

Refugee Review Tribunal

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RRT RESEARCH RESPONSE

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This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

Questions

- 1. Please provide information on Shiv Sena / BJP in Gujarat and its relationship with the Congress party.**
- 2. Please provide brief information on election results in Gujarat since 2000.**

RESPONSE

- 1. Please provide info on Shiv Sena / BJP in Gujarat and its relationship with the Congress party.**

The *Bhartiya Janata Party* (BJP) has been in power in the Indian state of Gujarat since 1998. According to Question 4 of RRT Country Research Response IND31126 of 19 December 2006, “in 1998, the BJP won one hundred and seventeen seats in the state legislature compared to the Congress, which won only fifty three. In the December 2002 elections, the BJP secured one hundred and twenty seven seats whereas the total share of seats for the Congress declined from fifty three to fifty”. Question 1 of RRT Country Research Response IND30469 of 11 August 2006 noted that “the *Shiv Sena* presently holds no seats in the Gujarat Legislative Assembly, though is a leading force in the legislative assembly of the neighbouring state of Maharashtra”. Nevertheless, according to Question 1 of the RRT Country Research Response IND30864 of 7 November 2006, the *Shiv Sena* and its coalition partner, the BJP, hold power in the Municipal Corporation of Mumbai, which is the capital of Maharashtra (RRT Country Research Response 2006, *Research Response IND31126*, 19 December – Attachment 1; RRT Country Research Response 2006, *Research Response IND30469*, 11 August – Attachment 2; RRT Country Research Response 2006, *Research Response IND30864*, 7 November – Attachment 3).

Shiv Sena and Gujarat

As previously noted, *Shiv Sena* does not have any representation in the Gujarat government. Nevertheless, it has worked with the BJP government and members of the *Sangh Parivar*, “a community comprising of various Hindu groups with specific Hindu nationalist organisational arms such as the militant *Rashtriya Swamsewak Sangh* (RSS), militant Hindu youths *Bajrang Dal* (BD), World Hindu Council *Vishwa Hindu Parishad* (VHP), Hindu Student’s Association *Akhil Bharatiya Vidyarthi Parishad* (ABVP) and the Hindu enlightenment movement *Hindu Jagaran Manch* (HJM).” (See Question 1 of RRT Country Research Response 2006, *Research Response IND30469*, 11 August – Attachment 2; for details on the *Sangh Parivar* see: Question 1 of RRT Country Research 2007, *Research Response IND31442*, 12 March – Attachment 4.)

In January 2007, the Gujarat’s Chief Minister Narendra Modi supported *Shiv Sena* at a rally in Mumbai and according to Sanjay Sawant of the *Daily News and Analysis* (DNA):

Addressing a massive rally at Sena-stronghold Shivaji Park with **Gujarat** Minister Narendra Modi, Thackeray added, “Maharashtrians or Punjabis cannot fight Islam alone. That is why I appeal to all Hindus to break the linguistic and cultural barriers.” Thackeray was addressing the party’s first public meeting since the announcement of the BMC poll schedule.

During his 20-minute speech, Thackeray, who was dressed in a white outfit, delivered his speech sitting on the dias. He was accompanied by son, Uddhav, and senior Sena leader Manohar Joshi and BJP leader Gopinath Munde. The Shivaji Park grounds were teeming with enthusiastic Shiv Sainiks and lakhs of fluttering Saffron flags. A large contingent of women supporters were also present.

Thackeray, who jointly addressed the rally with **Gujarat** Chief Minister Narendra Modi in an effort to boost the prospects of the Sena-BJP combine at the civic polls on February 1, had words of praise for Modi, describing him as “a staunch Hindu”.

“When the Godhra riots took place, there were knives pointed at him but nobody spoke about the Godhra incident itself,” Thackeray said. “If the reaction of the Babri Masjid demolition could reach Mumbai in the form of riots, then there is nothing wrong if the wave of Godhra incident reaches **Ahmedabad**. It was a spontaneous reaction and there was nothing wrong with it” (Sawant, S. 2007, ‘I’ve a dream to see Hindustan of Hindus’, *Daily News and Analysis*, 29 January – Attachment 5).

