

**Refugee Review Tribunal  
AUSTRALIA**

**RRT RESEARCH RESPONSE**

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**Questions**

- 1. What is the attitude of the Indian government towards marriages between Muslims (particularly Shi'a and Ismaili Muslims) and Hindus?**
- 2. Are there any restrictions on the ability of couples to enter into mixed marriages (for example, having to be a particular age or requiring family consent)?**
- 3. Is there any evidence which would suggest that Indian authorities (in Mumbai in particular) are unable or unwilling to protect parties to mixed marriages against harm at the hands of disgruntled family members?**
- 4. Are there any statistics about the incidence of Hindu-Muslim marriages in India? Are there any particular areas with a higher than average incidence of such marriages?**
- 5. What is known about the political leader Raj Thackeray and the causes he espouses? In particular, does his group have influence and resources throughout India which would enable the group to track individuals, or use his influence limited to a particular part of the country?**
- 6. On what days are banks open in Mumbai?**

**RESPONSE**

- 1. What is the attitude of the Indian government towards marriages between Muslims (particularly Shi'a and Ismaili Muslims) and Hindus?**

No specific information could be located on this subject. According to the UK Home Office's August 2008 *Country of Origin Information Report* for India, "inter-religious...marriages are legal in India and are governed by the Special Marriage Act 1954":

20.06 As noted in an Immigration and Refugee Board of Canada response, dated 9 January 2006 "According to several sources, inter-religious and inter-caste marriages are legal in India and are governed by the Special Marriage Act 1954." Marriage between couples across caste

and religious lines may be sanctified under the Special Marriage Act 1954 subject to certain conditions at the time of the marriage. [4f]

20.07 The same source continued:

“...Inter-religious marriages are more common between students and among professionals in urban areas, and are less likely in rural areas.’ The professor consulted commented that marriages between Sikhs and Hindus are ‘not uncommon’ in the state of Punjab because of prominent numbers of Hindus. It was his opinion that: ...The general societal attitude toward inter-religious married couples in India is ‘not favourable’. In correspondence to the Research Directorate, an India-based lawyer agreed that society in general disapproves of inter-religious marriages but added that the treatment of married couples with different religious backgrounds depends on their location and social levels, and an associate professor of social and cultural anthropology added that ‘social attitudes often [cause people to] ostracise and discriminate against such unions’. A July 2004 news article stated that society is ‘deeply opposed’ to inter-religious marriages, and highlighted that such attitudes are prevalent in Gujarat, where relations between Muslims and Hindus became ‘polarised’ after Hindu-instigated violence against Muslims in 2002, in which 2,000 people, mainly of Muslim faith, died. The news article also highlighted parents’ opposition to inter-religious marriage.” [4f] (UK Home Office 2008, *Country of origin information report: India*, UK Home Office website, 12 August <http://www.homeoffice.gov.uk/rds/pdfs08/india-210808.doc> – Accessed 22 August 2008 – Attachment 1).

## **2. Are there any restrictions on the ability of couples to enter into mixed marriages (for example, having to be a particular age or requiring family consent)?**

A 2003 *Counter Currents* article provides some answers to Frequently Asked Questions (FAQs) about the Hindu marriage law. In regard to the question of under which law a Hindu may marry a non-Hindu, the article states:

If the couple wishes to have a religious marriage governed by Hindu law, then the non-Hindu partner must convert to Hinduism. If the non-Hindu partner is a Christian then it is also possible for the couple to marry according to Christian rites under the Indian Christian Marriage Act, 1872. Christian Personal Law then governs the marriage. The third option, in some ways the simplest, is to have a civil marriage under the Special Marriage Act which facilitates marriages between any two people, including members of any two religious communities. It does not involve conversion and also permits people to avoid various complications that arise from marriages under various religion-based personal laws (Manushi 2003, ‘Women And Hindu Marriage Law: Some frequently asked questions’, *Counter Currents*, 3 November <http://www.countercurrents.org/gender-marriage031103.htm> – Accessed 9 June 2009 – Attachment 2).

A January 2006 report from the Immigration and Refugee Board of Canada provides information on the legality of inter-religious marriages in India and on the conditions under which such marriages may be performed according to the Special Marriage Act 1954:

According to several sources, inter-religious (Associate Professor of Law 20 Oct. 2005; Professor of Asian Studies 14 Nov. 2005; Associate Professor of Social and Cultural Anthropology 3 Nov. 2005; PUCL 30 Oct. 2005; Lawyer 27 Oct. 2005; Senior Director 23 Oct. 2005)...marriages are legal in India and are governed by the Special Marriage Act 1954 (Associate Professor of Law 20 Oct. 2005; Associate Professor of Social and Cultural Anthropology 3 Nov. 2005; Law Office of Sheela Murthy 1 Aug. 2003).

Marriage between couples across caste and religious lines may be sanctified under the Special Marriage Act 1954 if the following conditions are fulfilled at the time of the marriage:

[n]either party has a spouse living;

neither party is incapable of giving a valid consent to it in consequence of unsoundness of mind, or though capable of giving a valid consent, has been suffering from [a] mental disorder of such a kind or to such an extent to be unfit for marriage and the procreation of children; or has been subject to recurrent attacks of insanity or epilepsy;

the male has [reached] the age of twenty-one years and the female [has reached] the age of eighteen years;

the parties are not within the degrees of prohibited relationship [by blood or adoption];

Provided that where a custom governing at least one of the parties permits of a marriage between them, such marriage may be solemnised, notwithstanding that they are within the degrees of prohibited relationship (Immigration and Refugee Board of Canada 2006, *IND100661.EX – India: The situation of couples in inter-caste and inter-religious marriages, including societal attitudes, treatment by government authorities and the situation of children resulting from such marriages (2000 – 2005)*, 9 January – Attachment 3).

