All India Political
Parties Meet

# Shishukunj Model United Nations Conference 2015
## Committee: All India Political Party Meet

Shishukunj Model United Nations 2015
Conference

# AIPPM

**Study Guide**
Agenda: Battling Domestic
Terrorism, Extremism and
Internal Insurgency

**Executive Board**

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# Message from the Executive Board

Dear Delegates

It is the esteemed privilege of the Executive Board of All India Political Parties Meet to welcome you all to the Shishukunj MUN 2015. This unconventional committee is marked with substantive discussions on the domestic politics that torment the local Indian janta. This year's agenda is Battling Domestic Terrorism, Extremism and Internal Insurgency and the following pages will enlighten you this problem that has engulfed the country to a paramount extent.

The study guide is a means to provide a basic knowledge of the agenda and is not to be interpreted as the entire research. To really understand the Agenda and to grasp its content in your mind, to enlighten yourself by the problem at hand, the this Study Guide will serve as a basic means to provide that but will not suffice for your entire research.

The Executive Board looks towards interesting debates but that would not be possible without a complete knowledge of the Agenda. The Executive Board expects you to contemplate over efficient solutions and also be prepared for whatever unforeseeable disaster, but that would not be able if you are under-researched.

In the spirit of proficient debating, the Executive Board looks forward for delegates to study this agenda with complete sincerity and dedication. Hope to see you in the committee.

Research well!

Best wishes,
Executive Board
All India Political Party Meet

Speaker – Garvit Zalani
Deputy Speaker – Ananya Khandelwal
Rapporteur – Nikunj Jain

# Party Matrix

## National Parties-

1. Bhartiya Janta Party
2. Indian National Congress
3. Communist Party of India
4. Nationalist Congress Party
5. Communist Party of India (Marxist)
6. Bahujan Samaj Party

## State Parties-

1. Telgu Desam Party (Andhra Pradesh)
2. All India Trinamool Congress (Arunachal Pradesh)
3. Maharashtra Navnirman Sena(Maharashtra)
4. Shiv Sena(Maharashtra)
5. Naga People Front(Nagaland)
6. Dravida Munnetra Kazagam (Kerala)
7. Shiromani Akali Dal (Punjab)
8. Telangana Rashtra Samiti (Andhra Pradesh)
9. Rashtriya Lok Dal (Bihar)
10. All Jharkhand Student Union (Jharkhand)
11. Biju Janta Dal (Odhisha)
12. Jammu and Kashmir People's Democratic Party (J&K)
13. Jammu and Kashmir National Conference(J&K)
14. AIDMK(Tamil Nadu)
15. Aam Aadmi Party (Delhi)
16. People's Party of Arunachal Pradesh (Arunachal Pradesh)
17. Rashtriya Janta Dal (Bihar)
18. Janta Dal (United) (Bihar)
19. Kerala Congress (Kerala)
20. Samajwadi Party
21. Janta Dal (Secular) (Kerala)

22. People's Democratic Alliance (Manipur)
23. Indian Union Muslim League(Kerala)
24. National People's Party(Manipur)
25. United Democratic Party (Meghalaya)
26. Revolutionary Socialist Party (West Bengal)
27. Manipur People's Party  (Manipur)
28. Lok Satta Party
29. Indian National Lok Dal
30. Maharashtra Gomantak Party
31. All India Majlis-e-Ittehadul Muslimeen
32. Indian Federal Democratic Party
33. Social Democratic Party of India
34. YSR Congress

# Introduction

To really understand the problem faced by the country, the nation which stood the tests of time, the same nation is now being persistently challenged to defend themselves against hostile ideologies and individuals. Terrorism has the capability to cripple economies, social order and create unpredictable global crises, even dragging countries into wars. Emergence of modern terrorism has been a complex phenomenon which is arising due to political, religious, ethnic and ideological differences among men.