On 22 June 2004, the leader of the *Shiv Sena*, Bal Thackeray, argued that the ideology of the Hindu nation or *Hindutva* is what unites the BJP and the *Shiv Sena*. Thackeray’s comments came after pressure from various human rights groups on the Congress led government in Delhi to take action against the Chief Minister of Gujarat, Narendra Modi for the communal riots in Gujarat in 2002 where thousands of Muslims were murdered by Hindu nationalists. According to Indian Info:

New Delhi: Shiv Sena supremo Bal Thackeray tonight (Jun 22, 2004) came out strongly in support of Gujarat Chief Minister Narendra Modi asserting that his removal would send a “wrong signal”.

“What is the need to raise such an issue? What is the need to remove Modi? It will send a wrong signal.... Hindus will be upset and Muslims will be emboldened,” he said in an interview to ‘Zee News’ on the eve of BJP (Bharatiya Janata Party) National Executive meeting in Mumbai.

Thackeray said sometime back he had made it clear that Modi’s removal would result in the “loss of Gujarat”.

He said the ties of Shiv Sena with BJP were on the issue of Hindutva, “otherwise how are we concerned with that party”.

Attacking the so-called “pseudo-secularists”, he said that they talk only of the riots in Gujarat and not about the Godhra incident.

Asked about the reasons for the defeat of BJP-led NDA (National Democratic Alliance) in the recent Lok Sabha elections, the Sena Chief said the main cause for the debacle was lack of consistency in the political line on issues like Ayodhya (‘Shiv Sena supremo Thackeray strongly supports Modi’ 2004, Indian Info, 22 June <http://news.indiainfo.com/2004/06/22/2206modi.html> – Accessed 26 April 2007 – Attachment 6).

Clashes between the Shiv Sena and the Congress

There are reports of violent clashes between the BJP and the Congress supporters, leading up to the December 2002 Gujarat elections. According to the RRT Country Research Response IND30469, in November 2002, the BJP office at Mandhi village in the Mehsana district of Gujarat was set on fire during a clash between the Congress and the BJP workers. However, the same response quoted a *Times of India* article that reported an absence of political violence during national elections in 2004 (RRT Country Research Response 2006, *Research Response IND30469*, 11 August – Attachment 2).

On 20 September 2002, in Ahmedabad Gujarat the *Shiv Sena* and the Congress members fought over the desecration of the idol of a Hindu god. According to the Concerned Citizens’ Tribunal report:

In Ahmedabad, 13 persons, including 11 policemen, were injured after clashes between Shiv Sena and Congress workers on September 19, over the desecration of a Ganesh idol. Shiv Sena and Congress workers hurled stones and soda bottles at each other and Ganesh processions were held up for more than three hours, DSP Natha Ghule said. Balu Borate, a Congress leader, has lodged a complaint lodged at Topkhana police station against Shiv Sena MLA Anil Rathod and seven others. Borate alleged that the clashes started after Sena cadres threw stones and damaged the Ganesh statue at Neelkamal Mandal. Police registered a case of rioting against Rathod. Shiv Sena MLAs alleged that police had a nexus with the Congress and said his party workers were incapable of desecrating the statue, as they were real Hindus (‘Crime Against Humanity: Volume One’ 2002, Concerned Citizens’ Tribunal, Sabrang website, 21 November <http://www.sabrang.com/tribunal/tribunal1.pdf> – Accessed 26 April 2007 – Attachment 7).

