

Refugee Review Tribunal

AUSTRALIA

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. Is there any independent information about any current ill-treatment of Sindhi people in Maharashtra state?
2. Is there any information about the authorities' position on any ill-treatment of Sindhi people?

RESPONSE

1. Is there any independent information about any current ill-treatment of Sindhi people in Maharashtra state?

Executive Summary

Information available on Sindhi websites, in press reports and in academic studies suggests that, generally speaking, the Sindhi community in Maharashtra state are not ill-treated. Most writers who address the situation of Sindhis in Maharashtra generally concern themselves with the social and commercial success which the Sindhis have achieved in Mumbai (where the greater part of the Sindh's Hindu populace relocated after the partition of India and Pakistan). One news article was located which reported that the Sindhi community had been targeted for extortion, along with other "mercantile communities", by criminal networks affiliated with Maharashtra state's Shiv Sena organisation. No further details on such targeting could be located (for information on the extortion of Maharashtra's mercantile communities by the Shiv Sena, see: Kumar, S. 2005, 'Shiv Sena hold weakens', *The Tribune* website, 23 August <http://www.tribuneindia.com/2005/20050823/edit.htm> – Accessed 20 June 2006 – Attachment 1; for information on the commercial prosperity achieved by Maharashtra's Sindhi community, see: 'The Sindhis of Ulhasnagar: from refugees to riches' 1997, *Rediff.com* website, source: *United News of India*, 16 July <http://www.rediff.com/business/jul/16ulhas.htm> – Accessed 20 June 2006 – Attachment 2; and also: Falzon, M.A. 2003, *Ethnic and Racial Studies*, vol.26: no.4, pp.662-683 – Attachment 3).

Maharashtra's Shiv Sena cadres are well known for engaging in violent attacks upon communities which the Shiv Sena movement has identified as being alien to, or unwanted by, Maharashtra's Marathi culture. Historically the Shiv Sena has reacted against "immigrants from Karnataka, Tamil Nadu, and the Gangetic Plain" and, in more recent times, the movement has campaigned against Dalits and engaged in political violence against Muslims (the Shiv Sena movement was strongly criticised by human rights organisations for its part in orchestrating communal violence against Muslims in Mumbai the early '90s). Nonetheless, while the region's Sindhi community have, to some extent, continued to be represented as outsiders and even refugees in Maharashtra, it would appear that the Sindhis have not figured prominently as a targeted group within the xenophobic discourse of the Shiv Sena (for information on the Shiv Sena see: Heuze, G. 2000, 'Populism, religion and Nation in Contemporary India: the Evolution of the Shiv Sena', *Comparative Studies in South Asia, Africa and the Middle East*, vol.20: no.1, pp.3-43 – Attachment 4; and: Palshikar, S. 2004, 'Shiv Sena: A Tiger with Many Faces?', *Economic and Political Weekly*, 3-10 April <http://www.epw.org.in/articles/2004/04/7040.pdf> – Accessed 20 June 2006 – Attachment 5).

No information was located which would indicate that Sindhis in Maharashtra have been attacked as Dalits by the Shiv Sena. Nevertheless, some information was located which suggests that Sindhis – who practice a unique form of Hinduism with a tolerant caste schema that is distinct from that of orthodox Hinduism – have been perceived as caste inferiors by Marathis of high-caste. Some information was also located which indicated that the unique Sindhi caste system may, in some way, have attachments to the caste schema of orthodox Hinduism. Information was also located which referred to the existence of Dalit Sindhis living in Pakistan but no information could be located on the existence of Sindhi Dalits in Maharashtra (for a source which discusses the perception of Sindhis as caste inferiors by high-caste Marathis, see: Barnouw, V. 1966, 'The Sindhis, Mercantile Refugees in India', *Phylon*, vol.27: no.1, pp.40-49 – Attachment 23; for sources which provide a gloss of the Sindhi caste system in such a way as to suggest that the Sindhi caste system is distinctly different from that found in orthodox Hinduism and free of any association with notions of an excluded untouchable, or Dalit, caste, see: Gidwani, R. 2004, *The Sindhi Line*, Parsons University, 23 May

http://mfadt.parsons.edu/thesis_archive/m2004/Reshma%20Gidwani/Reshma_Gidwani.pdf – Accessed 20 June 2006 – Attachment 6; Kothari, R. 2004, 'Sindhis: Hardening of Identities after Partition', *The Economic and Political Weekly* website, 28 August

