



30th March 2026

The Chief Election Commissioner & Commissioners

Election Commission of India

Nirvachan Sadan

Ashoka Road

New Delhi – 110001.

Subject: Incitement, intimidation, and threats by the Chief Minister of West Bengal - Violations of the MCC, and Bharatiya Nyaya Sanhita, 2023, undermining free and fair elections

Dear Sir,

We wish to apprise the Commission of the malicious & repeated violations of model code of conduct and electoral & criminal laws in the State of West Bengal, and seek urgent intervention of the Election Commission of India.

A series of grave and disturbing public statements made by the Chief Minister of West Bengal, Ms. Mamata Banerjee, during the ongoing electoral process, delivered across multiple public rallies in North Bengal and other regions of the State show a consistent and alarming and ominous pattern of provocation, voter intimidation, and implicit incitement to violence, thus posing a serious threat to free, fair and peaceful elections.

Factual Background

1. On 25th March 2026, during a public rally at **Mainaguri, North Bengal**, the Chief Minister reportedly stated that after the elections, citizens would be compelled to display posters outside their homes declaring, “*I don’t support BJP.*” Such remarks amount to a direct threat to freedom of political expression and voter autonomy.

The link of the speech is as follows:

<https://share.google/17htvLWJJ9ZK15jef>

2. On same day, at **Naxalbari**, she urged women to “*come out with whatever you have at home,*” implying a statement that carries a thinly veiled and dangerous



implication encouraging the use of household objects as instruments of physical confrontation.

The link of the speech is as follows:

<https://www.youtube.com/live/ruMgfbskIvI?si=ITrIQZZ0PMLMTHp>

3. On 26th March 2026, at Pandaveswar, she repeated the call to “unite and resist” and exhorted people to come out with “whatever is at home” on polling and counting days, if any force was allegedly applied. Simultaneously, she cast doubts on the credibility of the counting process, thereby undermining public confidence in the Election Commission and the electoral system.

The link of the speech is as follows:

https://www.youtube.com/live/7t_xYVWOB0E?si=gNOleswDcvNfpv6n

4. These repeated exhortations were followed by a **violent incident in Basanti**, where BJP karyakartas engaged in lawful and peaceful campaigning were attacked by a mob of TMC goons at the behest and exhortations of Ms. Mamata Banerjee, who is not only the TMC’s National Head, but also the Chief Minister of the State. Eyewitness accounts indicate that the perpetrators acted in an emboldened and charged atmosphere created by such public speeches. Disturbingly, the West Bengal Police remained passive spectators during the incident.

The link of the news article published in “The Economics Times” is as follows:

<https://share.google/zOY3j2ZnvwF4AjyYd>

5. On 28th of March, Ms Mahua Moitra, a TMC MP, while addressing a press conference in Kolkata went far & beyond in pitching one linguistic group community against the others and stated that;

“ when you go to ‘Kalapani’ [Cellular Jail, Andamans] who do you see - 68% of the names of the people who were killed and who were incarcerated in Kalapani were Bengalis followed by Punjabis. Can you name me one Gujarati who was there”

The video link of the conference is as below:

<https://x.com/erbmjha/status/2037913197769109693>



Such an utterance in clear contempt and derogation of citizens of India on the basis of region, language, community with sole & malicious intent to drive a wedge, in an already supercharged political environment. Ms. Mamata Banerjee, both as the Head of a Political Party and also being Chief Minister of the West Bengal, has flagrantly and unabashedly violated every single constitutional & legal provision including the electoral laws and rules thereunder.

Elections are perceived as a celebration of democracy and not the kind of war of desperation that Ms. Mamta Banerjee, has made it out to be. The matter needs an urgent resolution, especially when there are nearly 40 more days to go before the elections finally conclude, and such a vitiated atmosphere is not in the best interest of the State of West Bengal, its rich cultural heritage and its peace-loving people. A firm legal action would ensure that TMC, like all other parties, respects the law of the land.

6. The cumulative effect of these statements and subsequent events is the deliberate creation of an environment marked by fear, coercion, and the threat of violence, fundamentally, vitiating the electoral process.
7. Notably, most past elections; whether Assembly, Lok Sabha, urban local bodies or Panchayats; have all been consistently marred by pervasive fear and brute violence perpetrated by the TMC. This has gravely compromised and vitiated the electoral process and, in turn, the popular mandate, striking at the very foundations of free and fair elections.

