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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 the relationship between MIM and BJP party members in India and particularly in Hyderabad.
2. Have there been any reports of tension/violence between the two parties / members?
3. Is there any ‘favouritism’ on the part of the authorities with respect to Hindu parties?

RESPONSE:

1. Please provide information on the relationship between MIM and BJP party members in India and particularly in Hyderabad.

The MIM party and members:

While it aims to represent Muslims throughout India, the Majlis-e-Ittehadul Muslimeen (MIM) or All India Majlis-e-Ittehadal Muslimeen (AIMIM) political party holds effective political power only in and around Hyderabad, capital of the south eastern state of Andhra Pradesh. Members have been elected to all three levels of government – national, state and municipal. At the national level, party president Sultan Salahuddin Owaisi held the lower house Lok Sabha seat of Hyderabad from 1984 to 2004 (‘Biographical Sketch, Member of Parliament, 13th Lok Sabha, Owaisi, Shri Sultan Salahuddin’ (undated), Indian Parliament Lok Sabha (House of the People) website http://164.100.24.208/ls/lsmember/biodatap13.asp?mpsno=281 – Accessed 8 August 2006 – Attachment 1), allowing his son, barrister Asaduddin Owaisi, to hold the seat from 2004 (‘Biographical Sketch, Member of Parliament, 14th Lok Sabha, Owaisi, Shri Asaduddin’ (undated), Indian Parliament Lok Sabha (House of the People) website http://164.100.24.208/ls/lsmember/biodata.asp?mpsno=4091 – Accessed 8 August 2006 – Attachment 2). At the state level of the Andhra Pradesh Legislative Assembly, the MIM currently holds three seats (‘Assembly – Member Profiles’ (undated), XII Andhra Pradesh Legislative Assembly website http://www.apassemblylive.com/html/member-profiles.asp – Accessed 7 August 2006 – Attachment 3). At the local level represented by the 100 seats of

The Majlis-e-Ittehadul Muslimeen does not have a website and a list of party members was not found. Three previous RRT Research Responses have answered questions on the aims and political status of MIM in India, including information on its initial fundamentalist aspirations, Muslim constituency, confinement to the city of Hyderabad, and its charitable aim of providing welfare to all “depressed classes” (Question 1 of RRT Country Research 1994, Research Response V93/00418, 11 April – Attachment 6; and Question 1 of RRT Country Research 2003, Research Response IND15708, 20 February – Attachment 7; and Question 1 of RRT Country Research 2003, Research Response IND15987, 19 June – Attachment 8).

**The BJP party and members:**

The Bharatiya Janata (‘Indian People’s’) Party or BJP is described in *Political Parties of the World* thus:

[The BJP] was formed in 1980 …establishing itself as a radical, right-wing, Hindu nationalist organization influenced by the Hindu social-cultural organization the Rashtriya Swayamsevak Sangh [RSS]. Its influence as a national party rose dramatically in the 1989 general election, when it won 88 Lok Sabha seats… It was associated in this period with many actions by militant Hindus opposed to Muslim influence and establishments in the “Hindu belt” of central-northern India.


The strong links between the BJP and radical Hindu nationalist parties and organisations – such as the RSS mentioned above, the Bajrang Dal, and the Shiv Sena – have been the subject of two previous RRT Research Responses (Questions 1, 2 and 3 of RRT Country Research 2001, Research Response IND22491, 27 April – Attachment 10; and Question 3 of RRT Country Research 2001, Research Response IND14866, 12 November – Attachment 11). Together these groups form a family known as the Sangh Parivar (League of Indian nationalist organisations) of which the RSS is the head. The RSS and the VHP are said to have strong networks throughout India, with the BJP considered to be the political wing or representative of the Sangh Parivar.

While the BJP held power at the national level from 1998 to 2004 as the leading member of the National Democratic Alliance (NDA) coalition, the BJP does not have a dominant electoral position in the state of Andhra Pradesh at either the national, state or local level. The BJP did contest the national Lok Sabha seat in Hyderabad in all five elections between 1991 to 2004, coming second to the MIM in all cases (Agraharkar, V. 2005, *Political incentives and Hindu-Muslim violence: A study of Hyderabad, India*’ 10 May, pp. 54-55, Williams
College website [http://www.williams.edu/library/theses/pdf.php?id=31 – Accessed 11 August 2006 – Attachment 12). Eight other BJP candidates were also unsuccessful in winning a national seat in the 2004 national elections from within Andhra Pradesh. An Indian National Congress (INC) led coalition won the 2004 national elections, with the INC winning 29 of the 43 seats from Andhra Pradesh.

