



DPSH MUN 2022

**ALL INDIA
POLITICAL
PARTIES MEET
BACKGROUND
GUIDE**

Letter from the Executive Board



Dear Prospective Members,

At the outset, on behalf of the Executive Board, we extend a warm welcome to all of you and congratulate you on being a part of the AIPPM being simulated at DPSH Model United Nations.

The committee being simulated, would unlike most other simulations you must have heard of or been a part of; focus on political intellect, logical intellect, analytical application of thoughts, and strategic application of thoughts in addressing the issues at hand.

Though this is a committee that flows unconventional to the concept of Model United Nations, the sanctity this committee holds is something that is of super-most nature.

Kindly note, we are not looking for existing (impractical) solutions, or statements that would be a copy paste of what the person you are representing has already stated; instead, we seek an out of the box solution from you, while knowing and understanding the impending limitations of the person you represent.

This Introductory guide would be as abstract as possible, and would just give you a basic perspective on what you can expect from the committee and areas in which your research should be focused at this given point in time.

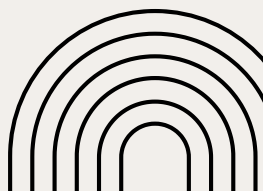
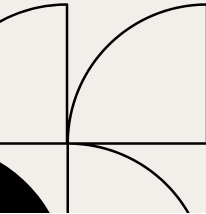
Given the extremely political and volatile nature of the agendas of the committee, your presence of mind and analytical aptitude is something which we, the executive board, would be looking to test.

Kindly do not limit your research to the areas highlighted herein but, ensure that you logically deduce and push your research to areas associated with and in addition to the issues mentioned. The Executive Board expects the Members to be well-versed with the political dynamics revolving around the Member of Parliament, political party and alliance s/he is representing and associated with respectively.

Kindly note, that unlike most conventional /unconventional committees you have attended, this committee shall have "substantive" intervention by the Executive Board. We feel that 'study guides' are detrimental to the individual growth of the delegate since they overlook a very important part of this activity, which is Research. We are sure, however, that this background guide gives you a perfect launching pad to start with your research

This guide shall deal with a skeletal overview of the agenda. The agenda chosen for this year is in consonance with the present-day developments in Indian politics to ease out and encourage productive debate. We expect all the delegates to go through this background guide and make note that this background guide holds significant importance.

Wishing you all good luck! Regards,
Nayan Chandra: Moderator



Introduction and Expectations of Committee

The All India Political Parties Meet (AIPPM) is a committee consisting of different political portfolios ranging from Members of Parliament (MP), Chief Ministers (CM) of states, to Cabinet Members. The committee aims to deliver balanced political discussion on hot-button issues in India.

It varies from the Lok Sabha in its composition (The Lok Sabha only contains MPs) and in the procedure (as will be explained before the start of committee session). The aim of this committee is to be able to come to a consensus, or evaluate different solutions to resolve an issue raised by an agenda discussed.

The AIPPM differentiates itself from other national spheres of debate in that it simply brings to light important points of discussion unrestricted by a legislative role, as in the Parliament.

This executive board (EB) sees the AIPPM as a committee that aims to break away from the monotony associated with other MUN committees. It encourages ferocious debate, innovative solutions, and passionate speeches. Similar to the Lok Sabha, we wish to see a group of politicians who feel that they have something to contribute to every conversation, and feel the weight of the needs of their constituents on their shoulders.

We want this committee to have an answer to every question, one member to bore us to sleep, endless controversy, and one representative to try their best to be the 'good guy'. Delegates, we want this conference to be the most fruitful, thrilling and entertaining committee you'll ever be in - it's up to you to take it the rest of the way.

Expectations From Committee

The EB expects portfolios to conduct themselves as honourable and efficient legislators (as unrealistic as that sounds). The EB would not look kindly upon excessive and unnecessary fighting, wasting of time, or inactivity.

Bigotry will be taken seriously, especially with respect to the agenda. Portfolios do not have executive power (unlike a crisis committee), and can only present documentation as the EB outlining during the course of the conference. The AIPPM is designed for bloc-based work, so ensure that any moves made in committee have the backing of your party/alliance, and are in concordance with that particular bloc's stance on the conversations at hand..

The Agenda

Discussing Secularism and Rule of Law, in light of recent legislative and government actions

At home and abroad, one of post-independence India's defining characteristics has been its ability to manage, and sustain, democratic governance in the face of striking ethnic, linguistic, and religious diversity. However, India's unique brand of secular governance has slowly devolved into distorted political dogma over its 75 years of existence, to the extent where the various administrations themselves have displayed biased tendencies in both legislation and governance.