<http://www.epw.org.in/showArticles.php?root=2004&leaf=08&filename=7607&filetype=html> – Accessed 20 June 2006 – Attachment 7; Ramnarayan, G. 2004, 'In celebration of diversity', *The Hindu*, 9 November

<http://www.hindu.com/br/2004/11/09/stories/2004110900111600.htm> – Accessed 20 June 2006 – Attachment 8; and: Ahmed, F. (undated), 'Tracing Our Roots', The Sindhi Internet Resource website <http://www.sindhi-net.com/articles/detail.asp?AID=%7B8A770909-0CDB-43B0-A9C0-9CE4257543E9%7D> – Accessed 20 June 2006 – Attachment 9; the following sources refer to the existence of Dalit Sindhis in Pakistan: 'Track 2, on track' 2006, *Indian Express*, 12 January – Attachment 10; 'Gwalior's Sindhis takes charge of age-old ritual of tonsuring, performing sacred thread ceremonies' 2006, *Hindustan Times*, 5 May – Attachment 11; and: 'Sindhi people' (undated), Wikipedia website

http://en.wikipedia.org/wiki/Sindhi_people – Accessed 26 June 2006 – Attachment 12; for sources which refer to Sindhi Hindu practices in such a way as to suggest that orthodox Hindu caste schemas do constitute themselves in Sindhi Hinduism to some degree, see: Matlani, P. (undated), 'Inhabitants of Sindh', Sindhishaa website

http://www.sindhishaan.com/newsletter/2_7_inhabitant.htm – Accessed 26 June 2006 –

Attachment 13; and: 'Gwalior's Sindhis takes charge of age-old ritual of tonsuring, performing sacred thread ceremonies' 2006, *Hindustan Times*, 5 May – Attachment 11).

Finally, reports indicate that there are Sindhis in the Sihiv Sena membership and that Sindhis have held positions in the Sihiv Sena leadership ('Stop celebrating failures – Nandy M Padmakshan' 1998, *The Economic Times* (India), 19 July – Attachment 14; and: 'Now, Gidwani dumps Sena' 2006, *The Economic Times* (India) website, source: *Times News Network*, 31 May <http://economictimes.indiatimes.com/articleshow/1598348.cms> – Accessed 20 June 2006 – Attachment 15).

An overview of the sources informing this summary follows below.

Report on targeting of Sindhis

On 23 August 2005, *The Tribune* (India) website published a report which detailed the manner in which Bal Thackeray's Shiv Sena movement had targeted the businesses and dwellings of certain minority groups as a means of extorting money. Maharashtra's Sindhi community is named in this article as one of the "mercantile communities" which have been targeted by Shiv Sena in this manner.

Long before the McDonalds and Pizza Huts touched base in India, the Shiv Sena in Mumbai came up with the idea of franchising its brand of terror and instant justice. Its supremo, Bal Thackeray, borrowed the concept of the "shakha" from the Rashtriya Swayamsevak Sangh and turned the street corner meeting spots into focal points of Marathi angst.

Running entirely on Thackeray's vitriol, the shakhas spawned a counter-culture where the alienated Maharashtrian youth found an identity. Till the early 1980s, the "shakha pramukhs", appointed by Thackeray himself, mostly acted as arbitrators in local disputes apart from rustling up a rioting mob whenever called upon to do so by the leader.

Bal Thackeray began to aggressively monetise the Shiv Sena's network of shakhas only in the 1980s when the party's growth began to threaten its old promoters — the Congress. Having profitably lent his muscle to the Congress for decimating the Communists in Mumbai, Thackeray needed to find his own funds henceforth.

The Sikh community in Mumbai was among the first to show Thackeray the benefits of communal profiling. While Sikhs and their establishments were burnt in northern India following the assassination of Indira Gandhi in October 1984, prominent businessmen of the community in Mumbai lined up before Thackeray to tie up cash for peace deals.

Four years later as militancy hit a peak in Punjab, Thackeray raised the life insurance premia on the Sikhs by calling for a social and economic boycott on the community. The boycott call was quickly withdrawn, but not before huge sums of money were extorted from even the small roadside dhaba-owners along the highways.

Tasting success with the Sikhs, Thackeray's boys went on to map out clusters of mercantile communities like the Gujaratis, Sindhis, Marwaris and Bohri Muslims across Mumbai with the precision of today's market researchers. After stoning a few symbolic shop windows, thugs from the Shiv Sena took to sending out pre-printed receipts smug in the knowledge that envelopes filled with the requisite cash would be waiting for them (Kumar, S. 2005, 'Shiv Sena hold weakens', *The Tribune* website, 23 August <http://www.tribuneindia.com/2005/20050823/edit.htm> – Accessed 20 June 2006 – Attachment 1).

