



राज्य निवडणूक आयोग, महाराष्ट्र

क्रमांक- रानिआ/मनपा-२०१९/प्र.क्र.४/का-५,
नवीन प्रशासकीय भवन, मंत्रालयासमोर,
मादाम कामा रोड, हुतात्मा राजगुरु चौक,
मुंबई- ४०० ०३२.
दिनांक : २४/०७/२०१९.

प्रति,
सर्व जिल्हाधिकारी,
(मुंबई व मुंबई उपनगर वगळून)
आयुक्त,
सर्व महानगरपालिका

विषय:- स्थानिक स्वराज्य संस्थांच्या निवडणुकांच्या कालावधीत
आचारसंहितेचा भंग करणाऱ्यांविरुद्ध करावयाची कारवाई

महोदय,

देशामध्ये एप्रिल-२०१९ मध्ये १७ व्या लोकसभेसाठी निवडणुका पार पडल्या. या निवडणुकांच्यावेळी भारत निवडणूक आयोगाने अनेक ठिकाणी ज्या राजकीय नेत्यांनी आपल्या भाषणात प्रतिस्पर्धी उमेदवाराबाबत अपशब्द वापरले, जातीय अथवा धार्मिक तेढ निर्माण होईल असे वक्तव्य केले, इत्यादीबाबत त्यांना नोटीस देऊन त्यांच्यावर खालीलप्रमाणे कार्यवाही केली :-

- (i) त्यांच्या कृतीचा तीव्र निषेध केला. (Strongly Condemns)
- (ii) त्यांची कृती अमान्य केली. (Censure)
- (iii) ४८ किंवा ७२ तास कोणत्याही प्रकारचा प्रचार करण्यास बंदी घातली.

२. यामध्ये नमुना म्हणून खालील व्यक्तींना पाठविण्यात आलेल्या नोटीस व त्यांच्यावर बजावण्यात आलेल्या आदेशाची प्रत सोबत जोडली आहे. (अधिक माहितीकरीता भारत निवडणूक आयोगाच्या <https://eci.gov.in> या वेबसाईटला भेट द्यावी)

अ. क्र.	नाव	नोटीसीचा दिनांक	आदेशाचा दिनांक	निर्णय
१	श्री. योगी आदित्यनाथ, मुख्यमंत्री, उत्तर प्रदेश	११/४/२०१९ (प्रत सलग्न)	१५/४/२०१९ (प्रत सलग्न)	७२ तासांकरिता प्रचारबंदी (जाहीर सभा, मिरवणूक, रॅली, रोड शो, मुलाखत व इलेक्ट्रॉनिक प्रिंट अथवा सोशल मिडीयावरील भाष्य यांना बंदी)
२	श्रीमती मायावती, राष्ट्रीय अध्यक्ष, बहुजन समाज पार्टी	११/४/२०१९ (प्रत सलग्न)	१५/४/२०१९ (प्रत सलग्न)	४८ तासांकरिता प्रचारबंदी (जाहीर सभा, मिरवणूक, रॅली, रोड शो, मुलाखत व इलेक्ट्रॉनिक प्रिंट अथवा सोशल मिडीयावरील भाष्य यांना बंदी)
३	श्रीमती मनेका गांधी, महिला व बाल विकास मंत्री	-	१५/४/२०१९ (प्रत सलग्न)	४८ तासांकरिता प्रचारबंदी (जाहीर सभा, मिरवणूक, रॅली, रोड शो, मुलाखत व इलेक्ट्रॉनिक प्रिंट अथवा सोशल मिडीयावरील भाष्य यांना बंदी)
४	श्री. आजम खान, नेता, समाजवादी पार्टी	-	१५/४/२०१९ (प्रत सलग्न)	७२ तासांकरिता प्रचारबंदी (जाहीर सभा, मिरवणूक, रॅली, रोड शो, मुलाखत व इलेक्ट्रॉनिक प्रिंट अथवा सोशल मिडीयावरील भाष्य यांना बंदी)
५	श्री. मुख्तार अब्बास नक्वी, केंद्रीय मंत्री, अल्पसंख्याक मंत्रालय	-	१८/४/२०१९ (प्रत सलग्न)	आचारसंहितेच्या कालावधीमध्ये राजकीय प्रचाराकरिता लष्कर, सेना इ. चा वापर न करण्याबाबत.
६	श्री. सतपाल सत्ती, अध्यक्ष, हिमाचल प्रदेश राज्य, भारतीय जनता पक्ष	-	१९/४/२०१९ (प्रत सलग्न)	४८ तासांकरिता प्रचारबंदी (जाहीर सभा, मिरवणूक, रॅली, रोड शो, मुलाखत व इलेक्ट्रॉनिक प्रिंट अथवा सोशल मिडीयावरील भाष्य यांना बंदी)
७	श्री. नवज्योतसिंग सिधू, स्टार	२०/४/२०१९ (प्रत सलग्न)	२२/४/२०१९ (प्रत सलग्न)	७२ तासांकरिता प्रचारबंदी (जाहीर सभा, मिरवणूक, रॅली, रोड शो, मुलाखत व इलेक्ट्रॉनिक प्रिंट अथवा सोशल

