

URGENT

Date: April 27, 2026

To,

Shri Manoj Kumar Agarwal (IAS)

Chief Electoral Officer (CEO), West Bengal

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Shri Dhaval Jain (IAS)

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Inspector of Police, Suri Police Station

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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 Candidate Jagannath Chattopadhyay for delivering a divisive communal and hate speech while speaking at an election campaign in Suri, Birbhum (West Bengal) on April 9, 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 Bharatiya Janata Party (BJP) candidate Shri Jagannath Chattopadhyay, for delivering explicitly communal, coercive, and unconstitutional public statements on April 9, 2026, during an election campaign in Suri, Birbhum (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, Chattopadhyay spread anti-Muslim hate speech while explicitly appealing for votes to save Hindu religious symbols, using dog-whistles like "Love Jihad" to alienate the minority community, and issuing direct, graphic allegations regarding attacks by "jihadis" on sacred spaces.

In his inflammatory speech, Chattopadhyay warned that the election was a battle to save Hindu culture, citing the protection of religious symbols like the *Kanbi*, *Tilak*, and *Sindoor*. This rhetoric serves to

intimidate minorities, portraying them as violent threats within the state. He specifically targeted the Muslim community, directing the crowd's aggressive attention by claiming that if his party did not win, "jihadis" would attack the *Tulsi Mancha* and *Maa Kali* would be put into a prison van. 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 promotion of the anti-Muslim conspiracy theory of "Love Jihad."

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 campaigners—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, Jagannath Chattopadhyay delivered an inflammatory speech in which he spread anti-Muslim hate speech, openly framed the election as a religious crusade necessary to protect Hindu culture, used dog-whistles referencing "Love Jihad" and "jihadis" to alienate the minority community, and issued direct, graphic allegations regarding religious violence. In his speech, Chattopadhyay warned that sacred deities and rituals were under imminent threat, citing fabricated scenarios of *Maa Kali* in a prison van as evidence. This rhetoric serves to intimidate Muslims, portraying them as hostile elements. He specifically targeted the electoral environment by claiming that to protect "Sanatani Bengali women" and shrines, one must vote for the BJP. This statement acts as a deliberate provocation intended to breach public peace and incite confrontation, further compounded by his allegations that a non-BJP government would empower criminals and jihadis.

Chattopadhyay openly encouraged religious alienation, an anti-Constitutional move that violates Articles 14, 15, and 21 of the Constitution. By telling the audience that the election is exclusively to save specific Hindu rituals and symbols, 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 "Love Jihad" and attacks on the *Tulsi Mancha* reflect a dangerous reality. Chattopadhyay's rhetoric, delivered in his capacity as a political candidate, 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:

Location: Suri, Birbhum, West Bengal [Date: April 9, 2026]

"To bring that BJP to power, you must remember that this election is an election to save the culture of the Bengali, who celebrates thirteen festivals in twelve months. This election is an election to save our Kanthi (sacred tulsi necklace). This election is an election to save our Tilak (sacred forehead mark). This is an election to save our Thursday Panchali (ritual prayers for Goddess Lakshmi). This is an election to save our Satyanarayan Sinni (sacred offering). This is an election to save our Shakha, Pola (bangles of married women), and the Sindoor (vermilion) in the parting of the hair. This is an election to protect the honor of our Sanatani Bengali women. This election is an election to save our Saturday worship, the Manasatala (shrines of Goddess Manasa), and the Annapurnatala. If the Bharatiya Janata Party government comes, whatever else happens, we will not allow Maa Kali to be put into a prison van. We will not let jihadis attack the Tulsi Mancha (sacred basil pedestal). We will stop incidents of Love Jihad, and at the same time, criminals will be judged according to their deeds—meaning their crimes. Within three months, we will put an end to the political criminalisation of West Bengal."

[Time Stamp: 00:19-01:18]

Link: <https://t.me/hindutvawatchin/4205>

How elements in the speech delivered constitute Hate Speech:

Explicit appeal to religion and alienation:

The speaker begins with a highly inflammatory and anti-constitutional claim, framing the democratic election exclusively around protecting Hindu religious symbols (*Kanthi, Tilak, Sindoor*). This statement fabricates a narrative that portrays Muslims as hostile elements inherently at odds with Hindu culture. The allegation that the honor of Sanatani women and religious rituals must be "saved" from impending threats 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 religious targeting. He claims that without his party in power, *Maa Kali* will be put in a prison van and "jihadis" will attack the *Tulsi Mancha*. These targeted terms are designed to terrorise the minority community and incite the gathered crowd to view minorities with hostility. It fosters a direct trigger for communal clashes based on religious identity.

Intimidation utilising political power and electoral narratives:

The speaker explicitly uses the political climate to intimidate citizens, alleging that a non-BJP mandate equates to the success of "Love Jihad" and the criminalisation of the state by anti-Hindu forces. This implies that the political empowerment of any other group is inherently dangerous to the majority. By encouraging people to believe that the current political landscape 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, weaponising the celebration of "thirteen festivals in twelve months." This statement is designed to turn religious devotion into a weapon of polarisation. The speaker uses confrontational language, associating the presence of minorities with the violent suppression of majority rituals, 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." Chattopadhyay's statement clearly violates this clause. By explicitly urging voters to vote to save Hindu symbols, and profiling the minority community through terms like "jihadis" and "Love Jihad" 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 political candidate, Shri Chattopadhyay is bound by the MCC provisions, 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." Chattopadhyay's speech, linking the outcome of the election to the physical safety of Hindu deities (*Maa Kali* in a prison van) and the alleged suppression of Hindu rights (*Tulsi Mancha* attacks), 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 "Kanthi," "Tilak," and "Sanatani Bengali women," along with the targeting of specific religious demographics to consolidate majoritarian votes, amounts to a corrupt practice.

C. Section 123(3A) – Promotion of Enmity or Hatred: Chattopadhyay's remarks promote enmity between communities by establishing a false binary between Hindu culture and the supposed "jihadi" threat. 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 the political landscape as an existential threat where "jihadis" will attack Hindu shrines meets both the intent and act components of this offence.

Violation under the Bharatiya Nyaya Sanhita, 2023 (BNS) The speech delivered in Suri 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 the election is a religious battle. The assertion that "jihadis" are waiting to attack the *Tulsi Mancha* fosters division and hostility between religious communities. The speech targets minority populations by blaming them for fabricated incidents of "Love Jihad," 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 "jihadis" and violence against women. Furthermore, the explicit appeal to vote on religious grounds 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 them inherently to a worsening "criminalisation" of the state and utilising the anti-minority trope of "Love Jihad."
- **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 safety of Hindu shrines and blaming minorities 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 *Maa Kali* being put in a prison van and imminent attacks on the *Tulsi Mancha* 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 Deyan v. Union of India (2021)* highlights the crucial distinction between the speech of a public figure and that of an ordinary citizen. As a prominent political candidate, Chattopadhyay 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 April 9 statement are gravely prejudicial to the integrity of the ongoing West Bengal Assembly elections. Delivered amid an active campaign period, the speech carries political 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 Superintendent of Police, Birbhum:

1. Issue a show-cause notice to BJP candidate Jagannath Chattopadhyay 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 Candidate 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 political candidate 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 April 9, 2026 downloaded by CJP