

Date: November 6, 2025

To,

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Subject: Complaint regarding communal, inflammatory and hate-inciting remarks made by Assam Chief Minister Himanta Biswa Sarma during an election rally at Raghunathpur, Siwan, Bihar, on November 4, 2025, in gross violation of the Model Code of Conduct, the Representation of the People Act, 1951, and the Bharatiya Nyaya Sanhita, 2023

Respected Sirs,

We, at Citizens for Justice and Peace (CJP), are submitting this formal complaint against Himanta Biswa Sarma, Chief Minister of Assam and senior leader of the Bharatiya Janata Party (BJP), for his deeply communal, inflammatory, and hate-filled speech delivered at a campaign rally at Raghunathpur, Siwan, on November 4, 2025.

The remarks made by Sarma are among the most egregious examples of communal incitement in recent electoral history. Delivered by a sitting Chief Minister holding constitutional office, they combine explicit religious appeal, terror-linked vilification, and collective defamation of an entire community, weaponising fear, faith, and violence for political gain.

The Election Commission of India (ECI) had, vide Press Note No. ECI/PN/318/2025 dated October 8, 2025, declared the Bihar Assembly election schedule, thus enforcing the Model Code of Conduct (MCC). Sarma's speech flagrantly violates the MCC, Sections 123(2), 123(3), 123(3A), and 125 of the Representation of the People Act, 1951, and Sections 196, 297, and 356 of the Bharatiya Nyaya Sanhita, 2023.

Background

At a campaign rally in Siwan district, Sarma compared RJD candidate Osama Shahab to terrorist Osama bin Laden, urging voters to “eliminate all Osama Bin Ladens” and declaring that his victory would amount to “a defeat for Hindus.” He also referred to Shahab’s father, the late Mohammad Shahabuddin, to deepen the communal framing, invoking fear, stigma, and religious hatred.

He went on to make sweeping anti-Muslim statements — boasting that he had “freed 50,000 acres of land from infiltrators,” that he had stopped state funding for madrasa teachers, and that “infiltrators are a threat to womenfolk.” He ended his speech by framing the contest as a battle between “awakened Hindus” and “Osamas,” evoking Ayodhya, Babur, and Aurangzeb.

This rhetoric is not political discourse — it is state-sponsored demonisation, a calculated appeal to communal sentiment, and an incitement to hostility between religious groups.

Transcript (Extracts from the Speech)

“Before I came to Raghunathpur, I thought I would see Lord Ram, Lord Lakshman and Goddess Sita, but I was told that there are many Ram, Laxman and Sita here and there is also Osama. So I asked, who is Osama? This Osama is like the earlier Osama Bin Laden. We have to ensure the elimination of all Osama Bin Ladens in the state. What was Osama's father's name? He was called Shahabuddin...”

“If such an Osama wins from Raghunathpur, it will be a defeat for Hindus. I shall myself be watching the results of this constituency on November 14, sitting at the gates of Kamakhya temple in Assam. I am sure you people will reject Osama just as you had defeated his mother in Lok Sabha polls.”

“The infiltrators also pose a threat to our womenfolk. The Congress had been footing the bill for the salaries of teachers at Madrasas. I put an end to it, making it clear the government is supposed to train doctors and engineers, and not mullahs.”

“Later this month, I am also going to bring a law that would send to jail those who marry three to four times. I am going to shut down this shop.”

“Awakened Hindus defeated the legacy of Babur and Aurangzeb in Ayodhya, where a temple of Lord Ram stands. They will again beat Osama.”

These statements were made at a large public gathering during the MCC period, widely covered by national media and amplified across digital platforms.

The video of the speech has been downloaded by CJP and is marked and annexed hereto as Annexure A.

Link for the video is: <https://x.com/ANI/status/1985614835485200429>

Analysis of violations

Himanta Biswa Sarma's speech represents a qualitative escalation in communal campaign rhetoric — not a stray remark but a systematic deployment of hate speech by a constitutional functionary. Its structure mirrors a hate-incitement template: naming, demonising, dehumanising, and mobilising.

