



15th April 2024

Chief Election Commissioner & Commissioners,

Election Commission of India,
Nirvachan Sadan, Ashok Road,
New Delhi 110001.

Subject: West Bengal – TMC Violations of Electoral and Criminal laws by Hamidul Rehman, a sitting MLA of TMC

Dear Sir,

We wish to bring to your notice the serious threats to voters by Hamidul Rehman, a Member of legislative Assembly (MLA), of All India Trinamool Congress (TMC) from Chopra, West Bengal.

While addressing the public during a campaign in the ongoing Lok Sabha elections, the TMC leader Hamidul Rehman has openly threatened and criminally intimidated the voters of dire consequences after the Central Forces will leave West Bengal.

The relevant translated content of the video is reproduced herein:

"Central Government Force will remain till 26th. Then you will have to stay with our force. Don't waste your precious votes. Don't engage in monkeying. The Central Force will go away on 26th then our 'Central Force' will remain. Don't complaint that what happened to me, What happened to me"

The link of the video is given herein:

<https://x.com/SuwenduWB/status/1778457150278574510?t=y-IYvCYxtNpf2dhYeQs6tQ&s=08>

The threat handed down by Hamidul Rehman, a sitting MLA of TMC, has serious bearing on the people of West Bengal who have been suffering unabashed brutal violence unleashed by the TMC.

The harrowing stories of post poll violence committed by TMC and its leaders is still fresh in public memory. This threat is a stern reminder of what TMC might resort to during the remainder period of 7 phases of election and also upon conclusion of General Elections 2024.

The threats of Hamidul Rehman must be reviewed in this historical backdrop of the conduct of TMC - their propensity of unleashing violence, before, during and after the

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elections. The Commission is aware of the widespread pre and post poll violence resorted to by the TMC and its leaders. In the present case, this threat of Hamidul Rehman must be taken very seriously, and effective and preventive steps be taken by Commission.

The incidents of violence that erupted in the village Kalagachiya, Sarisha, Diamond Harbour, South 24 Parganas, West Bengal, against the Hindus around 8/9 April this year with ulterior motives to intimidate BJP voters and seize political advantage by inciting violence between communities and targeting BJP workers.

Instead of apprehending the perpetrators, the police filed a false FIR at the behest of these very perpetrators of violence and detained 12 BJP members, the victims, in a highly partisan manner. This is in a series of planned communal attack with the connivance of the State Police, with the intent to intimidate the BJP workers during the election, this time to ensure Ms. Mamata Banerjee's nephew can win the election by employing violent means. This was brought to Commission's notice vide our communication dated 10th April 2024. We still await effective action against the perpetrators.

In yet another incident, where in a TV debate, the TMC spokesperson, Sanjay Sarkar, threatened BJP by saying;

Sanjay Sarkar, TMC Spokesperson on Live TV Debate –

“इस बार भी दुर्गापूजा यहाँ पर होगा और भारतीय जनता पार्टी की रावण और कंस जैसे नेता का वध होगा। बंगाल में ये हकीकत बताया जा रहा है।

Anchor - आप आप क्या कह रहे हैं? आप क्या कर रहे हैं? आप कह रहे हैं बीजेपी के नेताओं का वध होगा?

TMC Spokesperson - आज कंस और रावण को सरकार चल रहा है ये कंस और रावण का वध

Anchor - आप एक नैश्रल चैनल पर बीजेपी के नेताओं को जान से मारने की धमकी दे रहे हैं, संजय सरकार आप समझिये सर, आप क्या कह रहे हैं आप नैश्रल चैनल पर एक पॉलिटिकल पार्टी के स्पोकसपर्सन होने के बाद बीजेपी के नेताओं के वध की बात कर रहे हैं?

TMC Spokesperson – “राम को पूजा उस दिन आप दुर्गा पूजा करते हैं और वो पूजा को बाद रावण का वध होता है, इस बार भी दुर्गापूजा यहाँ पर होगा और भारतीय जनता पार्टी बीजेपी के नेताओं का वध होगा। आज इस तरफ से ये कंस और रावण को सरकार चल रहा है ये कंस और रावण का वध होगा”।



<https://x.com/anuragdixit2005/status/1778413369621663931?s=46>

The recent incident wherein National Investigation Agency officials were attacked by the local goons of TMC and ironically the local police filed an FIR against the NIA team, instead of those who attacked this team. The Calcutta High Court had to intervene and grant **interim protection against the arrest to NIA officers. Alarming state of affairs!**

In yet another case, that West Bengal state police, which apparently functions more as an extended arm of TMC, Sheikh Shahjahan was not even arrested by the police until the Calcutta High Court intervened and directed the state police to arrest the prime accused by a deadline set by the court. The High Court in WPA 4011/2024 titled **Court on its own motion versus State of West Bengal and others** took **Suo moto cognizance**. By order dated 12th February 2024 the court recorded its deep disappointment after going through several newspapers and electronic media wherein it had been reported that number of women in Sandeshkhali, North 24 Parganas have been sexually assaulted at gun point and their lands grabbed. The Court after considering the severity of the matter, directed vide its order dated 10th April 2024.

"Thus, considering the overall scenario and the complexities of the facts involved, we have no doubt in our mind to hold that an impartial enquiry is required to be done by an agency which has power to probe the criminal angle stated to involved. Therefore this court is of the considered opinion that it is necessary in the interest of justice and fair play and for expeditious consideration of the various complaints and allegations an impartial enquiry is required to be conducted. The state has to provide the required support to the said agency to be appointed by us to enquire into the matter.

