

# ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 437/WB-LA/2021

Dated :18<sup>th</sup> April, 2021

## ORDER

Whereas, the Commission had issued a Notice No. 437/WB-LA/2021 dated 15<sup>th</sup> April, 2021 to Shri Sayantan Basu, Leader of Bharatiya Janata Party for violation of Model Code of Conduct during ongoing General Election to Legislative Assembly of West Bengal; and

2. Whereas, the Commission has received a reply from Shri Sayantan Basu to the aforesaid Notice, on 16<sup>th</sup> April, 2021; and

3. Whereas, Shri Sayantan Basu, in the aforesaid reply, has inter-alia submitted the following:-

*a. At the outset, as a law-abiding citizen, He has full faith in the democratic process, principles enshrined in the constitution, law enacted by the legislature and the guidelines issued by the Election Commission of India. He also believes in the process of free, fair and transparent Elections. It is also relevant to point out that violence has no place in the democratic setup.*

*b. His state West Bengal has historically witnessed violence during elections. Even in the present regime, the ruling party has been involved in creating environment of fear and hatred. AITC has adopted the policy of divisive politics. Keeping in view the prevailing circumstances, the deployment of Central Forces to ensure free and fair election by the Hon'ble Commission.*

*c. During the enforcement of Model Code of Conduct in the ensuing elections, They have witnessed attacks on their candidates, polling agents, voters being intimidated, bombs being hurled, vehicles being damaged etc., incidents which have been covered widely in the Media. However, the presence of CAPFs personnel has ensured that these attacks are kept to a minimum and not allowed the situation beyond control. The enforcement of law and order has ensured free and fair elections.*

*d. It is also relevant to point out AITC goons had killed an 18-year-old boy named Ananda Barman, who was the first-time voter. The said brutal act was done at the behest of AITC leadership so as to create fear in the minds of electorate that they shall cast their vote in favour of AITC. Similarly, few anti-social elements sought to rig the polling area at the behest of AITC leaders. In order to establish law and order situation and to secure free and fair elections, the CAPFs deployed opened fire in defense.*

*e. The alleged statement is being totally misinterpreted by the complainant. It is submitted that the above said statement was made not with the intent to threaten Bengal*

*and its people as alleged but was made to show that violation of law will be dealt sternly by the law enforcement agencies. The distinction between the group is not based on caste and communities but is based on law abiding and law violating groups.*

*It is also submitted that the Commission may examine his entire speech wherein he has specially stated that this is not a Hindu Muslim issue but pertains to law and order. He has also stated that it is AITC leaders who are dividing people on the lines of religion. Since the statement does not promote enmity between different groups on the ground of religion, race, place of birth or aggravate existing differences between different caste and communities, the same cannot be held to be violating provisions of law mentioned in the captioned notice.*

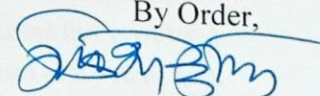
*f. He never intended to make any statement contravening MCC, the provisions of The Representation of People Act, 1951 and provisions of Indian Penal Code.*

*g. Notwithstanding the above, if at all, any of his expression is construed as violation of any provision of MCC or other provisions of law, He respectfully submits that he shall be careful in future. "I regret my remarks".*

4. Whereas, the Commission has carefully considered his reply and is of the considered view that **he has violated clauses (1) & (4) of Part 1 'General Conduct of Model Code of Conduct for the Guidance of Political Parties and Candidates'** and **made highly provocative remarks which could have a very serious consequence on the general maintenance of Law and Order thereby adversely affecting the election process.**

5. Now, therefore, the Commission hereby sternly warns and condemns Shri Sayantan Basu and strongly advises him to desist from using such statement while making public utterances during the period when Model Code of Conduct is in force **and imposes a ban of 24 hours** from 7PM on 18.04.2021 to 7PM on 19.04.2021 during which he shall not be allowed to campaign.

By Order,



(RAKESH KUMAR)  
SECRETARY

To,  
Shri Sayantan Basu,  
Leader of Bhartiya Janata Party,  
West Bengal.