

19th April, 2021

The Chief Election Commissioner & Commissioners,
Election Commission of India,
Nirvachan Sadan,
Ashok Road,
New Delhi.

Sub: - WB Assembly Elections - Violation of Election Laws & Model Code of Conduct by Ms. Mamata Banerjee

Sir,

On 14th April 2021, Ms. Mamata Banerjee in Jalpaiguri had said outsiders are being brought in to build stage for PM's Rally without conducting Covid Tests. The video is available at <https://twitter.com/TimesNow/status/1382958634255065088?s=20>.

Ms. Mamata Banerjee in Nabadwip (Nadia District) on 16th April 2021 has stated that BJP is bringing outsiders during campaigning which is the reason for spread of Covid-19 in the State. She has said

"I will tell the EC to stop the inflow of outsiders from states like Gujarat who are responsible for the Covid-19 spread in Bengal."

The news article is available at <https://www.latestly.com/india/west-bengal-assembly-elections-2021-bjp-responsible-for-covid-19-surge-in-bengal-will-urge-ec-to-stop-outsiders-entry-during-campaigning-says-mamata-banerjee-2426139.html>.

The aforesaid statements are in continuation of her tirade she first launched on 9th February 2021. In a rally at Behrampore, Murshidabad she said;

"the Bharatiya Janata Party is an outsider party in West Bengal. She stated that the Bharatiya Janata Party is not a Bengal party and that it's a party from Gujarat."

The news report is available at <https://www.thehindu.com/news/national/other-states/bjp-not-a-bengal-party-its-from-gujarat-mamata/article33794119.ece>.

The commission is already aware of several & persistent and crass violations of electoral laws, model code of conduct committed by Ms. Mamata Banerjee and her party AITC. Vide its order dated 12th April 2021, the Commission has reprimanded, warned, condemned and banned Ms. Mamata Banerjee from campaigning for 24 hours. Despite the Commission's warning, She continues regardless to violate. Following are several instances of violations;

1. *"We consider only those pan masala-chewing, tilak-sporting people sent from states like Uttar Pradesh to formant trouble in West Bengal before elections as outsider goons."* https://twitter.com/PTI_News/status/1374625453550366723?s=20.
2. *"Gujarat is trying to capture Bengal by bringing goons from UP and Bihar. We will not allow Bengal to become like Gujarat. BJP tries to create communal disturbance"* <https://twitter.com/ANI/status/1378625033707298816?s=20>.
3. *"Why should Gujarat rule all states? ...Outsiders will not run the state. There are some people who don't have any political experience. They speak of killing people and setting things ablaze."*
<https://www.theweek.in/news/india/2020/07/21/outsiders-people-from-gujarat-wont-rule-bengal-mamata-tears-into-bjp.html>.
4. *"To divide the minority, they have caught hold of someone from Hyderabad. They take money from BJP and divide the minority."*
<https://zeenews.india.com/india/west-bengal-cm-mamata-banerjee-slams-bjp-calls-it-chambal-ka-dacoit-indirectly-attacks-rebel-tmc-leader-suvendu-adhikari-2331045.html>.
5. *"I have been saying for long that they have been assembling bohiragawto goons. See, it was proved yesterday. In the morning, reports arrived that in Contai 1 and 2 (blocks), where the traitors (of the Adhikari clan) live, 30-odd goons from Uttar Pradesh were caught red-handed with guns in their possession," "They have hired Bargi raiders from outside to loot votes here."*
<https://www.telegraphindia.com/west-bengal/west-bengal-assembly-elections-2021-bjp-harbours-outsider-goons-to-loot-votes-says-mamata-banerjee/cid/1810740>
6. *"The man that has been named, he is a rioter, lives in Delhi. Bohiragawto goonda! I take full responsibility when I say this, that man is a bohiragawto goonda. His name begins with B. I'm not even going to take his full name. It rhymes with agga (command). I will not take his full name, a goon like that is not worth it." Mamata said "But remember, such audacity, went to invade Coffee House. Do they even know who used to go there, who still go there?"*
<https://www.telegraphindia.com/west-bengal/invasion-of-uncouth-goons-mamata-banerjee/cid/1809972>

7. *“Remember, BJP is not a party of Bengal but it is a party of Delhi and Gujarat. They should return to those states. Don’t trust the BJP or believe them. If you want to fight elections in Bengal, do it without bringing outsiders.”*

<https://www.newindianexpress.com/nation/2020/dec/10/throw-outsider-bjp-out-from-bengal-mamata-appeals-to-people-2234469.html>

8. *“A new political party has been founded in the State with support from the BJP. It wants to divide the minority votes to help the BJP. Please do not vote for its candidates.”*

<https://www.deccanherald.com/national/new-party-backed-by-bjp-to-eat-into-minority-votes-in-bengal-mamata-banerjee-966276.html>

9. *“If you feel Gujarat should not capture West Bengal then vote for TMC. If you want ration for free, if you want free food, cast each vote for me.”*

<https://www.indiatoday.in/elections/west-bengal-assembly-polls-2021/story/tmc-chief-mamata-banerjee-bardhaman-rally-1789063-2021-04-09>

Besides violation of penal laws, her conduct also violates 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.”

“Criticism of other political parties, when made, shall be confined to their policies and programme, past record and work. Parties and Candidates shall refrain from criticism of all aspects of private life, not connected with the public activities of the leaders or workers of other parties. Criticism of other parties or their workers based on unverified allegations or distortion shall be avoided.”

Such statements promote enmity between different groups which is prejudicial to peace and harmony of this country. The aforesaid statements constitute offences under section 153-A (promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc.), 153-B (imputations, assertions prejudicial to national-integration), 505(1)(c) (making statements with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community).

She has repeatedly tried to portray this election as an ‘Outsider Vs. Insider’ fight. **Ms. Mamata Banerjee has been consistently and deliberately making such statements throughout the**

election to create a rift between the people of two or more states from which she stands to gain politically.

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.

The conduct of Ms. Banerjee also amounts to corrupt practice as defined in section 123 of The Representation of People Act, 1951 which envisages that an appeal in the name of the religion, race, caste, community or language is forbidden.

The statements issued by Ms. Mamata Banerjee are in stark contravention of the Model Code of Conduct. It is requested that the ECI take necessary action against Ms. Mamata Banerjee for gross violation of the Model Code of Conduct.

It is necessary that Ms. Mamata Banerjee be made to apologize for her actions and be banned from campaigning in the said Elections; an FIR be also directed to be registered against Ms. Mamata Banerjee. This will set the right precedent as a deterrent for others who make divisive, communal statements to create divisions and enmity between groups and communities based on unverified allegations with intent to vitiate the environment of free and fair polls.

Yours Sincerely

Mukhtar Abbas Naqvi

Om Pathak

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