Domestic Terrorism has been one of the biggest internal threats a country has ever faced and threatens the stability of any sovereignty.  Especially in India, a country where more than half the states are troubled with some issue or the other, domestic terrorism erupts as the most major domestic issue that any government has to contend and emerge victorious with.

# History of the Agenda

The 'terrorism' can be traced back to 1967 with the violence by the communist guerrilla group known as the Naxalites which has been responsible for countless deaths of security personnel and common folk by its attacks. The Central government has stationed the CRPF (Central

Reserve Police Force) and the Police to combat this extremist group. The Naxalites hide in forests and are immensely difficult to track. Numbering more than 10000, brute force is the only way to exterminate them.

Their ideological manipulation and perception management is a deadly weapon that helps the uneducated people to rally to their cause that is a major cause of concern for the Indian Government in its battle against Naxalites. The main demand of Naxalites is to have a separate state of their own. They are prevalent in the states of West Bengal, Chattisgarh and parts of Andhra Pradesh.

# Where We Stand Today?

Indian society is broadly split into several religion, culture, ethnic groups and language communities. All these factors provide instrumental fertile grounds for spread of domestic terrorism across India. Among all, religious groups are used the most by political parties as the safety weapons to satisfy their self-interest. Looking at the domestic terrorist incidents that happened during 1998 to 2006, India ranks on third next to Iraq, Israel and Palestine according to government statistics. In terms of victims of domestic terrorist attacks India ranks second than to Iraq with 10,926 casualties. Currently 74 terrorist groups are active in India.

In countries with deep social divisions, parties play religious electoral politics and radicalization instead of moderation and inclusion. Mainly parties and political systems generate such conditions under which the local politicians urge violent and terrorist activities.

The root cause of domestic terrorism in India is the lack of liberties, division of power distribution and poor rule of law. More often the power fights in the government, prolonged judicial aspects and the discontentment of the rural people in a state is exploited by the terrorist group to foster their training and maintain a safe haven for launching terrorist campaigns.

Today we stand at a juncture where the situation of domestic terrorism has become deep embedded within India and has become a routine activity in the lives of the people despite the valiant efforts of the government and the security personnel. The state governments embroiled in the trouble of terrorism take steep measures to counter this problem but are only partially successful. Today terrorism portrays a high degree of threat to the peace and stability to the people as well as the infrastructure.

What the EB expects is for the leaders of the various political fronts to come up with substantive solutions to counter this problem and ensure that India's stability and health is not harmed.

# Effect of Domestic Terrorism on People

These domestic terrorist groups carry out ideological manipulation to rally the local public to their cause. Apart from ideological manipulation, domestic terrorism also impacts a civilian's life in a harsh way by disrupting his daily routine activities and destroying his livelihood.

Often the people caught in the gunfight, have to face harsh conditions that hamper the happiness in their lives. It, in several cases, may also force the people to be displaced and ousted from their homeland.

The paramount terrorist activities may also grab children in its grasp and force them to become *terrorists*. The government has to face excruciating challenges in setting these adverse situations right which usually involves taking harsh decisions or involving the military in the affected area which may further escalate the regional crisis.

 Besides the injuries and deaths immediately brought about by terrorist attacks, survivors often suffer from post-traumatic stress disorder, anxiety and major depression. The economy suffers an immediate impact due to building and infrastructure damage and a rise in expenditure on security and defence.

What the EB looks forward to is for the committee to come to a consensus and formulate a solution which can help the government to preserve the lives of the civilians caught in the conflict in a way that the interests of India are also preserved.

# Counter-terrorism Tactics

A number of intelligence, military, and police organizations within the Indian government contribute to counterterrorism efforts. These include state-run police forces, special security forces to guard airports and other high-profile targets, and paramilitary forces that patrol the borders and assist the police when necessary. These paramilitary groups, such as the 165,000-strong Central Reserve Police Force have been particularly active in combating terrorism. The army usually participates in counterterrorism operations as a last resort, though in Jammu and Kashmir they play a more consistent role. India's Ministry of Home Affairs oversees national police, paramilitaries, and domestic intelligence gathering.