State assembly elections were also last held for Andhra Pradesh in 2004. The leading party up until 2004 in the state was the Telugu Desam Party (TDP) which has allied itself with the BJP at both the national and state level. However in the 2004 elections the TDP won only 47 of 294 seats and the BJP only 2 seats, with the Indian National Congress party now dominating at the state level (‘Andhra Pradesh Assembly Elections 2004 Results’ (undated), Election Commission of India website [http://www.indian-elections.com/assembly-elections/result-ap-11may.html – Accessed 15 August 2006 – Attachment 13; and ‘Bharatiya Janata Party’ (undated) Wikipedia website [http://en.wikipedia.org/wiki/Bharatiya_Janata_Party – Accessed 11 August 2006 – Attachment 14). Finally at the local level of the Municipal Corporation of Hyderabad, the first elections in 15 years were held in 2002. The BJP and TDP combined to win 37 of the 100 local divisions, one more than the MIM (Jafri, S.A. 2002, ‘Hyderabad mayor takes oath amid protests’ 11 February, rediff.com website, [http://www.rediff.com/news/2002/feb/11hyd1.htm – Accessed 10 August 2006 – Attachment 15).

2. Have there been any reports of tension/violence between the two parties / members?

According to a chronological survey of communal riots in India from 1947 to 2003 undertaken by B Rajeshwari for the Institute of Peace and Conflict Studies in New Delhi, the first incident involving the MIM and BJP in Hyderabad occurred in 1983. It involved the desecration of a mosque and the calling of a bandh (general strike) by the MIM party. Forty-five people died and 150 were injured. The author remarks on this incident that:


A RRT Country Research Response from April 1994 refers to similar events in 1985:

Hyderabad has been a centre of communal violence in recent years …. Against this background, clashes have occurred between MIM followers and supporters of the Hindu extremist Bharatiya Janata Party (BJP). Reuters reports from 1985 describe street battles involving these groups and resulting in several deaths …. A report from 1990 indicates ongoing tension and further Hyderabad riots, which police allege were sparked by a land dispute between an MIM leader and a BJP member (RRT Country Research 1994, Research Response V93/00418, 11 April – Attachment 6).

On the question of the role of the BJP in causing violence against Muslims in Hyderabad and Andhra Pradesh, a 1998 Department of Foreign Affairs and Trade (DFAT) report included in a 1998 Research Response has this to say:

In relation to violence in Hyderabad between Muslims and Hindus … Hyderabad has a history of communal sensitivity. Although Muslims are a minority in the city, they comprise
around 40 per cent of the population. The large presence of Muslims in the city has seen frequent bouts of communal violence; in June 1998 communal violence left 12 dead. However, this violence is not systematically organised or institutionalised in any way in DFAT’s view. It is the product of unpredictable frictions over a range of issues, as characterises most communal violence throughout India. While active in the city and State of Andhra Pradesh, the BJP cannot be said to be orchestrating outbreaks of communal violence.

As throughout India where communal violence does occur the Indian authorities seek to end it at the earliest. Persons considered to be inciting communal violence can be prosecuted under Indian law (RRT Country Research 1998, Research Response IND13098, 31 July – Attachment 17).


Another DFAT report, this time from October 2003, covering the ill-treatment or harassment of Muslims in India refers to the opinions of human rights organisations and observers on the role of the BJP and Hindu extremist groups. It does not refer to the MIM or Hyderabad but speaks of the situation across India:

While most Muslims … are generally able to live a normal life in India, well respected human rights organisations point to an increase in recent years of harassment, ill treatment, and on some occasions the use of extreme violence against these religious minority groups. The perpetrators are often members or supporters of Hindu extremist groups, and, according to media reports, often are not held to account. The trial and conviction of those responsible for the murder of Australian missionary, Graham Staines and his two sons, has been viewed by respected Indian human rights activists as a significant exception to what they believe is an increasing climate of impunity under which Hindu nationalist extremists act. In the view of these observers, the core political party in the coalition national government, the BJP, depends heavily on the resources of these groups and the votes they are able to mobilise at elections. Harassment and ill treatment of Muslims and Christians has not been restricted to particular states in India.
With the exception of the killings and violence in Gujarat in 2002, instances of violence tend to be localised events, rather than widespread organised campaigns of violence targeting religious minorities (Department of Foreign Affairs and Trade, 2003, *DFAT Report 254 – India RRT Information Request IND16042*, 13 October – Attachment 21).


