



November 15, 2024

To,

**Shri S. Chockalingam**

Chief Electoral Officer, Maharashtra

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**Dr. Kiran Kulkarni**

Additional Chief Electoral Office

Maharashtra State Election Commission

**Subject: Complaint against BJP MP Dhananjay Mahadik for violations of Section 123(1), (2), (3), (3A) of the Representation of the People Act, 1951, and the Model Code of Conduct by making inflammatory and violent remarks targeting women**

Respected Sirs,

We, Citizens for Justice and Peace (CJP), are writing this complaint against BJP Rajya Sabha MP Dhananjay Mahadik, who was recently captured on video instructing his party workers to target women beneficiaries of the *Ladki Bahini Yojana* attending Congress rallies in Kolhapur. Mahadik directed party workers to photograph or film any such women and report back to him so that he could “teach them a lesson.” These remarks, openly expressing an intention to surveil and intimidate women based on their political association, constitute a flagrant violation of multiple sections of the Representation of the People Act (RPA), 1951, as well as the Model Code of Conduct (MCC). Such divisive and intimidatory behaviour fundamentally threatens Maharashtra’s cherished social harmony, particularly during a politically charged election season.

At a time when Maharashtra is preparing for elections, it is essential that all political leaders and parties respect the democratic process, promoting inclusivity, tolerance, and peaceful dialogue. Maharashtra, known for its cultural vibrancy and unity across communities, has a proud history of fostering mutual respect and collaboration among diverse groups. However, Mahadik’s remarks pose a direct threat to this unity, encouraging divisive tactics that seek to alienate specific groups based on their political expression. By specifically targeting women welfare beneficiaries and using coercive language, Mahadik’s comments do more than disrupt

the sanctity of elections—they risk fragmenting Maharashtra’s social fabric and eroding trust within communities.

**Details of the remarks made:**

In the video, BJP Rajya Sabha MP Dhananjay Mahadik was addressing party workers in Kolhapur, Maharashtra, and his remarks were directed specifically at beneficiaries of the *Ladki Bahini Yojana*, a state welfare scheme intended to empower women. Mahadik stated that if any of these beneficiaries were seen attending Congress rallies, party workers should take photographs or videos of these women. He explicitly instructed his supporters to gather visual evidence of women participating in opposition events and then send these photos and videos to him personally.

Mahadik’s statement went further, as he ominously added, “*I will teach those women a lesson*” (“*unke sabak sikhaunga*” in Hindi). This phrase implies a form of retribution or punishment against the women for merely exercising their democratic right to attend political events of their choice.

The remark carries a clear message of surveillance, intimidation, and coercion, suggesting that women who rely on this welfare scheme should be careful about their political affiliations. By issuing this directive, Mahadik has effectively warned women against participating in opposition activities, implying that their benefits or personal safety could be at risk if they attend Congress rallies. This statement not only targets a specific demographic but also uses a government scheme meant for empowerment as a means to exert political control and stifle opposition.

The video had been uploaded on X (formerly Twitter) by Hate Detectors on November 12, 2024.

**The video of the speech has been downloaded by CJP and is marked and annexed hereto as Annexure-A.**

The video can be accessed through this link:

<https://x.com/HateDetectors/status/1856274208646672512>

**Context of the *Ladki Bahini Yojana* and importance of welfare neutrality:**

The *Ladki Bahini Yojana* is a welfare scheme aimed at empowering women by providing them with financial and social support. Maharashtra’s government initiatives, like this scheme, were created to improve women’s lives irrespective of their background or political leanings. Welfare schemes like the *Ladki Bahini Yojana* play a vital role in supporting women who may face social, economic, or gender-based challenges. They are essential resources that should remain neutral, with beneficiaries free to exercise their democratic rights without fear of losing these benefits based on their political activities.

However, Mahadik's directive to photograph women beneficiaries attending Congress rallies introduces an unprecedented level of political interference in the sphere of welfare. His language implied that women who associate with opposition rallies could face retaliation, turning welfare schemes into tools of surveillance and control rather than support and empowerment. This type of manipulation is deeply unethical, as it violates the principle of non-partisanship that should govern all public welfare schemes. By coercing beneficiaries, particularly vulnerable women, Mahadik's approach creates a hostile environment, discouraging women from fully participating in the democratic process.

### **Impact on social harmony and democratic integrity in Maharashtra:**

Maharashtra has a history of diverse communities living in harmony, and the state's democratic values are deeply rooted in inclusivity, mutual respect, and unity. Mahadik's remarks threaten this harmony by encouraging antagonism toward a specific demographic group—women beneficiaries of the *Ladki Bahini Yojana*—who may choose to participate in opposition events. Such rhetoric exacerbates existing societal divides and damages Maharashtra's reputation as a state where citizens, regardless of political affiliation, coexist peacefully. Mahadik's actions, if unaddressed, may embolden similar divisive tactics, thereby setting a dangerous precedent for future elections.

Targeting welfare beneficiaries, specifically economically disadvantaged women, represents a direct attack on democratic rights and freedoms. These women, already vulnerable due to economic dependency, now face added pressure and fear of political retaliation, limiting their freedom to engage with parties of their choice. This coercive tactic undermines Maharashtra's democratic principles by attempting to control and influence voters through fear rather than dialogue or policy discussion. By inciting such targeted antagonism, Mahadik's statements risk turning political allegiance into a point of social division, creating a politically toxic environment that disrupts the state's inclusive and democratic spirit.

