

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi 110001

No.464/WB-HP/ES-II/2024

Dated: 21.05.2024

ORDER

Whereas, the Election Commission of India vide its Press Note No. ECI/PN/23/2024, dated 16th March, 2024 has announced General Election to the Lok Sabha and Legislative Assemblies of Andhra Pradesh, Arunachal Pradesh, Odisha and Sikkim and provisions of Model Code of Conduct for political parties and candidates have come into force from that very date; and

2. Whereas, Clause (2) of Part I 'General Conduct' of Model Code of Conduct for the Guidance of Political Parties and Candidates states that:

"Criticism of other political parties, when made, shall be confined to their policies and programme, past record and work. Parties and Candidates shall refrain from criticism of all aspects of private life, not connected with the public activities of the leaders or workers of other parties. Criticism of other parties or their workers based on unverified allegations or distortion shall be avoided."

3. Whereas, Para 3.8.2(ii) of Manual on Model Code of Conduct, 2019 provides that: -

"(a) 3.8.2 (ii): Nobody should indulge in any activities or make any statements that would amount to attack on personal life of any person or statements that may be malicious or offending decency and morality."

4. Whereas, the Commission's advisory issued to the political parties on 1st March 2024 regarding plummeting levels of political discourse, inter-alia provides that: -

"9. iii. No aspect of the private life, not connected with the public activities of the leaders or workers of other parties is to be criticized. Low level personal attacks to insult the rivals shall not be made."

5. Whereas, the Commission's above advisory further states that:

"9. v. The political parties and candidates to refrain from any deeds/action/utterances that may be construed as being repugnant to the honour and dignity of women."

6. Whereas, the Commission received a complaint dated 16th May, 2024 from the All India Trinamool Congress wherein it was alleged that during a public meeting held on 15th May, 2024 in Haldia Shri Abhijit Gangopadhyay had made following objectionable remarks against Smt. Mamta Banerjee, All India Trinamool Congress party President and Candidate:

"Mamata Banerjee tumi koto takay bikri how? Tomar rate 10 lakh taka keno? Tumi Keya Seth k diye mukhe makeup koro bole? Mamata Banerjee mahila toh? Aamar mone proshno jaage majhe modhye' (English Transcription), 'Mamata Banerjee, how much are you being sold for? Your rate is 10 lakhs, why? Because you're getting your make up done by Keya Seth? Mamata Banerjee, is she even a woman? I keep wondering sometimes.' (English Translation)"

7. Whereas, the Commission had issued a show cause Notice No. 464/WB-HP/ES-II/2024, dated 17th May, 2024 to Shri Abhijit Gangopadhyay for violation of the aforesaid provisions of Model Code of Conduct for making the above-quoted statement; and

8. Whereas, a reply dated 20th May, 2024 has been received from Shri Abhijit Gangopadhyay in response to the Commission's above said notice; and

9. Whereas, the Commission has carefully gone through the contents and averments made in the aforesaid reply of Shri Abhijit Gangopadhyay and has again gone through the statement made and is convinced that he has made a low-level personal attack and thus violated the provisions of Model Code of Conduct; and

10. Whereas, women have commanded highest respect in Indian society, past and present and while the Indian constitution and all institutions of the country have constantly pursued the ideas and ideals of ensuring the rights and dignity of women on all fronts and further empowering them; and

11. Whereas, this Commission is duly engaged in strengthening women's representation and participation in the electoral process, and while the gender gap in electoral registration and voter turnout have vastly improved, and in fact women have surged ahead; and

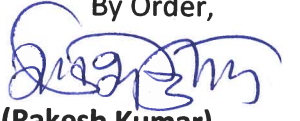
12. Whereas, the Commission considers the whole process of conduct of election as a major enhancer of status of women in India and is committed not to allow any erosion of this status in any manner during the election period under its own aegis; and whereas the Commission had stoutly conveyed this position to his Party vide the Commission's advisory dated 01st March, 2024 and reiterated vide its' order dated 01st April 2024; and

13. Whereas, the Commission remains uncompromisingly committed to the same above declaration and finds Shri Abhijit Gangopadhyay's statement a direct affront on the "erosion of status of women in India"; such statement that is outrightly condemnable when used in respect of any woman, not to speak of a senior political leader and holder of a constitutional position, who he has targeted; and

14. And whereas the Commission painfully notes the fact that such abominable words have come from someone of Shri Abhijit Gangopadhyay's educational and professional background and hence does not remotely deserve any benefit of doubt.

15. And whereas, by Shri Abhijit Gangopadhyay's words, he has brought damage and disrepute to the state of West Bengal that has a distinguished tradition of respect for women; and

16. Now, therefore, the Commission hereby strongly censures Shri Abhijit Gangopadhyay for the above-said misconduct and debars him from campaigning for 24 hours starting from 17.00 hrs of 21st May, 2024 . The Commission also strictly warns Shri Abhijit Gangopadhyay to remain careful in his public utterances during the currency of Model Code of Conduct.

By Order,

(Rakesh Kumar)
Secretary

To,

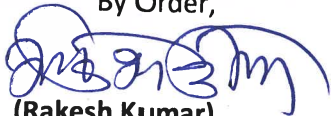
Shri Abhijit Gangopadhyay,
BJP candidate from 30- Tamluk PC
West Bengal
(Through CEO, West Bengal)

Copy to: Shri J P Nadda, National President, Bharatiya Janata Party, 6-A, Pandit Deen Dayal Upadhyaya Marg, New Delhi.

Kindly refer to the Commission's order dated 1st April 2024 a copy of which was endorsed to you in which you were directed to issue specific advisory to all party functionaries involved in election campaign and in interactions in public domain not to commit such type of violation which are repugnant to the honour and dignity of women.

Most regrettably however, Shri Abhijit Gangopadhyay has committed the same type of violation to a worse degree. This is deemed as a grave failure to enforce one of the most basic conducts in election campaign, even after clear directions from the Commission. The Commission advises you to issue an advisory from your Party's side to all candidates and campaigners of your party to make sure that this lapse does not recur during the campaign period.

By Order,


(Rakesh Kumar)
Secretary