

URGENT**Date: April 27, 2026**

To,

Shri Manoj Kumar Agarwal (IAS)

Chief Electoral Officer (CEO), West Bengal

Email: ceo_westbengal@eci.gov.in,ceo-election-wb@nic.in**Shri Amit Kumar Singh (IPS)**

Commissioner of Police, Barrackpore

Email: bkppolicecommissionerate@gmail.com,psbarrackpore-bkpc@policewb.gov.in

Subject: MCC violation complaint under the Model Code of Conduct and Sections 123(2), 123(3), 123(3A) & 125 of the Representation of the People Act, 1951, read with Sections 196, 197(1), 299, 352 & 353 of the Bharatiya Nyaya Sanhita, 2023 — against BJP MP and Union Minister of State for Education Sukanta Majumdar for delivering a divisive communal and hate speech while speaking at an election campaign in Panihati, North 24 Parganas (West Bengal) on March 29, 2026.

Dear Sirs,

We, at Citizens for Justice and Peace (CJP), a human rights movement dedicated to furthering the constitutional rights of all Indians, hereby submit this formal complaint against Union Minister and Member of Parliament (MP) Shri Sukanta Majumdar, for delivering explicitly communal, coercive, and unconstitutional public statements on March 29, 2026, during an election campaign in Panihati, North 24 Parganas (West Bengal). These remarks constitute clear violations of the Model Code of Conduct (MCC), the Representation of the People Act, 1951, and the Bharatiya Nyaya Sanhita, 2023 (BNS). At this event, Majumdar spread anti-Muslim hate speech while openly defending being “communal” as necessary to protect religion and culture, using dog-whistles referencing "Partition" to alienate the minority community, and issuing direct, graphic allegations regarding communal violence.

In his clearly inflammatory speech, Majumdar warned that secularism had completely failed, citing instances of communal violence as evidence. This rhetoric serves to intimidate Muslims, portraying them as subjugated targets within Hindu society. He specifically targeted Muslim-majority districts, directing the crowd's aggressive attention by claiming that to understand the “true condition” of the state, one must visit places like Malda and Murshidabad. This statement not only spreads fear

but also acts as a deliberate provocation intended to breach public peace and incite confrontation, further compounded by his allegations that Muslim leaders are given electoral tickets by the Trinamool Congress and that the use of microphones during Durga Puja festivities is restricted in such areas.

Background:

Most specifically Indian election law (Representation of People's Act, 1951 and the Model Code of Conduct under it, during elections –provisions detailed below) expressly prohibit any invocation of faith, identity and division as “corrupt practice” to ensure a level playing field where vitiated social relations provoked by those in positions of power and authority –notably campaigneers— seek to influence the electorate.

Besides, the ECI's directions, grounded firmly in Article 324 of the Constitution of India, mandate that the electoral space remain neutral, non-discriminatory, and free of religious influence. The MCC explicitly prohibits appeals to caste, community, or religion, and forbids any statement or campaign activity that may disturb communal harmony or exploit religious sentiment for electoral gain. These are essential safeguards that preserve the constitutional promise of equality and fair participation in the democratic process.

Despite these clear constitutional and statutory restraints and while the MCC is in full force (From March 15, 2025 onwards), Sukanta Majumdar delivered an inflammatory speech in which he spread anti-Muslim hate speech, openly defended being “communal” as necessary to protect religion and culture, used dog-whistles referencing "Partition" to alienate the minority community, and issued direct, graphic allegations regarding communal violence. In his speech, Majumdar warned that secularism had completely failed, citing instances of communal violence as evidence. This rhetoric serves to intimidate Muslims, portraying them as subjugated targets within Hindu society. He specifically targeted Muslim-majority districts, directing the crowd's aggressive attention by claiming that to understand the “true condition” of the state, one must visit places like Malda and Murshidabad. This statement acts as a deliberate provocation intended to breach public peace and incite confrontation, further compounded by his allegations that Muslim leaders are given electoral tickets by the Trinamool Congress and that the use of microphones during Durga Puja festivities is restricted in such areas.

Majumdar openly encouraged religious alienation, an anti-Constitutional move that violates Articles 14, 15, and 21 of the Constitution. By telling the audience that secularism had failed and defending being communal, he incites segregation and exclusion based on religion, attempting to strip a specific community of their equal citizenship. He continued pushing intimidation tactics, leveraging the political power and electoral atmosphere by stating that Muslim-populated districts reflect a dangerous "true condition," and highlighting electoral tickets given to Muslim leaders. Majumdar's rhetoric, delivered in his capacity as a public figure, holds the potential to incite hatred and discord between religious communities. His words are a blatant violation of constitutional values and a direct threat to communal harmony.