	प्रचारक, राष्ट्रीय काँग्रेस पक्ष			मिडीयावरील भाष्य यांना बंदी)
८	श्री. महादेव सरकार, जिल्हाध्यक्ष, भारतीय जनता पक्ष, नाडीया	-	२६/४/२०१९ (प्रत सलग्न)	४८ तासांकरिता प्रचारबंदी (जाहीर सभा, मिरवणूक, रॅली, रोड शो, मुलाखत व इलेक्ट्रॉनिक प्रिंट अथवा सोशल मिडीयावरील भाष्य यांना बंदी)
९	श्रीमती मनेका गांधी, महिला व बाल विकास मंत्री	-	२९/४/२०१९ (प्रत सलग्न)	त्यांनी केलेल्या आक्षेपार्ह विधानाचा तीव्र निषेध करुन त्यांना असे गैरवर्तन पुन्हा होणार नाही याबाबत सक्त ताकीद दिली.
१०	श्री. आजम खान, नेता, समाजवादी पार्टी	१६/४/२०१९ (प्रत सलग्न)	३०/४/२०१९ (प्रत सलग्न)	४८ तासांकरिता प्रचारबंदी (जाहीर सभा, मिरवणूक, रॅली, रोड शो, मुलाखत व इलेक्ट्रॉनिक प्रिंट अथवा सोशल मिडीयावरील भाष्य यांना बंदी)
११	श्री. जितूभाई वाघानी, अध्यक्ष, गुजरात राज्य, भारतीय जनता पार्टी	-	३०/४/२०१९ (प्रत सलग्न)	७२ तासांकरिता प्रचारबंदी (जाहीर सभा, मिरवणूक, रॅली, रोड शो, मुलाखत व इलेक्ट्रॉनिक प्रिंट अथवा सोशल मिडीयावरील भाष्य यांना बंदी)
१२	श्री. बाबुभाई रायका, अध्यक्ष, सुरत शहर जिल्हा काँग्रेस कमिटी	-	१/५/२०१९ (प्रत सलग्न)	३ दिवसांकरिता प्रचारबंदी (जाहीर सभा, मिरवणूक, रॅली, रोड शो, मुलाखत व इलेक्ट्रॉनिक प्रिंट अथवा सोशल मिडीयावरील भाष्य यांना बंदी)
१३	श्रीमती प्रज्ञासिंग ठाकूर, उमेदवार भारतीय जनता पक्ष	-	१/५/२०१९ (प्रत सलग्न)	७२ तासांकरिता प्रचारबंदी (जाहीर सभा, मिरवणूक, रॅली, रोड शो, मुलाखत व इलेक्ट्रॉनिक प्रिंट अथवा सोशल मिडीयावरील भाष्य यांना बंदी)
१४	श्री. गिरीराज सिंग, उमेदवार व नेता, भारतीय जनता पार्टी, बिहार		१२/५/२०१९ (प्रत सलग्न)	त्यांनी केलेल्या आक्षेपार्ह विधानाचा तीव्र निषेध करुन त्यांना असे गैरवर्तन पुन्हा होणार नाही याबाबत सक्त ताकीद दिली.

