INDIA

- **IND-02:** Abhishek Banerjee
- **IND-01:** Mahua Moitra

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India

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 181st session (Arusha, 4–8 October 2026)



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IND-02 – Abhishek Banerjee

Alleged human rights violations

- ✓ Ill-treatment and other acts of violence
- ✓ Threats, acts of intimidation
- ✓ Lack of due process in proceedings against parliamentarians
- ✓ Undue invalidation, suspension, revocation or other acts obstructing the exercise of the parliamentary mandate
- ✓ Other violations: Right to privacy

A. Summary of the case

Mr. Abhisek Banerjee is a prominent member of the All India Trinamool Congress (TMC), an opposition party that governed West Bengal State from 2011 to 2026. Mr. Banerjee was first elected to the Lok Sabha (lower house of India's parliament) in 2014 and became general secretary of the TMC in 2021. Prior to May 2026, Mr. Banerjee benefited from a category-Z+ security detail arranged by the Ministry of Home Affairs owing to death threats he had received. However, following regional

Case IND-02

India: Parliament affiliated to the IPU

Victim(s): Male opposition member of parliament

Qualified complainant(s): Section I.(1)(a) of the Committee Procedure (Annex I)

Submission of complaint(s): July 2026

Recent IPU decision: - - -

IPU mission(s): - - -

Recent Committee hearing(s): - - -

Recent follow-up:
- Communication from the authorities: - - -
- Communication from the complainant: September 2026
- Communication to the authorities: Letter to the Speaker of the Lok Sabha (August 2026)
- Communication to the complainant: August 2026

elections in which the ruling Bharatiya Janata Party (BJP) obtained a majority of seats in the West Bengal Legislative Assembly, his security detail was downgraded then withdrawn without justification, notification or a prior assessment.

The complainant alleges that during the 2026 regional elections and following the transfer of political power in West Bengal, Mr. Banerjee was subjected to repeated acts of intimidation, threats and acts of violence amid an uptick in tensions; in the weeks following the elections, hostile gatherings were reportedly allowed to take place repeatedly, just outside his family home, and senior figures within the BJP made statements prejudging his guilt in connection with a flurry of legal proceedings initiated against him. On 30 May 2026, Mr. Banerjee was physically attacked in Sonarpur, South 24 Parganas District, West Bengal, while attempting to meet with constituents affected by post-election violence.[1] According to the complainant, legal proceedings have been initiated against five attackers, but others remain at large, and no effort has been made to discover who planned the attack. Several other violent incidents, including attacks on Mr. Banerjee's residence, also remain unpunished. The complainant has drawn parallels to attacks and acts of intimidation against other members of the TMC, including Ms. Mahua Moitra, whose office was surrounded by a threatening crowd that brandished BJP flags and pelted the office windows with stones and other projectiles for four hours in July 2026 (see report IND-01).[2]

The complainant alleges numerous violations of due process, including the demolition of Mr. Banerjee's parliamentary office in Amtala, which the authorities claim was illegally constructed, on 18 July 2026 based on an order issued three days prior. According to the complainant, the demolition was undertaken without application of the binding directions issued by the Supreme Court in *Directions in the Matter of Demolition of Structures, W.P. (C) No. 295 of 2022, 2024 INSC 866*, which requires prior notice, an effective personal hearing, a reasoned final order addressing the objections of the party concerned, and a minimum period of 15 days after receipt of the final order before its implementation to allow the party concerned to seek judicial relief; a pre-demolition inspection report, video footage of the operation and a demolition report identifying the participating police and civil officials must also be provided. Moreover, the complainant states that the demolition order did not allow for the mandatory 15-day period for judicial recourse, nor did it adequately address objections concerning ownership of the building; the underlying complaint and supporting documents were not provided, no possibility of regularization was offered, and there was no consideration as to whether less destructive measures were available. By the time the Calcutta High Court ordered an immediate cessation of the demolition on 19 July 2026, the property had already been completely destroyed. The complainant alleges that BJP members were present during the demolition and removed office equipment and confidential party records from the building.