Information sourced from the Shaadi.com matrimonial website states of inter-caste and inter-religious marriages that:

The Common Requirements for marriage under all religions and Acts as per the Indian Code Of Law are:

- The boy should have completed twenty-one years of age and the girl should have completed eighteen years of age.
- Both the boy and the girl should be capable of giving valid consent to marriage and should not be unfit for marriage by reason of mental disorder such as recurrent attacks of insanity, unsoundness of mind, uncontrolled epilepsy etc.
- The other common requirement amongst all other religions and Acts other than the Muslim law is that neither party to a marriage must have a spouse living at the time of marriage, bigamy being not only a ground for divorce but also being an offence under the Indian Penal Code.
- The boy and girl should not be within the prohibited degree of relationship (should not be related by blood to each other)

...The Special Marriage Act 1956 permits marriage between persons of any religion, provided they are not within the degrees of prohibited relationship and provided all the common requirements mentioned above are met. It also requires one month's prior written notice given to the Registrar of Marriages, before the solemnisation of the same. Marriages performed under other Acts and religions can also be registered under the Special Marriage Act 1956. The marriage solemnised under the Special Marriage Act is also commonly referred to as a Civil marriage ('Legal Advice: A legally valid marriage', Shaadi website <http://www.shaadi.com/matrimonials-legal/mon-hindu-wedding-030416.php> – Accessed 22 September 2003 – Attachment 4).

According to a report from *The Telegraph*, dated 13 April 2007, radical Hindu groups in Madhya Pradesh opposed to inter-faith marriage demanded that “the minimum age for such unions be raised to 25”, from the current eighteen years:

Radical Hindu groups today called a bandh against an inter-faith marriage and met the governor to demand that the minimum age for such unions be raised to 25.

The move comes a day after high courts in Mumbai and Jabalpur recognised the marriage of Bhopal girl Priyanka Wadhvani to Umar, who had converted and turned Umesh before the wedding.

The couple had fled to Mumbai after their wedding, conducted by a Hindu priest, but Umar’s family was today “excommunicated” by the hard-line Majlis-e-Shura Bhopal.

Saturday’s Bhopal bandh was called by the Hindu Kanya Bachao Samiti, made up of representatives from the Bajrang Dal, Vishwa Hindu Parishad, Rashtriya Swayamsevak Sangh and the BJP.

The leaders of the Samiti (which till yesterday called itself the Hindu Kanya Raksha Samiti) rushed to governor Balram Jakhar pressing for amendments to the inter-faith marriage law.

“I told Jakhar that 18-year-old girls are not mature enough to take the momentous decision to marry outside their religion,” said Uttam Chand Israni, Samiti chief and a Sindhi community leader.

He saw no contradiction in two separate age limits for brides depending on whether the groom was from the same religion. His logic was: “People can vote at 18 but a person can contest a Lok Sabha election only at 25.”

B.L. Tiwari, part of the delegation, asked Jakhar if it was fair for a person to change his faith just “an hour” before marriage. “Does it not call for scrutiny of conversion laws?” Tiwari told *The Telegraph*.

He claimed that in the past one year, 22 Hindu girls had eloped and married Muslim boys and changed their faith – but only five Muslim girls had married Hindus and only three had changed their faith.

“I have studied the trend closely,” Tiwari said. “Among Muslims, inter-faith marriages are restricted to the elite while in Hindu society, it’s widespread among the middle and lower-middle classes” (Kidwai, R. 2007, ‘Mixed marriage row’, *The Telegraph*, 13 April – Attachment 5).

### **3. Is there any evidence which would suggest that Indian authorities (in Mumbai in particular) are unable or unwilling to protect parties to mixed marriages against harm at the hands of disgruntled family members?**

The response to this question is provided in sections addressing: the [police and judicial response](#) to incidents involving mixed-marriage couples, in Mumbai and elsewhere in India; the recent controversy over police investigation of [Hindu-Muslim marriages in Maharashtra](#); information on mixed marriages previously provided in RRT *Research Response IND32026*, of 26 July 2007; and other [previous research responses](#) providing information on the efficiency of state protection for Muslims in Mumbai, corruption in the Mumbai police, and reports of tensions over Hindu-Muslim marriages between 2001 and 2003.

### **Police & judicial response to mixed-marriage couples**

In July 2008, *IBN Live* reported that: “A Mumbai Sessions Court on Friday sentenced Mehnaz Bano’s parents to life imprisonment after holding them guilty of killing the girl and destroying evidence”. According to this report, “Mehnaz, a resident of Nagpada, was killed by her parents and minor sister on July 2, 2006, for being in love with a Hindu boy. The 18-year-old Mehnaz’s parents confessed to having strangled her” (‘Mumbai girl’s parents get life term for killing her’ 2008, *IBN Live*, 11 July <http://ibnlive.in.com/news/mumbai-girls-parents-get-life-term-for-killing-her/68686-3.html> – Accessed 30 July 2009 – Attachment 12).

A July 2009 report from the *New Kerala* newspaper relates the murder of a Hindu boy and Muslim girl in Uttar Pradesh by “the girl’s family members and her parents”, and quotes the local Deputy Inspector General of Police stating that “[a] man from the girl’s family has been arrested and we are trying to arrest his accomplices” (‘Two lovers from different communities killed by girl’s family’ 2009, *New Kerala*, 10 July <http://www.newkerala.com/nkfullnews-1-71109.html> – Accessed 22 July 2009 – Attachment 11).

