

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 437/WB-LA/2021

Dated : 13th 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) & (4) 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."

"(4) All parties and candidates shall avoid scrupulously all activities which are "corrupt practices" and offences under the election law, such as bribing of voters, intimidation of voters, impersonation of voters, canvassing within 100 meters of polling stations, holding public meetings during the period of 48 hours ending with the hour fixed for the close of the poll, and the transport and conveyance of voters to and from polling station."; and

3. Whereas, Section 123 (3A) of the Representation of the People Act, 1951 provides, *inter alia*, that :-

"(3A) The promotion of, or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community, or language, by a candidate or his agent or any other person with the consent of a candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate."; and

4. Whereas, Section 153 (A) (1) (a) of Indian Penal Code 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

5. Whereas, the Commission has received a complaint from Shri Derek 'O' Brien, AITC in which it is alleged that Shri Dilip Ghosh, State President of Bharatiya Janata Party, delivered an

inflammatory statement which is an open threat to the Bengal and its people, while addressing a public rally in Barangar, North 24 Parganas, which has been widely reported in the media; and

6. Whereas, an authenticated transcript of the alleged speech has also been received from the Chief Electoral Officer, West Bengal. The relevant part of the speech is as under :

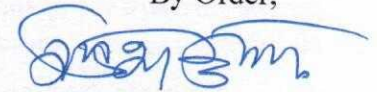
"..... Where did so many naughty boys come from? Those naughty boys were shot at yesterday in Shitalkuchi. These naughty boys will not be there in Bengal. This is just the beginning. Those who thought that the central forces' rifles were meant to be just for show have well understood now the power of cartridges. And this will be carried on throughout Bengal. Those who will take the law in their own hands will be given a befitting answer. I hope that you all will queue up to cast your votes in the morning on 17 April. Central forces will be there in the booths. No one can show you an angry eye. Because we are here. And if someone crosses his limits then you have seen what happened in Shitalkuchi. There will be Shitalkuchi in several places. So be careful."; and

7. Whereas, the Commission has carefully considered the matter and **is of the considered view that Shri Dilip Ghosh, who is also the State President of BJP, has** in violation of the clauses (1) & (4) of Part I of 'General Conduct of Model Code of Conduct for the guidance of political parties and candidates' and the provisions contained in sub-section (3A) of Section 123 of the Representation of the People Act, 1951 and sub-section (1)(a) of Section 153 (A) of Indian Penal Code 1860 **made statements that are provocative and can seriously incite the emotions and lead to breakdown of law & order thereby adversely affecting the election process.**

8. Now, therefore, the Commission gives you an opportunity to explain your stand in making the above said statement, by 10 am tomorrow, failing which the Commission shall take a decision without further reference to you.

Encl : As above.

By Order,



(RAKESH KUMAR)
SECRETARY

To,

Shri Dilip Ghosh,
State President of Bharatiya Janata Party,
West Bengal.

**Transcript of Dilip Ghosh's Speech Given at Baranagar as Telecast on ABP News Channel
on 11.4.21 from 14:01:24 to 14.02.04**

Where did so many naughty boys come from? Those naughty boys were shot at yesterday in Shitalkuchi. These naughty boys will not be there in Bengal. This is just the beginning. Those who thought that the central forces' rifles were meant to be just for show have well understood now the power of cartridges. And this will be carried on throughout Bengal. Those who will take the law in their own hands will be given a befitting answer. I hope that you all will queue up to cast your votes in the morning on 17 April. Central forces will be there in the booths. No one can show you an angry eye. Because we are here. And if someone crosses his limits then you have seen what happened in Shitalkuchi. There will be Shitalkuchi in several places. So be careful.

Translated by

Padmini Chakraborty
12.4.21

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Translator