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India: The Shiv Sena [Shivsena, SHS, SS] political party, including their activities and presence; treatment of Sikhs by Shiv Sena members; whether Shiv Sena is involved in criminal activity, including drug trafficking (2019-June 2021) [IND200629.E]

Research Directorate, Immigration and Refugee Board of Canada

1. Overview

1.1 Origin and Ideology

Sources report that Shiv Sena is a Hindu nationalist political party based in Maharashtra state (*The Diplomat* 9 Dec. 2019; *Political Handbook of the World* 2019, 21). Sources note that Shiv Sena was founded by Bal Thackeray [Balasaheb Keshav Thackeray] in 1966 (*Encyclopædia Britannica* 6 Apr. 2021; PTI 28 Nov. 2019; *The Indian Express* 14 Aug. 2020). Sources indicate that the party was formed to promote issues relevant to the Marathi-speaking [1] populace of Maharashtra state (*Hindustan Times* 23 Apr. 2021) or to “fight against the oppression of the Marathi people” (Shivsena n.d.a).

Sources describe Shiv Sena as “extreme” (*The Diplomat* 9 Dec. 2019) or “hardline” (Reuters 1 May 2019). *Encyclopædia Britannica* indicates that Shiv Sena has pushed for “the end of India’s constitutional status as a secular state and the adoption of Hinduism as the country’s official religion” (*Encyclopædia Britannica* 6 Apr. 2021). In a telephone interview with the Research Directorate, an associate professor of political science at Hiram College in Ohio specialized in ethno-nationalism, identity and society in South Asia, particularly India, indicated that Shiv Sena has a “nativist and anti-immigrant ideology antithetical to migrants from northern India,” as “it feels [they] dilute the Marathi culture in the state” (Associate Professor 12 May 2021). In correspondence with the Research Directorate, a professor of political science at McGill University, who has conducted research on populism in India, explained that “Shiv Sena’s Hindu nationalist orientations ... are primarily directed against Muslims and Christians rather than Sikhs” (Professor of political science 30 Apr. 2021). Sources report that Shiv Sena was involved in “some” episodes of “social hostilities” (Australia 10 Dec. 2020, 29), or “multiple incidents of communal hatred” (*The Diplomat* 9 Dec. 2019), or “anti-Muslim violence” (*Political Handbook of the World* 2019, 21). The *Political Handbook of the World 2018-2019* indicates that a June 2008 commentary in *Saamana*, Shiv Sena’s newspaper, “called for Hindus to adopt the tactics of Islamist suicide bombers” (*Political Handbook of the World* 2019, 22). A May 2019 Reuters article notes that *Saamana* called for a burqa and niqab ban in India (Reuters 1 May 2019).

1.2 Alliances

According to sources, Shiv Sena has been politically allied with Prime Minister Narendra Modi’s Bharatiya Janata Party (BJP) (*Political Handbook of the World* 2019, 21-22; Reuters 1 May 2019). The Associate Professor indicated that, “[h]istorically,” Shiv Sena “has been closely linked to the BJP,” but has “sometimes” had friction with the BJP, “partially on regional issues” (Associate Professor 12 May 2021). The same source further explained that Shiv Sena is a regional party with a “strong sense of regional Marathi linguistic and cultural nationalism” while the BJP as a national party “has to represent a wide and diverse cross-section of Hindus across India” (Associate Professor 12 May 2021).

According to sources, the BJP-Shiv Sena alliance ended in November 2019 following the Maharashtra state election, and Shiv Sena formed a new alliance with [secular parties (*Hindustan Times* 23 Apr. 2021)] the Indian National Congress (INC) and the Nationalist Congress Party (NCP) (*The Diplomat* 9 Dec. 2019; *Hindustan Times* 23 Apr. 2021), to form the Maha Vikas Aghadi (Maharashtra Development Front, MVA) coalition state government (*The Diplomat* 9 Dec. 2019). According to the Professor of political science, Shiv Sena “ended its alliance with the BJP mainly over electoral arrangements in Maharashtra [rather] than over Hindu nationalist policies” (Professor of political science 30 Apr. 2021). Sources describe the MVA alliance as an “unlikely coalition” (*The Diplomat* 9 Dec. 2019) or as created by “ideologically opposite” parties (PTI 28 Nov. 2019). The Professor of political science noted that, as a part of the MVA coalition government, Shiv Sena has “pushed the central government for greater autonomy for state governments” (Professor of political science 30 Apr. 2021).