India has several intelligence agencies that monitor terrorist activities. The Research and Analysis Wing (R&AW) is the external intelligence agency and the Intelligence Bureau (IB), a division of the Home Affairs Ministry, collects intelligence inside India and reports to the National Security Advisor. A Joint Intelligence Committee analyzes intelligence data from RAW and IB as well as from a handful of military intelligence agencies, which usually provide tactical information gathered while carrying out counterterrorist operations.

The IB oversees an interagency counterterrorism centre. The Ministry of External Affairs oversees its own counterterrorism body, which oversees diplomatic counterterrorism functions such as briefing other nations on suspected Pakistani sponsorship of terrorism in India. The MARCOS is the elite special operations unit of the Indian Navy and has been responsible for carrying out many covert operations and at times assisting the NSG.

To combat domestic terrorism in India, various central and state governments over the years have tried to effectively curb and substantially

bring the perpetrators to justice and have quite succeeded at various fronts. Despite the stern measures taken by the Indian government, combating terrorism remains India's greatest and toughest dream it aims at realizing.

# Some Terrorist and Extremist Groups

**Terrorist Groups**

**Lashkar-e-Taiba (LeT)**, whose name means "Army of the Pure," is a militant Islamist group operating in Pakistan as well as in Jammu and Kashmir. The group reportedly received funding from Pakistan's intelligence services until 2001, and on global pressure Pakistan froze its assets. LeT, which has ideological, but unconfirmed operational ties to Al-Qaeda, aims to win sovereignty for Jammu and Kashmir and spread Islamic rule across India. The group is blamed for some of the most high-profile terrorist attacks in India, including the July 11, 2006 bombing of the Mumbai commuter rail.

**Jaish-e-Muhammad**, meaning "Army of Mohammed," is another terrorist group operating in Jammu and Kashmir. Founded in 2000 by the former leader of the now-defunct group Harkat-ul-Ansar, Jaish-e-Muhammed seeks to drive Jammu and Kashmir out of India and transfer control of the region to Pakistan.

**Harakat ul-Mujahadeen (HuM)**, or the "Islamic Freedom Fighters' Group," was founded in 1985 as an anti-Soviet group fighting in Afghanistan. When Soviet forces withdrew in 1989, the Pakistan-based HuM shifted its focus to Jammu and Kashmir. HuM seeks to battle "anti-Islamic forces" and its members have helped carry out operations in hope of spreading terror.

**Extremists and Internal Insurgents**

**The Communist Party of India (Maoist)** was formed by a merger of Naxalite groups in 2004 after talks between the Indian government and the leftist militants broke down. The group seeks to establish a "revolutionary

zone" of control extending from the Nepalese border down to the southern part of Andhra Pradesh that would ultimately become a sovereign state.

**Jamiat ul-Mujahadeen** is a small group of Kashmiri separatists operating near Pakistani border and also Jammu and Kashmir. It is accused of being responsible for a pair of 2004 grenade attacks against political targets in India.

**The United Liberation Front of Assam (ULFA)** has sought to establish an independent socialist state in Assam since its founding in 1979. In the 1990s, ULFA's attacks on political leaders, security forces, and infrastructure provoked a harsh response from the Indian government, causing it to lose some support among the residents of Assam.

**Indian Mujahideen (IM)** has been said to be a front for LeT according to police investigations. It has remained one of the prevalent terrorist groups and has been responsible for some of the deadly attacks on Indian soil including 2007 Uttar Pradesh bombings, 13 May 2008 Jaipur bombings, 2008 Bangalore serial blasts, 2008 Ahmedabad serial blasts, 13 September 2008 Delhi bombings, 2010 Pune bombing, 2010 Jama Masjid attack, 2010 Varanasi bombing, 2011 Mumbai serial blasts, 2013 Bodh Gaya blasts.

