



26 February 2024

To,
Shri Rajiv Kumar,
Chief Election Commissioner
Election Commission of India
Nirvachan Sadan, Ashoka Road,
New Delhi 110011

Subject: Urgent call for action from ECI to ensure Free and Fair Elections and to prevent central agencies from interfering in the election process. Concerns regarding voter ID cancellation and Chopra tragedy

Hon'ble Chief Election Commissioner,

The nation looks to the ECI for ensuring free and fair elections. It is every citizen's wish that the ECI fulfils its constitutional duty, impartially. Central agencies intimidating citizens has serious implications on the election process.

I. Questionable role of ED in District Intelligence Committees

The ECI has decided to create District Intelligence Committees for financially sensitive areas. These committees will have both state and central agency members, including police, IT, excise, GST, and ED officers among others. This is the first time such a committee is being formed for West Bengal.

In November, 2021 the government passed legislative amendments in Parliament to extend the tenure of CBI and ED chiefs by three years beyond the mandatory two- year term, despite huge protests from Opposition parties. Both the legislations combined were passed by both Houses within ten days of their introduction in the Lok Sabha and with only 40 minutes of discussion in the Rajya Sabha. Neither of these legislations were scrutinised by Parliamentary committees.

In 2022, the Enforcement Directorate was granted permission to carry out property searches and seizures in Prevention of Money Laundering Act (PMLA) cases, even in the absence of a formal complaint, effectively assuming the guilt of the accused. Subsequently, the agency has focused on opposition leaders, especially during election periods, casting serious doubt on its independence.

Until March 2023, the Enforcement Directorate (ED) had registered 5,906 cases, yet it concluded investigations and filed chargesheets in only 1,142 cases. Among these, the ED has resolved a minimal 25 cases, accounting for a mere 0.42% of the total registered cases. Remarkably, out of these 25 cases, the ED secured convictions in 24, indicating an alleged 96% conviction rate as asserted by the agency. Given this, it is imperative that we question the role of ED in District Intelligence Committees.

II. Aadhaar deactivation

The Hon'ble Chief Minister of West Bengal Ms. Mamata Banerjee has raised the issue of Aadhaar deactivation in a letter written to the Prime Minister. We have also written about this to the Unique Identification Authority of India (UIDAI) but have found no recourse with the said Authority. This is why we are flagging this issue with the Election Commission of India.

As per latest information, Aadhaar cards of thousands of people in West Bengal have been deactivated and/or omitted without due process of law, particularly Regulation 29(1), (2) and (3) of The Aadhaar (Enrolment and Update) Regulations 2016, which stipulate-

29(1) "Any case reported or identified as a possible case requiring omission or deactivation may require field inquiry which may include hearing the persons whose Aadhaar number is sought to be omitted or deactivated."

29(2) "An agency nominated by the Authority shall examine/inquire and submit a report to the Authority as per the procedures as may be specified by the Authority for this purpose."

29(3) “The authority may initiate necessary action upon receiving the report and the decision to omit or deactivate an Aadhaar number shall lie with the Authority.”

On 15 February, BDO, Jamalpur informed that some citizens of Abujhati 1 and Jaugram Panchayats of its block have received some of these notices of cancellation of their Aadhaar number through speed post from Ranchi Regional Office of UIDAI. The notice also states that in case of any objection to the notice, the Regional Office of the Aadhaar Authority should be approached. Citizens who received the notice have been contacting the Jamalpur block office with concern. According to local inquiry, so far approximately 50 citizens have received this notice in Jamalpur block.

For those who have received the notice, while verifying Aadhaar status on UIDAI portal, an alert message is appearing, "Your request cannot be processed now due to some technical issues. Please try again later". It is also asking for uploading of Proof of Identity (POI) and Proof of Address (POA) on the Document Upload tab. On the other hand, the Aadhaar number of those who did not receive this notice can be verified. Local investigation has revealed that benefits of Khadya Sathi and bank accounts of the citizens who have received the notice are working. The Aadhaar Act lacks a thorough block or district level grievance redressal process for people to reach out in case of error in the usage of the card.

