



भारतीय जनता पार्टी
Bharatiya Janata Party

2nd April 2021

To,

The Chief Election Commissioner & Election Commissioners,
Nirvachan Sadan, Ashok Road,
New Delhi

Sub: Dharna and Press Conference at Polling Booth No.7 , on 1st April 2021 - Ms. Mamata Banerjee

Sir,

Ms. Mamata Banerjee who is incumbent CM of State of West Bengal and also a contesting candidate from Nandigram Assembly constituency, reached the **Polling Booth No. 7 around 2:00pm**, provoked her party workers with the sole intent and purpose to disturb the otherwise peaceful polling. She staged a DHARNA together with her security guards at the Booth for almost two hours and refused to leave the premises despite requests and exhortations by the polling officers.

She followed that up by a public rally and press conference with AITC Party workers/goons & other supporters in order to terrorize and terrify the voters of the Booth, influencing the voters by intimidating them to vote in favour of AITC otherwise they have to face the consequences . *(Refer the Annexure)*

In doing so, flouted every single provision of the Model Code of Conduct and those of RPA 1951 with particular reference to the following;

Section 126 The Representation of People Act 1951 -

Prohibition of public meetings during period of forty-eight hours ending with hour fixed for conclusion of poll;

(1) No person shall— *(a) convene, hold or attend, join or address any public meeting or procession in connection with an election; or* (b) display to the public any election matter by means of cinematograph, television or other similar apparatus; or (c) propagate any election matter to the public by holding, or by arranging the holding of, any musical concert or any theatrical performance or any other entertainment or amusement with a view to attracting the members of the public



thereto, in any polling area during the period of forty-eight hours ending with the fixed for the conclusion of the poll for any election in the polling area.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

(3) In this section, the expression "election matter" means any matter intended or calculated to influence or affect the result of an election.

The act of Mamata Banerjee of holding a press conference under the circumscribe area of 200 metres is a clear & absolute violation of Section 144 Crpc 1973 , **Order Sheet - Mis Case No- 1165/21 dtd. 30/03/2021 (Refer Attachment - Page No.2)**

a) *Assembly of 5 (five) or more persons excluding persons on election duty and voters entitled to vote in the designated polling stations is prohibited within 200 meters of the polling premises . Any person except person otherwise authorized and on election duty shall not enter within the 100 metres of polling premises.*

She further attempted to spread disaffection against the Election Commission, being an constitutional body that is revered and held in highest regard across the country for its fair play and transparent practices. her very damaging remarks are available at the link <https://twitter.com/ANI/status/1377572192397881346?s=20>.

Use of Loud-Speaker (Guidelines of Election Commission of India)

14.2.2 Restriction on use of loudspeakers during the last 48 hours: No loudspeakers fitted on vehicles of any kind or ***in any other manner whatsoever shall be permitted to be used during the period of 48 hours*** ending with the hour fixed for the conclusion of the poll in any polling area.

There are some very serious and alarming questions which are arising out after such act of violations -

Whether holding a public rally/ protest is permissible inside the sphere of 200 Metres of Polling Booth ?

Whether the act of illicit and illegal solicitation of misusing the securities personnel who are involved in personal protection in order to terrorize & intimidate the voters at large not amounts to violation of the Model Code of Conduct , The



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Representation of People Act 1951 & Sec 144 CRPC 1973 along with Sec 171-C Indian Penal Code 1860 (Using Undue Influence at elections in order to voluntarily interferes or attempt to interfere with the free exercise of electoral rights)

Whether holding such a press conference at the time when the voting is undergoing by sitting close to the Election Booth (Inside 200 Metres) & at the time of deadly COVID virus is not the violation of Model Code of Conduct & Covid Guidelines?

We, therefore, request you to kindly :

1. To take immediate and urgent action, including censoring , against Ms Mamata Banejee for the violation of the Model Code of Conduct . The Representation of People Act 1951, Provisions of Indian Penal Code .
2. To deploy the additional necessary force to all the other Polling Booths in order to protect the democtatic rights of the voters from the goons of AITC .
3. Immediately remove the name of Mamata Banejee from the list of the Star Campaigners in order to stop her from provoking the masses at large to create disturbance/ violence and spreading enmity & hatred amongst the public.

Yours truly,

Bhupender Yadav

Mukhtar Abbas Naqvi

Prakash Javadekar

Anil Baluni

Om Pathak

Neeraj

Encl:

1. Picture of the Press Conference.
2. Attachment of the order sheet - Mise Case No:- 1165/21 , dated 30/03/2021 (Reference of 2nd Page)

ORDER SHEET

(Rule 129 of the Records Manual - 1971)

Order Sheet date :-

Sub-Division :- Haldia

District :- Purba Medinipur

Nature of Case :- Prohibitory order u/s 144(2) CrPc on P-2 day.

