

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 437/WB-LA/2021

Dated : 16th April, 2021

NOTICE

Whereas, the General Elections to the Legislative Assembly of West Bengal have been announced by the Commission on 26th February, 2021, vide Press Note No. ECI/PN/16/2021 and the provisions of Model Code of Conduct have come into operation with the announcement of elections; and

2. Whereas, clause (1) of Part I 'General Conduct' of the Model Code of Conduct for the Guidance of Political parties and Candidates provides, *inter alia*, that

“(1) 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.”; and

3. Whereas, Section 153 (A) (1) (a) of the Indian Penal Code, 1860, provides, *inter alia*, that

*153 A. 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 ill-will between different religious, racial, language or regional groups or castes or communities; and*

4. Whereas, further Section 505 (2) of the Indian Penal Code, 1860, provides :

*505(2). Statements creating or promoting enmity, hatred or ill-will between classes.—
Whoever makes, publishes or circulates any statement or report containing rumour or alarming news with intent to create or promote, or which is likely to create or promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, shall be punished with imprisonment which may extend to three years, or with fine, or with both.; and*

5. Whereas, the Commission has received a complaint from a delegation of Bharatiya Janata Party led by Shri Mukhtar Abbas Naqvi in which it is alleged that Ms. Sujata Mondal Khan, a leader of All India Trianmool Congress, made disparaging remarks against the Scheduled Caste community, while giving an interview to News18 Bangla News Channel which has been widely reported in the media; and

6. Whereas, an authenticated transcript of the alleged speech has also been received from the District Election Officer, Hooghly. The relevant part of the speech is as under :

“..... As there is scarcity of resources in the schedule caste families. no matter how much, Mamata Bandyopadhyay has helped them, the scarcity will not go. As there a is a saying, some are actually beggars and others are beggars by nature. the schedule castes here are beggars by nature, and in spite of Mamata Bandyopadhyay helping them so much, still they have been sold to BJP at a petty amount and are now torturing us. Today my vehicle's glass were damaged and they were after me with lathis, guns, bombs. etc. to kill me. and I can clearly make out that they are BJP supporters. They has been supported and sheltered by BJP. I'll inform the ECI definitely, and today if ECI named thing, would have been neutral, then I think this kind of torture/harassment would have not been possible on any candidate or his vehicle.....”; and

7. Whereas, the above statement made by Ms. Sujata Mondal Khan, has been examined in the Commission and the same has been found to be in violation of the clause (1) of Part I of 'General Conduct of Model Code of Conduct for the guidance of political parties and candidates' and Section 153A (1) (a) and Section 505(2) of the Indian Penal Code, 1860.

8. Now, therefore, the Commission gives you an opportunity to explain your stand in making the above said statement and not to suspend your status as Star Campaigner for a few days, within 24 hours of receipt of this notice, failing which the Commission shall take a decision without further reference to you.

Encl : As above.

By Order,


(MADHUSUDHAN GUPTA)
SECRETARY

To,

Ms. Sujata Mondal Khan,
Leader of All India Trinamool Congress,
West Bengal.

The transcript of is as follows:-

"এখানে সিডিউল কাস্ট ফ্যামিলি গুলোকে যেহেতু তাদের ঘরে অভাব আছে তাদেরকে মমতা বন্দ্যোপাধ্যায় যতই দিক, অভাব যাবে না। মানে একটা কথায় থাকে না কেউ থাকে স্বভাবে ভিখারি কেউ অভাবে ভিখারি। এখানকার সিডিউল কাস্ট গুলো হচ্ছে স্বভাবে ভিখারি, এদেরকে মমতা বন্দ্যোপাধ্যায় এত উজাড় করে দিয়েছেন তারপরও তারা বি.জে.পি.র সামান্য টাকার কাছে বিক্রি হয়ে গিয়ে তারা আমাদের উপর অত্যাচার করছে। আজকে আমার গাড়ির কাচ ভাঙচুর করে দিল। আমাকে প্রাণে মেরে দেওয়ার জন্য তারা পিছন পিছন একদম, মানে, মানে লাঠিসোটা, বন্দুক নিয়ে ছুটে আসছে,

বোম নিয়ে ছুটে আসছে এবং তাদেরকে পরিষ্কার বুঝতে পারছি যে বি.জে.পি. তাদেরকে পিছন থেকে শেলটার দিয়ে উস্কে রেখেছে। নির্বাচন কমিশনকে নিশ্চয়ই জানাব এবং একটা কথা এটাও বলতে চাই, আজকে নির্বাচন কমিশন নামক বস্তুটা যদি নিরপেক্ষ হত, তাহলে মনে হয় কোনও প্রার্থীর উপর বা তার গাড়ির উপর এত অকথ্য নির্যাতন হত না।"

English Translation, as follows:-

"As there is scarcity of resources in the schedule caste families, no matter how much, Mamata Bandyopadhyay has helped them, the scarcity will not go. As there is a saying, some are actually beggars and others are beggars by nature, the schedule castes here are beggars by nature, and in spite of Mamata Bandyopadhyay helping them so much, still they have been sold to BJP at a petty amount and are now torturing us. Today my vehicle's glass were damaged and they were after me with lathis, guns, bombs, etc. to kill me, and I can clearly make out that they are BJP supporters. They has been supported and sheltered by BJP. I'll inform the ECI definitely, and today if ECI named thing, would have been neutral, then I think this kind of torture/harassment would have not been possible on any candidate or his vehicle."