Transcript and English Translation of the Speech:

Panihati, North 24 Parganas, West Bengal [Date: March 29, 2026]

"It is necessary to be communal to protect our religion and culture. Secularism has failed completely after Partition, and the instances of communal violence we see are evidence of this." "If you want to understand the true condition of our state, you must visit districts with significant Muslim populations, such as Malda and Murshidabad. Then you will see the reality." "The Trinamool Congress deliberately gives electoral tickets to Muslim leaders. And what happens in these areas? The use of microphones during our Durga Puja festivities is restricted. This is their secularism."

[Time Stamp: 00:01 – 02:37]

Link: <https://t.me/hindutvawatchin/4210>

How elements in the speech delivered constitute Hate Speech:

Declaration of unconstitutional "Communalism" and alienation The speaker begins with a highly inflammatory and anti-constitutional claim, defending being "communal" as necessary to protect religion and culture, while declaring that secularism has failed after Partition. This statement fabricates a narrative that portrays Muslims as hostile elements inherently at odds with Hindu culture. The allegation that secularism has failed and communalism must be embraced contradicts the secular fabric of the Constitution. This narrative exploits majoritarian dominance, creating an atmosphere of mistrust and suspicion toward the minority religious group.

Direct threats of severe polarisation and communal targeting The speaker intensifies the fearmongering by introducing graphic political and geographic targeting. He claims that to see the "true condition" of the state, one must visit Malda and Murshidabad due to their significant Muslim populations. These targeted terms are designed to terrorise the minority community in those districts and incite the gathered crowd to view those areas with hostility. It fosters a direct trigger for communal clashes based on religious demographic identity.

Intimidation utilising political power and electoral narratives The speaker explicitly uses the political climate to intimidate citizens, alleging that Muslim leaders are given electoral tickets by the Trinamool Congress as a form of appeasement that harms Hindus. This implies that the political empowerment of the minority community is inherently dangerous to the majority. By encouraging people to believe that minority political representation leads to the suppression of Hindu rights, the speaker fosters a climate of deep-seated resentment.

Deliberate provocation targeting religious festivals The speaker continues with an aggressive provocation directed at religious practices, stating that the use of microphones during Durga Puja festivities is restricted in areas with significant Muslim populations. This statement is designed to turn a religious festival into a weapon of polarisation. The speaker uses confrontational language, associating the presence of minorities with the suppression of majority rights, directly inviting a breach of public peace.

Violation of the Model Code of Conduct (MCC) Part I – General Conduct

The MCC explicitly provides that: "No party or candidate shall indulge in any activity which may aggravate existing differences or create mutual hatred or cause tension between different castes, communities, religious or linguistic groups." Majumdar's statement clearly violates this clause. By rejecting secularism, urging voters to be "communal," and profiling Muslim-majority districts like Malda and Murshidabad as dangerous, he sought to portray Muslims as an electoral and cultural threat. This is a direct appeal to prejudice against a religious community, which is expressly barred under the MCC. As a Union Minister, Shri Majumdar is further bound by the MCC provisions for public authorities, compounding the severity of this breach.

Violation of the Representation of the People Act, 1951

A. Section 123(2) – Undue Influence: Any attempt to interfere with the free exercise of electoral rights constitutes "undue influence." Majumdar's speech, linking the political participation of Muslim leaders (via electoral tickets) to the alleged suppression of Hindu rights (Durga Puja restrictions), creates psychological coercion and pollutes the free electoral atmosphere.

B. Section 123(3) – Appeal on Religious Grounds: Section 123(3) classifies as a corrupt practice any appeal to vote or refrain from voting on the grounds of religion or community. The deliberate invocation of "communalism," "Partition," and the targeting of specific religious demographics to consolidate majoritarian votes amounts to a corrupt practice.

C. Section 123(3A) – Promotion of Enmity or Hatred: Majumdar's remarks promote enmity between communities by establishing a false binary between Hindu culture and Muslim political representation. Courts have repeatedly held that hostility toward a religious group during elections is sufficient to attract this section.

D. Section 125 – Offence of Promoting Enmity Between Classes: Section 125 criminalises acts that promote or attempt to promote hatred or enmity between classes on grounds of religion during elections. Framing districts with significant Muslim populations as the "true [deteriorating] condition of the state" meets both the intent and act components of this offence.

Violation under the Bharatiya Nyaya Sanhita, 2023 (BNS)

The speech delivered in Panihati constitutes a clear violation of the BNS, 2023, through the promotion of divisive and malicious narratives:

- **Section 196 (Promoting Enmity Between Groups):** The speaker makes the unconstitutional claim that secularism has failed and defends being "communal." The assertion that Muslim-majority districts reflect a dangerous condition fosters division and hostility between religious communities. The speech targets minority populations by blaming them for alleged restrictions on Durga Puja microphones, breaching the law against promoting enmity.
- **Section 197(1) (Imputations Against Allegiance to the Constitution):** The speech indirectly implies that the targeted minority community is incompatible with peaceful coexistence, citing "Partition" and communal violence. Furthermore, the explicit rejection

of secularism casts aside the pluralistic nature of the nation, attacking the core secular tenets of the Constitution.

