farmers will be exposed to the risk of fraud due to the entry of people without licenses or registration.
5. The government declares MSPs for crops but there has been no law confirming that statement.
6. Now that there is no limit for storage for specific crops, big players can control the supply which will ultimately give them control of the market's supply chain.

With the groundwork of the research done for you, this Guide has given you basic facts to start your research with. Now it would be up to you to frame your arguments in accordance with your stance and party policy.

Second Agenda: Second Wave of Covid

You would have to furnish a Position Paper on this topic by the 5th of August. A sample position paper can be found below.

Impact

The sudden increase in cases and deaths shook the nation. With the shortage of hospital beds, vaccines, oxygen cylinders and other medicines in the country, many citizens couldn't get the necessities to fight the virus. By late April, India was leading the world in new and active cases. On 30 April 2021, it became the very first country to report over 400,000 new cases in 24 hours. By 12 April, India overtook Brazil in having the second-most COVID-19 cases worldwide.

With 5.5 hospital beds per 10,000 population and 8.6 physicians per 10,000, the country's healthcare sector was not prepared for such a crisis. The number of beds per 10,000 is used as an indicator of health infrastructure in general.

Vaccination policy and distribution

India started with a vaccination policy targeting 300 million people based on occupation and age group.

- Phase 1 started on 16 January 2021 and targeted 10 million health workers first, followed by 20 million frontline workers. 67% of health and frontline workers received at least one dose; taking into account the registered health and frontline workers, the number of fully vaccinated is 47%. (this data is dated, please also refer to fresh numbers)



- Phase 2 began on 1 March 2021 to cover 45+ year old's with co-morbidities and 60+-year-olds. On 1 April, vaccinations were opened for everyone above 45 years.
- Phase 3 of the vaccination campaign was opened up to include all eligible adults from 1 May 2021 following a surge in cases in April,

India started preparing to vaccinate its population as early as April 2020 with the setting up of a Vaccine Task Force. Following this, the National Expert Group on Vaccine Administration for COVID-19 (NEGVAC) was formed and in October 2020, states were asked to set up state-level mechanisms for the COVID-19 vaccine programme and prepare cold chain points. The Indian government announced their COVID Suraksha Mission in November 2020 by infusing ₹900 crores into the Department of Biotechnology to aid the development of a COVID vaccine.

The 2021 budget of India also allocated ₹35,000 crores for vaccine procurement. There was also a communication strategy for the vaccination programme revealed by the Health Ministry in January 2021, targeting issues such as hesitancy and vaccine eagerness. In a timeframe of one month, vaccine wastage across India was reduced from 10% to 5%.

Admissible Sources of Information

Evidence from the following sources will be accepted as credible in the committee:

1. News Sources -

A. **PTI** - Press Trust of India (PTI) is a national non-profitable enterprise and India's largest news agency. It is cooperatively owned by Indian newspapers, which joined together to take over the management of the Associated Press of India and the Indian outlets of the Reuters news agency of Great Britain. It began operating in February 1949 and is currently headquartered in Mumbai.

B. **PIB** - The Press Information Bureau (PIB) is the nodal agency of the Government of India to disseminate information to the print and electronic media on government policies, programmes, initiatives and achievements. It functions as an interface between the Government and the media and also serves to provide feedback to the Government on people's reaction as reflected in the media. It was established in June 1919 as a small cell under the Home Ministry of the British government and currently operates through New Delhi.

2. **Ministry Reports and Other Sources** -

Quotations from annual reports and accounts published by individual ministries of the government will be considered authentic sources in the committee. Apart from this, other newspaper reports will also be considered, however, their legitimacy will be determined by the Executive Board.



Sample Position Paper



[LOGO OF INDIAN NATIONAL CONGRESS]



सत्यमेव जयते

LOK SABHA

POLICY STATEMENT

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Agenda: 1] REVIEW OF SECTION 377 OF THE IPC

Committee: Lok Sabha

I, Rahul Gandhi, the hon'ble Member of Parliament come into this Lok Sabha session filled with optimism and with an intention to find solution to the agenda decided for the committee

Chapter XVI, **Section 377 of the Indian Penal Code** dating back to 1861, introduced during the **British rule of India** (modelled on the Buggery Act of 1533) criminalises sexual activities against the order of nature, including **homosexual** sexual activities. Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with 1[imprisonment for life], or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine. Explanation.—Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section.

India, which is term to be the largest democracy, is a developing country which has minority homosexuals. The Indian constitution provides various rights such as right to life, equality and non discrimination etc. The Congress party believes that the rights of minority people are being abused, as being a member of UNIVERSAL DECLARATION OF HUMAN RIGHTS which suggests the decriminalisation of same sex activities, But the ruling party seems to turn a deaf ear to it

I as a person believe that India is a nation of different cultures and here people have different thinking and living. Legalising the activities of the homosexuals is a modern trend over the world I respect the honourable Supreme Court but personally think that the *Naz Foundation v. Govt. of NCT of Delhi* was a better one for the country

I always believe in "NATION FIRST".

2 words

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