



भारतीय जनता पार्टी
Bharatiya Janata Party

26th March 2024

The Chief Election Commissioner & Commissioners

Election Commission of India,
Nirvachan Sadan,
Ashok Road,
New Delhi 110001.

Subject – Persistent Electoral Offences and Violations - Biased and partisan approach of election officials

Dear Sir,

The recent events of breach of Model Code of Conduct and several other electoral laws point to a trying and difficult times ahead. Bharatiya Janata Party has drawn the Commission's attention to the growing frustration amongst some opposition parties across some states. As some of these political parties fear a complete eclipse & decimation in General Elections 2024, they seem to be getting more acerbic and desperate. The language and deeds are now directed to hurtle personal abuses and attack regions, religions, faiths and everything else that that goes against the set of settled laws, conventions and directions and advisories issued by Election Commission.

Some of this is being allowed because the Election personnel generally drawn from the state cadres are either complicit or are under grave pressure and threats of the political leadership in some of the state governments.

The cornerstone of a robust democracy lies in the impartiality and neutrality of its electoral officers. These officers serve as the guardians of law and order, ensuring an unbiased exercise of the franchise. Regrettably, in several states including West Bengal, Kerala, Tamil Nadu, Karnataka, Telangana, Andhra Pradesh and Punjab, the conduct of these officers is biased due to pressure of their political bosses.

There are Instances abound where these officers exhibit egregious partiality, turning a blind eye to social media posts or speeches flagged by the BJP while delaying or neglecting complaints filed by our party or the delay in granting permissions and



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approvals to our legal and rightful requests. Given this short campaign window, the deliberate inaction or delays could adversely affect the efficacy of political campaigns.

Adding to the intrigue, the Election Commission displays undue haste in taking action against BJP members, sometimes even in the absence of formal complaints. A stark example is the case of Smt. Sobha Karandlaje, where a member of the flying squad hastily registered an FIR under inappropriate provisions. Despite her public apology, she was forced to seek recourse from the Karnataka High Court to secure a stay on the FIR. Upon scrutiny, the High Court rightfully halted this misadventure, questioning the misuse of legal provisions.

Curiously, such promptness is conspicuously absent in cases involving members of other political entities such as Prasun Banerjee in West Bengal, Anitha R Radhakrishnan in Tamilnadu, Sanjay Raut in Maharashtra and Rahul Gandhi in Mumbai and many more.

Thus, it is imperative that swift and stringent measures be taken to safeguard the integrity of the electoral process.

Our experience of past several state assembly and other elections suggest that ECI's directives, advisories and legal provisions under various legislations have not quite succeeded in sustaining an atmosphere of a fair competition and contest. In the absence of prompt, effective & exemplary action, the process of issuing show cause notices and other friendly actions of the ECI are not being treated seriously with the consideration and respect they deserve.

Therefore, we request the Commission to;

1. While the political parties may draw Commissions' attention to such violations, the election personnel engaged on election duties must *suo-moto* detect such violations for the Commission to initiate action thereon.
2. The Commission may reconsider its approach towards handling misdemeanor, transgressions, violations by the contesting political parties, political leaders and all others including the election personnel. A swift, resolute and effective action is essential.
3. Direct the State Chief Electoral Officers/ District Election Officers/ Returning Officers and other officers involved in the election process to maintain the impartiality throughout the election process.
4. Take prompt and effective action against the erring election officers.



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5. Issue a guidelines to maintain the fairness and level play field for all the political parties during the election process.

Yours faithfully,

Ashwini Vaishnav

Om Pathak

Vinod Tawde

Sanjay Mayukh