Background on Sindhis in Maharashtra

The Hindu Sindhis who relocated from the Sindh to Maharashtra following the partition of India and Pakistan have, historically, struggled with social resentment and minority status. In 1966 the noted anthropologist, Victor Barnouw, published a study of the Sindhis in Maharashtra which evaluated the extent to which this mercantile community had been assimilated by the local Marathi people by conducting a case study in the vicinity of Poona. Barnouw found that “many local citizens regarded [the Sindhis] with some dislike because Sindhi merchants were underselling local shopkeepers and taking away their trade”; that “prejudiced attitudes toward Sindhis were expressed in attitude-rating tests”; and that Sindhis “did not have high status in the eyes of higher-caste local Maharashtrians”. This inferiority was attributed to Sindhis by Marathis of high-caste in spite of the financial success which many Sindhis enjoyed and regardless, or perhaps because, of the fact that Sindhi Hinduism does not constitute itself within a comparable caste system (“[a]lthough they are Hindus, Sindhis have a more eclectic and liberal religious outlook, influenced by Sufism and Sikhism and other religious traditions, while the local Maharashtrians are more orthodox with regard to caste observances and the influence of the Brahmans”). According to Barnouw, “several marriage [had] taken place across caste lines between Sindhi men and lower-caste Maharashtrian women” and one marriage is discussed at length which involved a Sindhi man and a Maharashtrian “Harijan” (untouchable or Dalit) woman. Nonetheless, Barnouw also states that, in spite of the ill-feeling and prejudice that may have existed in Maharashtra’s orthodox Hindu community towards Sindhis at this time – and in spite of the fact that Sindhis remained “a readily identifiable group, set apart in some ways from the main Maharashtrian population” – there had “been no overt challenges to the presence of the Sindhis. No political movement [had] attacked them. There [had] been no anti-Sindhi riots or demonstrations” (Barnouw, V. 1966, ‘The Sindhis, Mercantile Refugees in India’, *Phylon*, vol.27: no.1, pp.40-49 – Attachment 23).

The following extracts provide a gloss of the Sindhi caste system in such a way as to suggest that this system is distinctly different from that found in orthodox Hinduism. The caste strata referred to below are said to be unique to Sindhi Hinduism and to be free of any association with notions of an excluded untouchable, or Dalit, caste:

From a 2004 Masters dissertation:

Another aspect that plays some part in the marriage system of Sindhis is the caste system. This is something that is constantly evolving, and changes can be seen in the increasing number of inter-caste marriages that have taken place in the last ten years or so. Families usually belong to one of the following Sindhi castes: Amil or Amals are traditionally defined as the elite, educated ones, often with positions in government; Sahitis are those from the suburbs, and considered the most conservative; while Bhaibands are usually the ones to go abroad for work, but are not very educated. Bhaibands are usually the wealthiest, because of their early involvement in trade. Once upon a time, not too long ago, a family was inviting scandal if it was to allow a son or daughter to marry someone not of their caste. Today, while it is still discussed when arranging a marriage, this factor has less significance (Gidwani, R. 2004, *The Sindhi Line*, Parsons University, 23 May http://mfadt.parsons.edu/thesis_archive/m2004/Reshma%20Gidwani/Reshma_Gidwani.pdf – Accessed 20 June 2006 – Attachment 6).

From *The Economic and Political Weekly*:

On visiting Sindh, the famous traveller Richard Burton remarked that “throughout Sindh, the Hindu element preponderates in the cities and towns, the Moslem in the country: the former everywhere represents capital, the latter labour” (1993:298). The two predominant communities, amils and bhaibands among Hindu Sindhis controlled the economy. The amils

(literally meaning, the 'educated ones') operated as revenue collectors and consultants to the Talpur Mirs. The bhaibands (traders, moneylenders, shopkeepers) dominated economy outside the court. In some sense every non-amil Hindu Sindhi was a merchant and historiography on Sindh refers to the 'Hindu bania' or 'Hindu sethia' to denote its all-embracing mercantile class. It must be mentioned that these economic divisions among Hindu Sindhis determined their social hierarchy. The Hindus of Sindh are exceptional in being free of the caste-system (Kothari, R. 2004, 'Sindhis: Hardening of Identities after Partition', *The Economic and Political Weekly* website, 28 August <http://www.epw.org.in/showArticles.php?root=2004&leaf=08&filename=7607&filetype=html> – Accessed 20 June 2006 – Attachment 7).