Be it recorded that neither any field inquiry nor any personal hearing was afforded to the citizens whose Aadhaar cards have since been omitted/deactivated in violation of the aforesaid provisions of the Aadhaar Regulations of 2016 and also in contravention of the Principles of Natural Justice which is absolutely ex facie arbitrary. It is also to be noted that the settled principle of law is that arbitrariness in executive action is antithesis to the Rule of Law which must be deprecated and nullified. We refer this to you only because there is genuine apprehension of deletion of names of Aadhaar card holders from the electoral role whose names have been omitted/deactivated by the Aadhaar authorities illegally and without adhering to due process of law. In this situation, we seek your protection so that the affected persons are not debarred from casting their votes in the ensuing Lok Sabha elections.

III. Chopra tragedy, four children dead

Uttar Dinajpur's Chopra witnessed a heart-wrenching tragedy. Four innocent children Gulam, Islam, Yousuf and Taleb, aged 5-12 lost their lives during BSF's drain expansion work. The incident occurred during the digging and deepening of a four feet drain and excavating and putting soil into tractors which was being done 'illegally' under directions of BSF and without any consent or approval of competent authorities. The children fell into the trench and while they were climbing out, the pile of soil came onto them. A JCB machine was being used.

This horrendous incident happened because of the gross negligence of the BSF. The construction caused a landslide, burying four children in the process. The children were declared dead at Dalua Health Center in Chopra.

Soon after deployment of about 1000 companies of Central Forces in West Bengal during the Assembly Elections of 2021 under the orders of the ECI, it appeared that in many places while conducting route marches some of the personnel of central forces started banging on the front doors of people's houses. The residents were threatened with dire consequences if there was any violence in the areas, etc. This was widely reported in both print and electronic media. The highhandedness of the central forces went unabated and reached the climax when four voters who came to cast their votes in a polling Centre at Shitalkuchi in Coochbehar district of West Bengal were killed on 9 April 2021 following unprovoked firing by the CISF upon unarmed voters. The Central Force pleaded innocent, predictably, describing the firing as an act of 'self-defence'. The Forces did not even follow the SOP while firing in so-called 'self-defence' as all the bullets hit the head, chest, and back of the victims. Till today, none of the culprits have been punished as the killers have refused to cooperate with the state investigating agency.

In the circumstances, we urge upon you to ensure that the Central Forces behave, function and conduct themselves as per requirements of law- under the proper supervision of ECI and State government officials during the ensuing Lok Sabha elections.

Recourse taken by West Bengal Government

A delegation of AITC representatives including MPs, MLAs and state leaders such as Chandrima Bhattacharya, Firhad Hakim, Aroop Biswas, Udayan Guha, Bratya Basu, Dr. Shashi Panja, Birbaha Hansda, Gautam Deb, Dola Sen, Pratima Mondal, Jagadish Chandra Barma Basunia, and Kunal Ghosh met with the governor for the same to seek justice for the victims and their families. Chopra MLA Hamidul Rahman has been leading an indefinite sit-in demonstration outside the BSF camp at Chopra since 13th February. Moreover, AITC has announced a compensation of Rs.3 lakh each to the affected families. Members of the West Bengal Commission for Protection of Child Rights also visited Chopra on Wednesday and Thursday to meet local villagers and BSF officials.

We, the undersigned, Members of Parliament from All India Trinamool Congress urge you to take urgent and immediate action on the issues said above.



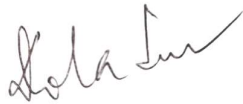
Sukhendu Sekhar Ray

(Member of Parliament & Chief Whip, Rajya Sabha)



Pratima Mondal

(Member of Parliament, Lok Sabha)



Dola Sen

(Member of Parliament, Rajya Sabha)



Sajda Ahmed

(Member of Parliament, Lok Sabha)



Saket Gokhale

(Member of Parliament, Rajya Sabha)