

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

Research Response Number: IND32453
Country: India
Date: 29 October 2007

Keywords: India – Mumbai – Kurla West – Bandra – Shiv Sena

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Questions

1. In what state and national constituencies are Kurla West and Bandra located?
2. Were there any Shiv Sena candidates for these constituencies in any recent elections?
3. Does Shiv Sena operate openly in the same manner as other political parties in India such as Congress and BJP?
4. Does Shiv Sena operate any social organisations which do charitable work in Mumbai?

RESPONSE

1. In what state and national constituencies are Kurla West and Bandra located?

The sources consulted indicate that the districts of Kurla and Bandra are both in the city of Mumbai. There are six *national* constituencies in Mumbai (out of 48 for the whole state of Maharashtra): Mumbai South, Mumbai South Central, Mumbai North Central, Mumbai North East, Mumbai North West, and Mumbai North. Reports indicate that **Kurla** is in the constituency of **Mumbai North East**, and **Bandra** in **Mumbai North West**. (Kurla West is a poor area of Kurla; no reports were found indicating that Kurla West is in a separate constituency to Kurla itself.)

Regarding *state* constituencies, there are 288 state assembly seats in Maharashtra, of which 34 are in Mumbai. There are state constituencies named **Bandra** and **Kurla** in Mumbai.

Four relevant maps from the Election Commission of India website have been attached.

A map of the **national constituencies** in Maharashtra shows the 48 seats consisting of 41 general seats, 3 allocated to Scheduled Castes and 4 to Scheduled Tribes. Mumbai has been

circled on the map, although it is not possible to distinguish the boundaries of the constituencies in that area as the map is too small. Another map shows which seats were won in the 2004 Parliamentary Elections, including 13 by the Congress Party (INC) and 12 by Shiv Sena (SHS) ('Maharashtra Parliamentary Constituencies' (undated), Election Commission of India website http://www.eci.gov.in/election_maps/PC/S13/S13_PC.gif – Accessed 25 October 2007 – Attachment 1; 'Parliamentary Elections 2004: Maharashtra' (undated), Election Commission of India website http://www.eci.gov.in/election_maps/Results/PC/S13/S13_PC.jpg – Accessed 25 October 2007 – Attachment 2).

A map of the **state assembly constituencies** in Maharashtra shows the 288 seats consisting of 248 general seats, 18 allocated to Scheduled Castes and 22 to Scheduled Tribes. Mumbai has been circled on the map, although it is not possible to distinguish the constituencies in that area as the map is too small. Another map shows which seats were won in the 2004 Parliamentary Elections, including 69 by the Congress Party (INC) and 62 by Shiv Sena (SHS) ('Maharashtra Assembly Constituencies' (undated), Election Commission of India website http://www.eci.gov.in/election_maps/AC/S13/S13_AC.jpg – Accessed 25 October 2007 – Attachment 3; 'Assembly Elections 2004: Maharashtra' (undated), Election Commission of India website http://www.eci.gov.in/election_maps/Results/AC/S13/S13_AC.jpg – Accessed 25 October 2007 – Attachment 4).

More detailed information follows on the areas of Kurla and Bandra in Mumbai.

Kurla

Indian Election Commission's statistical report on the 2004 **state assembly** elections in Maharashtra lists the 288 state constituencies, including **Kurla at Number 49** (Election Commission of India 2004, *Statistical Report on General Election, 2004, to the Legislative Assembly of Maharashtra*, p.6 – Attachment 5 [Note: This document has not been stored electronically as it is too large. It can be found at the Election Commission of India website at <http://www.eci.gov.in/StatisticalReports/ElectionStatistics.asp>]).

Regarding **national constituencies**, a 2002 *Times of India* article mentions that Mumbai North-East is "a vast stretch that covers Chembur, **Kurla**, Mankhurd, Ghatkopar, Mulund and Trombay". A 2004 article from *Hindu Businessline*, states that "Mumbai's North-East constituency...extends between the suburbs of Mulund and **Kurla**" ('Cong didn't want to use NCP as crutch: Gurudas Kamat' 2002, *The Times of India*, 16 February <http://timesofindia.indiatimes.com/articleshow/1098448.cms> – Accessed 26 October 2007 – Attachment 6; Menon, Nirmal D. 2004, 'Pollspeak is now tech-savvy', *Business Line*, 26 March <http://www.thehindubusinessline.com/2004/03/26/stories/2004032601671700.htm> – Accessed 26 October 2007 – Attachment 7).