Considering the nature of the allegations which involve crime against women as well as forcible grabbing of lands of the citizens including those belonging to scheduled tribes as well as the volume of the complaints

..... the CBI may be directed to investigate and submit a report with regard to the allegations and complaints of the persons of Sandeshkhali as the CBI is already in seisin over the investigation in respect of an incident which very recently took place at Sandeshkahli.

This Court shall monitor the entire investigation and shall pass further orders after the reports as directed above are filed by CBI."

The crime and the conduct of police, conforms to a pattern of sustained & growing lawlessness in the state of West Bengal. This complete breakdown of law & order and



general governance in the state is indeed worrisome. Even the High Court has expressed serious doubts in their ability to manage law & order and hence had to entrust the case to CBI under the overall monitoring of the Calcutta High Court. The Commission may please note that in other cases too, the Calcutta High Court has expressed lack of confidence in the state police and has on several occasions, reprimanded the state police.

This serial threat by Hamidul Rehman violates the following legal provisions;

Indian Penal Code -

Section 153. Wantonly giving provocation with intent to cause riot—if rioting be committed; if not committed.—*Whoever maliciously, or wantonly by doing anything which is illegal, gives provocation to any person intending or knowing it to be likely that such provocation will cause the offence of rioting to be committed, shall, if the offence of rioting be committed in consequence of such provocation, be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both; and if the offence of rioting be not committed, with imprisonment of either description for a term which may extend to six months, or with fine, or with both.*

Section 505. Statements conducing to public mischief -

(1) Whoever makes, publishes or circulates any statement, rumour or report,—

(b) with intent to cause, or which is likely to cause, fear or alarm to the public, or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquillity; or

shall be punished with imprisonment which may extend to three years, or with fine, or with both

171C: Undue influence at elections -

Whoever voluntarily interferes or attempts to interfere with the free exercise of any electoral right commits the offence of undue influence at an election.

Representation of Peoples Act 1951

Section 123(2) Corrupt practices - *The following shall be deemed to be corrupt practices for the purposes of this Act -*

1. "Bribery", that is to say



(A) any gift, offer or promise by a candidate or his agent or by any other person with the consent of a candidate or his election agent of any gratification, to any person whomsoever, with the object, directly or indirectly of inducing -

(b) an elector to vote or refrain from voting at an election, or as a reward

(ii) an elector for having voted or refrained from voting;

(b) by any person whomsoever for himself or any other person for voting or refraining from voting, or inducing or attempting to induce any elector to vote or refrain from voting, or any candidate to withdraw or not to withdraw his candidature.

2) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of the candidate or his agent, or of any other person with the consent of the candidate or his election agent, with the free exercise of any electoral right.

By resorting to intimidation, spreading fear and committing violence and then use the state police forces in persecuting the victims, instead of perpetrators, the All India Trinamool Congress has violated the fundamentals of Indian Constitution and the laws framed thereunder. The abuse of state police and administration to unleash terror against opposition parties, more specifically the Bharatiya Janata Party and appeasing people belonging to and practicing a certain faith, only with a view to solicit their votes.

Model Code of Conduct -

All parties and candidates shall avoid scrupulously all activities which are 'corrupt practices and offences under the election law, such of bribing of voters, intimidation of voters.

As you have already been informed of the recent incident in village Kalagachiya, Sarisha Diamond Harbour, South 24 Parganas, West Bengal with the connivance of the government of West Bengal, in which people of particular community participating in the idol immersion were brutally attacked. Last year, the Calcutta High Court had to intervene and take serious note of the riot and arson erupted during Ram Navami festival and the procession organized during the Hanuman Jayati, and vide its judgment dated 27.4.2023, transferred cases related to violence and arson to National Investigation Agency (NIA). Therefore, the conduct of TMC and its leaders is a grave threat to the electoral process.

In view of the foregoing, We request the Commission to -



भारतीय जनता पार्टी Bharatiya Janata Party

Reprimand, censure and restrain Hamidul Rehman from election campaigning during the remaining term of the electioneering.

Direct the registration of an FIR against Hamidul Rehman under the relevant and applicable provisions of law for criminal intimidation and inciting violence.

Issue strict warning to TMC and its President, Smt. Mamata Banerjee to ensure that no TMC functionary either advocates or indulges in physical or verbal violence or aggression.

The TMC and its President may be asked to furnish an undertaking to the ECI that such incidents shall never be repeated throughout this election and any deviation or breach of such assurance may attract stringent action by the ECI.

Appoint at least four more zonal Police observers, each looking after around 10 PC and each of the district Superintendent of Police reporting to such observers – thus ensuring a fair and violence free election in West Bengal.

Make provisions for such Police observers including the State special police observer to stay put in the state until 3 three months after the conclusion of elections, i.e upto end of August 2024.

Retain the CAPF in sensitive and critical PC until 3 months after the elections.

Empower and invest special authority in ECI appointed General & Police Observers to take immediate and effective action against any such incidents of aggression, intimidation or verbal & physical violence.

Regards

Yours Faithfully,

Nirmala Sitharaman

Om Pathak

Sudhanshu Trivedi

Shishir Bajoria

TARUN CHUGH