The Professor of political science indicated that Shiv Sena came to "an understanding with the main Sikh party, the Shiromani Akali Dal (SAD), to coordinate the efforts of opposition parties in relation to the central government" (Professor of political science 30 Apr. 2021). An article in the *Indian Express*, an Indian English-language newspaper, reports that Shiv Sena offered support to the SAD for the farmers' protest against the new BJP-introduced farm bills [see Section 3.1] in December 2020 (*The Indian Express* 7 Dec. 2020).

1.2.1 MVA

Sources indicate that the MVA coalition government released a "Common Minimum Programme" (CMP), which proposes enacting a law to reserve 80 percent of jobs for local residents (*Mumbai Mirror* 28 Nov. 2019; *The Quint* 28 Nov. 2019). Sources report that in July 2020 the Maharashtra government launched a job portal, but registration on the portal required a domicile certificate (*Mint* 6 July 2020; *The Free Press Journal* 6 July 2020).

1.3 Structure and Leadership

According to Shiv Sena's website, the party structure includes a president, leaders, deputy leaders, secretaries, spokespeople, and a chief spokesperson (Shivsena n.d.b). A detailed list of party leadership is available on Shiv Sena's website (Shivsena n.d.b).

In correspondence with the Research Directorate, a professor of anthropology at Stanford University, who has conducted research on Hindu nationalism in India, indicated the following:

Like so many other political parties in India, Shiv Sena functions to a large extent as a "family business." ... It is loyalty and proximity to the now quite sprawling Thackeray family that is the most important element in the rise (and fall) of influential leaders, MPs [members of parliament] and other elected officials. (Professor of anthropology 17 May 2021)

The same source indicated that Bal Thackeray, who died in 2012, was succeeded by his son, Uddhav Thackeray [Uddhav Balasaheb Thackeray, Uddhavsahab Thackeray] (Professor of anthropology 17 May 2021). According to Shiv Sena's website, Uddhav Thackeray is the party's president and the Chief Minister of Maharashtra state (Shivsena n.d.b). A 2017 article by the Press Trust of India (PTI), an Indian news agency, indicates that he became party president in 2013 (PTI 26 Dec. 2017).

The Shiv Sena website indicates that Sanjay Raut is the chief spokesperson and an MP (Shivsena n.d.b). According to sources, Raut is the executive editor of *Saamana* and Rashmi Thackeray, Uddhav Thackeray's spouse, was appointed as *Saamana*'s editor in March 2020 (*Mumbai Mirror* 2 Mar. 2020; *The Times of India* 1 Mar. 2020). *Mumbai Mirror*, a Mumbai-based newspaper owned by the Times Group media conglomerate (The Times Group n.d.), notes that Rashmi Thackeray is "active" in "backroom" party operations and adds that she has a "keen interest" in the Mahila Aghadi, Shiv Sena's women's wing (*Mumbai Mirror* 2 Mar. 2020). According to Shiv Sena's website, Mahila Aghadi has a vice president and a secretary (Shivsena n.d.c).

Shiv Sena's website indicates that [Uddhav Thackeray's son] Aaditya [Aadityasaheb, Aditya] Thackeray is the leader of the Yuva Sena [Yuvasena], the youth wing of Shiv Sena (Shivsena n.d.b). Sources report that Aaditya Thackeray's cousin, Varun Sardesai, is Yuva Sena's secretary (Rawal 4 Oct. 2019; *The Times of India* 12 Jan. 2021). According to Shiv Sena's website, Yuva Sena has a general secretary, secretaries and a treasurer (Shivsena n.d.c). Sources indicate that Aaditya Thackeray was appointed as a Maharashtra state minister (PTI 30 Dec. 2019; *Hindustan Times* 5 Jan. 2020) [in charge of environment, tourism and protocol (*Hindustan Times* 5 Jan. 2020)] after winning a seat in the 2019 election (PTI 30 Dec. 2019).