Mise Case No :-1165/21 dtd. 30.03.2021

<p>01/ 30.03.2021</p>	<p style="text-align: center;">Government of West Bengal Office of the Sub-Divisional Magistrate Haldia :: Purba Medinipur</p> <p style="text-align: center;">ORDER U/S 144(2) OF CrPc,1973 DATED 30.03.2021.</p> <p>Whereas Election Commission of India Vide its Press Note No. ECI/PN/16/2021 Dtd. 26th Feb'2021 read with the Gazette Notification No. 8/Notification(P0/Home (Ele.) dtd. The 5th March 2021 has declared polling for the General Election to the West Bengal Legislative Assembly on 01.04.2021 in 208-Mahishadal , 209-Haldia (SC),210-Nandigram AC.</p> <p style="text-align: center;">AND</p> <p>Whereas carrying of licensed arms in public except by the persons authorized to carry such arms is prohibited till the declaration of election result.</p> <p style="text-align: center;">AND</p> <p>Whereas campaigning or canvassing for election ends on 30.03.2021 at 6:30 PM i.e. 48 hours before the time fixed for closure of the poll on 01.04.2021.</p> <p style="text-align: center;">AND</p> <p>Whereas Sec 126 of Representation of People Act , 1951 as enunciated vide ECI Instruction 464/INST/2007-PLN-I dtd. 07.01.2007 mandates that in the period of 48 hours ending with the hour fixed for the close of the poll all political functionaries etc, who are not a voter or a candidate or candidate's election agent from that constituency shall leave the respective constituency.</p> <p style="text-align: center;">AND</p> <p>Whereas no loudspeaker including those fitted on vehicles of any kind or any other manner whatsoever can be permitted to be used during the aforesaid period of 48 hours in any polling area under Haldia Sub-Division , Purba Medinipur . Bike rallies shall not be allowed at any place 72 hours before date of poll and / or on the poll day in the three constituencies as per ECI instruction No. 464/INST/2021/EPS dtd. 22.03.2021</p> <p style="text-align: center;">AND</p> <p>Whereas no camp of a candidate can be setup within a distance of 200 metres of the premises in which polling stations are setup and beyond the distance limited here , camp can be setup only with a table and two chairs but no gathering of crowd or assemblage of any person who has already cast his/her vote at the polling station can be allowed.</p> <p style="text-align: center;">AND</p> <p>Whereas it is considered expedient to issue prohibitory order for restricting movement and unlawful assembly of persons for prevention of breach of peace , disturbances to public tranquility and danger to human life & loss of properties and to prevent any kind of riot or affray in the Haldia Sub-Division , Purba Medinipur.</p> <p style="text-align: center;">AND</p>
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THEREFORE, I, Avneet Punia, IAS Sub-Divisional Magistrate, Haldia Sub-Division, Purba medinipur, in view of the above stated grounds prevailing in Purba Medinipur district, the specific directions of the ECI as stated above and in view of the likelihood of occurrence of violence, breach of peace and untoward / unwanted incidents during the conduct of General Election to the West Bengal Legislative Assembly, 2021 to be held on 01.04.2021 in exercise of the power conferred upon me u/s 144 of the Criminal Procedure Code, 1973, do hereby prohibit the following from 6.30 PM of 30.03.2021 (P-2 day of poll) till the P+1 day (02.04.2021).

- a) Assembly of 5(five) or more persons excluding persons on election duty and voters entitled to vote in the designated polling stations is prohibited within 200 meters of the polling premises. Any person except person otherwise authorized and on election duty shall not enter within the 100 metres of polling premises.
- b) No cellular / cordless phone, wireless sets shall be allowed within 100 metres of the polling premises except by persons on election duty..

This prohibitory order is not applicable against activities exempted by ECI.

This order will take effect from 6:30 PM on 30.03.2021 and shall remain in force till P+1 day (i.e. 02.04.2021). The order is passed ex-parte u/s 144(2) of CrPc, 1973. A copy of this order shall be served to all concerned and wide publicity to be given for public information.

30/03/2021
Sub-Divisional Magistrate,
Sub-Divisional Magistrate
HALDIA

Memo No. 288 (1200)/H/Court.

Date: 30/03/2021

Copy forwarded for information and taking necessary action to :-

1. The Home Secretary to the Govt. of West Bengal, Nabanna, Howrah, 711102.
2. The Chief Election Officer, West Bengal.
3. The Commissioner, Medinipur Division.
4. The District Election Officer & District Magistrate, Purba Medinipur.
5. The Superintendent of Police, Purba Medinipur.
6. The Additional District Magistrate,Purba medinipur.
7. The Additional Superintendent of Police, (Haldia), Purba Medinipur.
8. The Sub-Divisional Police Officer, Haldia for ensuring compliance.
9. The Returning Officer,AC, Purba Medinipur.
10. The Block Development Officer,Development Block.
11. The Sector Officer, Purba Medinipur.
12. The SDICO, Haldia for wide publicity through office notice boards, print and electronic media in haldia Sub-division, Purba medinipur.
13. Liaison Officers, to General Observer, Police Observer & Expenditure Observer 208-Mahishadal, 209-Haldia(SC), 210-Nandigram AC for kind information of the Observers.



30/03/2021
Sub-Divisional Magistrate,
Sub-Divisional Magistrate

