



भारतीय जनता पार्टी
Bharatiya Janata Party

11th April, 2021

The Chief Election Commissioner and Election Commissioners,
Election Commission of India
Nirvachan Sadan, Ashoka Road
New Delhi-110001.

Sub: - Brazen violation of Model Code of Conduct and making insulting statements against members of the Scheduled Castes in West Bengal by AITC Leader Ms. Sujata Mondal Khan.

Sir,

We seek to bring to your notice extremely disparaging remarks against the Scheduled Caste community made by AI Trinamool Congress leader Ms. Sujata Mondal Khan. She said:

"Even though Mamata Banerjee has helped the poor Scheduled Castes, yet their scarcity will never mitigate. There is a saying that some are beggars by nature while others are beggars by circumstance.

The Scheduled Castes here are beggars by nature."

"भिखारी स्वभाव से होते हैं, या आभाव से, पश्चिम बंगाल में SC स्वभाव से भिखारी हैं।

ममता दीदी के इतना करने के बाद भी BJP के पास पहुंच गए."

Her statement may be accessed at : <https://www.opindia.com/2021/04/tmc-leader-sujata-mondal-khan-labels-dalits-as-beggars-by-nature-claims-that-they-sold-themselves-to-the-bjp/>

Sir, her statement and conduct not only violates Constitutional principles but also provisions of Model Code of Conduct. The Model Code of Conduct mandates that

"No party or candidate shall include in any activity which may aggravate existing differences or create mutual hatred or cause tension between different castes and communities, religious or linguistic."

The statements also constitute offence under section 125 of The Representation of People Act, 1951 as it intends to create hatred and enmity between two communities.

"Any person who in connection with an election under this Act promotes or attempts to promote on grounds of religion, race, caste, community or language, feelings of enmity or hatred, between different classes of the citizens of India shall be punishable, with imprisonment for a term which may extend to three years, or with fine, or with both."

6-ए दीनदयाल उपाध्याय मार्ग, नई दिल्ली-110 002 दूरभाष : 011-23500000 फ़ैक्स : 011-23500190

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The following Indian Penal Code provisions also apply;

153A. Promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony.

(1) Whoever

(a) by words, either spoken or written, or by signs or by visible representations or otherwise, promotes or attempts to promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or illwill between different religious, racial, language or regional groups or castes or communities, or

(b) commits any act which is prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or castes or communities, and which disturbs or is likely to disturb the public tranquillity, 1

153B. Imputations, assertions prejudicial to national integration.

(1) Whoever, by words either spoken or written or by signs or by visible representations or otherwise,

(a) makes or publishes any imputation that any class of persons cannot, by reason of their being members of any religious, racial, language or regional group or caste or community, bear true faith and allegiance to the Constitution of India as by law established or uphold the sovereignty and integrity of India, or

(b) asserts, counsels, advises, propagates or publishes that any class of persons shall, by reason of their being members of any religious, racial, language or regional group or caste or community, be denied, or deprived of their rights as citizens of India, or

(c) makes or publishes and assertion, counsel, plea or appeal concerning the obligation of any class of persons, by reason of their being members of any religious, racial, language or regional group or caste or community, and such assertion, counsel, plea or appeal causes or is likely to cause disharmony or feelings of enmity or hatred or ill-will between such members and other persons, shall be punished with imprisonment which may extend to three years, or with fine, or with both.

(2) Whoever commits an offence specified in sub-section (1) in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine.

The said statement also amounts to "atrocities" punishable under Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

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This is neither the first time, nor is it a one-off statement. It reflects a certain mindset in the AITC and follows a pattern set by Ms. Mamata Banerjee, where she has consistently attempted to polarise the elections on the basis of religion or caste and going to the extreme fringes by raising the bogey of 'Outsider', thereby challenging and negating the very foundations of the Indian constitution.

"Equality: of status and of opportunity" no one should be insulted, humiliated or looked down upon, or least of all be called a "beggar". Our Constitution envisages equality, which includes equality for the weaker and oppressed sections of the society, who have been downtrodden for thousands of years. This Hon'ble Commission should not tolerate such kinds of statements against the S.C./S.T. Communities as they are equal and respectable citizens of our country and are hence entitled to a life of dignity in view of Article 21 of the Constitution of India.

Such deeply shocking and insulting statements are a blow to the democratic polity envisaged by Babasaheb Ambedkar, and it is utterly shameful and disgraceful that such statements are being openly and brazenly made by the ruling leadership of the Trinamool Congress to create enmity and hatred between different social classes in West Bengal.

Bharatiya Janata Party has all along been requesting the commission to follow a zero tolerance policy in enforcement of the election code. The recent events during the campaign and the four phases of polls completed already, indicates a growing level of desperation of the ruling AI Trinamool Congress. The Commission may, therefore, would need to further steps to ensure that there is no violence whatsoever and no further polarisation in any manner.

We, therefore, request this Commission to take necessary action against Ms. Sujata Mondal Khan and the leadership of the AI Trinamool Congress as per the provisions of the electoral laws, Indian Penal Code, The Scheduled Castes & Tribes [Prevention of Atrocities] Act 1989 and the Model Code of Conduct.

Yours Sincerely

Mukhtar Abbas Naqvi

Dushyant Kumar Gautam

Hansraj Hans

Sunita Duggal

Bhola Singh

Om Pathak