A 2004 article from *The Times of India* is of interest. It comments that there is a "sizeable slum vote" in Mumbai North-East constituency, and calls the segments of **Kurla**, Chembur and Trombay "Dalit-Muslim dominated" ('And now, it's your vote that will count' 2004, *The Times of India*, 26 April <http://timesofindia.indiatimes.com/articleshow/638856.cms> – Accessed 26 October 2007 – Attachment 8).

Bandra

Indian Election Commission's statistical report on the 2004 **state assembly** elections in Maharashtra lists the 288 state constituencies, including **Bandra at Number 36** (Election Commission of India 2004, *Statistical Report on General Election, 2004, to the Legislative Assembly of Maharashtra*, p.5 – Attachment 5 [Note: This document has not been stored electronically as it is too large. It can be found at the Election Commission of India website at <http://www.eci.gov.in/StatisticalReports/ElectionStatistics.asp>]).

Regarding the **national constituency**, a November 2005 article on a by-election in **Mumbai North-West** mentions **Bandra** and provides other information about this constituency:

Polling for Mumbai North-West Lok Sabha constituency, where late filmstar-turned-politician Sunil Dutt's daughter Priya Dutt of Congress takes on Shiv Sena leader Madhukar Sarpotdar, began this morning (Nov 19, 2005) amidst tight security.

Over 16 lakh voters are eligible to cast their franchise in the by-elections necessitated by the death of Sunil Dutt on May 25.

There was a tight security at all 1480 polling stations in the constituency, that spreads from Bandra to Versova and has almost entire Bollywood and several prominent people like the Shiv Sena chief, Bal Thackeray, as the voters ('Polling in Mumbai North-West constituency begins' 2005, IndiaInfo.com website, 19 November <http://news.indiainfo.com/2005/11/19/1911polls-mumbai-north-west-constituency-begins.html> – Accessed 26 October 2007 – Attachment 9).

Another article on the results of the same by-election provides further information on the area:

Setback for Shiv Sena in Maharashtra

NOTWITHSTANDING its severe drubbing in the Bihar Assembly elections, the Congress has every reason to feel happy with its performance in the byelections held in Maharashtra. Its candidates — Priya Dutt and Narayan Rane — have won the **prestigious Mumbai North-West Lok Sabha** and Malvan Assembly by-elections respectively. The two Congress candidates have inflicted a crushing blow on the Shiv Sena. Though smart and articulate, Priya Dutt is a novice to politics. She exuded confidence about her victory during the campaign as she spelt out plans for Mumbai's improvement and providing basic necessities as her priorities. But she won mainly because of the respect her late father Sunil Dutt commanded among the **predominantly urban electorate — from Bandra to Goregaon —** for the good work he had done as a filmstar, parliamentarian and, above all, Union Minister. The byelection was caused following his sudden demise in May. Sunil Dutt had never lost an election from this constituency since 1984 ('North by North-West: Setback for Shiv Sena in Maharashtra' 2005, *The Tribune*, 23 November <http://www.tribuneindia.com/2005/20051123/edit.htm#2> – Accessed 26 October 2007 – Attachment 10).

2. Were there any Shiv Sena candidates for these constituencies in any recent elections?

The sources consulted indicate that in the *national* elections in 2004, there was a Shiv Sena candidate in **Mumbai North West**, but not in **Mumbai North East**, and that the Shiv Sena candidate lost to the Congress Party candidate. When **Mumbai North West** was contested again in a 2005 by-election, the Shiv Sena candidate lost once more to the Congress candidate. In the *state* elections of 2004, there was a Shiv Sena candidate in **Kurla** who lost to the Congress candidate. The seat of **Bandra** also was won by a Congress candidate, whose