# Controversy over Adoption of Indian Patriot Act

In the aftermath of the 9/11 attacks USA adopted a very significant act known as the **Patriot Act**. The Patriot Act provided additional power to the FBI, the anti-terrorism body of USA to fight domestic terrorism, to curb terrorist activities involving threat to national security. This resulted in the FBI curbing domestic terrorism several folds. The Patriot Act has been an effective mechanism in curbing domestic terrorism. The Patriot Act has the following provisions-

1. The Patriot Act allows investigators to use the tools that were already available to investigate organized crime and drug trafficking.

2. The Patriot Act facilitated information sharing and cooperation among government agencies so that they can better "connect the dots."

3. The Patriot Act updated the law to reflect new technologies and new threats.

4. The Patriot Act increased the penalties for those who commit terrorist crimes.

   The United States government's success in preventing another catastrophic attack on the American homeland since September 11, 2001, would have been much more difficult, if not impossible, without the USA Patriot Act. (The above mentioned are only some clauses so please refer to the entire Patriot Act to get a better understanding.)

India, also has debated on the necessity to adopt an anti-terrorist legislation. There were two such legislations adopted. They were-

- **<u>Terrorist and Disruptive Activities (Prevention) Act</u>** or TADA was enacted in the aftermath of the Punjab Insurgency and was applied to the whole of India in the year 1985 and was repealed (withdrawn) in 1995 on the following grounds-

  ➢ The Act virtually criminalises free speech. Under this Act whoever advocates directly or indirectly for cession or secession in any part of India is liable to be punished under this Act.

  ➢ The Act provided that a person can be detained up to 1 year without formal charges or trial against him.

  ➢ Section 20 of the Act provides that detainee can be in police custody up to 60 days which increases risk of torture. Also the detainee need not be produced before a judicial magistrate, but instead may be produced before an executive magistrate who is an official of police and administrative service and is not answerable to high court.

> The trial can be held secretly at any place and also keeps the identity of the witnesses' secret violating international standards of fair trial.

> The Act reverses the presumption of innocence of the accused under the Act. Under section 21 of the Act, the person who is accused of committing a terrorist act where arms and explosives were recovered or made confessions to someone other than a police officer or provided financial assistance for the commission of the terrorist act or by suspicion that the person has arms or explosives or financial assistance to commit the terrorist act, then the person shall be presumed to be guilty unless proven otherwise.

> A person making confessions to a police officer not below the rank of superintendent of the police can be used as evidence against him.

> Section 19 of the Act bars persons accused under this Act to appeal to any court except the Supreme Court.

- **Prevention of Terrorism Act, 2002** was another act adopted by the NDA government under Atal Bihari Vajpayee in the aftermath of the attack on the Parliament. This act was passed by a joint sitting of the Parliament with an absolute majority. As this Act became a law many reports surfaced of the law being grossly abused. POTA was arbitrarily used to crack down political opponents. Only four months after its enactment, state law enforcement officers had arrested 250 people nationwide under the Act, and the number was steadily increasing. A mere eight months later, seven states applying POTA had arrested over 940 people, at least 560 of whom were languishing in jail. Several prominent persons like Vaiko, a politician from Kerala accused of abetting a banned terrorist group, were arrested under the act.

  On October 7, 2004, the Union Cabinet under UPA government approved the repeal of the act. The act was repealed by passing Prevention of

Terrorism (Repeal) Act, 2004. NDA asked UPA to introduce the Act again, but Congress criticized it and did not pass the Act.

This act was similar to TADA in many ways. Analogous to the provisions contained in TADA, the law provided that a suspect could be detained for up to 180 days without the filing of charge sheet in court. It also allowed law enforcement agencies to withhold the identities of witnesses, and to treat a confession made to the police as an admission of guilt. Under regular Indian law, a person can deny such confessions in court, but not under POTA. However the law did have some safeguards. A bail ruling or verdict from a Special Court constituted under this act could be appealed to a bench of two judges of the High Court of the same jurisdiction. Also unlike TADA, it had no provision to allow preventive detention.

