



G.D. GOENKA MODEL UNITED NATIONS'22

ALL INDIA POLITICAL PARTIES MEET

BACKGROUND GUIDE



LETTER FROM THE EB

Greetings!

Welcome Delegates! We are privileged to welcome you to the GDMUN-2022. We are keen to introduce you to our committee, The All India Political Parties Meet (AIPPM). This year's staff includes:

Vanshaj Sharma, Chairperson, a 4th year Law Student from NLU Sonapat, who was also the political advisor of GDMUN'19. He is a student activist, an immaculate orator with a stronghold on National and Student Politics. With a deep passion for debating, public speaking and MUNs, he is one of the most experienced debaters of the circuit with an experience of over 10+ years;

Salmeen Hussain, Vice-Chairperson, An MBBS Student, with a keen interest in national and international politics and relations with a passionate experience of 9 years in PDs, MUNs and other Debating formats;

Amulya Sharma, Rapporteur, A B. Tech Student with a keen debating and public speaking passion. Along with a Passionate experience in studying economics and the stock and money market, he has a keen MUN and debating experience of 9 years.

The agenda under discussion for this year in the AIPPM is:
“Freedom of Speech in the age of Polarised Media.”

The All India Political Parties Meet is a forum for unrestricted political debate, discussion, and deliberation, free from the legislative functions of the parliament. Moving over from a one-party dominance of the Congress in the initial years of establishing a democracy, to two party, multi-party, coalition politics, to the dominance of the BJP-led NDA, the politics of the nation has been constantly evolving. The AIPPM provides a platform where diverse political perspectives and personalities come together to make decisions on issues of national importance.

The All India Political Parties Meet is a venture to emulate political realities by stimulating the various levels of policy and governance existing in our nation today. Participants are allotted specific political parties, which they represent. All the representatives must be well versed, with their political party's ideology, manifesto and beliefs. It is important that Members research well and are conscious of their portfolio's affiliations, interests, and ideologies at all times during the conference.

Parliamentary committee reports are usually accepted valid reports, and reports issued by the government and all its organs can be considered authentic. Both Hindi and English are allowed. Any delegate who wishes to use any other language needs to send a letter for the same to the chairperson's email at least 3 days before the committee sessions commence.

This Background Guide serves as an introduction to the topics for this committee. However, it is not intended to replace individual research. We encourage you to conduct additional research, explore your Portfolio's and their party's policies in-depth, and examine the policies of other Portfolios and Political Parties to improve your ability to negotiate and reach consensus.

We sincerely believe that a good and interesting MUN conference goes a long way in developing a holistic and all-round personality. A good preparation for the conference certainly goes a long way in a delegate's life, and only develops their understanding of different issues with wider perspectives.

We, the Executive Board of AIPPM, GDMUN'22, look forward to meet you and have an amazing conference with you. We are always open for discussions and queries, and would strongly recommend delegates to ask any doubts and queries at any time, we would be delighted to solve them. The contacts of the AIPPM EB have been provided at the last of this background guide for your references.

The agenda at hand is a pressing one, and we as your EB and Jury, would have the following expectations from the committee and its delegates:

firstly, the end goal of this council being simulated is to debate the agenda thoroughly and arrive at one or more conclusions: the AIPPM does not have a specified mandate: thus, it may or may not translate into a document, depending on the council's wishes; secondly, we would recommend all the delegates to present the committee with logical and disciplined solutions, as the final objective of any MUN committee just like AIPPM is to formulate creative and innovative solutions that may help to solve the agenda in-hand;

thirdly, we encourage a healthy and rhetorical debate, so a thorough research on the portfolios of your fellow delegates and of your own representing political entity is a MUST for every delegate;

and lastly, we would encourage to the delegates to state more facts, figures and citations, and keep the sources ready in-hand,

which may help the delegate to influence the committee in a confident manner;

All the participating delegates are recommended to cite registered Indian Judicial cases as citations, as they are the most valid sources of your standpoints and judicial and legislative opinions. We are looking forward to seeing all of you at this year's conference. Let us have a fun, enriching, learning experience together! May the best delegate win!