1. **Targeted vilification and terror comparison:** The explicit comparison of a Muslim candidate, by name, to Osama bin Laden — one of the most recognisable symbols of terrorism — is a deliberate act of character assassination that equates Indian Muslims with terrorists. This is not political criticism; it is collective criminalisation of identity. By saying “we must eliminate all Osama Bin Ladens,” Sarma invoked a language of extermination — a genocidal idiom wholly incompatible with democratic and constitutional conduct.
2. **Religious appeal and polarisation:** His declaration that “if such an Osama wins, it will be a defeat for Hindus” transforms the electoral contest into a religious war. It is a textbook violation of Section 123(3) of the Representation of the People Act, which prohibits religious appeals. This speech constructs an existential dichotomy: that Hindus must vote to “defeat” Muslims. The invocation of *Ram*, *Laxman*, *Sita*, *Kamakhya temple*, *Babur*, and *Aurangzeb* sacralises the political space, injecting religion into what should be a secular process.
3. **Institutionalised hate by a state actor:** As the sitting Chief Minister of Assam, Sarma's words carry the weight of government authority. His self-congratulatory references to “freeing land from infiltrators” and “stopping salaries of mullahs” transform hate speech into state policy. The line between political propaganda and administrative policy is deliberately blurred — converting discrimination into governance. This constitutes misuse of office and is a direct MCC violation under Part I: General Conduct.
4. **Incitement to fear and dehumanisation:** References to “infiltrators threatening women” are historically loaded tropes — echoing communal propaganda that portrays Muslim men as sexual threats and outsiders. Such rhetoric inflames gendered and religious anxieties, legitimising hatred under the guise of protection. These remarks meet the legal threshold of incitement under Sections 196 and 297 of the Bharatiya Nyaya Sanhita, 2023.
5. **Attack on constitutional morality and equality:** The speech collapses the boundary between religious identity and national belonging — portraying Muslims as infiltrators, anti-nationals, and existential threats. This is a violation of Articles 14, 15, and 25 of the Constitution. The Supreme Court, in *Abhiram Singh v. C.D. Commachen (2017)*, explicitly held that using religion to solicit votes vitiates the democratic process. Sarma's remarks go further — they criminalise citizenship itself based on faith.

6. **Hate as political strategy:** Unlike isolated hate speech incidents, this instance demonstrates an institutionalisation of hate as electoral strategy. Delivered by a high-ranking constitutional authority campaigning outside his state, the remarks have a multiplier effect — normalising bigotry, emboldening hate groups, and eroding the neutrality of the electoral environment.

Legal violations

The impugned speech of Himanta Biswa Sarma constitutes multiple and overlapping statutory offences under the Representation of the People Act, 1951, the Bharatiya Nyaya Sanhita, 2023, and the Constitution of India, as elaborated below:

1. Violations under the Representation of the People Act, 1951

Section 123(2): Undue influence- The remarks exert moral and psychological coercion upon voters by framing the electoral contest as a religious duty and declaring that voting for a Muslim candidate would be “a defeat for Hindus.” This transforms political choice into a moral test of faith, amounting to undue influence. The section prohibits any direct or indirect interference with a voter’s free will; Sarma’s appeal clearly crosses that line.

Section 123(3): Appeal on religious grounds- The speech explicitly invokes religion, religious identity, and sacred symbols to solicit votes. Sarma’s invocation of *Ram*, *Laxman*, *Sita*, *Kamakhya temple*, and his statement that the victory of “Osama” would be “a defeat for Hindus,” are a direct appeal to religious sentiment. The Supreme Court in *Abhiram Singh v. C.D. Commachen* (2017) held that even indirect appeals to religion constitute corrupt practices. Sarma’s statements go beyond indirect appeal—they make religion the very axis of the electoral choice.

Section 123(3A): Promotion of enmity between classes- The repeated comparison of an Indian Muslim candidate to a globally recognised terrorist, coupled with the assertion that “we must eliminate all Osama Bin Ladens,” is a paradigmatic example of promoting hatred between communities. The section criminalises any attempt to create enmity on religious grounds; Sarma’s language explicitly constructs Muslims as an enemy group, legitimising their exclusion and humiliation.

Section 125: Promoting enmity between classes in connection with elections- This provision criminalises the promotion or attempt to promote feelings of enmity or hatred between different classes of citizens on grounds of religion, race, or community. The Chief Minister’s language— “infiltrators are a threat to our womenfolk,” “we will defeat Osamas,” “a victory for Hindus”—is an archetype of such conduct. His statements, delivered during a public election campaign, fulfil every element of this offence.

2. Violations under the Bharatiya Nyaya Sanhita, 2023

Section 196: Promoting enmity between different groups on grounds of religion- By portraying Muslims as “infiltrators” and a threat to women, and by calling for the “elimination of Osamas,” Sarma promotes hatred between Hindus and Muslims. This satisfies both the *actus reus* (the public act of speech) and the *mens rea* (intent to inflame communal divisions).