1.4 Presence in India

According to a report by the Election Commission of India (ECI) on parties that ran in the 2019 Lok Sabha (lower house of India) election, Shiv Sena is considered a state party (India 11 Oct. 2019a, 2). According to the Associate Professor, the party is "Maharashtra-based" (Associate Professor 12 May 2021). According to the Professor of anthropology, Shiv Sena

has had a limited following in the states of Punjab and neighbouring Haryana since the 1980s, and [t]here they have almost exclusively attracted Hindus, albeit not in large enough numbers to become a consequential factor in the political landscape in those states. (Professor of anthropology 10 May 2021)

The ECI report on the 2019 Lok Sabha election results indicates that while Shiv Sena received votes in other states and union territories, it won its 18 seats exclusively in Maharashtra state (India 11 Oct. 2019b, 13, 17, 33, 42). Various ECI reports note that Shiv Sena participated in state legislative assembly elections outside of Maharashtra, including

- contesting 22 seats in Bihar in 2020, winning 0.05 percent of votes in the state (India 12 Jan. 2021, 1)
- contesting 3 seats in Haryana in 2019, winning 0.01 percent of votes in the state (India 21 Jan. 2020, 1)
- contesting 3 seats in Goa in 2017, winning 0.09 percent of votes in the state (India 20 Aug. 2018, 1)
- contesting 15 seats in Punjab in 2017, winning 0.04 percent of votes in the state (India 16 Aug. 2018a, 1)
- contesting 21 seats in West Bengal in 2017, winning 0.09 percent of votes in the state (India 16 Aug. 2018b, 2).

1.5 Splinter Groups

Sources report that Raj Thackeray, Bal Thackeray's nephew, left Shiv Sena to form the Maharashtra Navnirman Sena (MNS) party in 2006 (*Political Handbook of the World* 2019, 22; Professor of anthropology 17 May 2021). The *Handbook* states that a Shiv Sena party leader in the north broke away from the party in 2008, following Uddhav Thackeray's "negative comments" about northerners living in Maharashtra, and formed a party called Rashtrawadi Sena [Rashtrawadi Shiv Sena] (*Political Handbook of the World* 2019, 22).

According to the Associate Professor, there are "several" groups in Punjab who have adopted variations of the name Shiv Sena, including Shiv Sena (Hindu) [(Hind)] or Shiv Sena (Bal Thackeray) (Associate Professor 12 May 2021). The same source added that it is "not clear" whether there is any "direct organizational relationship" between Shiv Sena groups in Punjab and the Shiv Sena party in Maharashtra (Associate Professor 12 May 2021). Media sources from 2018 report that there are "more than two dozen" (*The Indian Express* 3 May 2018) or "over a dozen" (*The Times of India* 23 Apr. 2018) groups named Shiv Sena in Punjab (*The Indian Express* 3 May 2018; *The Times of India* 23 Apr. 2018). The Associate Professor explained that while Shiv Sena has "a strong sense of regional Marathi nationalism," splinter groups in Punjab have a different type of regional nationalism since Punjab "has its own different language and cultural ethos" (Associate Professor 12 May 2021). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

A 2016 article from *Hindustan Times*, an Indian English-language daily newspaper, reports that "many" leaders of splinter groups in Punjab use the Shiv Sena name as "a status symbol" and a "ruse" to get security protection from Punjab police (*Hindustan Times* 8 May 2016). Citing leaders from Shiv Sena groups in Punjab, a May 2018 article by the *Indian Express* similarly indicates that although these groups were started in the 1980s to advocate for the state's religious minority against "Sikh militant groups," today "breakaway groups are being formed to seek more importance, and more police security to flaunt" (*The Indian Express* 3 May 2018). The same source cites Sanjeev Ghanauli, President of Shiv Sena (Punjab), as stating that the groups use security to "further alleged illegal activities with impunity" and that this is one of the "main" causes of the "mushrooming of Shiv Senas" (*The Indian Express* 3 May 2018). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2. Criminal Activities

According to the Professor of anthropology, Shiv Sena has been linked to "multiple" illegal activities, "particularly" in Mumbai, but also in other parts of India (Professor of anthropology 10 May 2021). The same source added the following:

