



Date: October 17, 2023

To,

**Shri Rajiv Kumar**

**Chief Election Commissioner**

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**Subject: Bandi Sanjay Kumar's speech communally inflammatory and violent election speech**

Respected Sirs,

We at Citizens for Justice and Peace (CJP), are concerned about a recent election speech delivered by BJP national general secretary Bandi Sanjay Kumar wherein he had made violent, instigating and misleading remarks. Through his speech, Kumar has not only used manipulative and defamatory words against the AIMIM (All India Majlis-E-Ittehadul Muslimeen) party, but also made communally inflammatory remarks to promote violence against Muslims as well as raised calls for conducting encounters.

A report of *VarthaBharati* provided that the impugned controversial speech was made by Sanjay on October 10 during a rally being organised by the Bharatiya Janata Party (BJP) in Adilabad, Hyderabad. Kumar, who is also a member of parliament from Karimnagar, also that people who attacked Hindus in the town of Bhainsa would be beaten and chased down the streets if BJP in Telangana comes to power. It is essential to highlight here that the north Telangana town of Bhainsa was a hot spot for communal clashes, internet shutdown and daytime curfews.

And yet, in the impugned speech of October 10, Kumar milked the aforementioned communal violence incident and spread misinformation regarding it. As per the report of *VarthaBharati*, Kumar addressed a gathering at the Jana Garjana Sabha and stated that, "Modi's rule must come in Telangana, so that those who attacked Hindu society and created destruction in

Bhainsa, and the people from AIMIM who raped minors, are stripped and chased down the streets.”

In furtherance to calling to the memoirs of riots, Kumar also raised calls encountering and burying those in Pakistan who do not chant ‘*Bharat Mata ki Jai.*’

Kumar had stated: “Those who are hoisting Pakistan flags instead of chanting *Bharat Mata ki Jai* should be killed in encounters and buried in Pakistan.”

He also manipulated the history of Hyderabad in their fight for independence to gain votes. Referring to Adilabad as ‘Hindutva adda’, he called it the land of Komaram Bheem who fought against Nizam oppression. He compared Chief Minister K Chandrashekhar Rao with Nizam VIII and Amit Shah to Sardar Patel who will oust KCR just like Sardar Patel ousted Nizam.

***The article of VarthaBharati dated October 11, 2023 has been attached and annexed hereto as Annexure A***

<https://english.varthabharati.in/india/those-who-dont-chant-bharat-mata-should-be-killed-in-encounter-bjp-mps-controversial-statement>

Respected Sirs/ Ma’am, this speech of BJP leader Sanjay is a clear case of hate speech aimed at instigating disaffection, spreading misinformation and promoting violence against minorities. Promoting enmity between different communities/faiths, raising calls for violence and spreading misinformation to gain votes are in blatant contravention of election laws, the principle of voluntary, free and fair elections and amount to corrupt practices from a man in a politically powerful position. Through his speech, he has openly uttered words that defy the laws established and has the potential to impact on the safety of the minority community of Muslims living there as well as result in another incidence of communal violence in the state of Telangana. His speech also stands in violation of all equality and non-discrimination provisions (secular and democratic values) enshrined in the Constitution of India and also amounts to the offences defined as “corrupt practices” under the Representation of the People Act, 1951. **(Section 123, detailed below).**

Through the carefully calculated words uttered by Kumar, along with the show of impunity, there is a clear intention to promote corrupt practices and spread anti-minority divisive ideology to manipulation the votes of the general public. Sir, to allege a political party of “committing rape” without any proof with the gaining votes and tainting the image of a political opposition demands stern action. Weaponising history or sexual violence against women and spreading misinformation regarding it amounts to an assault on the dignity of women as well as goes against the ethics and values promoted by the Constitution of India.

Sirs, exercising one’s right (and freedom) to cast vote and choose their representatives is a basic right that is granted to every citizen of India. It is important that defamatory and misleading statements, especially of this stature, are not made by leaders. It is necessary that these brazen violative acts are evaluated and acted upon for what they are, not individual

misdeemeanours but concerted attempts to not only vitiate the social and political atmosphere but also to intimidate voters as well as tempt them into indulging in a corrupt electoral practice.

Gaining the trust of the Hindus through false and manipulative narratives during electoral rallies while also pitying them against the Muslims by raking the painful past to benefit in the present is an act that should not be left unchecked. This clear-cut example of sectarian politics and specific target of the Muslim community echo the current unsafe environment of the country and concerted efforts should be made to ensure that are elections remain free from it.

It is urgent and essential that these statements condoning and promoting corruption and influencing the results are taken strict action upon. It should also be considered that this speech is emanating from a senior leader of the political party and a former MLA from the state, and if left unchecked, will raise serious questions of allegiance of that party to the Indian Constitution and in fact are evidence of a blatant breach.