The complainant further reports that on 27 August 2026, Mr. Banerjee's personal office in Kolkata was stormed by a sizeable contingent of police and riot-control officers, ostensibly to remove a signboard displaying the name of the TMC party. Party members at the office objected that no notice or order had been given, excepting an unsigned document proposing the removal of an unspecified signboard on the same street, and refused to let the police enter until a lawful order was produced. When Mr. Banerjee arrived at the scene, he asked the authorities to produce such an order and stated that his party was ready to comply with any lawful decision, stressing that the Calcutta High Court had granted him leave to file a complaint the following day. Nevertheless, the situation continued to escalate as more police officers arrived, and the scene erupted into violence against Mr. Banerjee, other TMC party members – including Member of Parliament Derek O'Brien – and TMC security personnel, some of whom reported injuries and degrading physical contact.

The complainant asserts that the combined effects of the reduction in Mr. Banerjee's security detail and the violence, intimidation, restrictions on movement and destruction of his party's premises are such that Mr. Banerjee's rights and ability to freely exercise his parliamentary mandate have been compromised. Moreover, the complainant highlights an asymmetrical application of the law with regard to Mr. Banerjee: action taken against him has been rapid and public, but disclosure of those organizing violent acts against him and accountability for failures to protect him remain inadequate. The complainant considers these incidents to be politically motivated and alleges that the authorities encouraged, coordinated, facilitated or tolerated the attacks on Mr. Banerjee, thereby failing to protect an opposition parliamentarian from foreseeable threats while maintaining conditions in which his rights

[1] See here.
[2] See here.

were repeatedly violated and his constituency infrastructure damaged.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Notes* that the complaint was submitted in due form by a qualified complainant under Section I.1(a) of the Procedure for the examination and treatment of complaints (Annex I of the revised Rules and Practices of the Committee on the Human Rights of Parliamentarians);

2. *Notes* that the complaint concerns an incumbent member of parliament at the time of the alleged facts;

3. *Notes* that the complaint concerns allegations of ill-treatment and other acts of violence, threats and acts of intimidation, lack of due process in proceedings against a parliamentarian, undue invalidation, suspension, revocation or other acts obstructing the exercise of the parliamentary mandate, and violation of the right to privacy, allegations which fall within the Committee's mandate;

4. *Considers*, therefore, that the complaint is admissible under the provisions of Section IV of the Procedure; and *declares itself* competent to examine the case;

5. *Requests* the Secretary General to convey this decision to the Speaker of the Lok Sabha, the complainant and any third party likely to be in a position to supply relevant information;

6. *Decides* to continue examining this case.

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Decision adopted by the Committee on the Human Rights of Parliamentarians at its 176th session (Geneva, 3 to 19 February 2025)



© Mahua Moitra

IND-01 – Mahua Moitra

Alleged human rights violations

- ✓ Lack of due process in proceedings against parliamentarians
- ✓ Undue invalidation, suspension, revocation or other acts obstructing the exercise of the parliamentary mandate
- ✓ Other violations: gender-based discrimination

A. Summary of the case

The complainant states that Ms. Mahua Moitra is an opposition parliamentarian well known for her willingness to brave social norms that restrict the voices of women and her vocal criticism of the policies and leadership of the ruling Bharatiya Janata Party (BJP). She has made several outspoken speeches and raised queries in the Lok Sabha, the lower house of parliament, suggesting instances of cronyism, collusion and corruption involving Prime Minister Narendra Modi and Mr. Gautam Adani, who owns the Adani group conglomerate. The complainant claims that Ms. Moitra was targeted by the authorities because of her criticism and oversight work.