Violation of the Model Code of Conduct

The conduct described above constitutes grave violations of the **Model Code of Conduct**, Electoral and Criminal Laws, including but not limited to:

Model Code of Conduct

Part I, Clause (1):

"No party or candidate shall include in any activity which may aggravate existing differences or create mutual hatred or cause tension between different castes and communities, religious or linguistic."

Part VII (Conduct of Ruling Party):

"The party in power shall ensure that no cause is given for any complaint that it



*has used its official position for the purposes of its election campaign.”
“The State machinery including the police shall not be used for any partisan ends.”*

Representation of the People Act, 1951

Section 125 - Promoting enmity between classes in connection with election.—
Any person who in connection with an election under this Act promotes or attempts to promote on grounds of religion, race, caste, community or language, feelings of enmity or hatred, between different classes of the citizens of India shall be punishable, with imprisonment for a term which may extend to three years, or with fine, or with both.]

Bharatiya Nyaya Sanhita, 2023

The actions complained of, also attract, inter alia, the following provisions of the Bharatiya Nyaya Sanhita, 2023:

Section 196 – Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony.

1) Whoever – (a) by words, either spoken or written, or by signs or by visible representations or through electronic communication or otherwise, promotes or attempts to promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities; or shall be punished with imprisonment which may extend to three years or with fine or with both.

Section 353 — Statements conducing to public mischief

(2) Whoever makes, publishes or circulates any statement or report containing false information, rumour or alarming news, including through electronic means, with intent to create or promote, or which is likely to create or promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, feelings of enmity, hatred or ill will between different religious, racial, language or regional groups or castes or communities, shall be punished with imprisonment which may extend to three years, or with fine, or with both..

In view of the facts set out above, it is submitted that the TMC led by Ms. Mamata Banerjee and her associates has, like always are resorting to their established pattern of intimidation,



fear and violence, characterised by repeated, open, wilful defiance of, and disregard for, the directions of the Election Commission of India, as well as for constitutional and statutory obligations relating to the integrity of electoral rolls and the conduct of free and fair elections.

It may now be evident to the Commission that advisory and persuasive measures have had no sobering influence on TMC and its leaders. Continued reliance on “appeals”, “notices” and “cautions” in the face of serial, deliberate and malicious non-compliance, risks compromising the Commission’s authority to a mere formality.

As a constitutional body specifically invested with the responsibility and authority to conduct elections, such erosion of the rule of law, causing lasting damage to public confidence in the electoral process, is most likely to defeat the very mandate of Election Commission of India and in turn, cause incalculable harm to the democratic values, trust and confidence in World’s largest functioning democracy.

We therefore urge the Commission to invoke forthwith its full constitutional and statutory powers and adopt firm, enforceable and deterrent measures to secure immediate compliance and protect the purity of the electoral rolls and the sanctity of the elections.

More specifically, we request the Election Commission of India to:

1. Take immediate cognizance of the statements and incidents detailed above and initiate appropriate proceedings under the **Model Code of Conduct**;
2. Direct initiation of appropriate and firm legal proceedings under aforementioned provisions of Representation of People Act, 1951 and those of **Bharatiya Nyaya Sanhita**, including filing of FIR;
3. Debar Ms. Mamata Banerjee from participating in the election campaign.
4. Since the local police is complicit and therefore ineffective, ensure enhanced deployment of **central forces** in sensitive and vulnerable areas;
5. Deploy more IAS & IPS officers as ECI observers to ensure that the State administration and police acts impartially and decisively against all acts of violence or intimidation; and
6. Closely monitor polling and counting processes to ensure the sanctity and credibility of the electoral process.

The credibility of India’s democratic framework and the safety of citizens cannot be compromised. Timely and firm intervention by the Commission is essential to prevent



भारतीय जनता पार्टी
Bharatiya Janata Party

further escalation and to uphold the constitutional guarantee of free, fair, and peaceful elections in West Bengal.

With regards,

Yours faithfully,

Piyush Goyal

Kiren Rijiju

Arun Singh

Sukanta Majumdar

Anil Baluni

Om Pathak