Shiv Sena Update – Maharashtra

Question 1 of the RRT Country Research Response IND30864 of 7 November 2006 under the sub-heading *Shiv Sena – Recent Developments* provides information on the politics of the Shiv Sena in Maharashtra since March 2006 when the party split “after the nephew of the *Shiv Sena* leader, Raj Thackeray, walked out in protest during a *Shiv Sena* meeting on 17 December 2005 and formed a new political party with the support of the *Shiv Sena* youth wing called *Maharashtra Navnirman Sena* (MNS)”. Raj Thackeray has developed his own brand of Hindu nationalism “calling for a more inclusive politics and a wider secular philosophy”. By October 2006, the *Shiv Sena* members had left the party and joined the Congress (RRT Country Research Response 2006, *Research Response IND30864*, 7 November – Attachment 3).

One of the *Shiv Sena* defectors to the Congress party, Subodh Mohite, was defeated in the April 2007 Ramtek Lok Sabha by election by *Sena's* Prakash Yadav. According to the India Daily website:

The Shiv Sena taught a lesson to its defector MP Subodh Mohite who contested the Lok Sabha by-poll from the Ramtek constituency in Maharashtra on Congress ticket. It is being said that Mohite's defeat was a big political jolt for Mohite's new political mentor and state Revenue Minister Narayan Rane.

Prakash Jadav, Shiv Sena's nominee for the Lok Sabha seat defeated Mohite by a margin of 32,571 votes. He polled 2,31,239 votes against the Congress candidate Mohite's 1,98,668.

This was a big setback for Rane's plan to reduce Shiv Sena's strength in the Parliament. Earlier, Rane had persuaded five Shiv Sena legislators to leave Shiv Sena and he got them elected on the Congress ticket the Assembly by-polls (Ranjan, P. 2007, 'Shiv Sena Wins Ramtek By-poll, Rane Blames Party Colleagues for Defeat', India Daily, 14 April <http://www.indiadaily.org/entry/shiv-sena-wins-ramtek-by-poll-rane-blames-party-colleagues-for-defeat/> – Accessed 26 April 2007 – Attachment 8; 'Lesson for Cong in Sena victory' 2007, *The Telegraph*, 13 April http://www.telegraphindia.com/1070413/asp/nation/story_7640585.asp – Accessed 26 April 2007 – Attachment 9; 'BJP-Shiv Sena win 2 Lok Sabha seats, NCP one in Maharashtra by-polls' 2007, *Yahoo News India*, 13 April source: *Asian News International* (12 April 2007) <http://in.news.yahoo.com/070412/139/6ehmc.html> – Accessed 26 April 2007 – Attachment 10).

Changing parties is quite common in the state of Maharashtra and according to Amulya Ganguli of the *Deccan Herald*:

Arguably, the parties themselves seem to have come to believe that there is little difference among them and that the so-called secular-communal divide, about which much is made, is a myth. As much is evident not only from the BJP's success in retaining the support of ostensibly secular and supposedly Socialist parties like the Janata Dal (United) and the Biju Janata Dal, but also from the tie-up between the BJP and the Janata Dal (Secular) in Karnataka and the flirtations between the Shiv Sena and the Nationalist Congress Party in Maharashtra.

It is usually the personal, organisational and opportunistic ambitions which erode the differences between secular and communal outfits, thereby making a mockery of ideological pretensions. Nothing was more obvious in this respect than the fact that the National Conference of Kashmir was an ally of the BJP at the Centre because of its aversion towards the Congress, and that Mayawati campaigned for Narendra Modi in Gujarat even after the riots because of the same reason, while the more pliable Ram Vilas Paswan can happily be a minister in both Atal Behari Vajpayee's and Manmohan Singh's cabinets.

There is another reason why the voters may find all parties to be birds of the same feather. As the recent Nandigram episode confirmed, the collusion between the police and the ruling party cadres is as much prevalent in West Bengal as in Gujarat. If the Modi government was not averse to using the police against the victims of the riots, nor was Buddhadev Bhattacharjee when it came to targeting the CPI (M)'s opponents. And parties like the CPI, the RSP and the Forward Bloc, as well as the Leftist intellectuals, who were so vociferous against the Bhattacharjee government over Nandigram, maintained a deafening silence when the Trinamool Congress experienced the combined onslaught of the police and the cadres in Keshpur a few years ago.