On 15 October 2023, Ms. Moitra was accused by Mr. Dubey, a BJP member of parliament, of sharing the login credentials of

Case IND-01

India: Parliament affiliated to the IPU

Victim: A female opposition member of parliament

Qualified complainant: Section I.(1)(a) of the Committee Procedure (Annex I)

Submission of complaint: March 2024

Recent IPU decision: March 2024

IPU mission(s): - - -

Recent Committee hearing: Hearing with a member of the Indian delegation to the 149th IPU Assembly (October 2024)

Recent follow-up:
- Communication from the authorities: Letter from the Speaker of the Lok Sahba (May 2024)
- Communication from the complainant: October 2024
- Communication to the authorities: Letter to the Speaker of the Lok Sabha (September 2024)
- Communication to the complainant: October 2024

her parliamentary online portal with her friend Mr. Darshan Hiranandani, a businessman and competitor of Mr. Adani, so that he could assist her in formulating critical queries involving the Prime Minister and Mr. Adani. The complainant adds that the fact of sharing one's portal credentials does not breach rules of ethical conduct but is in fact a widespread practice among parliamentarians, who rely on the support of others for their work, which was confirmed by several of her colleagues. Nevertheless, on 8 December 2023, Ms. Moitra was expelled by parliament following a contentious report by the Ethics Committee, which the complainant describes as an abusive and politically motivated reprisal for exercising her freedom of expression.

The complainant asserts that the Ethics Committee chose not to allow Ms. Moitra to submit questions to the two witnesses, who made contradictory, unfounded and untrue statements, as was echoed by opposition members of the Committee who questioned them, as established in the Committee's report. The complainant submits that the Committee adopted its report with a recommendation to expel Ms. Moitra by a vote of five for and five against, as the Chairperson's vote was decisive. All five members from the opposition submitted notes of dissent against the "derogatory", "partisan", "unethical", "illegal and unprecedented" nature of the inquiry by Chairperson Vinod Kumar Sonkar. In particular, the dissenting members of parliament denounced violations of Ms. Moitra's right to due process, as she was forced to prove her innocence in a process "used to malign and defame" her.

During the 2 November 2023 hearing with the Ethics Committee, Ms. Moitra stressed that she remained in control of any questions submitted in the online system through a one-time password available to her alone and stressed that she had not violated any rule, despite the smear campaign organized against her by pro-government media. The complainant adds that Mr. Sonkar, the Committee Chairperson from the BJP, acted in bad faith when Ms. Moitra appeared before him. The complainant stresses that all five opposition members of the 10-member Ethics Committee walked out in protest at the Chairperson's line of questioning, which they described as unwarranted, sexist and biased. The complainant views the Committee Chairperson's line of questioning as prejudicial and discriminatory, with the intended effect of undermining her dignity as a woman. In its report, the Ethics Committee did not conclude that there was evidence of bribery or any misconduct aside from the fact of sharing her online portal credentials with an acquaintance and called for a criminal investigation to be opened by a competent body. However, the report labelled Ms. Moitra's conduct as "criminal" and called for her expulsion, even though no violation of any applicable rules was identified.

The complainant stresses that, following the Ethics Committee report, Ms. Moitra was expelled in a hurried procedure without being given an opportunity to be heard in plenary before the vote on her expulsion, despite repeated calls to that effect by herself and other members of the opposition. In addition, the complainant maintains that the Ethics Committee violated its own rules by failing to assuage itself that the original complaint of unethical behaviour was made in good faith and was not frivolous or vexatious, as required by section 233(A) of the Rules of the Ethics Committee. The complainant adds that the Committee relied on biased information provided by Ms. Moitra's ex-partner, who faces a legal dispute with her, including on her multiple complaints to the police for infraction and harassment after their relationship came to an acrimonious end. The complainant stresses that both the procedure of the Ethics Committee and the expulsion procedure were expedited under pressure from the top to ensure that Ms. Moitra lost her seat. The complainant adds that the Rules of the Lok Sabha do not allow the expulsion of parliamentarians, only their suspension.