The US Department of State’s 2008 *Country Report on Human Rights Practices* for India provides information on the case of Rizwanur Rehman, a Muslim who married a Hindu woman from a wealthy Kolkata family, and subsequently died in suspicious circumstances and with alleged police involvement:

Hearings in the 2007 Rizwanur Rehman killing case continued at Kolkata High Court. The body of Rehman, a Muslim who had married the daughter of a Hindu businessman, was discovered in 2007. While a CBI report had indicated “suicide prompted by circumstances” was the cause of death, on October 1, three officers of the Kolkata City Police were among seven persons charged by the CBI and sent to judicial custody for Rehman’s death. On October 28, the CBI raided the house of Ashok Todi, father-in-law of Rehman. In December police arrested Todi and his brother (US Department of State 2009, *Country Reports on Human Rights Practices for 2008 – India*, 25 February – Attachment 13).

A March 2008 article in *The Indian Express* reports on lack of action by Maharashtra police in a case involving “an Andheri-based Muslim girl Yasmin alias Ashu Chaubey who married Amit Chaubey”. A judge is reported as saying that he hears of “at least 10-15 cases a day where police have not taken the necessary action”. The article states:

Irked over the police’s failure to register an offence of harassment over dowry on a three-month old complaint, Justice S B Mhase and Justice V K Tahilramani came down heavily on the police.

Unhappy with the state of affairs, Justice Mhase said that “There are innumerable petitions before the court owing to police inaction”.

“Everyday, we hear at least 10-15 cases where police have not taken the necessary action,” Justice Mhase added (‘Court raps police for inaction on dowry complaint’ 2008, *The Indian Express*, 26 March <http://www.expressindia.com/latest-news/Court-raps-police-for-inaction-on-dowry-complaint/288493/> – Accessed 10 April 2008 – Attachment 14).

In February 2008 Khwaja Hasan Gafoor became the first Muslim police commissioner of Mumbai since the 1960s. A March 2008 article includes an interview with the new police chief in which he emphasises improving the police force in Mumbai (‘Mumbai gets new top

cops' 2008, *The Times of India*, 1 March – Attachment 15; Kolhatkar, N. 2008, 'I will not let pressures come in the way of good policing', *DNA Sunday*, 2 March – Attachment 16).

A February 2008 article from *Rediff.com* reports on the lack of law and order in Mumbai, citing criticisms that the Maharashtra Navnirman Sena (MNS), a Shiv Sena splinter group, was triggering violence against northern Indians in Mumbai whilst the government took no action against the perpetrators ('There is no law and order in Mumbai: Amar Singh' 2008, *Rediff.com*, 5 February <http://www.rediff.com/news/2008/feb/05mumbai2.htm> – Accessed 10 April 2008 – Attachment 17).

The US Department of State's 2008 *International Religious Freedom Report* for India claims that laws relating to religious freedom are sometimes "not enforced rigorously or effectively in many cases pertaining to religiously oriented violence":

While the law generally provides remedy for violations of religious freedom, it was not enforced rigorously or effectively in many cases pertaining to religiously oriented violence. Legal protections exist to cover discrimination or persecution by private actors. The country's political system is federal and accords state governments exclusive jurisdiction over law enforcement and the maintenance of order, which limits the National Government's capacity to deal directly with state-level abuses, including abuses of religious freedom. The country's national law enforcement agency, the Central Bureau of Investigation (CBI), cannot investigate a crime committed in a state without the state Government's permission. However, the National Government's law enforcement authorities, in some instances, have intervened to maintain order when state governments were reluctant or unwilling to do so (US Department of State 2008, *International Religious Freedom Reports for 2008 – India*, 19 September – Attachment 6).

### **Recent controversy over Muslim-Hindu marriages in Maharashtra**

In recent weeks, the right-wing Hindu Bharatiya Janata Party (BJP) in Maharashtra has been campaigning against marriages between Muslim men and Hindu women, and attacking the Congress-led government for refusing to order a police inquiry into an alleged conspiracy in which Muslim men lure Hindu girls into marriage.

On 3 July 2009, *The Times of India* printed an article which claimed that "Maharashtra's criminal investigation department (CID) meant to probe high-profile cases will now investigate love affairs that have resulted in marriages between Hindu girls and Muslim boys". The report claims that the "Minister of state for home (rural) Nitin Raut had announced this in the assembly", in response to allegations raised in the state legislature by BJP members that "young Muslim boys in rural areas were wooing Hindu college girls and then marrying them" as "part of a 'conspiracy' to increase the population of the community". The CID chief claimed in response that he had "yet to receive the order" to investigate inter-religious marriages:

CID has been told to check whether Muslim boys are enticing Hindu girls as part of a 'conspiracy'. Minister of state for home (rural) Nitin Raut had announced this in the assembly on the last day of Maharashtra's budget session a fortnight back.

Participating in a calling attention notice, Eknath Khadse and Devendra Fadnavis had said young Muslim boys in rural areas were wooing Hindu college girls and then marrying them. According to them, this was part of a "conspiracy" to increase the population of the community. Khadse even alleged that some Hindu girls had been sent to Gulf.

In his reply, Raut admitted such incidents were happening. “I will initiate an inquiry into this,” the minister had promised. But the opposition demanded that he order a CID probe as the issue was serious. Subsequently, Raut gave in to their demands.