It is not only such similarities at the ground level which obliterate the differences between the parties, their operation as members of a mutual admiration society is also evident in their collaboration in Parliament over, say, the increase in pay packets for MPs and the shooting down of measures to keep criminal elements out of the political system. Given such bonhomie, it is hardly surprising that the electorate ignores all rhetorical flourishes based on principles at the time of elections and has little hesitation in evicting the rulers of the day in order to give their opponents a chance, without caring whether it is the secularists or the communalists who are gaining. All that they want is to teach the usually inept government a lesson.

The constant exchange of personnel between the parties is evidence enough that nothing much separates them. While an earlier generation of Congressmen like K C Pant, Arun Nehru and the late Rangarajan Kumaramangalam switched to the BJP, and former President R Venkataraman expressed his admiration for Atal Behari Vajpayee, the more recent times have seen the transfer of loyalty from the Shiv Sena to the Congress by Narayan Rane and Sanjay Nirupam (Ganguli, A. 2007, 'Birds of a feather', *Deccan Herald*, 18 April <http://www.deccanherald.com/deccanherald/apr182007/editpage2120142007417.asp> – Accessed 26 April 2007 – Attachment 11).

Shiv Sena attacks against Minorities

RRT Country Research Response IND30931 of 19 December 2006 looked in detail the Godhra train incident of 27 February 2002 and the subsequent violence unleashed by the Hindu nationalists on the Muslim minority in the Indian state of Gujarat (RRT Country Research, *Research Response IND30931*, 16 November – Attachment 12).

Following the massacre of Muslims in Gujarat in February 2002, the Concerned Citizens' Tribunal reported that:

Virtually every judicial commission of inquiry officially appointed to investigate communal riots since Independence and Partition, has indicted organisations affiliated with or allied to the RSS/VHP/BD/BJP combine, including the Maharashtra-based Shiv Sena, for their role in violent crimes against India's minorities ('Crime Against Humanity: Volume Two', 2002, Concerned Citizens' Tribunal, Sabrang website, 21 November <http://www.sabrang.com/tribunal/tribunal2.pdf> – Accessed 26 April 2007 – Attachment 13).

The Shiv Sena along with other arms of the *Sangh Parivar* went on a bloody rampage, targeting Muslim settlements in Gujarat. Some Muslims who were killed in communal violence in 2002 were members of the Congress party. Rakesh Sharma, an independent film maker, made a documentary in 2004, *Final Solution*, in which a Muslim member of the Congress party was allegedly hacked to death with a machete and his body burned post-mortem by members of the *Shiv Sena* and the BD (*Final Solution* by Rakesh Sharma is available on DVD from the RRT/MRT Library).

According to the Concerned Citizens' Tribunal:

National Strike

The *Bandh* call [national strike] given by VHP and backed by ruling BJP on 28th Feb.02 become a bloody battle ground for Bajrang Dal, VHP and RSS & Shiv Sena Terrorists to kill, burn alive, murders, loot & burn their shops, office and house with police outing as the supporters on these fanatics.

Hate Speeches

March 15, 2002 Deep Channel showed rally after shiladaan; 3 local leaders – Deepak Kharchikar (Shiv Sena), Niraj Jain (Bajrang Dal) and Ajay Dave (VHP) gave speeches and interviews at the Machchipeeth *naka*. These contained anti- Muslim sentiments. “Muslims will have to live the way we want, otherwise we will pull them out of their houses and kill them”.

Police Action

When Hindu mob attacked Muslim areas: Macchipith Police opened fire and burst teargas shells at Muslim. At the time of this incident police were seen taking firing orders from Raopura, BJP, MLA Yoges Patel, BJP city president sSdhab Sharan Brambhat, Balu Shukla, Umakant Joshi, ex mayor from Baroda, Dipak Kharchikar, Hindu Shiv Sena leaders Niraj Jain VHP president Baroda...