From *The Hindu*:

Loss of country, community, property, torture and genocide – the Sindhis have seen it all. The systematic destruction of their culture began with Arab invasion (712 A.D.) which thrust Persian upon the populace. It also fostered a blend of Iranian Sufism and Vedanta, making mysticism vital to both Hindu and Muslim Sindhi thought. The Partition spelt unimaginable trauma. "We have no home state. We are homeless and rootless," says poet Popati Hiranandani.

Sindhis knew no caste divisions, no untouchability; women had enjoyed considerable freedom. In merging with the cultures of the nations where they resettled themselves, will the migrants lose their progressive values? "If the Sindhi culture had been strong, its language would have been healthy too," reflects Hiranandani. "It is a tragedy that Sindhi festivals, language and traditions are slowly fading away" (Ramnarayan, G. 2004, 'In celebration of diversity', *The Hindu*, 9 November <http://www.hindu.com/br/2004/11/09/stories/2004110900111600.htm> – Accessed 20 June 2006 – Attachment 8).

From the Sindhi Internet Resource website:

Prior to partition about 21% of the 20,000,000 population of Sindh was Hindu. These Hindus were part of the great family of Lohano, which is divided and subdivided into many branches. The divisions are basically those of occupation. The two main classes are as follows. The Amils or government servants, who filled many appointments in the civil service. This conferred a status upon them that set them above others and was marked by a difference in attire. In the past they worked for Muslim rulers who often gave gifts of land in return. Thus they came to be small landowners known as Zamindars or Jagirdar. Under British rule these posts became administrative ones where they held positions as collectors and commissioners, highly respected by the British as well as the common man of Sindh. The other large group of Hindus were involved in trade and commerce of various types. Sindhuwarkis established trading posts throughout the world and dealt in fabrics. Many were extremely rich and their women-folk were renowned for their richly dressed, bejeweled appearances. Shikapuris were bankers who carried on business throughout the Middle East and the Vanya were shopkeepers of all types. Sindhis themselves had no untouchable caste, which in other Indian societies did the menial work.

Various theories abound as to the exact origins of these Lohano. Connections between them and both the Dravidian and Vedic cultures are apparent in the forms of worship they still conduct. For instance some Sindhis still worship the God Varuna as did the Aryans whilst others still pour milk on the Sihiv linga, as did the inhabitants of the Indus civilization. Another connection is the worship of the water god Jhulelal. Most people believe therefore that the Indus valley is the original home of the Lohano although a small minority feel that they may be an immigrant group from the Punjab or Kutch because of the similar sounding names (Ahmed, F. (undated), 'Tracing Our Roots', The Sindhi Internet Resource website <http://www.sindhi-net.com/articles/detail.asp?AID=%7B8A770909-0CDB-43B0-A9C0-9CE4257543E9%7D> – Accessed 20 June 2006 – Attachment 9).

The following extracts refer to Sindhi Hindu practices in such a way as to suggest that orthodox Hindu caste schemas do constitute themselves in Sindhi Hinduism to some degree. Some of the information which follows below refers to the existence of Dalit Sindhis in Pakistan. There are also extracts which suggest that some higher-caste Sindhis undertake Brahman practices and see themselves through notions of Brahman superiority.

From *The Indian Express*:

Most Sindhi Hindus [in Pakistan's Sindh province] are Dalit daily wage labourers, living in abject poverty. Life for the few remaining upper-caste Sindhi Hindus is also not easy. The day I reached Larkana, a major town in interior Sindh, newspapers reported the murder of a local Hindu businessman by dacoits. Such stories are not rare. "It is possible that the train service between Sindh and Rajasthan might help some Hindus in Sindh to shift to India for economic or security reasons," admits Ram Deo, a Dalit Meghwal who runs a roadside eatery in a small town outside Hyderabad. However, he adds, "It is unlikely that it would lead to mass migration because, after all, one can cross over to India only if one has valid documents" ('Track 2, on track' 2006, *Indian Express*, 12 January – Attachment 10).

From *The Hindustan Times*:

Sindhis are an Indo-Aryan language speaking socio-ethnic group of people originating in Sindh which is part of present day Pakistan. Sindhis that live in Pakistan are predominantly Muslim, while many Sindhi Hindus emigrated to India when British India was divided in 1947.

The Sindhi dialect is an Indo-Aryan tongue with an eclectic history not unlike the Sindhis themselves.