In a country slowly losing sight of its governing principles outlined by the Constitution, it requires not only immense structural reform, but also a major attitude shift in overhauling the communal sentiments that have fermented into discontent. As established political leaders, your job as delegates of the AIPPM is to address this inconsistency, through any way the committee deems fit. Note that you, the delegates, have the flexibility to address any topic under the wider notions of secularism and rule of law during the conference, and need not restrict yourself to specific subsets of Indian legislation pertaining to the agenda.

Key Definitions

1. Secularism

With the Forty-second Amendment of the Constitution of India enacted in 1976, the Preamble to the Constitution asserted that India is a secular nation. In the 1994 S.R. Bommai v. Union of India, the Supreme Court formally outlined the implications of this amendment, stating that:

"In matters of State, religion has no place. And if the Constitution requires the State to be secular in thought and action, the same requirement attaches to political parties as well. The Constitution does not recognize, it does not permit, mixing religion and State power. That is the constitutional injunction. None can say otherwise so long as this Constitution governs this country. Politics and religion cannot be mixed. Any State government which pursues nonsecular policies or nonsecular course of action acts contrary to the constitutional mandate and renders itself amenable to action under Article 356."

Secularism, here, is not synonymous with the French 'laïcité', which demands strong separation of religion and the state. India's secularism does not require exclusion of religion from the public sphere. It implies recognition of all religions by the state. This philosophy of inclusivity finds expression in one article of the Constitution by which all religious communities may set up schools that are eligible for state subsidies.

Secularism is one of the components of the Basic Structure Doctrine (BSD) of the Constitution outlined by the combined effects of the 1968 Golaknath v. State of Punjab and the 1973 Kesavananda Bharati v. State of Kerala case judgements. The doctrine forms a list of basic principles of the Constitution which cannot be amended by any authority.

India's secularism, therefore, has more affinities with multiculturalism. Its emphasis on pluralism parallels the robust parliamentary democracy and federalism that India has been cultivating for decades, even though critics call it a form of pseudo-secularism.

2. Personal Laws

Often referred to as "family laws", they are statutes, or pieces of legislation, that are used to adjudicate matters of marriage, divorce, adoption, succession, and inheritance, and vary on the basis of religion.

3. Religious Violence

It is defined as an act of violence motivated by or against the doctrines, texts, practices or customs of a faith. Targets often include people of the faith, religious institutions or objects.

4. Communalism

Although Merriam-Webster defines communalism as 'loyalty to a sociopolitical grouping based on religious or ethnic affiliation', the word is used in the Indian political landscape to describe when this loyalty turns violent, or a source of inciting hate between cultural groups.

While the positive aspect stands for one's affinity towards his community and efforts for economic and social upliftment, the negative aspects of this ideology emphasise separating the identity of a religious group from others, thereby dividing the society. The term communalism was coined by the British colonial government as it wrestled to manage Hindu-Muslim riots and other violence between religious, ethnic and disparate groups in its colonies, particularly in British West Africa and the Cape Colony, in early 20th century.

Key Definitions

5. Rule of Law

India as a nation is governed not only by the ruler or the nominated representatives of the people, but also by the law. The origins of the Rule of Law theory can be traced back to the Ancient Romans during the formation of the first republic; it has since been championed by several medieval thinkers in Europe such as Hobbs, Locke, and Rousseau through the social contract theory. Indian philosophers such as Chanakya have also espoused the rule of law theory in their own way, by maintaining that the King should be governed by the word of law.

The term 'Rule of Law' is not defined explicitly in the Indian Constitution, but this term is often used by the Indian judiciary in their judgments.

Rule of law is also one of the components of the Basic Structure Doctrine (BSD) of the Constitution. The rule of law is defined in the Encyclopaedia Britannica as "the mechanism, process, institution, practice, or norm that supports the equality of all citizens before the law, secures a non arbitrary form of government, and more generally prevents the arbitrary use of power."

Postulates of Rule of Law

In 1885, Professor A.V Dicey developed this concept and propounded three postulates of the rule of law in his classic book 'Law and the Constitution.' According to Professor A.V Dicey, for achieving supremacy of law three principles of postulates must be followed which are as follows:

- Supremacy of law,
- Equality before law, and
- Predominance of Legal Spirit

a. Supremacy of law

As per the first postulate, rule of law refers to the lack of arbitrariness or wide discretionary power. Simply put, every man should be governed by law. According to Dicey, where there is room for arbitrariness in a republic, it is no lesser than a monarchy. Discretionary authority on the part of the Government must mean insecurity for legal freedom on the part of its subjects. There must be absence of wide discretionary powers on the rulers, so they cannot make their own laws but must be governed according to the established laws.