nearest rival was the BJP candidate; it is not clear whether Shiv Sena was also running a candidate in Bandra as they were in alliance with the BJP. Bandra is a significant area to the Shiv Sena as it is a prestigious area where the party's leader Bal Thackeray has his residence. The statistical report on the 2004 **state assembly** elections in Maharashtra states that in Kurla the Shiv Sena candidate Dattaram Gujar gained 77119 votes, but he was beaten by the Congress candidate Khan Mohd Arif (Nassem) with 119612 votes (p.74). The report does not mention a Shiv Sena candidate in Bandra, stating only that a Congress candidate won over a BJP candidate (p.61). In the 2004 state elections, Shiv Sena contested 163 seats and won 62 (p.12) (Election Commission of India 2004, *Statistical Report on General Election, 2004, to the Legislative Assembly of Maharashtra*, p.6 – Attachment 5 [Note: This document has not been stored electronically as it is too large. It can be found at the Election Commission of India website at <http://www.eci.gov.in/StatisticalReports/ElectionStatistics.asp>]).

A *Rediff.com* article on the 2004 state elections discusses the poor performance of the “saffron alliance” between Shiv Sena and the BJP. It states that even the area where the Thackerays live in Bandra had “voted against the Sena”, which may either imply that there was a Shiv Sena candidate in Bandra as well as the BJP candidate who is mentioned, or that people simply voted against the whole alliance:

The BJP can arguably seek to deflect criticism by pointing out that it is the Shiv Sena's poor performance that has let down the saffron alliance. After all, the results show that while the BJP has been able to hold on to its 1999 tally, the Sena has slipped. But that would be both specious and self-defeating, not least because the BJP has managed to win just about half the seats it contested.

One could be facetious and point out the drubbing received by the **BJP's socialite candidate in fashionable Bandra** at the hands of a self-confessed ‘gali ka chhokra’ who contested on the Congress ticket as indicative of the voting pattern that resulted in the saffron alliance's debacle. But the very fact that the BJP, which once prided in connecting with India's unwashed masses and salaried middle class, is now so easily dazzled by glitz and glamour is symptomatic of the malaise and the rot that has set in.

Of course, the Sena must own up to its role in ensuring an unmitigated disaster for the saffron alliance. The deplorable linguistic chauvinism that marked the Sena's campaign in Mumbai has been repudiated by voters not only in that city but in other urban conglomerates like Pune and Nagpur.

Balasaheb Thackeray tried to foist his son on the party and the people; this has been accepted by neither. Its poor choice of candidates in constituencies that would normally vote for the Sena ensured fragmentation of support because of rebel candidates. **Even the neighbourhood of Matoshree (the Thackeray home) has voted against the Sena.**

All this and much more can be catalogued as the Sena's contribution to the saffron alliance's defeat. But that will not mitigate the BJP's loss, nor shall it detract from the fact that the BJP's stakes in the election were many times more than those of its senior partner – not at the level of individuals, but for the party organisation at the national level (‘BJP snatched defeat from the jaws of victory’ 2004, *Rediff.com*, 18 October <http://www.rediff.com/news/2004/oct/18kanch.htm> – Accessed 29 October 2007 – Attachment 11).

A chart of the 2004 state assembly election results from *Rediff.com* shows that of the 34 seats in Mumbai, Shiv Sena won nine (‘Assembly elections 2004: Maharashtra 2004 poll outcome’

2004, Rediff.com <http://in.rediff.com/election/2004/oct/16kbkmaha.htm> – Accessed 29 October 2007 – Attachment 12).

The Election Commission of India's statistical report on the 2004 *Lok Sabha* elections (the *national* parliamentary elections) lists all the results for the 48 constituencies in Maharashtra. The six Mumbai constituencies are on pages 252-254. The results for **Mumbai North East** (where **Kurla** is located) do not list a Shiv Sena candidate (p.253). The results for **Mumbai North West** (where **Bandra** is located) do list a **Shiv Sena candidate named Sanjay Nirupam**, who lost to the Congress candidate Sunil Dutt (p.254). The report states that Shiv Sena won 12 *Lok Sabha* seats in that election (p.106) and lists the seats themselves at pages 90-91 (Election Commission of India 2004, *Statistical Report on General Elections, 2004, to the 14th Lok Sabha*, p.6 – Attachment 13 [Note: This document has not been stored electronically as it is too large. It can be found at the Election Commission of India website at <http://www.eci.gov.in/StatisticalReports/ElectionStatistics.asp>]).