Regards.

Executive Board,

AIPPM,

GDMUN'22

COMMITTEE OVERVIEW

AIPPM or the All India Political Parties Meet is a non-technical but powerful committee. It is a meeting between all the political parties of the nation. It is typically called before the commencement of the sessions of the parliament or before the introduction of a bill. This committee aims to arrive at a consensus before the sessions begin.

It is a supplementary body to the parliament without any legislative provisions. That's why the end document of the committee is always a communique and not any binding order. The purpose of the meetings was initially to be a forum for unbounded political debate which may not be allowed in parliament due to time constraints but these bodies now aid in providing a better insight into national issues. They help provide a diverse viewpoint before the actual legislative process.

The All India Political Parties Meet is very different from the Lok Sabha or any other conventional committees, since the basic objective of the body is to provide an unrestricted platform to representatives to express their political viewpoints. The delegates in AIPPM enjoy the privilege of uncontrolled expression, as can be deemed appropriate by the EB and the delegates themselves. The participants of AIPPM can use unparliamentary languages in a limit to express themselves, with a special usage of rhetorical debate which maybe deemed unfit in other conventional debates.

“Freedom of Speech in the age of Polarised Media.”

Article 19(1) (a) of the Constitution of India states that, all citizens shall have the right to freedom of speech and expression. The philosophy behind this Article lies in the Preamble of the Constitution, where a solemn resolve is made to secure to all its citizen, liberty of thought and expression. The exercise of this right is, however, subject to reasonable restrictions for certain purposes being imposed under Article 19(2) of the Constitution of India.

The main elements of right to freedom of speech and expression are as under:

This right is available only to a citizen of India and not to foreign nationals.

The freedom of speech under Article 19(1) (a) includes the right to express one's views and opinions at any issue through any medium, e.g. by words of mouth, writing, printing, picture, film, movie etc.

This right is, however, not absolute and it allows Government to frame laws to impose reasonable restrictions in the interest of sovereignty and integrity of India, security of the state, friendly relations with foreign states, public order, decency and morality and contempt of court, defamation and incitement to an offence. This restriction on the freedom of speech of any citizen may be imposed as much by an action of the State as by its inaction. Thus, failure on the part of the State to guarantee to all its citizens the fundamental right to freedom of speech and expression would also constitute a violation of Article 19(1)(a).

Decided Cases Which Explained Freedom of Speech And Expression

Over the years, judicial creativity, judicial wisdom and judicial craftsmanship have widened the scope of freedom of speech & expression by including in it the following aspects:

Freedom of Press:

Democracy can thrive through vigilant eye of Legislature but also care and guidance of public opinion and press par excellence. Freedom of speech include right to propagate one's views through print media or any other communication channel e.g radio, television subject to reasonable restrictions imposed under

Article 19(2). Romesh Thappar v. State of Madras (1950 SCR 594, 607; AIR 1950 SC 124), was amongst the earliest cases to be decided by the Supreme Court declaring freedom of press as a part of freedom of speech and expression.

Patanjali Sastri, J., rightly observed that:

"Freedom of Speech and of Press lay at the foundation of all democratic organizations, for without free political discussion, no public education, so essential for the proper functioning of the process of Government, is possible'.

In the case of Indian Express v. Union of India, (1985) 1 SCC 641, it has been held that the Press plays a very significant role in the democratic machinery. The courts have duty to uphold the freedom of press and invalidate all laws and administrative actions that abridge that freedom.

Freedom of Press includes freedom of publication, freedom of circulation and freedom against pre-censorship.

In Sakal Papers Ltd. v. Union of India, [AIR 1962 SC 305] the Daily Newspapers (Price and Page) Order, 1960, which fixed the number of pages and size which a newspaper could publish at a price and in Bennett Coleman and Co. v. Union of India, [AIR 1973 SC 106; (1972) 2 SCC 788], the validity of the Newsprint Control Order, which fixed the maximum number of pages, was struck down by the Supreme Court of India holding it to be violative of provision of Article 19(1)(a) and not to be reasonable restriction under Article 19(2). The Court struck down the Government's stand that it would help small newspapers to grow."