CID chief SPS Yadav said, “We have yet to receive the order. The first thing we will have to do is to check whether such an inquiry is in consonance with the CID manual. If not, we will inform the government about the norms,” he said. “If government persists, we will decide on how to carry out these investigations.”

Raut’s announcement has not gone down well with his cabinet colleagues and leaders of the Muslim community. Senior NCP leader and labour minister Nawab Malik said BJP has political interest in raising such issues.

Congress leader and minister of state for home (urban) Arif Naseem Khan said there is no provision in law where member of a particular community can be stopped from marrying a girl\boy of another community. “If any case where a girl\boy is pressurised into getting married to member of other community, the offender should be certainly punished,” he added (Shivadekar, S. 2009, ‘Probe into Maharashtra’s Muslim boy-Hindu girl marriages’, *The Times of India*, 3 July <http://timesofindia.indiatimes.com/India/Probe-into-Maharashtras-Muslim-boy-Hindu-girl-marriages/articleshow/4731303.cms> – Accessed 22 July 2009 – Attachment 7).

The next day, 4 July, a report from the *Press Trust of India* quotes Nitin Raut stating “that the state government is not conducting any inquiry into marriages between Hindu girls and Muslim boys”, and “that the government cannot interfere in marriages between two adults”. Raut also “charged that certain elements are trying to disturb communal harmony in the state with an eye on the forthcoming Assembly polls” (‘Raut rubbishes reports of CID probe into Hindu Muslim marriage’ 2009, Indopia website, (source: *Press Trust of India*), 4 July <http://www.indopia.in/India-usa-uk-news/latest-news/615241/Maharashtra/1/20/1> – Accessed 30 July 2009 – Attachment 8).

A 5 July 2009 report sourced from the unmid.com website quotes Raut accusing the BJP of “trying to create communal disharmony in the state by spreading such news reports as it faces tough fight in the coming assembly elections”:

“The BJP after facing humiliating defeat in the parliamentary elections is trying to create communal disharmony in the state by spreading such news reports as it faces tough fight in the coming assembly elections”, Nitin Raut said while warning, “The Government will strongly deal with anyone trying to create communal tension in the state.”

Interestingly the English daily that carried the report as front page anchor story on the sensitive issue, later vehemently denied by the concerned Minister, repeated the story in the same issue on page 3. The story had received widespread condemnation even before Minister’s clarifications.

“The newspaper seems to be searching for the reports that lead to Muslim bashing of late. It is only losing its credibility by publishing such reports that create discomfort in the society and damage the inter community relations”, said Aisha Tanvir, a lecturer with a local college (‘Hindu-Muslim marriages under probe’ – The report has no basis, says the Minister’, unmid.com website, 5 July [http://www.ummid.com/news/July/05.07.2009/baseless\\_report.htm](http://www.ummid.com/news/July/05.07.2009/baseless_report.htm) – Accessed 30 July 2009 – Attachment 9).

A report from the *Press Trust of India*, dated 9 July 2009, quotes BJP figures attacking Raut for allegedly breaking his commitment to a CID enquiry into “Muslim boys enticing Hindu girls into love affairs and then marrying them as part of a larger conspiracy”:

Maharashtra Minister of state for Home Nitin Raut was on Thursday the target of an attack by state BJP for his denial of an assurance he gave in the Legislature last month on Muslim boys enticing Hindu girls into love affairs and then marrying them as part of a larger conspiracy.

“Raut had assured the House that a CID enquiry would be conducted in all such cases but later backtracked and denied having made such an assurance. We condemn his act and ask the Government to clarify,” state BJP spokesperson Madhav Bhandari told reporters in Mumbai.

BJP group leader in Assembly Eknath Khadse and MLA Devendra Phadnavis had said in the House on June 16 that young Muslim boys in rural areas were enticing Hindu college girls into marriage. They alleged it was part of a larger conspiracy to increase the population of Muslim community.

“Raut had agreed that such incidents took place and had assured the House that CID would probe the issue,” Bhandari said.

“However, Raut last week denied having made such a statement,” he said. Raut had announced in the Assembly that CID has been told to check whether Muslim boys are enticing Hindu girls as part of a ‘conspiracy’ (‘Muslims ‘enticing’ Hindu girls; BJP flays minister for denial’ 2009, *Press Trust of India*, 9 July – Attachment 10).

### **Research Response IND32026**

RRT *Research Response IND32026*, of 26 July 2007, provides reports on mixed marriages in India between 2003 and July 2007. Pertinent extracts from sources quoted for this response follow (RRT Research & Information 2007, *Research Response IND32026*, 26 July – Attachment 18).

On 16 January 2004 Dr. Martin Senftleben, an expert on Christianity in Andhra Pradesh, provided advice to the Tribunal on Hindu-Christian marriages in India. While not directly relevant to Hindu-Muslim marriages the advice nonetheless provides useful information on Hindu attitudes to inter-religious marriage, and the possibility that wealthy or influential Hindu families may be able to take advantage of the “corrupt” Indian legal system:

### **3. What legal protections are available to Hindus married to Christians in Hyderabad?**

The government does not, at least not on paper, discriminate on the basis of religion. It would provide protection, if requested, by legal persecution against those who maltreat a family member because of marrying into a family of another religion. However, the legal system in India is quite corrupt and it is possible that the Hindu family has the financial means to influence the governmental forces in their favour. In that case, they will most likely use these means. Sometimes, if the family has a high reputation, it is not even necessary to provide any money, the connections on the base of friendship to members of the government can be sufficient to influence the process. In this case, the attempts of the Hindu who marries a SDA to seek protection from the government will be futile (Senftleben, Martin 2004, Email to RRT Country Information: ‘Re: assistance’, 16 January – Attachment 19).