### **Previous instances of questionable speeches and statements**

Sirs, it is also crucial to highlight here that this is not the first time that BJP leader Bandi Sanjay Kumar has made the headlines for delivering a speech that goes against the values and ethics promoted by our Constitution. For a public leader, certain ethical standards are set, which might be higher than the ones in place for a common person, as per which they are evaluated. And yet, Kumar has refused to abide by these standards and the values promotes by India's Constitution and has indulged in violent and controversial speeches.

In the year 2021, tension had erupted on the night of March 7 when a petty fight between two groups had snowballed into a communal face-off that resulted in 12 people, including three policemen, sustaining injuries. Angry mobs torched 13 shops, four houses, six four-wheelers, four auto rickshaws and five two-wheelers. A week after the episode of communal violence, the police had said that they had arrested 38 people and are on the lookout for 70 more. The police had further provided that most of the accused are members of the Hindu Vahini, a Hindutva extremist fringe outfit. As per a report of the Wire, the same Bandi Sanjay Kumar, who was then the president of the Telangana BJP, had alleged that the police have an anti-Hindu bias and that Hindu Vahini members are being tortured by the police.

***The article of the Wire dated March 19, 2021 has been attached and annexed hereto as Annexure B***

<https://thewire.in/communalism/most-people-arrested-in-bhainsa-violence-linked-to-hindu-vahini-telangana-police>

In the year 2020, at a BJP rally organised in support of the Citizens Amendment Act, he had targeted those who were protesting against it and had stated "The traitors have no place in this country. If you want go to Pakistan, Bangladesh or Afghanistan, we will give you flights or brakeless buses," he said.

He had also alleged that there was stone pelting on a pro-CAA rally by “anti-nationals”, and had issued a warning that bombs will be used in response to stones.

“If you throw stones, we will hurl bombs. If you use sticks, we will retaliate with knives. If you hurl bombs we will hit back with launchers. The war has begun. We will not spare anybody,” Kumar had said.

***The article of Hindustan Times dated January 9, 2023 has been attached and annexed hereto as Annexure C***

<https://www.hindustantimes.com/india-news/war-has-begun-won-t-spare-anybody-telangana-bjp-mp-warns-citizenship-act-protesters/story-MjZ15ghIgNicu2NkKz8AKO.html>

In the year 2022, Kumar had made controversial statements stating that all mosques should be dug up to find out if there were ‘Shivlings’ beneath them. He had even gone on to announce that the party would completely ban Urdu language if voted to power in Telangana. Based upon the provocative and derogatory remarks, TRS (Telangana Rashta Samithi) working president and municipal minister K T Rama Rao had demanded for the suspension of Kumar.

***The article of Times of India dated June 6, 2022 has been attached and annexed hereto as Annexure D***

<https://timesofindia.indiatimes.com/city/hyderabad/sack-bandi-sanjay-kumar-for-comment-on-mosques-telangana-minister-k-t-rama-rao/articleshow/92028540.cms>

In March of the year 2023 itself, a derogatory and anti-woman comment made by Kumar on Bharat Rashtra Samithi (BRS) lawmaker Kalvakuntla Kavitha had evoked strong protests from BRS leaders and cadres across the state. as per a report of Hindustan Times, while speaking at a BJP Mahila Morcha meeting at the party headquarters on International Women’s Day on March 8, Kumar was referring to a query posed by some reporters about the possible arrest of Kavitha by the Enforcement Directorate authorities in connection with the Delhi liquor scam. “They asked me whether Kavitha could be arrested. What will they do if not arrest her? Will they kiss her?” he had asked.

The objectional comments made by Kumar had left to protests and processions being organised. Notably, the Telangana state women’s commission had taken suo-moto cognizance of the comments made by Kumar against Kavitha and had also directed the Director General of Police to take action against the BJP president.

*The article of Hindustan Times dated March 12, 2023 has been attached and annexed hereto as Annexure E*

<https://www.hindustantimes.com/cities/others/bandi-sanjay-s-remark-on-kavitha-stirs-triggers-row-101678560786374.html>

### **Violations of the Representation of People Act, 1951**

Kumar stands in violation of the following sections of the Act:

**123. Corrupt practices**—The following shall be deemed to be corrupt practices for the purposes of this Act: —

(3) The appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to religious symbols or the use of, or appeal to, national symbols, such as the national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate

(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.] 8[(3B) The propagation of the practice or the commission of sati or its glorification by a candidate or his agent or any other person with the consent of the 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.

Explanation—For the purposes of this clause, “sati” and “glorification” in relation to sati shall have the meanings respectively assigned to them in the Commission of Sati (Prevention) Act, 1987 (3 of 1988).