Ms. Moitra's appeal to the Supreme Court did not result in a stay of the decision to expel her from parliament before the general 2024 elections. The complainant adds that, as a result of that decision, Ms. Moitra was immediately evicted from her official premises in New Delhi, which interfered with her electoral campaign. In addition, the complainant shared that on 21 March 2024 a first information report was issued against her, with allegations that she had received cash in exchange for the queries submitted to parliament through her web portal, which Ms. Moitra and Mr. Hiranandani, who allegedly gave the cash, denied. Within hours, Central Bureau of Investigation (CBI) agents raided four of her properties, which led Ms. Moitra to complain to the Electoral Commission to protest against what she saw as continued interference with her electoral campaign in an attempt to blacken her name by referring to her case as a "cash for queries scandal", despite the lack of any evidence to this allegation. The complainant adds that Ms. Moitra faced these measures precisely at the same time as she was undergoing a hysterectomy in an attempt to further victimize her.

General elections were held in India from 19 April to 1 June 2024. Ms. Moitra was re-elected in her constituency of Krishnanagar, which was heavily contested by the BJP.

The complainant insists that Ms. Moitra's situation must be seen within a broader pattern of escalating persecution of vocal opposition members by the BJP. The complainant shared reports of several allegedly abusive proceedings against opposition members of parliament, including against opposition leader Rahul Gandhi, who temporarily lost his seat after being found guilty of defaming the family name of Prime Minister Modi in an unprecedented verdict, which was later suspended following an appeal to the Supreme Court. The complainant also mentioned the example of the suspension of 143 opposition parliamentarians from both houses of parliament from mid-December 2023 to the end of the winter session, following protests by these parliamentarians against the denial of the right to discuss the conflict in Manipur and matters related to their own security in parliament.

The IPU received a letter from the Secretary General of the Lok Sabha in March 2024, which dismissed concerns raised by the complainant and stressed that the expulsion of Ms. Moitra had followed due process. According to the authorities, Ms. Moitra is not the first parliamentarian to be expelled for receiving rewards in exchange for raising critical queries in parliament, referring to a 2005 case where 11 parliamentarians, which included members from the BJP, were caught on camera while accepting cash as part of a sting operation. The BJP was then in opposition and its leader at the time had decried the punishment as disproportionate and arbitrary, even though the evidence of corruption was clear. During a hearing with the IPU Committee at the 149th IPU Assembly in October 2024, a high-ranking member of the Indian delegation stressed that Ms. Moitra had been successfully re-elected and had been able to carry out her duties without any hindrance ever since, adding that her appeal against violations of due process was under consideration by the Supreme Court.

However, the complainant reports that, on 13 December 2024, an exchange took place in the Lok Sabha between Mr. Dubey, Ms. Moitra and Parliamentary Affairs Minister Kiren Rijiju following a speech Ms. Moitra delivered on the occasion of the 75th anniversary of the adoption of the Constitution. The Minister reacted to the speech by warning Ms. Moitra that her reference to Justice Loya, who died in 2014 while he was in charge of an investigation into murder allegations involving the Minister of Home Affairs Amit Shah, was unacceptable. The complainant stresses that the Minister referred to Ms. Moitra in sexist terms and warned her that action would be taken against her, adding that she "cannot escape", which was interpreted as an act of intimidation and harassment. The complainant adds that the breach of privilege motion against Mr. Rijiju co-signed by Ms. Moitra and 10 leaders of opposition parties was neither acknowledged nor registered, adding that his remarks remain in the records despite the Speaker's assurance that they would be expunged. In addition, the complainant reports that months after Ms. Moitra's re-election, her request to join the Foreign Affairs Committee remains pending despite the support of the Committee Chairperson to include her; as a result, Ms. Moitra was unable to carry out her work in the standing committee of her choice.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Thanks* the member of parliament representing the Indian delegation to the 149th IPU Assembly in Geneva for the information provided at a hearing with the IPU Committee on the Human Rights of Parliamentarians; *recalls* that the Committee's procedure is based on ongoing and constructive dialogue with the authorities, first and foremost the parliament of the country concerned; and *hopes* to continue to engage with the parliamentary authorities of India in the same spirit of mutual understanding and constructive dialogue in pursuit of a prompt satisfactory settlement of the present case;