In December 2006, a government marriage official refused to allow an inter-religious marriage between a tribal woman and a Christian man at the behest of the Hindu fundamentalist group Dharam Sena who said such a marriage would “boost conversion” in Madhya Pradesh:



The couple had applied for marriage in the Jabalpur district marriage office in October. The mandatory 40 days notice period – during which objections, if any, could be filed – expired on Nov 13 but the official, Deepak Singh, refused to solemnise their marriage because ‘the groom is a Christian while the bride is not’ (‘Inter-religious marriage stalled in Madhya Pradesh’ 2006, *Nerve*, 24 December <http://www.nerve.in/news:25350028405> – Accessed 26 July 2007 – Attachment 20).

According to a report from *Outlook India*, in July 2006 the Supreme Court in New Delhi ordered police across India to take “stern action” against those who resort to violence against “major boys or girls” who undergo inter-caste or inter-religious marriage. The Court stated that:

“If the parents of the boy or girl do not approve of such inter-caste or inter-religious marriage, the maximum they can do is that they can cut off social relations with the son or the daughter, but they cannot harass the person who undergoes such inter-caste or inter-religious marriage” (‘Honour killing is act of barbarism’ 2006, *Outlook India*, 8 July [http://www.outlookindia.com/pti\\_news.asp?id=397670](http://www.outlookindia.com/pti_news.asp?id=397670) – Accessed 5 October 2006– Attachment 21).

According to a July 2004 article from the *Press Trust of India*, a Hindu boy and Muslim girl from Delhi eloped and married, after which the girl’s father lodged a FIR at the Lahori Gate police station and “soon after” the “police started hounding the couple.” Justice Chopra of the Delhi High Court wished the couple “good luck” after he was convinced that the couple were adults and entered into the marriage of their own free will. Justice Chopra “tried to pacify the families and even asked the police to escort the couple back to the boy’s place” (‘HC comes to rescue of Hindu-Muslim marriage’ 2004, *India Express*, (source: *Press Trust of India*), 25 July <http://www.expressindia.com/fullstory.php?newsid=34206> – Accessed 25 July 2007 – Attachment 22).

The 2006 IRB report on inter-religious marriage in India referred to in Question 2 of this response provides information on societal attitudes to such marriages, and the demographic groups among which inter-religious marriages are most likely to occur and be tolerated:

According to a professor of Asian Studies who specialises in Indian affairs, inter-religious marriages are more common between students and among professionals in urban areas, and are less likely in rural areas (Professor of Asian Studies 14 Nov. 2005). This professor also commented that marriages between Sikhs and Hindus are “not uncommon” in the state of Punjab, where the majority of Sikhs reside (Specialist on India 23 Nov. 2005), since Hindus have always numbered prominently there (Professor of Asian Studies 14 Nov. 2005).

This professor added that in his opinion, the general societal attitude toward inter-religious married couples in India is “not favourable” (ibid.). In correspondence to the Research Directorate, an India-based lawyer agreed that society in general disapproves of inter-religious marriages but added that the treatment of married couples with different religious backgrounds depends on their location and social levels (27 Oct. 2005), and an associate professor of social and cultural anthropology added that “social attitudes often [cause people to] ostracise and discriminate against such unions” (3 Nov. 2005). A July 2004 news article stated that society is “deeply opposed” to inter-religious marriages, and highlighted that such attitudes are prevalent in Gujarat, where relations between Muslims and Hindus became “polarised” after Hindu-instigated violence against Muslims in 2002, in which 2,000 people, mainly of Muslim faith, died (The Times 6 July 2004; AI 25 Feb. 2005). The news article also highlighted parents’ opposition to inter-religious marriage (The Times 6 July 2004) (Immigration and Refugee Board of Canada 2006, *IND100661.EX – India: The situation of couples in inter-caste and inter-religious marriages, including societal attitudes, treatment by*

*government authorities and the situation of children resulting from such marriages (2000 – 2005), 9 January – Attachment 3).*

### **Other research responses**

Three previous research responses contain information which may of interest regarding the police and the effectiveness of state protection in Mumbai.

- *Research Response IND33207*, of 10 April 2008, provides information on whether the police protect Muslim citizens against harm by members of the Hindu community or Hindu organisations in Maharashtra State (RRT Research & Information 2008, *Research Response IND33207*, 10 April – Attachment 23).
- *Research Response IND31476*, of 27 March 2007, provides information on the general security situation for Muslims living in Mumbai and examples of corruption of the Mumbai police (RRT Country Research 2007, *Research Response IND31476*, 27 March – Attachment 24).
- A September 2003 response provides media reports between 2001 and 2003 detailing tensions over marriages between Hindu women and Muslim men (RRT Country Research 2003, *Research Response IND16183*, 22 September – Attachment 25).

### **4. Are there any statistics about the incidence of Hindu-Muslim marriages in India? Are there any particular areas with a higher than average incidence of such marriages?**

Little information was located on the prevalence of Hindu-Muslim marriages in India.

A 30 April 2007 report from *Outlook India* on Hindu-Muslim marriages in Madhya Pradesh claims that the government of that state keeps figures of such marriages, although according to this report “it has no business doing” so. This report mentions “an ‘official’ list of 341 Hindu-Muslim marriages in Bhopal between 1997 and 2004” (Bhaumik, S. 2007, ‘Bhopal’s hour of Marital Crisis’, *Outlook India*, 30 April, International Campaign for Justice in Bhopal website [http://www.bhopal.net/othernews/archives/2007/04/civil\\_code\\_de\\_f.html](http://www.bhopal.net/othernews/archives/2007/04/civil_code_de_f.html) – Accessed 25 July 2007 – Attachment 26).