Many prominent Shiv Sena leaders and politicians are also businesspeople, and many are active in building and real estate, a sector that depends heavily on permits and clearance by the authorities. It is well known that many Shiv Sena politicians have cases against them, and it is also well established that some of them have tried to take advantage of their political office to put pressure on officials at state and municipal levels to expedite certain permits related to their own or [their] associate's businesses/real estate investments. Many political figures and elected officials in India try to bend the rules in favour of their own interests or the interests of their constituents and fellow party allies. Shiv Sena may [have] a slightly higher proportion of leaders and elected officials with criminal records and/or charges pending against them, but in this regard Shiv Sena is only different in degree, not in kind. (Professor of anthropology 10 May 2021)

According to a 2020 press release on the backgrounds of MPs in Rajya Sabha, the upper house of the Indian parliament, by Myneta.info National Election Watch (Myneta) [2], of the three Shiv Sena MPs in the Rajya Sabha in 2020, two have "declared criminal cases," while one has "declared serious criminal cases" (Myneta 22 July 2020, 5, 17). A 2019 Myneta press release on Lok Sabha MPs indicates that out of eighteen Shiv Sena MPs elected to the Lok Sabha in 2019, eleven have "[d]eclared [c]riminal [c]ases" and five have "[d]eclared [s]erious [c]riminal [c]ases" (Myneta 25 May 2019, 4, 10, 11).

Sources indicate that in September 2020 the [Shiv Sena-ruled (*The Hindu* 10 Sept. 2020)] Mumbai municipal government (Brihanmumbai Municipal Corporation, BMC) demolished a portion of the office of a Bollywood actress (*India Today* 10 Sept. 2020; *The Hindu* 10 Sept. 2020; *The Times of India* 10 Sept. 2020), after she criticized Uddhav Thackeray (*India Today* 10 Sept. 2020; *The Times of India* 10 Sept. 2020). Sources report that six Shiv Sena "workers" were arrested for the assault of a retired naval officer in September 2020 (*The Times of India* 12 Sept. 2020; *Hindustan Times* 16 Sept. 2020; Scroll.in 15 Sept. 2020), after the retired officer shared a cartoon of Uddhav Thackeray on WhatsApp (*The Times of India* 12 Sept. 2020; Scroll.in 15 Sept. 2020).

2.1 Drug Trafficking Activities

Information on drug trafficking activities by Shiv Sena could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3. Treatment of Sikhs by Shiv Sena

According to sources, the *Citizenship (Amendment) Act (CAA)*, passed in 2019, provides a path to citizenship for religious minorities from Bangladesh, Afghanistan and Pakistan, including Sikhs, but excludes Muslims (Al Jazeera 4 Jan. 2020; US 11 Mar. 2020, 30-31). Sources report that several state governments across India, including Maharashtra, have refused to implement the amendment, but adds that Shiv Sena supported the bill in the Lok Sabha (Al Jazeera 4 Jan. 2020; PTI 13 Dec. 2019).

3.1 Farmers' Protest

According to a February 2021 report by Human Rights Watch (HRW), BJP leaders and supporters and "pro-government media" "blam[ed]" Sikhs after mass protests took place in response to the central government's introduction of new farm laws in November 2020 (HRW 19 Feb. 2021). The Professor of political science explained that the farm law "reduce[s] farm subsidies drastically and make[s] it easier for agrobusiness corporations to take over many aspects of the trade in produce" and also stated that the "main conflict" between the central government and "many" Sikhs is over economic policies (Professor of political science 30 Apr. 2021).

According to media sources, Shiv Sena voted for the farm bills in the Lok Sabha but boycotted the vote in the Rajya Sabha (*The Economic Times* 2 Feb. 2021; Scroll.in 30 Sept. 2020). A February 2021 article by the *Economic Times*, an Indian English-language daily newspaper owned by the Times Group media conglomerate (The Times Group n.d.), notes that Shiv Sena does not oppose the implementation of the farm laws in Maharashtra (*The Economic Times* 2 Feb. 2021). However, sources also report that Shiv Sena (*The Economic Times* 2 Feb. 2021; Professor of anthropology 10 May 2021) or the Maharashtra state government (Professor Emeritus 12 May 2021) supports the farmers' protest (*The Economic Times* 2 Feb. 2021; Professor of anthropology 10 May 2021; Professor Emeritus 12 May 2021).