2. *Is nonetheless concerned* by the allegations brought forward by the complainant, including the fact that the vote on Ms. Moitra's expulsion took place on the basis of a contentious report adopted without consensus and without her being given the right to express herself in a case related to her, as well as by allegations that she had been submitted to discriminatory and prejudicial treatment by Mr. Sonkar, the Chairperson of the Ethics Committee;

3. *Is particularly concerned* by reports that Ms. Moitra was sanctioned in the absence of any breach of the law or applicable parliamentary rules; *recalls* the universal and inviolable nature of the legal principle of *nulla poena sine lege*, whereby no one may be held guilty of any offence on account of any act or omission that did not constitute an offence at the time when it was committed; and *cannot but conclude*, in light of information available to it, that the decision to expel Ms. Moitra from parliament was not founded in law;

4. *Acknowledges* the concern expressed by the authorities that in seeking assistance from third parties for drafting questions in the parliamentary online portal, matters related to national security may have been exposed; *notes,* however, that the regulation of cybersecurity related to the use of the parliamentary online portal is the collective responsibility of parliament as an institution; *observes* that the sharing of login details to the Lok Sabha appears to be a widespread practice in parliament, as established by statements made by a number of Ms. Moitra's colleagues; *notes,* moreover, that Ms. Moitra was stripped of her seat in parliament, an extremely serious punishment; and *cannot but reach the conclusion*, on the basis of information submitted to it by both parties, that even if Ms. Moitra's expulsion had been in conformity with applicable rules and legal principles, such a sanction would be wholly disproportionate, as it not only deprived Ms. Moitra of her right to exercise her parliamentary mandate, but also deprived her electorate of representation in parliament;

5. *Is concerned* by the allegation that Ms. Moitra was expelled in retaliation for her oversight work in seeking answers on serious allegations of corruption, collusion and fraud, which have led to legal action in several jurisdictions; *believes* that a disproportionate sanction in such a context is likely to send a chilling effect to the opposition; *recalls*, in that regard, that the Universal Declaration on Democracy adopted by the IPU in 1997 establishes that "institutions and processes of democracy must accommodate the participation of all people" to "safeguard diversity, pluralism and the right to be different"; *is concerned* by the fact that after her re-election, Ms. Moitra was threatened and subjected to stigmatizing language on the floor of the Lok Sabha, and by the complainant's allegation that no action had been taken in that regard; and *affirms* that freedom of expression is absolutely essential to the parliamentary mandate and that the exercise of this right includes not only statements that are favourably received or regarded as inoffensive, but also those that may offend, shock or disturb others;

6. *Calls on* the parliamentary authorities to do their utmost to protect the rights of Ms. Moitra and to defend all women parliamentarians from restrictive social norms that violate their rights and harm their ability to take part in the affairs of parliament on an equal footing with their male colleagues; and *hopes* to be able to close this case soon, provided no new allegations of violations are submitted by the complainant;

7. *Appreciates* the information submitted by the parliamentary authorities that a process of revising parliamentary rules is ongoing; *calls on* parliament to make use of this opportunity to revise its procedures to ensure that the situation that gave rise to Ms. Moitra's expulsion is not repeated and that the rights of all members of parliament, both of the majority and the opposition, are protected equally in law and in practice; and *believes* that this ought to be facilitated by India's long-standing tradition of democracy, parliamentary pluralism and aspiration to exemplify the lofty principle of unity in diversity;

8. *Requests* the Secretary General to convey this decision to the Speaker of the Lok Sabha, the complainant and any third party likely to be in a position to supply relevant information;

9. *Decides* to continue examining this case.