Some Sindhi speaking people of formerly untouchable castes known as Harijans and practising what is generally known as folk Hinduism, are still found in rural Pakistan ('Gwalior's Sindhis takes charge of age-old ritual of tonsuring, performing sacred thread ceremonies' 2006, *Hindustan Times*, 5 May – Attachment 11).

From the Wikipedia website:

Another group of people who are largely overlooked in any discussions about groups and culture of Sindh are Haris a name derived from the term Harijan formerly used to describe Dalit people of India. These people are generally believed to be the descendants of indigenous populations that were enslaved by various invading people. Many are still living under abject poverty and in slave like conditions in rural Sindh, in spite of many efforts by the government to improve the situation [1]. Some are nominally Hindus where as others have converted to Islam and moved on as artisans and wage laborers ('Sindhi people' (undated), Wikipedia website http://en.wikipedia.org/wiki/Sindhi_people – Accessed 26 June 2006 – Attachment 12). [Note: Wikipedia is a Web-based free-content encyclopaedia which is written collaboratively by volunteers. Country Research recommends that users of Wikipedia familiarise themselves with the regulatory practices which Wikipedia employs as a preventative measure against vandalism, bias and inaccuracy.]

From the Sindhishaa website:

The Hindu population of Sindh may be divided into Brahmans, Kshatrias, Waishias and Shudras with their different sub divisions. Captain Richard Burton in his book "Customs, language and literature of the people of Sindh" said, "The Hindu portion of Sindhis occupies in Sindh the same social position that the Muhammadans do in India, it is very probable that few or none of the Hindu families which existed in Sindh at the time of the first Muslim inroad have survived the persecution to which they were subjected, and it is most likely that by degrees they were either converted to Islam, or emigrated to another land. The present race is almost entirely of Punjabi origin, as their features, manners, religion, ceremonies, and opinions, as well as their names, sufficiently prove."

Of the Brahmans we find two chief castes which do not inter-marry viz, Pokarno and Sarsudh. The former are Shewaks (or worshippers) of Maharaj and are therefore pure Hindus. The Pokarno considers himself superior to the Sarsudh, he can read, if not understand Sanskrit and is skilled in drawing out of the “Janam Patri” or horoscope of children. He worships Lord Shihiv and goddess Parvati, his consort. Most of the Tirthas, or places of Hindu pilgrimage in Sindh and Balochistan are sacred to the latter deity – as Hinglach, the Makli Hills near Thatta and Dhara Tirth in Lakki Hills near Sewhan. As regards dress he wears the clothes of a Shahukar or Hindu merchant and shaves the beard. Most of them wear a white turban, whereas the Pokarno prefers a red one; and the former will occasionally assume the costume of an Amil (an individual in civil employment).

...Of the Shudras, or servile caste, there were several varieties. The Sonaro (Goldsmith) properly speaking a mixed caste, descended from a Brahman father and a Shudra mother. In Sindh he was distinguished for a superior degree of craftsmanship and usually a wealthy man for his station in life (Matlani, P. (undated), ‘Inhabitants of Sindh’, Sindhishaa website http://www.sindhishaan.com/newsletter/2_7_inhabitant.htm – Accessed 26 June 2006 – Attachment 13).

A recent anthropological study, published in 2003 by Mark Anthony Falzon of the University of Malta, has argued that Hindu Sindhis have so made such a home of Mumbai (formerly Bombay) that it is now Mumbai rather than the Sindh, which is now the hub of the Hindu Sindhi world; the homeland to which Hindu Sindhis around the world return in order to invest, find a marriage partner and to maintain family links. Falzon’s study notes that “the sectarian politics of the Shiv Sena and especially the communal bloodshed of 1992–3” “tarnished” the “cosmopolitanism” on which Mumbai “prides itself” but he makes no mention of there being any troubles for the Sindhi community in Maharashtra in this regard. Some relevant extracts follow:

Hindu Sindhis (henceforth ‘Sindhis’) originate in the province of Sind which from 1843 to 1947 was the northwesternmost province of British India; it became part of the newly-formed nation-state of Pakistan with the Independence of India and the Partition of the country in 1947.

...Most Sindhis are Nanakpanthis. This means that they follow the teachings of Guru Nanak (the first guru of Sikhism) and perform various rituals associated with Sikhism (not with *khalsa* though); at the same time they have not abandoned their devotion to the Hindu pantheon or to the rituals of mainstream Hinduism. In addition, Sindhis today cultivate to a decreasing extent one religious legacy of pre-Partition Sind: Sufism and personal devotions to Sufi *pirs* (holy men).