Now what the Executive Board expects from this committee is to come up with a new framework for the **Indian Patriot Law** that is correct in legal as well as humanitarian aspects. The Executive Board would appreciate if the leaders of the various political parties would come together and carry out discussions on the topic of the adoption of a legitimate Indian Patriot Act in order to combat domestic terrorism.

# Involvement of Political Parties

The unpopularity of POTA contributed to the electoral debacle of the right-wing Bharatiya Janata Party (BJP)-led National Democratic Alliance (NDA) government in May 2004 by the communist-backed, Congress-led, United Progressive Alliance (UPA) government of ex-Prime Minister Manmohan Singh.

Indeed, the Congress Party and its allies had made misuse of POTA a major election issue in 2004 and vowed to make its repeal a priority, ignoring dire warnings from BJP leaders, including former prime minister Atal Bihari Vajpayee, that this would be an invitation to increased incidents of bombings and suicide attacks.

The Congress Party and its allies had opposed the introduction of POTA in Parliament on the grounds that it would be used by a pro-Hindu government to victimize members of the minority Muslim community. But

Congress did not have the numbers to prevent passage of the bill on Mar. 26, 2002.

Impetus for the introduction of POTA picked up after a suicide squad stormed Parliament House on Dec. 13, 2001 but failed to blow up the monumental red sandstone building.

The then Home Minister of India in 2004, Shivraj Patil dismissed charges made by BJP leaders that the repeal compromised India's fight against terrorism, saying that the government would soon strengthen the Unlawful Activities (Prevention) Act passed in 1967.

According to Patil, the older law would, on amendment, include such POTA features as the banning of terrorist organizations and their support systems, including funding. In fact, he said, all 32 militant organizations banned under POTA would continue to be declared illegal.

Importantly, the responsibility of proving the guilt of the accused once again shifts back to the prosecution and provisions in POTA that allow the arrest, interrogation and detention of suspects for 30 days before production in a court of law have been done away with.

The Congress Party's prediction that the BJP government would use POTA to victimize members of the Muslim community seemed to come true in western Gujarat, where all 287 cases brought before the courts after the anti-Muslim pogrom in the state in 2002 were from the minority community.

Gross misuse of POTA in Gujarat has come under criticism by India's National Human Rights Commission (NHRC) – a statutory body – and by the London-based human rights watchdog Amnesty International.

Ram Jethmalani, who was Union Law Minister at the time POTA was passed, told the media later that he deeply regretted it afterwards. "I supported it only because it was done in obedience to United Nations Security Council resolutions," he said.

The law has also been a subject of debate for its alleged use or abuse by several provincial governments against political rivals.

One such controversy relates to a regional leader in Tamil Nadu, Vaiko, who was imprisoned for more than a year under POTA for his alleged support of the banned Sri Lankan rebel group the Tamil Tigers.

Vaiko's party, the Dravida Munnetra Kazhagam (DMK), was among those who had approved POTA in parliament. But he and his southern allies later pulled out of the BJP government.

The stand of BJP is such that it supports legislation for POTA that is amended and legally correct. The Congress does not support this enthusiasm and has been a criticizer of POTA.

# The Future

The Future of the problem at hand poses a real and troubling threat to the integrity of the nation. The problem of Battling Domestic Terrorism has crossed all levels of sanity. The negotiations by the Indian Government over the years to reach a solution have mostly been unsuccessful. Taking a hard-line over fighting domestic terrorism has also resulted in much losses of life on both sides and little success. We have almost reached a juncture where India is going to fight a long and ugly internal war.

The aim of this committee should be to prevent such a catastrophe from occurring. Keeping in mind the stakes here, every decision taken will influence the future. Keep in mind to exploit every diplomatic solution before taking an extreme step because the decisions taken here directly influence the lives of the common people.