According to a December 2006 report in *The Hindustan Times*, six of the 21 marriages performed by courts in New Delhi in that year were inter-religious. 48 couples had registered to marry (Srivastava, A. 2006, ‘Love transcends religious barriers’, *The Hindustan Times*, 22 December – Attachment 27).

### **5. What is known about the political leader Raj Thackeray and the causes he espouses? In particular, does his group have influence and resources throughout India which would enable the group to track individuals, or use his influence limited to a particular part of the country?**

No definitive information could be located as to whether Raj Thackeray or his party, Maharashtra Navnirman Sena (MNS) (or Maharashtra Reconstruction Party), would be capable of tracking individuals to other parts of India. The information below only refers to MNS activity in Maharashtra, although it cannot be stated with certainty that Raj Thackeray would not have links with Hindu militant groups in other parts of India. The response to this question is provided in three sections, addressing: [Raj Thackeray](#) and the founding of

Maharashtra Navnirman Sena; MNS [Objectives, Policies & Manifesto](#); and MNS and [violence](#).

### **Raj Thackeray and the founding of Maharashtra Navnirman Sena**

According to a report from *Express India*, Raj Thackeray quit the Maharashtra-based right wing Hindu nationalist party Shiv Sena in December 2005 due to his dissatisfaction with the “leadership of his cousin and Sena executive president Uddhav Thackeray”, who had taken over the leadership of Shiv Sena from his father Bal Thackeray. This report quotes Raj Thackeray claiming that he intended to start a new political party in 2006, and a March 2006 report sourced from the Dance with Shadows website states that the “[e]stranged nephew of Shiv Sena supremo bal [sic] Thackeray launches his new political party, Maharashtra Navnirman Sena” (MNS). This report speculates that the MNS will “be a more hardcore, purer Sena”, and that it will likely “take a hard Hindutva, pro-Maharashtra line”. A February 2008 ‘Open letter to Raj Thackeray’, sourced from the *Merinews* website (a ‘citizen’s journalism’ website) provides more detail on the background to Raj Thackeray’s departure from Shiv Sena and launching of MNS, which follows below (‘Raj Thackeray quits Shiv Sena’ 2005, *Express India*, (source: *Press Trust of India*), 18 December <http://www.expressindia.com/news/fullstory.php?newsid=60124> – Accessed 31 July 2009 – Attachment 28; ‘Raj Thackeray launches Maharashtra Navnirman Sena’ 2006, Dance with Shadows website, 9 March <http://www.dancewithshadows.com/society/maharashtra-navnirman-sena.asp> – Accessed 31 July 2009 – Attachment 29; Ara, S. 2008, ‘An open letter to Raj Thackeray’, *Merinews*, 4 February <http://www.merineews.com/catFull.jsp?articleID=129939> – Accessed 31 July 2009 – Attachment 30).

A February 2008 ‘Open letter to Raj Thackeray’, sourced from the *Merinews* website, provides further information on the MNS leader’s departure from Shiv Sena, quoting “insiders”, who claim that “Raj’s decline in the Shiv Sena started in the 90s due to his alleged involvement in the Ramesh Kinny murder case”, and the result of this was that “Bal Thackeray pushed his youngest son Uddhav into the limelight”. The article also claims that “Raj was well known in the Sena for his aggressive ways”:

RAJ THACKERAY, the name, which in the last two days has drawn a lot of flak nationwide, started his political career as a youth-wing leader in the Shiv Sena, Bal Thackeray’s (his uncle’s) party. He steadily rose up the ranks with his charisma and was seen as the number two in the party. However, this was before Uddhav Thackeray (Bal Thackeray’s son) entered the scene.

Reportedly, as insiders claim, Raj’s decline in the Shiv Sena started in the 90s due to his alleged involvement in the Ramesh Kinny murder case (seen as a political murder). As a result, Bal Thackeray pushed his youngest son Uddhav into the limelight.

Always seen as a firebrand speaker, Raj was well known in the Sena for his aggressive ways to hold demonstrations and bandhs. However, recently it seems, he has bit more than he could chew. His recent outbursts against migrants from Uttar Pradesh (UP) and Bihar are totally unconstitutional and uncalled for.

Does he want to divide India on the lines of states of origin? (Ara, S. 2008, ‘An open letter to Raj Thackeray’, *Merinews*, 4 February <http://www.merineews.com/catFull.jsp?articleID=129939> – Accessed 31 July 2009 – Attachment 30).