...Sindhis left their homes in the fledgling Pakistan en masse and moved to India or to locations in which they already had considerable business interests. (It ought to be mentioned, however, that small populations of Hindus still live in Sind, Pakistan.)

My informants (see also Anand 1996) gave various reasons why Bombay attracted more than its fair share of Sindhi Partition refugees: why it became, in fact, the major centre of relocation in post-1947 India. First, the relation between Sind and the city of Bombay had its historical roots in the British period. Sind had been part of the Bombay Presidency up to 1936, and its colleges had been affiliated to Bombay University. ...In addition, many Sindwork firms from Hyderabad had established business branches in Bombay well before 1947; these were in the main sourcing branches intended to supply a growing global trade.

...Last not least, it must be remembered that most Sindhis in pre-Partition Sind were traders, and that therefore Bombay, which has always been the commercial hub of the subcontinent,

held a special attraction to them. In any case the 1951 census of India showed that of the 0.8 million or so Sindhi-speaking people settled in India, 36 per cent had set up home in Bombay. Today several hundred thousand Sindhis live in the city and its satellite towns – notably Ulhasnagar, formerly a refugee camp and now a town which is synonymous with Sindhis and business activities.

...Bombay has the largest single concentration of Sindhis anywhere in the world. Thousands of other Sindhis either have second homes in Bombay or relatives living there, or both. ...The city prides itself on its 'cosmopolitanism' (an image considerably tarnished by the sectarian politics of the Shiv Sena and especially the communal bloodshed of 1992–3) and on its fun-loving, liberal, money-driven lifestyle (Falzon, M.A. 2003, *Ethnic and Racial Studies*, vol.26: no.4, pp.662-683 – Attachment 3).

Background on Shiv Sena

The Shiv Sena is now a principal party of opposition in the state of Maharashtra having lost office to a Congress Party and National Congress Party coalition in 2004. Prior to this the Shiv Sena had, in coalition with the Bharatiya Janata Party (BJP), ruled the Maharashtra state assembly since 1995 ('Sena BJP not to stake claim in Maharashtra' 2004, *Rediff.Com*, 16 October <http://in.rediff.com/election/2004/oct/16claim.htm> – Accessed 22 December 2004 – Attachment 17; Sharma, K. 2005, 'All in the family', *The Hindu* website, 19 August <http://www.hindu.com/2005/08/19/stories/2005081905901100.htm> – Accessed 20 June 2006 – Attachment 18).

Gerard Heuze's study of the evolution of the Shiv Sena observes that "[t]he Shiv Sena, literally 'Shivaji's army,' is in many respects very different from the BJP and the numerous RSS organisations with which it maintains highly ambiguous relations". Heuze's study traces the manner in which the Shiv Sena began as a pro-Marathi organisation, whose street violence was at first principally projected against migrants to Maharashtra, and then evolved into a broader Hindu nationalist movement which targeted Dalits and, above all, Muslims. The beginnings of the organisation, amongst disaffected and unemployed "Marathi-speaking youth", owed much to the fact that "Maharashtrians, limited to manual labor and domestic service, carried no weight compared to Gujarati, Sindhi, and Parsi entrepreneurs, Marwari and Punjabi merchants, Tamil administrators, qualified labor from Kerala, or even in comparison to artisans and restaurant owners (Muslim and Hindu) from Andhra Pradesh and Karnataka".

Religion was not initially at the core of the core of the political project... . The first battle which the Shiv Sena led was against Hindus rather than Muslims in the name of the native inhabitants ("sons of the soil") to manage their affairs themselves and to benefit from jobs and housing. For years immigrants from Karnataka, Tamil Nadu, and the Gangetic Plain represented more important enemies than did the Muslims... .

...Beginning in 1984 the Shiv Sena appeared to be organizing itself at the national level. ...the assertion of a collective identity and the wish to fight Muslims occupied a growing place in the movement which, on the other hand, abandoned its animosity towards Tamils, Keralites, and *Bhais* (from the Gangetic Plain) to adopt a Hindu ecumenicalism.