३. या आदेशाद्वारे आपल्याला सुचित करण्यात येत आहे की, स्थानिक स्वराज्य संस्थांच्या निवडणुकांमध्ये सुध्दा वरीलप्रकारचे अनुचित प्रकार घडल्यावर अशाप्रकारे नोटीस देऊन त्यांच्याविरुद्ध कारवाई करावी.

मा. राज्य निवडणूक आयुक्त यांच्या आदेशानुसार,

आपला,



(राजाराम झेंडे)

सह सचिव,

राज्य निवडणूक आयोग, महाराष्ट्र



भारत निर्वाचन आयोग
Election Commission of India

निर्वाचन सदन
NIRVACHAN SADAN
अशोक रोड, नई दिल्ली - 110 001
ASHOKA ROAD, NEW DELHI - 110 001

No:-437/UP-HP/2019

Dated:- 11th April, 2019.

NOTICE

Whereas, the Commission has announced the schedule for holding the General Election to the House of the People, 2019 *vide* Press Note no. ECI/PN/2019, dated 10/03/2019 and provisions of Model Code of Conduct for political parties and candidates have come into force from that very date; and

Whereas, the Chief Electoral Officer, Uttar Pradesh *vide* his letter, dated 11th April, 2019 has forwarded a copy of video clip of the speech delivered by you on 09th April, 2019 at Meerut, wherein you have made the following statements:-

...आपने परसों सहारनपुर में सुश्री मायावती जी का भाषण सुना होगा, अपने भाषण में मायावती जी क्या कह रही हैं, अपने भाषण में वो कहती हैं कि हमें केवल मुस्लिम वोट मिल जाये तो बाकी गठबंधन को और वोट नहीं चाहिए और मैं भी आपसे कहना चाहता हूँ कि भाईयों-बहनों कि अगर कांग्रेस को अली पर सपा, बसपा को अली पर विश्वास है, हमें भी बजरंग बली पर विश्वास है। और मैं कहना चाहता हूँ कांग्रेस, सपा, बसपा, लोकदल इन्होंने कह दिया है, ये लोग इस बात को मान चुके हैं कि बजरंग बली के अनुयायी उन्हें कभी बर्दाश्त नहीं करेंगे। इसलिए हम मंच पर जाकर अली-अली चिल्लाते हुए केवल एक हरा वायरस इस देश को डसने के लिए फिर से भेजना चाहते हैं। लेकिन भाईयों और बहनों इस हरे वायरस की चपेट में पश्चिमी उत्तर प्रदेश को लाने की आवश्यकता नहीं, पूर्वी उत्तर प्रदेश से तो पहले ही सफाया कर चुके हैं और पश्चिमी उत्तर प्रदेश में एक बार कांग्रेस, सपा, बसपा, लोकदल के गठबंधन को पूरी तरह ध्वस्त कर दीजिये, ये हरा वायरस भारतीय राजनीति से सदैव..."; and

Whereas, your said statement has been widely published in the electronic and print media; and

Whereas, Para (3) of part I 'General Conduct' of "Model Code of Conduct for the guidance of Political Parties and Candidates", *inter-alia*, provides that there shall be no appeal to caste or communal feelings for securing votes, and Para (4) of the said part I provides that all parties and candidates shall avoid scrupulously all activities which are corrupt practices and offences under the election law; and