Cases of many Hindus belonging to the Shiv Sena, *Rashtriya Utsav Mandal* (an extension of the local branch of the Jana Sangh) were wrongly classified as ‘A’ category and investigations closed and no proper investigation was undertaken into several complaints of murders of Muslims and arson of their property...

Deputy Superintendent of Police S.P.Saraf held private conferences and discussions with several leaders of Hindu organisations including many who were implicated by Muslims in offences of arson and murder. Some of the leaders with whom Saraf held private conferences and discussions were Dr. B.P.Vyas who was president of the Bhiwandi branch of the Jana Sangh and the guiding spirit of the RUM, Baliram Mahadeo More, *shakhapramukh* of the Bhiwandi branch of the Shiv Sena, Mohanlal Parshram Karwa who was one of the founders of the *Nagrik Hiarakshak Mandal*, a body set up to present the case of Hindu parties before the Commission and many others (‘Crime Against Humanity: Volume Three’ 2002, Concerned Citizens’ Tribunal, Sabrang website, 21 November <http://www.sabrang.com/tribunal/tribunal3.pdf> – Accessed 26 April 2007 – Attachment 14).

Ahmedabad

Ahmedabad is a BJP dominated municipality in Gujarat. “According to the 2001 Census, the population of Ahmedabad in Gujarat was 3.5 million. 84.6 per cent of the population are Hindus, 11.4 per cent Muslims and 2.9 per cent Jain” (Question 4 of RRT Country Research, *Research Response IND30931*, 16 November – Attachment 12).

In October 2005, the BJP defeated Congress and won the Ahmedabad Municipal Council elections by a two-thirds majority. According to *The Hindu Business Line*:

The BJP won 96 of the 129 seats. The crucial elections had Mr Modi almost single-handedly taking on the rival Congress, dissidents within his party and the Sangh Parivar.

The Chief Minister had actively campaigned for his party’s candidates in the run up to the elections. The victory, according to political analysts, will silence Mr Modi’s critics and quell dissidence within the ruling party in the State. “After such a convincing victory, it would be difficult for the BJP’s central leadership to find fault with Mr Modi,” says a political observer who has been following the elections closely.

While the Congress had brought in senior central leaders like Mr Shankarsinh Vaghela, Ms Meira Kumar and Mr Sachin Pilot for canvassing, Mr Modi led the BJP’s assault alone (Raghuvanshi, G. 2005, ‘BJP sweeps Ahmedabad municipal polls’, *The Hindu Business Line*, 16 October <http://www.blonnet.com/2005/10/17/stories/2005101701391300.htm> – Accessed 26 April 2007 – [Attachment 15](#); also see: ‘BJP sweeps Ahmedabad civic polls’ 2005, *Rediff*,

15 October <http://202.54.124.133/news/2005/oct/15modi.htm> – Accessed 26 April 2007 – Attachment 16).

2. Please provide brief info on election results in Gujarat since 2000.

Gujarat Elections

The BJP won the 2002 general elections with one hundred and twenty seven seats. The Shiv Sena contested nine seats in the constituencies of Bhavnagar North, Mandal, Ellis Bridge, Vijapur, Chanasma, Kankrej, Limdi, Bulsar and Umbergaon ('Statistical Report on General Election 2002 to the Legislative Assembly of Gujarat' 2002, Election Commission of India http://www.eci.gov.in/StatisticalReports/SE_2002/StatReport_GUJ2002.pdf – Accessed 25 April 2007 – Attachment 17; 'List of Contestants of Shiv Sena (SHS) in Gujarat' 2002, Election Commission of India <http://archive.eci.gov.in/Decse2002/pollupd/ac/candlwc/s06/s06shsacnst.htm#s06> – Accessed 27 April 2007 – Attachment 18).