Take every step with caution because the future depends on how you shape it in this committee of ShishukunjMUN 2015.

# Questions a Draft Release Must Answer

The Draft Release presented before the committee should answer some vital questions. The Draft Release should answer the methods to be adopted by the various gvernments of the various regions to combat the domestic terrorism. Also the various political parties should come to a consensus regarding the formation, adoption and implementation of an Indian Patriot Act. The Draft Release should enumerate the strategies that can be adopted to prevent any act of domestic terrorism that harm India's

interests. Furthermore, the Draft Release should be right in all legal aspects and should aim at preserving India's integrity.

# Rules of Procedures

The rules of procedures for the AIPPM or the All India Political Party Meet are as follows:

- The official language of the committee will be English. All official documents shall be presented in English only.

- This committee will not completely adhere to parliamentary rules of procedure. Procedure is subject to circumstantial change(s).

- To present the respective stance of their parties the Leaders of all parties will speak for 1 minute only once that is mandatory. This motion will be raised at the beginning of the first committee session and is termed as **Opening Statement**. This motion cannot be disrupted to move into caucuses. The delegate after completing the Opening Statement is subjected to a Point of Information by the committee.

- There are 2 types of caucuses in AIPPM namely **Public Session** and **Private Session**.

  1. **Public Session**: It is the equivalent of moderated caucus. When committee is in public session, each statement released shall be on public record and hence will be subject to media critique. Media and outside observers will be present during public sessions. Whatever the delegate speaks will be marked upon and will be a formal debate. The maximum time for a public session is 15 minutes.

  2. **Private Session**: Leaders may motion for a Private Caucus. It is an equivalent of unmoderated caucus. All exchanges in private sessions shall not be put on record and will be privileged and confidential. Movement will be permitted in a Private Caucus. The purpose of a private session is to provide a time to decide upon

the future discussions of the committee. The maximum time for a private session is 25 minutes.

- The AIPPM has no decision making-power. However, on the final day the delegates shall present to the Speaker two prospective Bills in the aftermath of the discussions on every possible aspect of the problem that shall be known as Press Release. The Press Release shall have no authors. It shall require the signatures of quarter of the strength of the committee to be introduced. The Press Release will be passed then by the AIPPM with a mandatory two-thirds majority.

- The AIPPM follows the same points as the official UNA-USA procedures. They are-

    **Point Of Personal Privilege**: During the discussion of any matter, a delegate may raise a Point of Personal Privilege, and the Chair shall immediately address the point. A Point of Personal Privilege must refer to a matter of personal comfort, safety and/or well being of the members of the committee. The Chair may refuse to recognize a Point of Personal Privilege if the delegate has not shown proper restraint and decorum, or if the point is dilatory in nature.

    **Point Of Order**: During the discussion of any matter, a delegate may raise a Point of Order and the Chair shall immediately consider the request. This may also relate to a factual inaccuracy in any Delegate's speech and to that extent, this point is not disruptive but the delegate may raise this point after the completion of the speech by the delegate.

    **Point of Information (question to other delegates)**: After a delegate gives a speech, and if the delegate yields their time to Points of Information, one Point of Information (a question) can be raised by delegates from the floor. The speaker will be allotted the remainder of his or her speaking time to address Points of Information. Points of Information are directed to the speaker and allow other delegations to ask questions in

relation to speeches and resolutions. Follow up questions will be allowed only at the discretion of the chair.

**Point Of Parliamentary Enquiry**: A delegate may raise a Point of Parliamentary Inquiry to request clarification of the present procedural status of the meeting. A Point of Parliamentary Enquiry may never interrupt a speaker.

# Additional Links for Research

- http://www.satp.org/satporgtp/countries/india/document/actandordinances/TADA.HTM
- http://www.lifeandliberty.gov/what_is_the_patriot_act.pdf
- http://www.satp.org/satporgtp/countries/india/document/actandordinances/POTA.htm
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- http://www.justice.gov/archive/ll/highlights.htm