Whereas, sub-section (3) of Section 123 of the Representation of the People Act, 1951, which deals with 'Corrupt Practices' provides:

"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"; and

Whereas, the Hon'ble Supreme Court of India, *vide* judgement and Order dated 2.1.2017, in Civil Appeal No 37 of 1992 (Abhiram Singh vs C. D. Commachen), with Civil Appeal No.8339 of 1995, has held that Religion and Caste cannot be used by anyone while making any statement during electioneering or otherwise; and

Whereas, sub-section (3A) of Section 123 of the said Act provides:-

"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, of 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."; and

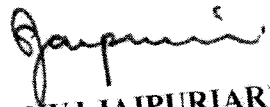
Whereas, Section 125 of the Representation of the People Act, 1951, which deals with 'Promoting enmity between classes in connection with election', provides:-

"Any person who in connection with an election under this Act promotes or attempts to promote on ground of religion, race, caste, community or language, feelings of enmity or hatred, between different classes of the citizens of India shall be punishable, with imprisonment for a term which may extend to three years, or with fine, or with both.; and

Whereas, the Commission is *prima facie* of the opinion that you have violated the aforesaid provisions of the MCC, the relevant sections of the Representation of the People Act, 1951 and also wilfully disobeyed the aforesaid Order of Hon'ble Supreme Court by making the impugned statements;

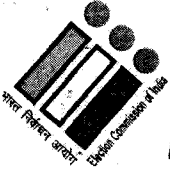
Now, therefore, the Commission, after considering the available material and extant instructions on the matter, has decided to provide you an opportunity to explain your stand regarding the said statement. Your explanation shall be submitted within 24 hours of receipt of this Notice, failing which the Commission shall take a decision without further reference to you.

By Order,


(ANUJ JAIPURIAR)
PRINCIPAL SECRETARY

To,

Sh. Yogi Adityanath ji,
Chief Minister of Uttar Pradesh.
Lucknow.



भारत निर्वाचन आयोग
Election Commission of India

निर्वाचन सदन
NIRVACHAN SADAN
अशोक रोड, नई दिल्ली - 110 001
ASHOKA ROAD, NEW DELHI - 110 001

Dated:- 15th April, 2019.

No:-437/UP-HP/2019

ORDER

Whereas, the Commission had issued a show cause notice number 437/UP-HP/2019 dated 11th April, 2019 to Sh. Yogi Adityanath, Chief Minister of Uttar Pradesh for violation of certain provisions of Model Code of Conduct and Representation of the People Act, 1951 by making some objectionable statements during a public rally on 09.04.2019 at Meerut in 10-Meerut PC; and

Whereas, the Commission has received a reply to the aforesaid Notice on 13th April, 2019 through the Chief Electoral Officer, Uttar Pradesh; and

Whereas, the Commission has carefully gone through the contents and averments made in the aforesaid letter dated 11th April, 2019, of Sh. Yogi Adityanath, wherein he has *inter-alia* accepted using the reference of "हरा वायस"; and

Whereas, he has also accepted using the reference to "बजरंग बली"; and

Whereas, the Commission observes that being the Chief Minister of a State Sh. Yogi Adityanath has an added responsibility to not only uphold the basic tenets, including Secularism, of the Constitution of India but also to display the same in his public appearances/meetings/speeches as well.; and

Whereas, the Commission has again seen the video recording of his impugned speech and is convinced that he has made highly provocative speech which has the tone and tenor to aggravate existing differences or create mutual hatred between different religious communities, and thus violative of aforesaid provisions of Model Code of Conduct; and

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"Greater Participation for a Stronger Democracy"

Whereas, the Commission in another matter, *vide* its Order no. 437/उ०प्र०-लो०स०/2019, dated 05th April, 2019 had advised Sh. Yogi Adityanath to be more careful in public utterances; and