The next elections in Gujarat is scheduled to be held in November 2007 and the BJP has predicted that it will win the November elections based on its performance in Mumbai Municipal polls where it won in a coalition with the *Shiv Sena*. The BJP has also won in the states of Punjab and Uttarakhand (Chatterjee, M. 2007, 'BJP back in reckoning, but needs to fix problems', *The Times of India*, 15 April – Attachment 19).

Federal Elections

In 2004 federal elections the BJP led National Democratic Alliance (NDA) – *Shiv Sena*, *Bhiju Janata Dal* (BJD), *Shiromani Akali Dal* (SAD), *Janata Dal United* (JDU), *Telugu Desam Party* (TDP), *All India Trinamool Congress* (AITC), *Nagaland Peoples' Front* (NPF), *Mizo National Front* (MNF) and *All India Anna Dravida Munnetra Kazhagan* (AIADMK) – won one hundred and eighty six seats compared to the Congress led United Progressive Alliance (UPA), which captured two hundred and twenty seats. The BJP did well in traditional Hindu stronghold states of Madhya Pradesh, Rajasthan and Chhattisgarh but lost others including Uttar Pradesh, Bihar, Jharkand, Delhi, Haryana and Gujarat (Kundu, A. 2004, 'The 2004 Indian Elections and Foreign Policy/Security implications', European Institute for Asian Studies, 28 May <http://www.eias.org/luncheons/india280504/kundu.pdf> – Accessed 25 April 2007 – Attachment 20).

According to a report in the *BBC*, the BJP polled poorly in Gujarat in the federal election because of divisions within its ranks and continued communal violence following the election of the party in 2002. According to Rajeev Khanna of the *BBC*:

The Bharatiya Janata Party (BJP) recorded a dismal poll performance in a state which is known as its stronghold.

The shock result came after the BJP had ridden the crest of a Hindu nationalist wave in the assembly elections in December 2002 – in which it recorded a two-thirds majority.

This followed long months of violence between Hindus and Muslims, in which at least 1,000 people were killed.

Hindutva – the philosophy of “Hindu-ness” – ceased to be an issue in this parliamentary election and the “India shining” slogan could not get the votes for the BJP in a state which has seen economic problems.

Veteran political analyst Achyut Yagnik told the BBC: “It was just a negative vote in this election. People voted to express their resentment with the BJP both in the centre as well as the state and the Congress gained by default as there is no third force in the state.

“There was large scale in-fighting within the BJP ranks between people belonging to rival camps,” he added (‘Snapshots – India’s election results day’ 2007, *BBC*, 13 May http://news.bbc.co.uk/2/hi/south_asia/3710077.stm#gujarat – Accessed 27 April 2007 – Attachment 21).

List of Sources Consulted

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International News & Politics

BBC website www.bbc.co.uk

Region Specific Links

India Daily website www.indiadaily.org

The Telegraph website www.telegraphindia.com

Yahoo News India website <http://in.news.yahoo.com/>

Deccan Herald website www.deccanherald.com

Sabrang website www.sabrang.com

The Hindu website www.hindu.com

Rediff website www.rediff.com

Search Engines

Google search engine <http://www.google.com.au/>

Databases:

FACTIVA (news database)

BACIS (DIMA Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State Reports)

RRT Library Catalogue

List of Attachments

1. RRT Country Research Response 2006, *Research Response IND31126*, 19 December.
2. RRT Country Research Response 2006, *Research Response IND30469*, 11 August.
3. RRT Country Research Response 2006, *Research Response IND30864*, 7 November.
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16. 'BJP sweeps Ahmedabad civic polls' 2005, *Rediff*, 15 October <http://202.54.124.133/news/2005/oct/15modi.htm> – Accessed 26 April 2007.
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19. Chatterjee, M. 2007, 'BJP back in reckoning, but needs to fix problems', *The Times of India*, 15 April. (FACTIVA)
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<http://www.eias.org/luncheons/india280504/kundu.pdf> – Accessed 25 April 2007.
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http://news.bbc.co.uk/2/hi/south_asia/3710077.stm#gujarat – Accessed 27 April 2007.