...In 1986 it won the post of mayor in Aurangabad and the municipality of Thane. ...In the name of national unity and in accordance with an old and constantly re-asserted anti-caste position, the "supreme leader" [Bal Thackeray] vehemently opposed job quotas...It then relinquished, by a slim margin, the post of mayor of Mumbai in 1992, but immediately regained immense credit in the city by fostering the largest anti-Muslim riots in local history in January 1993. ...The formidable capacity of this organization to transform fantasies and

currents of panic into instruments of political mobilization could be verified. More than 600 were killed (Heuze, G. 2000, 'Populism, religion and Nation in Contemporary India: the Evolution of the Shiv Sena', *Comparative Studies in South Asia, Africa and the Middle East*, vol.20: no.1, pp.3-43 – Attachment 4).

The ambiguities associated with the membership and motives of the Shiv Sena organisation are further reflected in the polymorphous nature of Shiv Sena as an institution; 'which is simultaneously a political party of the masses, a social movement, and a self-defense militia' in addition to being a means sponsoring legitimate and criminal networks of revenue raising.

...An analysis of the acts and the discourses of the cadres and militants shows, in fact, that they correspond to four main orientations which define related but distinct areas of intervention: hygiene, utilitarianism, work, and charity. ...Concerns for urban hygiene are centred around the question of shanty towns and other self-built quarters, which of Shiv Sena proposes to stabilize or to get rid of, according to the given times and audiences.

...it proposes the limitation above all of the expansion of poor Muslim families.

...the utilitarianism of the Shiv Sainiks is apparently rooted in three specific substrata that are quite often unconnected. These are (1) the concern for the immediate profitability of daily efforts, "the give and take" inherent in popular milieus; (2) political opportunism, which never totally disregards the economic realities and powers that be; and (3), in certain sections of the organization, the logic of racketeering, an unbridled and apparently primitive form of the ideology of profit (Heuze, G. 2000, 'Populism, religion and Nation in Contemporary India: the Evolution of the Shiv Sena', *Comparative Studies in South Asia, Africa and the Middle East*, vol.20: no.1, pp.3-43 – Attachment 4).

Reports indicate that the Shiv Sena's membership includes Sindhis and that the Shiv Sena has increasingly sought to widen its appeal in Maharashtra by including rather excluding Maharashtra's minority groups.

From *Economic and Political Weekly*:

When the expansion of Shiv Sena began, it appealed to both the marathas and the OBCs. Shiv Sena's strong anti-dalit posture endeared it to these sections. More particularly, Shiv Sena's argument that all power in the state had always gone to the marathas opened up possibilities for the OBCs. At the same time, its opposition to Mandal reservations made it popular among the marathas. The contradictions in these positions notwithstanding, they gave a clear message about the accommodative approach of the Shiv Sena. These moves indicated that Shiv Sena would adopt the same accommodative approach towards most major social groups like the Congress did successfully in the past. One recent instance of this is the attempt of the Shiv Sena to make friends with the dalit forces in the state. In 2003, Uddhav Thakare took the initiative and called for an alliance between Shiv shakti (forces represented by Shiv Sena, but also a euphemism for caste Hindu forces) and Bhim shakti (dalit forces having allegiance to Ambedkar, the various factions of the Republican Party, RPI). This move was calculated to attract the young activists of the RPI. More specifically, this call also signalled the readiness of Shiv Sena to accommodate the Buddhists. Similarly, in the same year, Uddhav Thakare launched an initiative called 'We, Mumbaikars', in which the definition of Mumbaikar – one belonging to Mumbai city – was made so flexible as to include non-Marathi people who have settled in Mumbai long ago, the Gujaratis, Sindhis, etc. In effect, this strategy was adopted in view of the growing numbers of non-Maharashtrian population in Mumbai (Palshikar, S. 2004, 'Shiv Sena: A Tiger with Many Faces?', *Economic and Political Weekly*, 3-10 April <http://www.epw.org.in/articles/2004/04/7040.pdf> – Accessed 20 June 2006 – Attachment 5).

In July 1998 the Shiv Sena's Nandy M Padmakshan made the following comments in interview with *The Economic Times*:

I also want to say that out of the five Shiv Sena Rajya Sabha members only one is a Maharashtrian. One is a Bengali, one is a Gujarati, I from UP, one is a Sindhi. It speaks of the attitude of Shiv Sena ('Stop celebrating failures – Nandy M Padmakshan' 1998, *The Economic Times* (India), 19 July – Attachment 14).

A Sindhi leader within the ranks of the Shiv Sena has recently defected to the Congress Party.