The most recent clashes between MIM and BJP supporters found come from 2004, when the BJP contested the national elections in Hyderabad against the MIM candidate Assaduddin Owaisi. During the contest, a newspaper article does report on clashes between MIM and BJP supporters:

> The BJP seems keen to dislodge the MIM from its citadel — poll arithmetic apart, an edge comes to the contest as the sitting MP, Owaisi Senior, had walloped BJP president M. Venkaiah Naidu by over a lakh votes in the 1996 polls. **Moreover, the party has been making a push in the constituency and clashes between BJP and MIM supporters have often led to flare-ups** (Radhakrishna, G.S. 2004, ‘BJP fields star for Carminar contest’ The Telegraph, 29 March [http://www.telegraphindia.com/1040330/asp/nation/story_3062803.asp](http://www.telegraphindia.com/1040330/asp/nation/story_3062803.asp) – Accessed 10 August – Attachment 24).

3. Is there any ‘favouritism’ on the part of the authorities with respect to Hindu parties?

An explicit statement on the close connection between the BJP, “Hindu extremists” and the police in Hyderabad can be found in the 2000 US Department of State Annual report for International Religious Freedom.

> The degree to which the BJP’s nationalist Hindu agenda is felt throughout the country with respect to religious minorities varies depending on the region. State governments continue to attach a high priority to maintaining law and order and monitoring intercommunity relations at the district level. The four southern states are ruled by political parties with strong secular and prominority views. Each of these parties—the Dravida Munnetra Kazhagam (DMK) in Tamil Nadu, the **Telugu Desam Party (TDP) in Andhra Pradesh**, the Communist Party in Kerala, and the Congress Party in Karnataka—has a history of support for religious minorities and has attempted to assuage religious minority fears about religious tension in the rest of the country. Such fears were aroused when the DMK and TDP entered the National Democratic Alliance (NDA) with the BJP during the 1999 Lok Sabha elections. However, both parties subsequently took pains to reaffirm their commitment to secularism and to allay apprehensions from their religious minority supporters.

> The southern branches of the BJP generally take a more moderate position on minority issues, but religious groups in the region still allege that since the BJP’s rise to power in the national Government, some government bureaucrats have begun to enforce laws selectively to the detriment of religious minorities. The groups cite numerous examples of discrimination, such as biased interpretations of postal regulations, including removal of
postal subsidies; refusals to allocate land for the building of churches; and heightened scrutiny of NGO’s to ensure that foreign contributions are made according to the law… Also, Muslim leaders in Hyderabad allege that Hindu extremists in the Andhra Pradesh police force have harassed Muslim youth and students at religious schools under the pretext of investigating plots by the ISI, Pakistan’s Inter-Services Intelligence (intelligence service) (US Department of State 2000, Annual Report on International Religious Freedom: India, 5 September – Attachment 25).

A research response completed in 2001 looked at the general situation of Muslims in India (Question 5 of RRT Country Research 2001, Research Response IND14866, 12 November – Attachment 11). In doing so, it referred to both the US Department of State Report and UK Home Office reports for 2001, both of which contain references to the non-actions of authorities toward offences committed by BJP linked Hindu extremists. The US Department of State report states:

Human rights groups and others have suggested that the response by authorities in some states to acts of violence against religious minorities by Hindu extremist groups has been ineffective, at least in part because of the links between these groups and the BJP, and have noted that the ineffective investigation and prosecution of such incidents may encourage violent actions by extremist groups. Some Christian groups also claim that BJP officials at state and local levels have become increasingly uncooperative. The Government also has been criticized for not attempting to restrain the country’s radical Hindu groups.

The degree to which the BJP’s nationalist Hindu agenda is felt throughout the country with respect to religious minorities varies depending on the region. In some states, governments made efforts to reaffirm their commitment to secularism. In others, mainly in the south, religious groups allege that since the BJP’s rise to power in the national Government, some government bureaucrats have begun to enforce laws selectively to the detriment of religious minorities (US Department of State 2002, Country Reports on Human Rights Practices – India 2001, March 4 – Attachment 26).