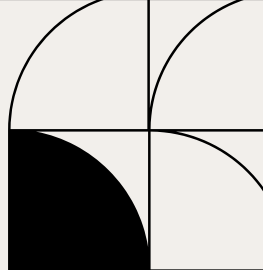
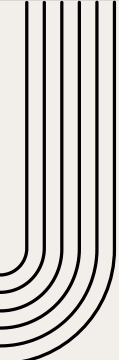
According to Dicey's second principle, equality before law and equal subjection of all classes to the ordinary law of land must be administered by the ordinary law courts. This principle touches all individuals and institutions - which includes the government - irrespective of their position or rank. As stated by Dicey, there must be equality before law or equal subjection of all classes to the ordinary law of land. The French legal system of the Droit Administration was also criticised by him as there were separate tribunals for deciding the cases of state officials and citizens separately.

c. Predominance of Legal Spirit

According to the third principle, in the Indian context, the general principles of the Indian Constitution are the result of the decisions of the Indian judiciary which determine the file rights of private persons in particular cases. According to him, citizens are being guaranteed certain rights such as the right to personal liberty and freedom from arrest by many constitutions of the states (countries). Only when such rights are properly enforceable in the courts of law, those rights can be made available to the citizens.

Rule of law as established by Dicey requires that every action of the administration must be backed and done in accordance with law. In modern age, the concept of rule of law opposes the practice of conferring discretionary powers upon the government and also ensures that every man is bound by the ordinary laws of the land as well as signifies no deprivation of his rights and liberties by an administrative action.

India's Brand of Secularism



At the dawn of India's independence in 1947, advocates of secular nationalism decisively won the debate over how the state should navigate the tricky terrain of India's religious diversity. At the time, there were two other competing visions for how the state should handle religion, namely Hindu nationalism and Hindu traditionalism. The Hindu nationalists held that Indian identity was embodied in Hinduism because Hindus formed the country's majority community and were sons of the soil. By contrast, Hindu traditionalists were less interested in such a stark ethnic view and paid more attention to cultural features, like the defense of traditional Hindu (or Ayurveda) holistic medicine and the linguistic preeminence of Hindi over Urdu, which many Indians regarded as a foreign language .

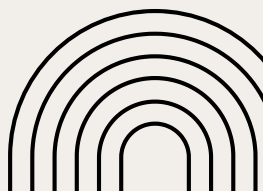
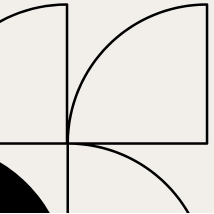
Although the word "communalism" had largely disappeared from India's modern political lexicon, during the Nehru years, it was widely used to designate ideological

forces that sought to divide the Indian nation along religious lines. For him, the Partition of the subcontinent had not only cut Indian territory in two but had also divided a civilization. Following independence, Nehru considered Hindu communalism to be the country's top enemy; his fears were heightened after Nathuram Godse—a man associated with the Rashtriya Swayamsevak Sangh (RSS), the ideological wellspring of Hindu nationalism—murdered Mahatma Gandhi in 1948.

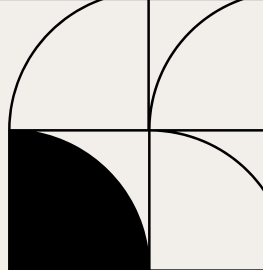
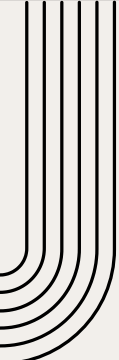
Between the 1950s and the 1970s, India's secular model seemed to work reasonably well. Religious minorities, including Muslims, remained well-represented in the country's elected assemblies. Furthermore, communal riots were relatively rare at this time; to combat communalism, Section 123 of the Representation of the People Act of 1951, the law that guides the conduct of elections in India, forbade politicians from campaigning on religious themes - though unevenly imposed.

As political theorist Rajeev Bhargava has argued, Indian secularism has not meant that the government abstains from intervening in religious matters. On the contrary, the state has decisively intervened in religious affairs in certain cases—by banning animal sacrifices, for instance, and by ensuring that temples are accessible to Dalits (those who occupy the bottom rungs of the traditional Hindu caste hierarchy, and who were once called untouchables).

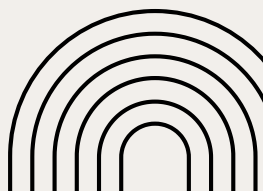
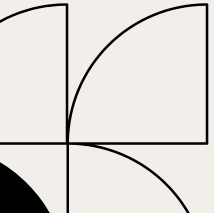
In the 1980s and the decades that followed, Indian secularism came under more severe strain. The Congress Party began opportunistically pandering to one religious community after another more overtly, and Indian secularism was deeply damaged as a result. This in turn paved the way for the more explicit brand of Hindu nationalism to emerge on the political sphere, dominated eventually by the Bharatiya Janata Party (BJP); this has accentuated the opinionated nature of communal politics as the religious blocs of a 'secular' India are now much more organised.