### **Legal violations under the Representation of People Act, 1951**

1. Violation of Section 123(1) of the RPA, 1951 (Bribery): *Bribery that is to say any gift, offer or promise by a candidate or his agent or by any other person with the consent of a candidate or his election agent of any gratification, to any person whomsoever, with the object, directly or indirectly of inducing—*
  - (a) a person to stand or not to stand as, or [to withdraw or not to withdraw] from being a candidate at an election, or
  - (b) an elector to vote or refrain from voting at an election, or as a reward to (i) a person for having so stood or not stood, or for [having withdrawn or not having withdrawn] his candidature; or (ii) an elector for having voted or refrained from voting;

Section 123(1) of the Representation of the People Act prohibits the use of bribery or coercion to influence voters. Mahadik's threat to take action against beneficiaries of the *Ladki Bahini*

*Yojana* based on their political attendance essentially conditions their access to this benefit on political loyalty, effectively converting a state welfare initiative into a political tool. His remarks imply that beneficiaries' continued access to the scheme is conditional upon their alignment with the ruling party, presenting a clear attempt to use financial dependency as leverage to dictate political allegiance. By conditioning state benefits upon loyalty, Mahadik introduces a veiled form of bribery, coercing economically vulnerable citizens to conform politically out of fear of losing essential support.

2. Violation of Section 123(2) of the RPA, 1951 (Undue influence): *Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of the candidate or his agent, or of any other person [with the consent of the candidate or his election agent], with the free exercise of any electoral right.*

Section 123(2) prohibits any form of undue influence that interferes with an individual's free exercise of electoral rights. Mahadik's comments are a direct form of undue influence, as he seeks to suppress and control the political behaviour of welfare recipients through surveillance and intimidation. Instructing party workers to monitor women's political attendance introduces a level of intimidation that restricts women's freedom to engage in political events, thereby limiting their participation in the electoral process. This tactic puts undue pressure on beneficiaries, creating a climate of fear where women may feel compelled to stay away from certain political events to avoid possible punitive action. Such undue influence disrupts the integrity of the electoral process and denies vulnerable populations, like economically disadvantaged women, their democratic rights.

3. Violation of Section 123(3) of the RPA, 1951 (Appeal on grounds of socioeconomic status): *The appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to religious symbols or the use of, or appeal to, national symbols, such as the national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate*

Section 123(3) prohibits candidates from appealing to voters based on caste, community, or other divisive characteristics. While Mahadik's remarks do not mention caste or religion explicitly, they exploit socioeconomic status by targeting a group dependent on state support, namely, the community of women beneficiaries of the *Ladki Bahini Yojana*. This rhetoric implies that recipients of government assistance must align politically with the ruling party or risk losing their support. By targeting a specific demographic group, Mahadik's approach creates an "us vs. them" mentality, framing women who participate in opposition events as opponents to be punished rather than equal participants in democracy. Such divisive conduct distorts the purpose of welfare schemes, turning them into tools for political influence rather than resources for public welfare.

4. Violation of Section 123(3A) of the RPA, 1951 (Promotion of Hatred): *The promotion of, or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community, or language, by a candidate or his agent or any other person with the consent of a candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.] 8[(3B) The propagation of the practice or the commission of sati or its glorification by a candidate or his agent or any other person with the consent of the candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.*

Section 123(3A) prohibits the promotion of hatred or ill-will between different classes of citizens. Mahadik's statements, by fostering mistrust and suspicion around the community of women women participating in opposition rallies, contribute to a divisive environment that alienates citizens based on their political choices. His directive to "teach them a lesson" cultivates animosity towards women participating in the political process outside of his party's influence. By sowing seeds of mistrust within the community, Mahadik's comments encourage an atmosphere where citizens may fear or ostracize each other based on perceived loyalty, fundamentally undermining the spirit of democratic plurality.

### **Violation of the Model Code of Conduct (MCC)**

The Model Code of Conduct (MCC) mandates that candidates and parties must avoid intimidation, threats, or coercive actions that may disrupt the peaceful nature of elections. The MCC emphasizes a fair and inclusive approach, where individuals are free to exercise their political rights without fear of retaliation. Mahadik's remarks, which introduce surveillance and the potential for punitive action, directly contravene these guidelines. The threat to "teach them a lesson" sends a chilling message to beneficiaries, especially women, suggesting that their political choices could result in personal repercussions. Such language is not only intimidatory but severely violates the principles of democratic freedom and the right to participate in an open electoral process.

### **Prayer for immediate action**

In light of these violations, we respectfully urge the Maharashtra State Election Commission to:

1. Conduct a thorough investigation into Mahadik's statements and take decisive action in accordance with the RPA and the MCC.
2. Issue a public condemnation of such behaviour, reiterating the non-partisan nature of welfare schemes and affirming that political allegiance cannot be a condition for beneficiaries of public welfare programs.

3. Consider stringent penalties for candidates found exploiting state welfare schemes to exert political control or intimidation, including possible disqualification, to protect the impartiality and integrity of the electoral process.
4. Ensure rigorous oversight of campaign activities to prevent any recurrence of targeting or intimidating marginalised groups, particularly women welfare beneficiaries, to safeguard their democratic rights.

The people of Maharashtra deserve an election that is focused on progress, peace, and unity, not one that is marred by division, intimidation and discord. It is imperative that the State Election Commission takes swift action to prevent further harm and to protect the integrity of the democratic process.

Thank you for your consideration of this urgent matter.

Yours sincerely,

Nandan Maluste, CJP President

Teesta Setalvad, CJP Secretary

### **Annexures**

Annexure A- Video uploaded on X (formerly Twitter) by Hate Detector on November 12, 2024, downloaded by CJP