

o/c

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi – 110001.

No. 437/RJ-LA/201 3/NS-1

Dated: 13th November, 2013

ORDER

Whereas, the Election Commission announced the schedule for holding the general elections to the legislative assemblies of Rajasthan, Madhya Pradesh, Chhattisgarh, Mizoram and NCT of Delhi vide its Press Note No.ECI/PN/43/2013, dated 4th October, 2013; and

2. Whereas, the provisions of the Model Code of Conduct for the political parties and candidates came into force from that day; and

3. Whereas, it has been complained to the Commission by the Bharatiya Janata Party by –

(1) representation dated 24th October, 2013 by the President, BJP State Unit, Madhya Pradesh, submitted to the Chief Electoral Officer, Madhya Pradesh;

(2) letter dated 25th October, 2013 of Shri R. Ramakrishna, MP (Rajya Sabha);

(3) representation dated 25th October, 2013 by the Vice-President, Rajasthan BJP State Unit, and two others, submitted to the Chief Electoral Officer, Rajasthan; and

(4) representation dated 28th October, 2013 submitted by the delegation of the party headed by Shri Mukhtar Abbas Naqvi, Vice-President, Bharatiya Janata Party, which called on the Commission on 28th October, 2013;

alleging that you violated the model code of conduct in your speeches at the public meetings held on 23rd October, 2013, at Churu, Rajasthan, and on 24th October, 2013, at Indore, Madhya Pradesh;

4. And whereas, a copy each of the aforesaid letters and representations, was enclosed for your information;

5. And whereas, the Election Commission had seen the CDs of your impugned speeches at public meetings held at Churu (Rajasthan), and Indore (Madhya Pradesh) on 23rd and 24th October, 2013, respectively; and had observed that –

(i) in your speech at Churu (Rajasthan) on 23rd October, 2013, you had, *inter alia*, stated : “.....मैं कहता हूँ कि जो बीजेपी के लोग हैं जो ये लड़ाई कराते हैं । एक दूसरे से लड़ाई कराते हैं । हिंदू की मुसलमान से लड़ाई कराते हैं ये क्या करते हैं । मुज्जफ्फरनगर जाएंगे, आग लगा देंगे, गुजरात में आग लगा देंगे, यूपी में आग लगा देंगे, कश्मीर में आग लगा देंगे और फिर आप लोगों को और हमें आग बुझानी पड़ती है”;

(ii) in your speech at Indore (Madhya Pradesh) on 24th October, 2013, you had, *inter alia*, stated: “.....मुज्जफ्फरनगर में रायट (Riot) हुआ । मैं वहाँ गया । देखो मैं हिंदुओं से मिला, मुसलमानों से मिला, मांओं से मिला, बच्चों से बात हुई और मैंने उनसे पूछा यहाँ क्या हुआ यहाँ लड़ाई करवाई गई है । यहाँ आग लगाई गई है । ठीक है, आग लगा दी । उनको लगा , बीजेपी के लोगों को लगा भैया उत्तर प्रदेश में बिना हिंदू और मुस्लिम की लड़ाई के हमारी बात ना बनेगी , आग लगा दी है ठीक है । मगर हुआ क्या । मैं आपको बताता हूँ । परसों मेरे अपने कमरे में, ऑफिस में पुलिस का एक अफसर आया, इंटेलीजेंस का । और मैंने उनसे पूछा भैया, यहाँ क्या हो रहा है । वो कहता है कि राहुल जी मैं आप क्या बताऊँ । मुज्जफ्फरनगर में जो आग लगी है ऐसे 10-15 लड़के.... जिनके भाई-बहनों को मारा गया है और पाकिस्तान के लोग उनसे बात करना शुरू कर रहे हैं, पाकिस्तान की इंटेलीजेंस के लोग उनसे बात

करना शुरू कर रहे हैं और मैं उन भाईयों से बात कर रहा हूँ और कह रहा हूँ इनकी बातों में मत आओ । आग लगा दी, अब बुझाएगा कौन । कौन बुझाएगा इस आग को.....”); and

6. Whereas, sub-para (1) of the model code of conduct for political parties and candidates, *inter alia*, states that ‘no party or candidate shall indulge in any activity which may aggravate existing differences or create mutual hatred or cause tension between different castes and communities, religious or linguistic.’; and

7. Whereas, sub-para (2) of the model code of conduct for political parties and candidates, *inter alia*, states that ‘criticism of other political parties based on unverified allegations or distortion shall be avoided’; and

8. Whereas, sub-para (3) of the model code of conduct for political parties and candidates, *inter alia*, states that ‘there shall be no appeal to caste or communal feelings for securing votes.....’ and

9. Whereas, the Commission had viewed the CDs (copies whereof were enclosed) of both the speeches made by you at Indore and Churu and had detailed deliberations on the same; and

10. Whereas, the Commission was *prima facie* of the view that your aforesaid speeches were violative of above-referred sub paras (1), (2) and (3) of Para 1 of the Model Code of Conduct for political parties and candidates; and

11. Whereas, the Commission called upon you by its notice No. 437/RJ-LA/2013/NS-I, dated 31st October, 2013 to explain by 1130 hours on 04.11.2013 as to why action should not be taken against you for the abovementioned violations of the Model Code of Conduct; and

12. Whereas, you had, by your letter dated 3rd November, 2013, requested for extension of time for filing your reply by a week in view of the intervening important national festival and your previously scheduled travel commitments; and
13. Whereas, on the basis of your above request, the Commission had extended the time for filing your reply upto 11.00 a.m. on 8th November, 2013; and
14. Whereas, you have submitted your reply in the matter on 8th November, 2013; and
15. Whereas, the Commission has carefully considered your reply and duly analyzed the various averments and submissions made by you therein; and
16. Whereas, the Commission has considered your preliminary submissions in para 3 of your reply, and invites, in this context, your attention to paras 5, 6, 7 and 8 of the Commission's notice which are self contained, specific, clear and complete in all respects; and
17. Whereas, the perusal of your reply shows that you have denied having violated any of the provisions of the model code of conduct and sought to justify your impugned statements at Churu and Indore contending that you have criticized only the policies and programmes of the Bharatiya Janata Party and that your contentions are based on the facts established by various Judicial Commissions of Enquiry and even by the guiding philosophy of that party as reflected in its website; and
18. Whereas, you have also stated that your impugned statements, when read as a whole, would show that your whole emphasis in your impugned speeches was on maintenance and promotion of communal harmony and unity and had not been

made with a view to creating any hatred or tension between different communities;
and

19. Whereas, while the Commission acknowledges the underlying intention and spirit of your impugned speeches to foster and promote communal harmony, it takes exception to the tone, tenor and content of the impugned portions of your speeches (extracted in the Commission's notice) which are part of your said speeches; and

20. Whereas, the Commission considers that the aforesaid portions of your speeches were not in consonance with the letter and spirit of the model code of conduct which prohibits any speeches or statements which may tend to aggravate differences between different religious communities and which also prohibits criticism of other political parties on the basis of unverified allegations; and

21. Whereas, having regard to the above, the Commission is not satisfied with the explanation furnished by you in reply to the Commission's above referred notice;

22. Now, therefore, having regard to the totality of facts and circumstances of the case and submissions and contentions made by you in your reply under reference, the Commission hereby convey its displeasure and advises you to be more circumspect in your public utterances during election campaigns.

By Order,


(SHANGARA RAM)
PRINCIPAL SECRETARY