



Bharatiya Janata Party

19th April 2021

Chief Election Commissioner & Commissioners,

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

Sub: - AITC – Driving a communal divide – WB Elections

Sir,

The Commission may recall that Bharatiya Janata Party, in its meeting with the Commission on 7th of April, had brought to the notice of the commission that Ms. Mamata Banerjee was spreading disaffection against the central forces deployed by the Election Commission for the maintenance of law & order during the Assembly Polls. Our representation dated 7th April 2021 said;

In a public meeting today at Cooch Behar Ms. Mamata Banerjee has given a brazen call to her supporters, especially women supporters to restrain / gherao the Central forces, so that her notorious cadre and party supporters get a free way to wreak havoc, scare away voters, rig booths, attack polling agents and carry out their nefarious agenda. She has further stated that they should resist the Central Forces and defy their directions. Such a threat, if really executed will completely jeopardize and vitiate the elections in West Bengal. The link to the original video is available at <https://www.facebook.com/AITCOfficial/videos/778691653047896/>.

The commission, in its wisdom and discretion, issued a show cause on **8th April 2021** to Ms. Mamata Banerjee asking her to explain as to why should action not be taken against her for violation of electoral laws. The Commission, in its notice, observed and warned;

Ms. Banerjee is perhaps notrealising that this kind of statements can create a wedge of distrust between the state police of West Bengal, who are also doing their own duty with the central forces, instead of complementing each other. In fact, Ms.. Banerjee is sparing no efforts to ensure that a deep wedge and drift is created amongst them which is bound to have **serious consequential damage even after the process of elections is over.**

Whereas, Election Commission is prima facie convinced that your statements are in violation of Model Code of Conduct as well as sections 186, 189 and 505 of Indian Penal Code, 1860.

Her response was terse, audacious and defiant.



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The Commission in its final order no 437/WB-LA/2021, dated 12th April 2021 observed;

9. Whereas, on earlier occasion in response to your handwritten complaint dated 1.4.2021 vide D.O. No. 464/WB-LA/2021 dated 03.04.2021, Commission has observed that **"in fact it is self-evident from the perusal of all the reports that the allegations mentioned in your hand-written note are factually incorrect, without any empirical evidence whatsoever and devoid of substance. In fact, it is a matter of deep regret that a media**

narrative was sought to be weaved hour after hour to misguide the biggest stakeholder which is the voters by a candidate who also happens to be Hon'ble CM of the State. At least this should have been appreciated that the side show was fraught with immense potential to have adverse impact on law and order across West Bengal and may be some other States. And all this was being done when the election process was/is on. There could not have been a greater misdemeanor".

10. Whereas, the Commission has carefully considered the matter and **is of the considered view that Ms. Mamata Banerjee, who also happens to be the Chief Minister of the State, has in violation of the provisions of Model Code of Conduct as well as Section 123(3) & (3A) of the Representation of the People Act, 1951 and Sections 186, 189 and 505 of Indian Penal Code, 1860 made highly insinuating and provocative remarks laden with serious potential of breakdown of law & order and thereby adversely affecting the election process.**

The Commission's reprimand, warning, condemnation and ban of 24 hours did not deter her and her workers and Our worst fears came true. Responding to her call, a group of villagers led by AITC trouble makers attacked the central forces at polling booth 126 in Sitalkuchi AC on 10th of April, being the fourth phase of the Assembly Elections.

Sensing further trouble, the Commission acted swiftly and banned all political parties from visiting the affected areas with a view to control any possible communal flareup.

Instead of trying to douse fires, an audio tape recordings of the alleged conversation between Ms. Mamata Banerjee and Shri Partho Pratim Roy, the TMC District President and Candidate from AC-5, Sitalkuchi were played for the media reporters, yesterday 16th April 2021, at a press conference addressed by the AITC senior party functionaries.

The audio seeks to incite and aggravate the differences between two communities on religious lines. The audio has been intentionally released to polarize votes in the remaining



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phases of assembly elections. The release of audio amounts to fake/proxy campaign. AITC is abusing technology to secure their political interest. Such a practice is also required to be monitored by the Commission.

The release of audio in public domain by AITC indicates a deep rooted conspiracy. The time of release of the alleged audio is significant. Further, the admission regarding the authenticity of alleged audio in the AITC press conference held yesterday reflects their intent.

The audio tapes are available at <https://www.youtube.com/watch?v=wdPumNOvSYw>.

Some relevant excerpts of her conversation are as below;

ममता: मैं हर सीआरपीएफ को गिरफ्तार करआऊंगी। **अभी शवों को रखो। कल शवों के साथ रैली निकलेगी। आज परिजनों को बतादो कि कोई भी शव नहीं ले जाएगा।**

ममता: यह किसने किया? CRPF?

पार्थ प्रतिम: CRPF CRPF

ममता: वो लोग कौन हैं?

पार्थ प्रतिम: **वे हमारे लोग हैं।**

ममता: **ये हमारे लोग हैं!** आप एफआईआर दर्ज करवाओ। एक वकील से मदद लें, इसे अपने आप से मत करो।

ममता: **मैं आपको बताऊंगी कि चुनाव के बाद परिवार कब एफआईआर दर्ज करेगा।**

ममता: **पुलिस अब बयान नहीं लेगी। आपको एक मजबूत एफआईआर दर्ज करनी होगी और एक वकील से मदद लेनी होगी।**

ममता: **ताकि सब कुछ कमांड जोन से शुरू हो और एसपी को फंसाया जाएगा।**

ममता: **एसपी को फंसाया जाना चाहिए, आईसी को भी फंसाया जाना चाहिए।**

ममता: **वे ऐसा कर रहे हैं ताकि वे एनपीआर लागू कर सकें और डिटेंशन शिविर बना सकें।**

Not just that, she apparently has violated the oath that she had taken at the time of filing the nomination. The oath proforma reads;

[Article 173 (a) of the constitution of India]

“I..... having been nominated as a candidate to fill a seat in the Legislative Assembly do swear in the name of the God /Solemnly



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affirm that I will bear true faith and allegiance to the constitution of India as by law established and that I will uphold the sovereignty and integrity of India.”

The Commission may have noticed a sinister design in the entire chronicle of events as they unfolded. First, Calling upon Muslims not to let their vote divide, then a call to attack central police forces and finally to play politics on the dead bodies of citizens.

In complete disregard of public good and well being of the communities and voters, Ms. Mamata Banerjee continues, unabashedly, to defy the directions of, the Election Commission of India, a highly revered constitutional body, The constitution itself and all other electoral laws, that expressly prohibit and bar any attempt by anyone to polarize votes and drive a wedge between communities or religious groups.

In view of the foregoing, we request that;

1. The show cause notice issued by the commission invoked sections 123(3) and 123(3A) of RPA 1951 and sections 186, 189 and 505 of the IPC all punishable by both; imprisonment and fine. The show cause notice by the Commission, the reply furnished by Ms. Mamata Banerjee and commissions findings and its final view needs to be pursued to its logical end. The commission may consider filing an FIR to investigate the entire chain of events; their intent, purpose, actors and perpetrators and book all those found guilty for perpetrating the crimes of promoting hate and polarization amongst the communities and inciting people against the public servants.
2. The violation of the oath as prescribed by the Constitution of India amounts to violation of the Constitution itself. It constitutes a serious electoral offence and calls for strict and immediate action against Ms. Mamata Banerjee, the Head of AITC and another participant in the audio under reference.

Yours Sincerely,

Mukhtar Abbas Naqvi

Om Pathak

Neeraj