

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 437/WB-LA/2021

Dated : 13th April, 2021

ORDER

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, the provision under sub-section 3(A) of Section 123 of the Representation of the People Act, 1951, which *inter alia* provides 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, the provision under sub-section (1)(a) of Section 153 (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, Shri Rahul Sinha, BJP has made a speech which has been telecast on News 18 Bangla Channel on 12.04.2021 at 11.30. am; and

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

“.....The Central Forces have given them a befitting answer. If they do it again they will be dealt again in a befitting manner. The Central Forces should have killed eight persons instead of four in Shitalkuchi. The Central forces should be issued a show cause notice as to why they have killed only four of them.....”; and

7. Whereas, the **Commission has carefully considered the matter suo-moto and is of the considered view that Shri Rahul Sinha, 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 highly provocative statements mocking the human life, inciting the forces that could have serious law & order implications thereby adversely affecting the election process.**

8. Now, therefore, the **Commission hereby strongly condemns the above statements made By Shri Rahul Sinha, BJP and sternly warns him to be careful from using such statements while making public utterances during the period when Model Code of Conduct is in force. The Commission also imposes a ban on Shri Rahul Sinha from campaigning in any manner for next 48 hours commencing from 12.00 hours today till 12.00 hours on 15.4.2021.**

9. **Commission decided to issue this order without giving any notice to Sh Rahul Sinha, BJP due to urgency of the matter.**

Encl : As above.

By Order,

(RAKESH KUMAR)
SECRETARY

To,

Shri Rahul Sinha,
Bhartiya Janata Party,
West Bengal.

Transcript of Rahul Sinha's Speech as Found in the CD, Marked as Annexure B, Provided by the Complainant and Matched with the Video Clip as Telecast on News 18 Bangla Channel on 12.4.21 at 11.30 am

The Central Forces have given them a befitting answer. If they do it again they will be dealt again in a befitting manner. The Central Forces should have killed eight persons instead of four in Shitalkuchi. The Central Forces should be issued a show cause notice as to why they have killed only four of them.

Translated by

Padmini Chakraborty

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Translator

12.4.21