3.2 Treatment of Sikhs by Shiv Sena Splinter Groups in Punjab

The Associate Professor indicated that Shiv Sena groups in Punjab "claim to have a respectable and close relationship with their fellow Punjabi Sikh 'brothers'" and further stated that "many leaders of the Shiv Sena groups in Punjab view Sikhism to be a part of the larger Hindu tradition, a claim rejected by most Sikhs" (Associate Professor 12 May 2021). The same source noted that Shiv Sena groups in Punjab are opposed to Sikh separatists ("Kahlistani" groups) and further observed that the Shiv Sena groups have an "antagonistic relationship" with Sikh ethno-nationalists, who support a separate Sikh homeland (Associate Professor 12 May 2021).

According to the Associate Professor, in Punjab there are "some localized instances" of violence between members of Shiv Sena splinter groups and the Sikh community, but no "systematic patterns of violence" have emerged; the annual commemoration of Operation Blue Star [3] by the Sikh community is the "exception" where violence "sometimes" occurs (Associate Professor 12 May 2021). The same source further stated that

[t]here is usually a [Punjab] state-wide shutdown called by Sikh organizations [on the anniversary of Operation Blue Star], and sometimes the local Shiv Sena group activists in Punjab tell locals not to observe the state shutdown because they claim those who were killed by the Indian army were 'terrorists,' whereas many Sikhs consider them to be 'martyrs.' This can lead to skirmishes which, once again, tend to happen on these particular dates and usually don't involve deaths. (Associate Professor 12 May 2021)

Sources report that in June 2019, a confrontation took place on the anniversary of Operation Blue Star between Sikh activists and Shiv Sena splinter group members in Jalandhar city in Punjab, which resulted in police intervention (*The Times of India* 7 June 2019; *The Tribune* 7 June 2019), and criminal complaints filed by both sides (*The Times of India* 7 June 2019). The *Times of India*, an Indian English-language daily newspaper owned by the Times Group media conglomerate (The Times Group n.d.), notes that there is "usually" tension between Sikhs and Shiv Sena groups in Phagwara town in Punjab, but the Shiv Sena groups have kept a "low profile" since a clash between Shiv Sena groups and Sikhs, who were joined by Dalit activists, resulted in the death of a Dalit in April 2018 (*The Times of India* 7 June 2019).

3.3 Availability of State Protection for Sikhs Against Shiv Sena

The *Constitution of India* provides the following:

15. Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.—

1. The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.
2. No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to—
 1. access to shops, public restaurants, hotels and places of public entertainment; or
 2. the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public.

...

25. Freedom of conscience and free profession, practice and propagation of religion.—

1. Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion.
2. Nothing in this article shall affect the operation of any existing law or prevent the State from making any law—
 1. regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice;

2. providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus.

Explanation I.—The wearing and carrying of *kirpans* shall be deemed to be included in the profession of the Sikh religion.

Explanation II.—In sub-clause (b) of clause (2), the reference to Hindus shall be construed as including a reference to persons professing the Sikh, Jaina or Buddhist religion, and the reference to Hindu religious institutions shall be construed accordingly. (India 1949, bold and italics in original)

Sources report that in April 2021, the national president of Shiv Sena (Hindu) and another individual were arrested in Kharar city in Punjab for making a "provocative speech" (*The Tribune* 3 Apr. 2021; Babushahi.com 3 Apr. 2021) against the Sikh community (Babushahi.com 3 Apr. 2021).

For more information on the situation and treatment of Sikhs outside Punjab, including their relations with authorities, see Response to Information Request IND106294 of December 2019.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Notes

[1] According to the last census conducted in 2011, out of a total population of 112,374,333 in Maharashtra state, 77,461,172 individuals consider Marathi as their mother tongue (India 2018, 12, 27).

[2] Myneta.info National Election Watch (MyNeta) is an "open access repository platform" providing election-related information, including criminal, financial and education information on political candidates, operated by the Association for Democratic Reforms (ADR) (ADR 11 Dec. 2019). ADR is an India-based organization that aims to "improve governance and strengthen democracy" by working on electoral and political reform (ADR 8 Sept. 2011).

[3] Minority Rights Group International (MRG) explains that "Operation Bluestar" is a 1984 military raid against "suspected terrorists" in the Golden Temple, the "holiest of Sikh shrines," which caused resentment among the Sikh community "generally," and was followed by the assassination of Prime Minister Indira Gandhi by her Sikh bodyguards, sparking a wave of anti-Sikh violence by Hindus (MRG n.d.).

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