Whereas, the Commission observes that being a senior leader, Sh. Yogi Adityanath should have desisted himself in making statements that have the undertone and propensity to polarize the elections, which is not confined to the constituency only where the statement is made, but to the other parts as well due to fast dissemination of information in this digital age; and

Whereas, the Commission, while deliberating this matter on 14.04.2019, expressed its concern on such public utterances, which contaminate the electoral process; and

Whereas, the Commission is also of the view that Sh. Yogi Adityanath in his impugned speech has appealed to secure votes on religious lines that tantamount to violation of provisions of para 3 and para 4 of part I '**General Conduct**' of "**Model Code of Conduct, for the guidance of Political Parties and Candidates**" which specify that:-

- (3) *There shall be no appeal to caste or communal feelings for securing votes.....*
- (4) *All parties and candidates shall avoid scrupulously all activities which are "corrupt practices" and offences under the election law, such as bribing of voters, intimidation of voters....'; and that he has disobeyed the Hon'ble Supreme Court's judgement made in Civil Appeal No 37 of 1992 (Abhiram Singh vs C. D. Commachen and others), with Civil Appeal No.8339 of 1995;*

Now, therefore, the Commission, without prejudice to any Order/Notice issued or to be issued in the matter relating to MCC violations to him, hereby, **strongly condemns** the impugned statements made by him during election campaign held at Meerut and **censures** Sh. Yogi Adityanath, Chief Minister of Uttar Pradesh for the above said misconduct. The Commission, under Article 324 of the Constitution of India and all other powers enabling in this behalf, bars him from

holding any public meetings, public processions, public rallies, road shows and interviews, public utterances in media (electronic, print, social media) etc. in connection with ongoing elections for 72 hours from 06:00 am on 16th April, 2019 (Tuesday).

By Order,



(ANUJ JAIPURIAR)
PRINCIPAL SECRETARY

To

Sh. Yogi Adityanath ji,
Chief Minister, Govt. of Uttar Pradesh,
Lucknow.



भारत निर्वाचन आयोग
Election Commission of India

No:-437/UP-HP/2019

निर्वाचन सदन
NIRVACHAN SADAN

अशोक रोड, नई दिल्ली - 110 001
ASHOKA ROAD, NEW DELHI - 110 001

Dated:- 11th April, 2019.

NOTICE

Whereas, the Commission has announced the schedule for holding the General Election to the House of the People, 2019 *vide* Press Note no. ECI/PN/2019, dated 10/03/2019 and provisions of Model Code of Conduct for political parties and candidates have come into force from that very date; and

Whereas, the Chief Electoral Officer, Uttar Pradesh *vide* his letter, dated 08th April, 2019 has forwarded a copy of video clip of the speech delivered by you on 07th April, 2019 at Deoband, Saharanpur, wherein you have made the following statements:-

“.....मुस्लिम समाज के लोगों को ये कहना चाहती हूँ, कि आप लोगों को भावनाओं में बहकर रिश्तेदार, यार दोस्तों के चक्कर में आकर अपने वोट को बांटना नहीं है, यदि आपको इस चुनाव में बीजेपी को हार का मुँह उत्तर प्रदेश से दिलाना है तो आप लोगों को अपने वोट को बांटना नहीं है बल्कि एकतरफा अपना वोट गठबंधन के उम्मीदवारों को देना है। यह मेरी खासकर मुस्लिम समाज के लोगों से ये अपील है....”; and

Whereas, your said statement has been widely published in the electronic and print media; and

Whereas, Para (3) of part I ‘General Conduct’ of “Model Code of Conduct for the guidance of Political Parties and Candidates”, *inter-alia*, provides that there shall be no appeal to caste or communal feelings for securing votes, and Para (4) of the said part I provides that all parties and candidates shall avoid scrupulously all activities which are corrupt practices and offences under the election law; and

Whereas, sub-section (3) of Section 123 of the Representation of the People Act, 1951, which deals with ‘Corrupt Practices’ provides:

“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

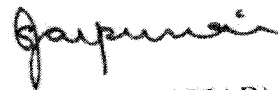
or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate"; and

Whereas, the Hon'ble Supreme Court of India, *vide* judgement and Order dated 2.1.2017, in Civil Appeal No 37 of 1992 (Abhiram Singh vs C. D. Commachen), with Civil Appeal No.8339 of 1995, has held that Religion and Caste cannot be used by anyone while making any statement during electioneering or otherwise; and

Whereas, the Commission is *prima facie* of the opinion that you have violated the aforesaid provisions of the MCC and also wilfully disobeyed the aforesaid Order of Hon'ble Supreme Court by making the impugned statements;

Now, therefore, the Commission, after considering the available material and extant instructions on the matter, has decided to provide you an opportunity to explain your stand regarding the said statement. Your explanation shall be submitted within 24 hours of receipt of this Notice, failing which the Commission shall take a decision without further reference to you.

By Order,



(ANUJ JAIPURIAR)
PRINCIPAL SECRETARY

To,

Ms. Mayawati ji,

4, Gurudwara Rakab Ganj Road,
New Delhi - 110001.

✓ 9, Mall Avenue, New Lucknow,
Uttar Pradesh - 226027.



भारत निर्वाचन आयोग
Election Commission of India

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निर्वाचन सदन
NIRVACHAN SADAN
अशोक रोड, नई दिल्ली - 110 001
ASHOKA ROAD, NEW DELHI - 110 001

No:-437/UP-HP/2019

Dated:- 15th April, 2019.

ORDER

Whereas, the Commission had issued a show cause notice no. 437/UP-HP/2019, dated 11th April, 2019 to Ms. Mayawati, National President, Bahujan Samaj Party for violation of certain provisions of Model Code of Conduct and Representation of the People Act, 1951 for making some objectionable statements during a public rally on 07.04.2019 at Deoband, Saharanpur; and

Whereas, the Commission has received a reply to the aforesaid Notice on 12th April, 2019; and

Whereas, the Commission has carefully gone through the contents and averments made in the aforesaid letter dated 11th April, 2019 of Ms. Mayawati, wherein she has *inter-alia* accepted that in her speech a special mention was made to the minority community of Muslims to vote in a consolidated manner in favour of the candidate of coalition parties; and

Whereas, it is a fact that Sh. Hazi Fajal-ur-Rehman, who belongs to the Muslim community is the candidate fielded by the BSP and other coalition parties from 01-Sharanpur PC, where the impugned statement was made by Ms. Mayawati; and

Whereas, the Commission has again seen the video recording of her impugned speech and is convinced that she has made highly provocative speech which has the tone and tenor to aggravate existing differences or create mutual hatred

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“मजबूत लोकतंत्र – सबकी भागीदारी”
“Greater Participation for a Stronger Democracy”

between different religious communities, and thus violative of aforesaid provisions of Model Code of Conduct; and

Whereas, the Commission observes that being a senior leader, Ms. Mayawati should have desisted herself in making statements that have the undertone and propensity to polarize the elections, which is not confined to the constituency only where the statement is made, but to the other parts as well, due to fast dissemination of information in this digital age; and

Whereas, the Commission, while deliberating this matter on 14.04.2019, expressed its concern on such public utterances, which contaminate the electoral process; and

Whereas, the Commission is also of the view that Ms. Mayawati, in her impugned speech, has appealed to secure votes on religious lines that tantamounts to violation of provisions of para 3 and para 4 of part I '**General Conduct**' of "**Model Code of Conduct, for the guidance of Political Parties and Candidates**" which specify that:-

- (3) *There shall be no appeal to caste or communal feelings for securing votes.....*
- (4) *All parties and candidates shall avoid scrupulously all activities which are "corrupt practices" and offences under the election law, such as bribing of voters, intimidation of voters....'; and that she has disobeyed the Hon'ble Supreme Court's judgement made in Civil Appeal No 37 of 1992 (Abhiram Singh vs C. D. Commachen and others), with Civil Appeal No.8339 of 1995;*