## **MNS Objectives, Policies & Manifesto**

The official MNS website contains a document outlining the party's 'Objectives and Policies':

1. Maharashtra NavNirman Sena is committed to raising the status of Maharashtra State, its people and the Marathi language to resplendent glory.
2. Maharashtra NavNirman Sena is concerned about the State of Maharashtra and its cultural and material prosperity. It is committed to the development of the Marathi language and expanding its knowledge base. It will work to spread the knowledge about Maharashtra and expand its cultural boundaries.
3. Maharashtra NavNirman Sena will bring the people of Maharashtra together, irrespective of caste, religion, sect or class, under its flag, for the development of Maharashtra.
4. The interest of the Marathi Manus is of prime importance to Maharashtra NavNirman Sena. We believe the Marathi Manus to be the person living in the State and born to Marathi parents, or one, though of a different linguistic origin, born in Maharashtra, who speaks Marathi and loves Maharashtra.
5. Maharashtra NavNirman Sena will strive to remove all impediments, resolve all problems that obstruct the development of Maharashtra State and the Marathi Manus and will engage at all levels with those power centres, sects or social groups having vested interests who come in the way of this development. It will work in a constructive way for this purpose, at the same time, it will not shy away from conflict wherever necessary. Maharashtra NavNirman Sena makes no distinction between constructive and conflicting ways and believes that that both go hand in hand.
6. To give justice to the Marathi Manus, Maharashtra NavNirman Sena will do everything from establishing a Marathi Language Academy, fighting with the anti-Marathi lobby, making Marathi a compulsory subject in all schools, insisting for Marathi name-boards on shops and establishments to broadening the knowledge base in Marathi. These activities, constructive as well as street-level campaigning will be pursued at the same time.
7. Maharashtra NavNirman Sena will strive to put the Marathi Manus on the forefront of every field, be it roads, railways, electricity, water, health, education, sports, women, labour, tribal development, home, law and order, agriculture, tourism, finance, trade, business, cooperative sector or Centre-State relations.
8. Maharashtra NavNirman Sena will fight to its last breath to eliminate the interference of the Non-Marathi power-mongers from outside the State in the State's politics and social life thereby reinforcing the existence of Maharashtra for the Marathi Manus.
9. Maharashtra NavNirman Sena will take the Maharashtra State and the Marathi Manus to the apex of cultural and material glory that the whole world will envy. This is the dream of Maharashtra NavNirman Sena, and the party will leave no stone unturned to make this dream a reality ('Objectives & Policies' (undated), Maharashtra Navnirman Sena website <http://www.manase.org/en/maharashtra.php?mid=67&smid=15&id=279> – Accessed 23 July 2009 – Attachment 31).

The MNS website also contains the party's manifesto for the 2009 Lok Sabha elections, titled 'It's High Time We Begin a New Chapter':

You must have noticed that I addressed you as Fellow Maharashtrians. This is not in any parochial sense. Who is a Maharashtrian, you may ask. My definition is simple. Those who are born in a Maharashtrian family are of course Marathi, but also those who are staying here for generations, respect the local culture and language of Maharashtra, irrespective of their caste, religion or State.

But there are some elements around us who are hell-bent to twist the issue. They certainly have vested interests in sending immigrants to Maharashtra in large numbers. These leaders from outside misuse our system, influence our administration and eventually cause big damage to the State's overall development. I not only strongly oppose them but intend to teach them a lesson, albeit politically.

...Maharashtra NavaNirman Sena promises to fight for the rights of Marathi people who have been at the receiving end of these four political parties for quite some time.

I have fielded twelve Marathi candidates with burning fire for Marathi people in their heart. Believe me: they will be the voice of Maharashtra in the forthcoming Lok Sabha. It is time we rock the Parliament that has been silent on the woes of Marathi people.

...Some point out that I talk only about Marathi and don't raise other important issues such as economy. Remember, culture is the other side of economy. Let me explain how. Maharashtra in general and Mumbai in particular have been contributing generously to the central exchequer in the form of taxes. What do we get in return? Peanuts. Though the Maharashtra State contributes to the development of Uttar Pradesh and Bihar, the money is wasted as these States continue to remain backward. And so, people from these States prefer to come to Maharashtra instead. We have been feeding them at our expense for so long. And we have allowed the UP and Biharis to take it as their right. Now when we demand a fair share of our contribution, leaders from these States oppose us. And our leaders promptly surrender. It is a two way loss. Firstly, we lose our resources and secondly, we allow the encroachment of the Hindi belt on our Marathi culture. The latter is a slow poison, the effects of which will be felt much later.

It is only from UP and Bihar that such large migrants enter Maharashtra and suck our resources. Migrants coming from other States of India (even from the other northern States) are much more acceptable and hold due respect for Maharashtra and its culture. My party acknowledges their contribution towards Maharashtra.

It is my sincere appeal to all my Marathi mothers, brothers and sisters. Support Maharashtra NavaNirman Sena in the coming Lok Sabha and the subsequent State assembly elections. I promise you to repay in the same measure. Your one vote is crucial to change Maharashtra's destiny. It is my earnest appeal to all Maharashtrians to rise. For, if you do not, then we will have no choice but to give someone else an opportunity to rule us.

Together, I am sure that we can make Maharashtra a better place to live in ('Manifesto: It's High Time We Begin a New Chapter' 2009, Maharashtra NavaNirman Sena website <https://www.manase.org/en/maharashtra.php?mid=67&smid=39&did=0&dsid=0&pmid=0&id=913> – Accessed 23 July 2009 – Attachment 32).

According to its website, MNS fielded eleven candidates in eleven seats (out of forty-eight) in Maharashtra in the 2009 Lok Sabha elections; according to results provided by the Election Commission of India, none were elected. No candidates appear to have been fielded in other states or territories (for the MNS candidates in the 2009 Lok Sabha elections, see: 'Loksabha Election 2009' (undated), Maharashtra Navnirman Sena website <https://www.manase.org/en/maharashtra.php?mid=67&smid=39&id=919> – Accessed 23 July

2009 – Attachment 33; for the election results, see: Election Commission of India 2009, ‘List of Winning Candidates’, ECI website <http://eci.nic.in/press/List%20of%20Winning%20Candidates%20Final%20for%2016th%20May.pdf> – Accessed 23 July 2009 – Attachment 34).