31 May 2006: MUMBAI: The ramshackle Shiv Sena received yet another jolt after its senior leader and MLC Kanhaiyalal Gidwani migrated to the Congress on Tuesday. Mr Gidwani along with over 30 Sena functionaries, including former party secretary Ashish Kulkarni on Tuesday joined the Congress. ...Born in a Sindhi family in a refugee camp of Gujarat, Mr Gidwani became one of the prominent politicians of western Maharashtra. Though he never attained a stature of a popular politician, he always had a major role to play behind the scenes ('Now, Gidwani dumps Sena' 2006, *The Economic Times* (India) website, source: *Times News Network*, 31 May <http://economictimes.indiatimes.com/articleshow/1598348.cms> – Accessed 20 June 2006 – Attachment 15).

A December 2000 report appears to indicate that the Shiv Sena have attempted to make interventions in Pakistan on the behalf of Sindhi Hindus to ensure their safety when they are visiting the Sindh.

21 December 2000: Indication to this affect was given by Mr Surinder Kumar Billa, president of the All-India Hindu Shiv Sena, here today. In a letter addressed to Mr Atal Behari Vajpayee, Prime Minister, Mr Billa said he (Mr Vajpayee) should take up the matter with his Pakistani counter-part for providing fool-proof security to the Hindu pilgrims in that country. It may be mentioned here that a jatha of Sindhi Hindus which visited Pakistan recently had to cut short its visit when pilgrims were humiliated by Pakistani officials, especially the ISI ('Hindus to visit shrines in Pak' 2000, *The Tribune* website, 20 December <http://www.tribuneindia.com/2000/20001221/punjab.htm> – Accessed 20 June 2006 – Attachment 19).

In a recent episode of bipartisan politics, the Shiv Sena worked with the Congress-NCP state government to prevent the demolition of a long standing Sindhi suburb whose development had never been formally approved since it became home to Sindhis relocating during the partition years. Reports indicate that Shiv Sena leaders, along with leaders from other parties, had a financial interest in the protection of this suburb.

...in rare unity, the Congress-NCP coalition and opposition Shiv Sena-BJP are suddenly espousing the refugee cause to justify the ordinance to save 855 illegal buildings in Ulhasnagar from the demolition ordered by the Bombay High Court. Is it the refugees the politicians want to protect or themselves? Last year, in a determined drive, Deshmukh's government demolished about 70,000 illegal slums in Mumbai. Why is flattening illegal buildings in Ulhasnagar shaping up into another story?

The fact, as exposed by this paper, is that many of Ulhasnagar's illegal buildings are owned by politicians across parties, now frantic to keep the bulldozer away just like their counterparts in Delhi (Patil, R. 2006, 'A new Mumbai, still born', *Indian Express*, 12 January http://www.indianexpress.com/res/web/pla/full_story.php?content_id=85730 – Accessed 20 June 2006 – Attachment 20).

2. Is there any information about the authorities' position on any ill-treatment of Sindhi people?

No information could be located in regard to the question of the authorities' position on any ill-treatment of Sindhi people. Nonetheless, reports on links between the Shiv Sena and Maharashtra's police may be of interest. There is a general agreement amongst human rights groups and foreign political commentators that the Shiv Sena have enjoyed the tacit support of the police, and vice versa, in the conduct of numerous episodes of ethno-sectarian violence and in criminal activities (see: Human Rights Watch 1996, 'India: Communal Violence and the Denial of Justice', April, vol.8: no.2 <http://hrw.org/reports/1996/India1.htm> – Accessed 20 June 2006 – Attachment 21; and: Seabrook, J. 1998, 'Very political crimes in Bombay', *Le Monde diplomatique* (English edition) website, June <http://mondediplo.com/1998/06/10india2> – Accessed 20 June 2006 – Attachment 22).

Note: Information relating to this case was produced in a Research Response which was completed on 23 April 1999. Like the present Research Response, this research found information on the mistreatment of minorities in Maharashtra by the Shiv Sena which had taken place with the tacit support of the police. No reports detailing specific attacks on the Sindhi community could be located at this time. *Research Response IND13542* also contains further background information on the Shiv Sena which may be of interest (RRT Country Research 1999, *Research Response IND13542*, 23 April – Attachment 16).

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International News & Politics

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Lokniti website <http://www.lokniti.org/>

Region Specific Links

The Economic and Political Weekly website <http://www.epw.org.in>

The Economic Times (India) website <http://economictimes.indiatimes.com/>

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Topic Specific Links

The Sindhi Internet Resource website <http://www.sindhi-net.com/>

The World Sindhi Institute website <http://www.worldsindhi.org/>

Search Engines

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

University Sites

The University of Sydney Library website <http://www.library.usyd.edu.au/Home.html>

Databases:

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