

Dated: 27 April 2021

To
The Officer-in-Charge
Khardah Police Station
Barrackpore Trunk Road
Jole Doba Para, Khardaha
Kolkata 700116



Sub: Complaint against Mr. Sudip Jain and other officials of the Election Commission of India for commission of offences punishable under Sections 269/270/304 (Part II)/120B of the Indian Penal Code, 1860.

Sir,

I, Nandita Sinha, wife of Late Kajal Sinha, residing at Shantinagar Khardah, Kolkata 700118, am writing to you today with a bleeding heart and unparalleled pain, to inform you about the negligent actions/inactions on the part of the Election Commission of India ("ECI") which has led to my husband's untimely demise. My husband was fielded as a candidate by the All India Trinamool Congress ("AITC") from the Khardaha Constituent Assembly seat for the West Bengal State elections 2021. He contracted the coronavirus on 20th April 2021 and succumbed to it on 25th April 2021, while being compelled to carry out his public duties and election campaign as a candidate due to the self-serving blind motives of the ECI.

While the entire nation was struggling to cope with the coronavirus crisis, the ECI decided to carry out the Assembly Elections in the State of West Bengal over a staggering eight phases spanning over a month from March 27, 2021 to April 29, 2021. The same is continuing in the face of a severe second wave with the total number of active Covid-19 cases being around 95,000 in West Bengal alone. It is pertinent to mention that apart from my husband, Pradip Nandi (Revolutionary Socialist Party candidate from Jangipur AC) and Rezaul Haque (Indian National Congress candidate from Jangipur AC) have also passed away during this deadly campaign trail. In comparison, elections in Tamil Nadu, Kerala and Pondicherry were held and completed in one day in 1 (one) phase during the same period. And Assam saw voting in 3 (three) phases in a span of 10 days.

On 16 April 2021, before my husband contracted the coronavirus, the AITC had written to the ECI, warning about the "massive flare up in COVID cases". In the said letter, AITC had requested a clubbing of polls for the 6th, 7th and 8th phases in light of the second wave of the pandemic in India, followed by another letter dated 20 April 2021. In reply to these serious

letters of concern, the ECI vide a letter dated 21 April 2021 had frivolously replied its illusory and cosmetic safeguards in the form of prohibition of campaign after 7 pm and extension of silent period from 24 hours to 72 hours. The AITC had once again written to the ECI on 22 April 2021, that these provisions are not enough to control the situation and the elongated multiple phases must be clubbed together to protect the candidates, polling officials, electorate and everyone else concerned. Despite continuous alarms raised by the Hon'ble High Court at Calcutta, AITC and other stake holders including the media, the ECI has deliberately ignored all evidences of the impending catastrophe, turned a blind eye towards ensuring compliance of covid related protocols and chosen to continue with its elaborate eight phased polls in the State of West Bengal resulting in the deaths of hundreds of people including my husband.

Furthermore, the ECI vide its Orders dated 16 April 2021 and 22 April 2021 have admitted that safety measures and Covid protocols are being widely flouted by various persons during rallies/processions/public meetings. Despite such acknowledgement, the ECI has not done anything to ensure compliance with such protocols and found it wise to only restrict campaigning after 7 pm. Therefore, such meaningless measures on the part of the ECI point towards complete unpreparedness, negligence, lack of accountability and utmost disregard towards the lives of the common people.

The ECI has the widest possible powers in the matter of elections in India including powers to make directions wherever unforeseen or unanticipated situations appear during the course of any election. However, the ECI has deliberately ignored to act and completely disregarded its obligations to public health and safety. It has malignantly chosen to continue with eight phases of polls despite having the knowledge and/or reason to believe that the infection would spread at an alarming rate causing wide spread death across West Bengal, including the entire nation.

It is also important to mention that despite repeated warnings by the High Court at Calcutta, media, AITC and other stake holders, the ECI has made absolutely no change to its approach towards the ongoing elections. The result of which is that another independent candidate, namely Samir Ghosh from Baisnabnagar AC, has passed away yesterday having tested positive.

It is absolutely clear from the aforesaid that the ECI has acted in the most careless and negligent manner to risk the lives of people including my husband, while neglecting the harsh reality and the numerous reminders. If the ECI had paid heed to the directions of the Hon'ble Court and the various stakeholders, my husband would have been alive today. Moreover, despite being in control of the law and order of the State of West Bengal and deployment of

central paramilitary forces, the ECI has intentionally failed to take steps to ensure that covid protocols are maintained at public political rallies/meetings. It is humanely not possible for a candidate to control the crowd at any rally/meeting and it is completely within the domain of the ECI. Despite earlier deaths of candidates from different political parties, the ECI has done nothing to ensure compliance with covid protocols and has sat tightlipped over the entire issue.

The ECI is solely liable for my husband's death caused due to the rapid surge in coronavirus cases in West Bengal as it has neither ensured safety of the candidates or the general public during the ongoing elections. Due to the deliberate and intentional omission on the part of the ECI, I have lost my husband. The ECI knew very well that any lapses on their part will result in the spreading of a life-threatening disease and lead to death of thousands of people and still they did not take any steps to address the situation in West Bengal.

Therefore, you are requested to take immediate steps against Mr. Sudip Jain, Deputy Election Commissioner and other officials of the Election Commission of India responsible for acts/omissions which have led to the death of my husband Late Kajal Sinha and for committing offences punishable under Sections 269/270/304 (Part II)/120B of the Indian Penal Code, 1860. As such, you are requested to draw a FIR on the basis of this complaint against the accused persons mentioned hereinabove.

Yours solemnly,

Nandita Sinha

CC: Commissioner of Police
Barrackpore Police Commissionerate
Rina Road, Barrackpore,
Chiriamore, West Bengal-700120