- **Section 299 (Malicious Act to Insult a Religion)**: The speech maliciously targets the Islamic community by linking Muslim-populated areas like Malda and Murshidabad inherently to a worsening "condition" of the state.
- **Section 352 (Intentional Insult with Intent to Provoke Breach of Peace)**: The speech is designed to provoke fear and stir up communal unrest. By explicitly targeting the electoral representation of Muslims and blaming them for suppressing Hindu festivals, the speaker incites resentment, leading to a highly probable breach of public peace.
- **Section 353 (False Information with Intent to Incite)**: The claims regarding Durga Puja restrictions and electoral tickets are intended to incite fear and alarm within the majority public against the minority, leading to social and communal unrest.

Constitutional Violations and Effect on Electoral Environment The Supreme Court ruling in *Amish Deygan v. Union of India (2021)* highlights the crucial distinction between the speech of a public figure and that of an ordinary citizen. As a sitting MP and Union Minister of State for Education, Majumdar holds significant influence, which magnifies the harm caused by his words.

Further, the Supreme Court in *Abhiram Singh v. C.D. Commachen (2017)* ruled that political candidates cannot seek votes in the name of religion, race, caste, community, or language. The Court emphasised that the relationship between the voter and the candidate must remain secular to preserve the purity of elections.

The timing and tenor of the March 29 statement are gravely prejudicial to the integrity of the ongoing West Bengal Assembly elections. Delivered amid an active campaign period, the speech carries state authority and intimidates minority voters. The rhetoric shrinks voter confidence in administrative neutrality, promotes the dangerous idea that democratic participation by minorities is a threat, and creates a coercive environment that is antithetical to Article 324 of the Constitution.

Judicial Precedents against Hate Speech:

In *Firoz Iqbal Khan vs Union of India [W. P (Civ.) No. 956 of 2020]*, the Supreme Court had held, "the edifice of a democratic society committed to the rule of law under a regime of constitutional rights, values and duties is founded on the co-existence of communities. Any attempt to vilify a religious community must be viewed with grave disfavour by this Court as the custodian of constitutional values." (Para 11).

In *Ziyauddin Burhanuddin Bukhari vs Brijmohan Ramdass Mehra (1975)*, the Supreme Court held that "Heresy hunting propaganda on professedly religious grounds directed against a candidate at an election may be permitted in a theocratic state but not in a secular republic like ours... It is forbidden in this country in order to preserve the spirit of equality, fraternity, and amity between rivals even during elections."

On April 28, 2023, the division bench of Justice KM Joseph and BV Nagarathna in *Ashwini Kumar Upadhyay v. Union of India [W.P. (C) No. 943 of 2021]*, extended its order and directed all States/UTs to register Suo moto FIR against Hate Speech irrespective of religion. The court added that when

any speech or any action takes place which attracts offences under the penal code, suo moto action will be taken to register cases even if no complaint is forthcoming.

PRAYER

In light of the organic grounds detailed above and the applicable legal provisions, we respectfully request that the Chief Electoral Officer, West Bengal, and the Commissioner of Police, Barrackpore:

1. *Issue a show-cause notice to Shri Sukanta Majumdar for violating the Model Code of Conduct.*
2. *Register an FIR under Sections 123(2), 123(3), 123(3A), and 125 of the RPA, 1951, read with Sections 196, 197(1), 299, 352, and 353 of the BNS, 2023 against the perpetrator as well as the organisers of the event.*
3. *Censure the Union Minister publicly and bar him from further campaigning during the West Bengal elections.*
4. *Order social media platforms and media outlets to take down any further dissemination of this speech.*
5. *Inform us whether the said events were videotaped by the police officials, as per the orders of the Supreme Court, and keep us informed of developments and actions taken in this case.*

The essence of democracy lies in a citizen's freedom to vote without fear. By targeting a section of voters based on their religion and framing their democratic participation as a communal threat, a Union Minister has crossed absolute legal boundaries. The Election Commission and Law Enforcement must act decisively to restore faith in the sanctity of elections and uphold the constitutional promise of secularism.

Sir, do note that we are sending this complaint by email and registered post, on which we urge you to register an FIR if one has not been filed yet.

In anticipation,

Yours sincerely,

Nandan Maluste, CJP President

Teesta Setalvad, CJP Secretary

Annexures:

Annexure A - Video of event dated March 29, 2026 downloaded by CJP