The winning Congress candidate for Mumbai North West, Sunil Dutt, died in **2005**, which necessitated a by-election in the seat of **Mumbai North West**. The seat was contested by his daughter, Priya Dutt, who stood for the Congress Party, winning against the Shiv Sena candidate. Reportedly this was considered a severe setback for the party ('North by North-West: Setback for Shiv Sena in Maharashtra' 2005, *The Tribune*, 23 November <http://www.tribuneindia.com/2005/20051123/edit.htm#2> – Accessed 26 October 2007 – Attachment 10).

3. Does Shiv Sena operate openly in the same manner as other political parties in India such as Congress and BJP?

4. Does Shiv Sena operate any social organisations which do charitable work in Mumbai?

The sources consulted indicate that Shiv Sena is a legitimate political party, albeit one that has been accused of extremism and incitement to violence. Over the years it has been involved in various charitable and social improvement activities as well as political activism.

The Election Commission of India statistical report on the 2004 Maharashtra state assembly elections lists Shiv Sena (SHS) as a state-based political party (Election Commission of India 2004, *Statistical Report on General Election, 2004, to the Legislative Assembly of Maharashtra*, p.1 – Attachment 5 [Note: This document has not been stored electronically as it is too large. It can be found at the Election Commission of India website at <http://www.eci.gov.in/StatisticalReports/ElectionStatistics.asp>]).

The *Political Handbook of the World 2007* states of the party:

Shiv Sena (SS). Meaning "Army of Shivaji" (referencing a 17th-century Hindu warrior king who repulsed the armies of the Muslim Moghul empire), the Maharashtra-based *Shiv Sena* articulates Hindu nationalism even more forcefully than the BJP. Led by a former newspaper cartoonist turned populist orator [Bal Thackeray], the movement was prominent in the anti-Muslim violence that led to the destruction of the Ayodhya mosque in December 1992. It won 15 *Lok Sabha* seats in the April-May 1996 election and was represented in the resultant very short-lived government led by the BJP. Closely linked to the BJP, the SS brought its remaining 6 seats into the BJP-led government following the 1998 election. In the 1999 *Lok Sabha* balloting the party returned to its earlier strength, winning 15 seats even though its

president had been disenfranchised for six years in July 1999 because of a conviction for inciting communal hatred in a 1987 speech. At the 2004 general election it retained 12 seats.

In early 2003 a dispute between Bal Thackeray's youngest son, Uddhav, and a nephew, Raj Thackeray, over who would accede to the party leadership concluded with Uddhav's elevation. In December 2005 Raj resigned from the party and in March 2006 he formed the Maharashtra Navmirman Sena (MNS), to which he hoped to attract SS dissidents.

Leaders: Balashaheb (Bal) THACKERAY, Uddhav THACKERAY (Executive President) (Banks, Arthur S., Muller, Thomas & Overstreet, William R. 2007, *Political Handbook of the World 2007*, CQ Press, Washington D.C., p.539 – Attachment 14).

Three recent RRT Research Responses provide background information on Shiv Sena:

- A May 2007 response provides updates on rivalries within Shiv Sena; its influence in states outside Maharashtra; and recent violent incidents involving activists (RRT Country Research 2007, *Research Response IND31794*, 18 May – Attachment 15).
- Questions 4-6 of an August 2006 response contain extensive background material on the party (RRT Country Research 2006, *Research Response IND30381*, 10 August – Attachment 16).
- Question 1 of a July 2006 response quotes from a 2000 study of the evolution of Shiv Sena into a political party, and discusses social and charitable work by the party in poor areas of Mumbai. It indicates that this kind of work has been used by the party to build up its populist support base (RRT Country Research 2006, *Research Response IND30284*, 4 July – Attachment 17).

List of Sources Consulted

Internet Sources:

Rediff.com

Election Commission of India website

Google search engine

Databases:

ISYS

List of Attachments

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