Section 297: Statements conducing to public mischief- This provision penalises speech likely to cause public fear or alarm or incite violence against any class or community. Sarma’s words, particularly “we must eliminate Osamas,” are not metaphorical—they invoke a militaristic, exterminatory mindset that directly endangers the targeted group.

Section 356: Insulting religion or religious beliefs of any class- The speech ridicules Muslim identity through its association with terrorism, directly insulting religious sentiments and violating the dignity of Muslim citizens. Such association is not protected under freedom of speech because it is calculated to outrage and demean.

3. Constitutional and institutional violations

Sarma’s remarks violate the basic structure of the Constitution by undermining its secular foundation. The Preamble ennes India as a *sovereign, socialist, secular, democratic republic*. His speech collapses that secular guarantee by defining Indian identity exclusively in religious terms.

- **Article 14 (Equality before Law):** Denied to Muslim citizens when their very belonging is questioned.
- **Article 15 (Non-discrimination):** Violated by treating an entire community as suspect.
- **Article 19(1)(a) (Freedom of Speech):** Misused; the right to free expression does not extend to hate speech or to language that threatens public order (*S. Rangarajan v. P. Jagjivan Ram*, 1989).
- **Article 21 (Right to Dignity and Life):** Violated by targeting citizens based on religion, creating fear and stigma.
- **Article 25 (Freedom of Religion):** Subverted by politicising faith itself as a basis for electoral appeal.

Further, the speech breaches the Ministerial Code of Conduct and the Election Commission’s MCC guidelines, which impose an enhanced duty of restraint on sitting ministers and chief ministers to maintain neutrality and decorum in campaign conduct.

Effect on the electoral environment

The impact of such rhetoric cannot be overstated. When a sitting Chief Minister calls for the “elimination of Osamas” and defines victory in explicitly Hindu terms, it legitimises hate as an electoral instrument. In a district like Siwan — historically sensitive and communally diverse — such remarks risk immediate polarisation and violence.

This is not just an MCC breach; it is an attack on the secular foundations of the Indian Republic. The speech is calculated to create division, hostility, and fear, weaponising state power against vulnerable citizens.

Jurisprudential and institutional precedents

1. **Abhiram Singh v. C.D. Commachen (2017, 7-Judge Bench):** Elections must remain secular; appeals to religion constitute corrupt practice.
2. **Ziyouddin Bukhari v. Brijmohan Mehra (1975):** Religious propaganda is an assault on the basic structure of democracy.
3. **Pravasi Bhalai Sangathan v. Union of India (2014):** Courts emphasised ECI’s proactive duty to curb hate speech.
4. **S. Rangarajan v. P. Jagjivan Ram (1989):** Freedom of speech does not extend to speech that threatens public order or social harmony.
5. **Ashwini Kumar Upadhyay v. Union of India (2023):** Directed suo moto FIRs in cases of hate speech under Sections 153A, 295A, etc., irrespective of the offender’s identity.

These rulings collectively mandate that election authorities and police must act promptly and independently against hate speech, particularly when delivered by public functionaries.

Prayer

We respectfully request that the Chief Electoral Officer, Bihar, and the Director General of Police, Bihar, immediately:

- Issue a show-cause notice to Himanta Biswa Sarma for MCC violation.
- Direct registration of an FIR under Sections 123(2), 123(3), 123(3A), and 125 of the RPA, 1951, read with Sections 196, 297, and 356 of the BNS, 2023.
- Censure and debar Sarma from further campaigning in Bihar.
- Refer the matter to the Prime Minister’s Office and Ministry of Home Affairs for action under the Ministerial Code of Conduct, which mandates adherence to constitutional values.
- Instruct all digital and broadcast media platforms to remove and cease circulation of the impugned speech.

- Issue a general advisory to all political parties reiterating that communal or religious appeals will invite strict penal and electoral consequences.

This complaint concerns not only an election speech but a constitutional breach of trust. When a Chief Minister calls for the “elimination” of individuals based on name and faith, he crosses from rhetoric to incitement — from politics to persecution. Such conduct undermines public order, constitutional morality, and the democratic promise of equality.

We urge the Election Commission to take urgent, deterrent, and exemplary action to preserve the sanctity of free and fair elections.

Yours faithfully,

Nandan Maluste

President, Citizens for Justice and Peace

Teesta Setalvad

Secretary, Citizens for Justice and Peace

Annexures:

Annexure A: Video of the speech delivered by Himanta Biswa Sarma on November 4, 2025, at Raghunathpur, Bihar