The UK Home Office report for the same year 2001 contains a reference to accusations by Muslims that local police have not acted toward offending Hindus:

Muslims have accused Hindu organisations, such as the Rashtriya Swayam Sevaksangh (RSS), the Vishwa Hindu Parishad (VHP) and Shiv Sena, of deliberately seeking to drive them out of the cities, where many Muslims are textile workers, craftsmen and shopkeepers, so that Hindus can take over their jobs and businesses. Hindu leaders have rejected the charge. Muslims have also alleged that the predominantly Hindu local police make little effort to protect their community during riots (UK Home Office 2001, India Assessment, April, para, 5.8.15 – Attachment 27).

Allegations from the MIM leader Owaisi of police inaction with regard to communal violence in Hyderabad is contained in a 2002 newspaper report:

The Majlis-e-Ittehadul Muslimeen legislator Asaduddin Owaisi, who lodged a protest with the Hyderabad City Police Commissioner M.V. Krishna Rao against the incidents and the failure of the police to take action in the matter said it was clearly aimed at vitiating the peaceful communal atmosphere in the city (‘Miscreants burn autorickshaws in Hyderabad’ 2002, Khaleej Times, 11 April www.khaleejtimes.co.ae/ktarchive/110402/subcont.htm Accessed 14 August 2006 – Attachment 28).
The October 2003 DFAT report quoted above in answer to question 2 also states that the perpetrators of harassment, ill treatment, and of extreme violence against religious minority groups “are often members or supporters of Hindu extremist groups, and, according to media reports, often are not held to account”, and refers to the “increasing climate of impunity under which Hindu nationalist extremists act” (Department of Foreign Affairs and Trade, 2003, *DFAT Report 254 – India RRT Information Request IND16042*, 13 October – Attachment 21).

Amnesty International’s report for India in 2003 also refers to the discrimination of police and judicial authorities with regard to Muslims:

Socially and economically marginalized sections of society, such as … religious minorities, including Muslims, continued to be discriminated against by the police, the criminal justice system and non-state actors, despite legislation aimed at protecting some of these groups. They continued to be particularly vulnerable to torture and ill-treatment, which remained widespread across the country. The ongoing international campaign against “terrorism”, as well as the heightened tensions with Pakistan, contributed to the giving of undue legitimacy to various forms of discrimination against the Muslim minority, including violence and the denial of access to justice (Amnesty International, 2003, Report 2003: India, [http://web.amnesty.org/report2003/Ind-summary-eng](http://web.amnesty.org/report2003/Ind-summary-eng) – Accessed 6/05/04 – Attachment 29).

The latest US Department of State report for India covering 2005 reported a lack of government protection toward Muslims in Hindu-dominated areas:

Muslims in some Hindu-dominated areas continued to experience intimidation and reported a lack of government protection, resulting in their inability to work, reside, or send their children to schools. In some areas, primarily in Gujarat, Hindutva groups displayed signs stating “Hindus only” and “Muslim-free area.” There were also allegations of prohibitions on the Muslim call to prayer (US Department of State 2006, *Country Reports on Human Rights Practices* – India 2005, March 8 – Attachment 30).

**List of Sources Consulted**

**Internet Sources:**

**Government Information & Reports**

UK Home Office [http://www.homeoffice.gov.uk/](http://www.homeoffice.gov.uk/)

US Department of State [http://www.state.gov/](http://www.state.gov/)

Government of India website [http://goidirectory.nic.in/](http://goidirectory.nic.in/)

Indian Parliament Lok Sabha (House of the People) website [http://loksabha.gov.in/](http://loksabha.gov.in/)


**Non-Government Organisations**

Institute of Peace and Conflict Studies New Delhi website [http://www.ipcs.org/index.jsp](http://www.ipcs.org/index.jsp)


Amnesty International [http://www.amnesty.org](http://www.amnesty.org)

**International News & Politics**


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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


2. ‘Biographical Sketch, Member of Parliament, 14th Lok Sabha, Owaisi, Shri Asaduddin’ (undated), Indian Parliament Lok Sabha (House of the People) website. (http://164.100.24.208/ls/lsmember/biodata.asp?mpsno=4091 – Accessed 8 August 2006)


27. UK Home Office 2001, India Assessment, April.