**125. Promoting enmity between classes in connection with election.** —Any person who in connection with an election under this Act promotes or attempts to promote on grounds of religion, race, caste, community or language, feelings of enmity or hatred, between different classes of the citizens of India shall be punishable, with imprisonment for a term which may extend to three years, or with fine, or with both.

### **Grounds for the present complaint**

Sir, our objective behind highlighting the statements made by Kumar in the past is to depict that he is a repeat offender who consistently indulges in making statements that are violent in nature, usually aimed at gender and religious minorities, and are adverse to the values of a secular, socialist and democratic country.

The Hon'ble Election Commission may seriously consider, apart from issuing a notice to this individual candidate, to also issue a notice **to the state and national party in chief of the Bharatiya Janata Party (BJP) as this conduct of one of its own elected representatives puts a responsibility on any party that participates in elections held under the mandate of the Indian Constitution to honour and follow its mandate as laid down in both the Preamble and Fundamental Rights (Chapter III).**

### **Jurisprudence:**

In **Abhiram Singh v. C.D. Commachen (Civil Appeal No. 37 of 1992; decided on January 2, 2017)**, a 7-judge bench decided whether the word 'his' under section 123(3) pertained to the identity of the candidate or his rival only (literal interpretation), or also extended to the identity of the voter/s (purposive interpretation). By a 4:3 margin, the court upheld the purposive interpretation of 'his' and thus proscribed any appeal pertaining to the identity of the candidate, his rival or the voter. This meant that electoral appeals to voters based on their religion is a "corrupt practice" which can result in declaring the election of the candidate as void and further disqualification for a period of six years.

Justice T.S. Thakur in his concurring judgment said,

"The State being secular in character will not identify itself with anyone of the religions or religious denominations. This necessarily implies that religion will not play any role in the governance of the country which must at all times be secular in nature. The elections to the State legislature or to the Parliament or for that matter or any other body in the State is a secular exercise just as the functions of the elected representatives must be secular in both outlook and practice. Suffice it to say that the Constitutional ethos forbids mixing of religions or religious considerations with the secular functions of the State."

In **Ziyauddin Burhanuddin Bukhari vs Brijmohan Ramdass Mehra 1975 SCR 453**, the Supreme Court held thus,

"As already indicated by us, our democracy can only survive if those who aspire to become people's representatives and leaders understand the spirit of secular democracy. That spirit was characterised by Montesquieu long ago as one of "virtue". It implies, as the late Pandit Jawaharlal Nehru once said, "self-discipline". For such a spirit to prevail,

candidates at elections have to try to persuade electors by showing them the light of reason and not by inflaming their blind and disruptive passions. Heresy hunting propaganda on professedly religious grounds directed against a candidate at an election may be permitted a theocratic state but not in a secular republic like ours. It is evident that, if such propaganda was permitted here, it would injure the interests of members of religious minority groups more than those of others. It is forbidden in this country in order to preserve the spirit of equality, fraternity, and amity between rivals even during elections. Indeed, such prohibitions are necessary in the interests of elementary public peace and order.”

It further held,

“Therefore, candidates at an election to a legislature, which is a part of "the State", cannot be Allowed to tell electors that their rivals are unfit to act as their representatives on grounds of their religious professions or practices. To permit such propaganda would be not merely to permit undignified; personal attacks on candidates concerned but also to allow assaults on what sustains the basic structure of our Democratic State.” The above-mentioned are merely excerpts of some of the landmark judgements of the Supreme Court which run into pages and emphasize on upholding of secular character of the Constitution while holding that candidate for elections must at all costs avoid using any language that appeals to religion or that is against any religious community

### **Prayers:**

Notably, on October 5, 2023, the Chief Election Commissioner Rajiv Kumar himself had stated that the Election Commission is fully committed to delivering free, fair, transparent, and inducement-free elections. Sir, targeting a religious minority, manipulating the history of a state, encashing on communal violence and raising demands for “encounters” hampers the efforts made by the Hon’ble commission to ensure that religion does not enter the arena of politics.

Considering the above-mentioned, we humbly pray that the commission take cognisance of this serious violation the Representation of People Act, 1951. We pray that you take strict action against BJP national general secretary Bandi Sanjay Kumar and pass necessary strictures him. We also pray that the Commission directs Kumar to issue an unconditional public apology and retraction for his utterances in Hyderabad. Any other action necessary, including a public reprimand by the esteemed Election Commission, may also be taken by the Hon’ble Commission.



Yours sincerely,

Nandan Maluste, President

Teesta Setalvad, Secretary

**List of Annexures:**

Annexure A: A copy of the article of VarthaBharati dated October 11, 2023

Annexure B: A copy of the article of the Wire dated March 19, 2021

Annexure C: A copy of the article of Hindustan Times dated January 9, 2023

Annexure D: A copy of the article of Times of India dated June 6, 2022

Annexure E: A copy of the article of Hindustan Times dated March 12, 2023