In the case of Brij Bhushan v. State of Delhi (AIR 1950 SC 129), the validity of order imposing pre-censorship on an English Weekly of Delhi, which directed the editor and publisher of a newspaper to submit for scrutiny, in duplicate, before the publication, all communal matters, all the matters and news and views about Pakistan, including photographs, and cartoons, on the ground that it was a restriction on the liberty of the press, was struck down by court.

Freedom of Commercial speech

In Tata Press Ltd. Vs. Mahanagar Telephone Nigam Ltd., the Supreme Court held that a commercial advertisement or commercial speech was also a part of the freedom of speech and expression, which would be restricted only within the limitation of Article 19(2). Supreme Court held that advertising, which is no more than a commercial transaction, is nonetheless dissemination of information regarding the product-advertised. Public at large

are benefited by the information made available through the advertisements. In a democratic economy, free flow of commercial information is indispensable.

Right to Broadcast

The concept speech and expression has evolved with the progress of technology and include all available means of expression and communication. This would include the electronic and the broadcast media.

In *Odyssey Communications (P) Ltd. v. Lokvidayan Sanghatana*, the Supreme Court held that the right of a citizen to exhibit films on the State channel Doordarshan is part of the fundamental right guaranteed under Article 19(1)(a). In this case, the petitioners challenged the exhibition on Doordarshan of a serial titled *Honi Anhonion* on the ground that it encouraged superstitious and blind faith amongst viewers. The petition was dismissed as the petitioner failed to show evidence of prejudice to the public.

Right to information

The freedom of 'speech and expression' comprises not only the right to express, publish and propagate information, its circulation but also to receive information. This was held by the Supreme Court in a series of judgements which have discussed the right to information in varied contexts from advertisements enabling the citizens to get vital information about life-saving drugs, to the right of sports lovers to watch cricket and the right of voters to know the antecedents of electoral candidates.

The Supreme Court observed in *Union of India v. Assn. for Democratic Reforms*, "One-sided information, disinformation, misinformation and non-information, all equally create an uninformed citizenry which makes democracy a farce. Freedom of speech and expression includes right to impart and receive information which includes freedom to hold opinions". (2002) 5 SCC 294.

Right to criticize

In *S. Rangarajan v. P. Jagjivan Ram*, everyone has a fundamental right to form his opinion on any issues of general concern. Open criticism of government policies and operations is not a ground for restricting expression. Intolerance is as much dangerous to democracy as to the person himself. In democracy, it is not necessary that everyone should sing the same song.

Right to expression beyond national boundaries

In *Maneka Gandhi vs Union of India*, the Supreme Court considered whether Article 19(1)(a) of Indian Constitution was confined to Indian territory and held that the freedom of speech and expression is not confined to National boundaries.

Right not to speak or Right to silence is also included in the Right to speech and expression.

In the case of National Anthem, three students were expelled from the school for refusal to sing the national anthem. However, the children stood up in respect when the national anthem was playing. The validity of the expulsion of the students was challenged before the Kerala High Court and they upheld the expulsion of the students on the ground that it was their fundamental duty to sing the national anthem.

However, on an appeal being filed against the order of the Kerala High Court before the Supreme Court, it was held by the Supreme Court that the students did not commit any offence under the Prevention of Insults to National Honour Act, 1971. Also, there was no law under which their fundamental right under Article 19(1) (a) could be curtailed. *Bijoe Emmanuel v. State of Kerala* 1986 3SC 615

THE GROUNDS ON WHICH THIS FREEDOM COULD BE RESTRICTED

Clause (2) of Article 19 of the Indian constitution imposes certain restrictions on free speech under following heads:

Security Of The State,
Friendly Relations With Foreign States
Public Order,
Decency And Morality,
Contempt Of Court,
Defamation,
Incitement To An Offence, And
Sovereignty And Integrity Of India.