### **MNS and violence**

The USDOS 2008 *Country Report on Human Rights Practices* for India provides information on violence involving MNS activists during 2008, most of which appears to be directed at economic migrants from north India:

on August 28, police arrested over 1,000 activists of the Maharashtra Navnirman Sena (MNS) political party after MNS activists damaged some stores.

...Raj Thackeray, Chief of the Maharashtra Navnirman Sena (MNS), repeatedly verbally attacked north Indians settled in Maharashtra. On February 3, MNS members assaulted and injured 10 persons attending a rally in Mumbai. Attacks by MNS members continued over the next several days in Mumbai, Pune, and Nasik. While the police did not stop the attacks, they later arrested over 60 MNS members and ordered a probe into Thackeray’s remarks. MNS activists were alleged to have threatened north Indians in Nasik and Pune, causing many labourers to flee the state. MNS activists allegedly hit one person with stones, who later died of his injuries. Police charged Thackeray with inciting the violence, and twice briefly arrested him. On February 22, the Supreme Court condemned Thackeray’s inflammatory remarks against north Indians. The investigation of the February incidents continued at year’s end.

In October MNS activists assaulted and injured dozens of north Indian candidates who came to Mumbai for an Indian Railways recruitment examination, preventing many from taking the exam. Mumbai police arrested Thackeray for instigating the violence, and MNS members rioted and caused considerable damage. Police arrested more than 2,000 rioters. Multiple cases continued against Thackeray in various Mumbai courts and in the Jharkhand High Court at year’s end. He and most MNS activists arrested in October remained out on bail.

...On August 15, MNS activists damaged a school in Pune for allegedly failing to celebrate Independence Day. In August MNS activists damaged several shop fronts in Mumbai for not having signs in the local language, Marathi. In both these incidents, the police arrested MNS activists for vandalism.

... On October 27, the NHRC initiated an inquiry into the MNS violence against north Indians in Maharashtra, and the investigation continued at year’s end (US Department of State 2009, *Country Reports on Human Rights Practices for 2008 – India*, 25 February – Attachment 13).

An article sourced from the *Hindustan Times*, dated 6 February 2009, reports claims from “Samajwadi Party regional president Farooq Goshi”, who “alleged that Maharashtra Navnirman Sena (MNS) activists killed the Dubey brothers from Pisavli village near Dombivli for being north Indians and that the police aided and abetted the brutal double murder committed in public”:

The doctor brothers, Omprakash and Jaiprakash, were killed on the night of October 21, when MNS chief Raj Thackeray was arrested and kept in Manpada police station in Dombivli.

Goshi on Thursday filed a rejoinder to affidavits filed by the local police, Government Railway Police and DCP (Kalyan), in reply to his petition before the State Human Rights Commission. Goshi has alleged police inaction during Thackeray’s tirade against north Indians and violence against them.

The petition was filed soon after north Indian students, who came to appear in a railway recruitment examination, were beaten up by MNS activists. Goshi's lawyer K.P. Mishra said MNS activists had dragged the Dubey brothers from a police van along with two other north Indians. The other two managed to escape, he added.

Joint Commissioner of Police (Law and Order) K.L. Prasad has replied to the petition saying the police took prompt action against the MNS activists involved in violence and three cases are registered against Thackeray himself at Kanjurmarg, Kherwadi and Borivli (Chaudhari, K. 2009, 'Cops aided violence against outsiders', *Hindustan Times*, 6 February – Attachment 35).

## **6. On what days are banks open in Mumbai?**

According to a March 2007 article in *The Hindu Business Line*, banks in Mumbai appear free to vary their opening hours as they see fit, including Sundays:

Banking is getting more convenient. You don't always have to jostle with the crowds at the counter during the peak hour. Now you can walk into some bank branches at a late evening hour or even on a Sunday.

A number of banks have extended their working hours in select branches. A decade ago, banks were open for public transactions for any four hours between 8.30 a.m and 2.30 p.m, depending on local convenience. This was extended by about two hours a few years ago. Now, bank branches being open for 12 hours and more are getting common.

A branch of YES Bank in Andheri, Mumbai, works from 7 a.m. to 11 p.m. A Union Bank of India branch, on Chamiers Road, Chennai, works from 8.a.m to 8 p.m.

A couple of branches of IndusInd Bank have started banking on Sundays. ICICI Bank offers 8 a.m to 8 p.m banking at many of its branches.

Not always have these extended hours been introduced by banks to cater to increased traffic. Sometimes the bank is trying to convey a subtle message with the symbolism of extended hours – that it cares for its customers.

Sometimes that can reach extreme lengths. Bank of Baroda has a few branches that are open all 24 hours!

...However, extended banking hours does not work at every place. The profile of the clientele in an area is the key factor.

...Some public sector banks too had started 8-8 banking a few years ago. The largest bank, State Bank of India, started extended banking hours at some metro branches seven years ago. "However, with the increasing number of ATMs, a customer's dependence on a bank's branch has reduced considerably. There are only a few customers who visit the branch for enquiries and cheque collections during the extended hours in certain branches," said Mr Sangeet Shukla, CGM-Personal Banking, SBI. "Of late, some branch managers have said that there are fewer footfalls at bank's branches during the extended hours," he said (Mohanty, E. & Vageesh, N.S. 2007, 'You can bank longer!', *The Hindu Business Line*, 15 March <http://www.hindu.com/businessline/2007/03/15/stories/2007031503510600.htm> – Accessed 22 July 2009 – Attachment 36).

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