Existing Legal Structure



The 7th schedule of the Indian constitution places religious institutions, charities and trusts into the Concurrent List, which means that both the central government of India, and various state governments in India can make their own laws about religious institutions, charities and trusts. If there is a conflict between the central government enacted law and state government law, then the central government law prevails. This principle of overlap, rather than separation of religion and state in India was further recognised in a series of constitutional amendments starting with Article 290 in 1956, to the addition of word 'secular' to the Preamble of Indian Constitution in 1976. The Constitution of India intended for India to be a country governed by the rule of law. It provides that the constitution shall be the supreme power in the land and the legislative and the executive derive their authority from the constitution. Any law that is made by the legislature has to be in conformity with the Constitution failing which it will be declared invalid, this is provided for under Article 13 (1). Article 21 provides a further check against arbitrary executive action by stating that no person shall be deprived of his life or liberty except in accordance with the procedure established by law. Article 14 ensures that all citizens are equal and that no person shall be discriminated on the basis of sex, religion, race or place of birth, finally, it ensures that there is a separation of power between the three wings of the government and the executive and the legislature have no influence on the judiciary. By these methods, the constitution fulfills all the requirements of Dicey's theory to be recognized as a country following the Rule of Law.



Case Studies

The Shah Bano Case

Shah Bano was a 62 year-old woman who was divorced from her husband, with whom she had 5 children. After the divorce, she sought maintenance (child support) to take care of her children. In 1979, she won a monthly maintenance of Rs.25, but her husband later appealed this ruling to a higher court.

This made its way through the courts until 1985, when the Supreme Court ruled in favour of Shah Bano. Her husband argued that according to Muslim Personal Law, husbands were only required to pay maintenance after the iddat period. The Supreme Court held that there was a right to alimony that superseded personal laws- this ignited controversy for numerous reasons. Scholars who supported the ruling sought to use this precedent to create a Uniform Civil Code via the courts, Opponents of this case not only bemoaned judicial activism, but also stated that the case overreached, by interfering with personal laws. This case was subsequently overturned by Prime Minister Rajiv Gandhi's Indian National Congress (INC), who passed legislation to nullify the ruling.

The Uniform Civil Code (UCC)

The Uniform Civil Code (UCC) is a proposal that aims to establish a singular law in regards to family laws. If the bill is codified into law, all the previous family laws would be nullified, and merged into one centralised law.

The UCC aims to protect religious minorities and women. The UCC was proposed in Parliament in November 2019 and March 2020 - neither proposal resulted in a floor vote. The Uniform Civil Code has been suggested, throughout the years, as a resolution to numerous conflicts and discrepancies that exist in the personal law system as we see it today. The Constituent Assembly first led these debates through the drafting of the Constitution of India, when even Prime Minister Jawaharlal Nehru was initially supportive of a UCC, but later was less vocal about his support.

CAA-NRC

The Citizenship Amendment Bill, 2016, was designed to amend the Citizenship Act 1955 to recognize specific types of illegal immigrants, segregated by religion and country of origin. It was enacted on December 11, 2019 as the Citizenship (Amendment) Act, 2019 (CAA). Under the CAA Buddhists, Christians, Hindus, Jains, Parsis, and Sikhs who had migrated from Afghanistan, Bangladesh, or Pakistan to India prior to 2014 are no longer considered illegal immigrants and can more readily achieve citizenship.

Left out of the six religions granted special privileges are Jews and Muslims, thereby stirring controversy about the amendment being a diversion from Indian secularism. A further impetus for protests was the expectation that with Muslims left out of the CAA, the all India National Register of Citizens (NRC) will find no place for Muslims but deem them stateless. This might occur even for those Muslims long resident in India. The CAA-NRC protests marked one of the biggest public displays of discontent against the religious policy of the Indian government. but later was less vocal about his support.

Questions a Press Release Must Answer (QARMAS)

- Dealing with the current state of Indian secularism/rule of law with a set of legal principles that can serve as a reference for future legislation
- Are the recent legislative actions of governments in line with these principles? If not, why?
- What can be the impact of such discrepancies?
- How do we deal with the problems already in place?
- Are current legislative provisions enough to prevent unchecked growth of religious intolerance? If not, what more needs to be done to curb the divide?

Further Reading

- Dealing with the current state of Indian secularism/rule of law with a set of legal principles that can serve as a reference for future legislation
- Are the recent legislative actions of governments in line with these principles? If not, why?
- What can be the impact of such discrepancies?
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