Security of the State: Reasonable restrictions can be imposed on the freedom of speech and expression, in the interest of the security of the State. The term security of state has to be distinguished from public order. For security of state refers to serious and aggravated forms of public disorder, example rebellion, waging war against the state [entire state or part of the state], insurrection etc *People's Union for Civil Liberties (PUCL) v. Union of India*.¹⁰

In the case of People's Union for Civil Liberty versus Union of India AIR 1997SC 568 a public interest litigation (PIL) was filed under Article 32 of the Indian Constitution by PUCL, against the frequent cases of telephone tapping. The validity of Section 5(2) of The Indian Telegraph Act, 1885 was challenged.

It was observed that occurrence of public emergency and in the interest of public safety is the sine qua non for the application of the provisions of Section 5(2). If any of these two conditions are not present, the government has no right to exercise its power under the said section. Telephone tapping, therefore, violates Article 19(1) (a) unless it comes within the grounds of reasonable restrictions under Article 19(2).

Friendly relations with foreign States:

This ground was added by the Constitution (First Amendment) Act of 1951. The State can impose reasonable restrictions on the freedom of speech and expression, if it hampers the friendly relations of India with other State or States.

Public order:

This ground was added by the Constitution (First Amendment) Act, 1951 in order to meet the situation arising from the Supreme Court's decision in Romesh Thapar's, case (AIR 1950 SC 124). As per hon'ble Supreme court, public order is different from law and order and security of state [Kishori Mohan v. State of West Bengal]. The expression 'public order' connotes the sense of public peace, safety and tranquillity.

Anything that disturbs public peace disturbs public order [Om Prakash v. Emperor, AIR 1948 Nag, 199]. But mere criticism of the government does not necessarily disturb public order. A law, which punishes the deliberate utterances hurting the religious feelings of any class has been held to be valid and reasonable restriction aimed to maintaining the public order.

Decency and morality section 292 to 294 of the Indian Penal Code provide instances of restrictions on the freedom of speech and expression on the grounds of decency and morality, it prohibits the sale or distribution or exhibition of obscene words. The standard of morality changes with changing times. Supreme Court in Ranjit D. Udeshi v. State of Maharashtra (AIR 1965 SC 881) upheld the conviction of a book seller who was prosecuted under Section 292, I.P.C., for selling and keeping the book Lady Chatterley's Lover.

Contempt of court:

The constitutional right to freedom of speech would not allow a person to contempt the courts. The expression Contempt of Court has been defined Section 2 of the Contempt of Courts Act, 1971. The term contempt of court refers to civil contempt or criminal contempt under the Act.

In *E.M.S. Namboodripad v. T.N. Nambiar* (1970) 2 SCC 325; AIR 1970 SC 2015), the Supreme Court confirmed the decision of the High Court, holding Mr. Namboodripad guilty of contempt of court. In *M.R. Parashar v. Farooq Abdullah* (1984) 2 SCC 343; AIR 1984 SC 615), contempt proceedings were initiated against the Chief Minister of Jammu and Kashmir. But the Court dismissed the petition for want of proof.

Defamation:

The clause (2) of Article 19 prevents any person from making any statement that defames the reputation of another. Defamation is a crime in India inserted into Section 499 and 500 of the I.P.C. Right to free speech is not absolute. It does not mean freedom to hurt another's reputation which is protected under Article 21 of the constitution. Although truth is considered a defence against defamation, but the defence would help only if the statement was made "for the public good." And that is a question of fact to be assessed by the judiciary.

Incitement to an offense: This ground was also added by the Constitution (First Amendment) Act, 1951. The Constitution also prohibits a person from making any statement that incites people to commit offense.

Sovereignty and integrity of India: This ground was added subsequently by the Constitution (Sixteenth Amendment) Act, 1963. This is aimed to prohibit anyone from making the statements that challenge the integrity and sovereignty of India.

To conclude, right to freedom of speech and expression, is an important fundamental right, scope of which, has been widened to include freedom of press, right to information including commercial information, right to silence and right to criticize. The said right is however, subjective to reasonable restrictions under Article 19(2)