Now, therefore, the Commission, without prejudice to any Order/Notice issued or to be issued in the matter relating to MCC violations to her, hereby, **strongly condemns** the impugned statements made by her during election campaign held at Deoband, Saharanpur and **censures** Ms. Mayawati, National President,

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Bahujan Samaj Party for the above said misconduct. The Commission, under Article 324 of the Constitution of India and all other powers enabling in this behalf, bars her from holding any public meetings, public processions, public rallies, road shows and interviews, public utterances in media (electronic, print, social media) etc. in connection with ongoing elections for 48 hours from 06:00 am on 16th April, 2019 (Tuesday).

By Order,



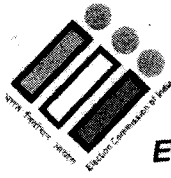
(ANUJ JAIPURIAR)
PRINCIPAL SECRETARY

To

Ms. Mayawati ji,
National President, Bahujan Samaj Party

4, Gurudwara Rakab Ganj Road,
New Delhi - 110001.

9, Mall Avenue, New Lucknow,
Uttar Pradesh - 226027.



भारत निर्वाचन आयोग
Election Commission of India

No:-437/UP-HP/2019

निर्वाचन सदन
NIRVACHAN SADAN
अशोक रोड, नई दिल्ली - 110 001
ASHOKA ROAD, NEW DELHI - 110 001

Dated:- 15th April, 2019.

ORDER

Whereas, the Assistant Returning Officer, 38-Sultanpur Parliamentary Constituency had issued a show cause notice no. 13/उ०जि०स-नोटिस-निर्वाचन/2019 dated 12th April, 2019 to Smt. Maneka Sanjay Gandhi, Minister for Women and Child Development, Govt. of India for violation of Model Code of Conduct during a nukkad meeting held on 11th April, 2019 in Sultanpur; and

Whereas, a reply to the aforesaid Notice has been received in the Commission on 14th April, 2019 through District Election Officer, Sultanpur; and

Whereas, the Commission has carefully gone through the contents and averments made in the aforesaid letter dated 14th April, 2019, of Smt. Maneka Sanjay Gandhi, wherein she has *inter-alia* stated:-

"...As a part of my election campaign in a new constituency, I was only giving a speech to introduce myself and the work that I have done for people in my earlier constituency, Pilibhit, and elsewhere, where I have earlier been elected as MP"; and

Whereas, the Commission has again seen the video recording of her impugned speech and based on the available evidence and material facts, is convinced that the statement made by her are in violation of provisions of para 3 and para 4 of part I 'General Conduct' of "Model Code of Conduct, for the guidance of Political Parties and Candidates" which specify that:-

- (3) *There shall be no appeal to caste or communal feelings for securing votes.....*
- (4) *All parties and candidates shall avoid scrupulously all activities which are "corrupt practices" and offences under the election law, such as bribing of voters, intimidation of voters...."; and*

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Greater participation for a stronger democracy

Whereas, the Commission has also observed that Smt. Maneka Sanjay Gandhi has violated the relevant sections of Representation of the People Act, 1951 which deals with 'Bribery' under 'Corrupt practices', which provides:-

"123. Corrupt practices.—*The following shall be deemed to be corrupt practices for the purposes of this Act:—*

[(1) "Bribery", that is to say—

(A) 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 for⁵ [having withdrawn or not having withdrawn] his candidature; or

(ii) an elector for having voted or refrained from voting;

(B) the receipt of, or agreement to receive, any gratification, whether as a motive or a reward—

(a) by a person for standing or not standing as, or for [withdrawing or not withdrawing] from being, a candidate; or

(b) by any person whomsoever for himself or any other person for voting or refraining from voting, or inducing or attempting to induce any elector to vote or refrain from voting, or any candidate [to withdraw or not to withdraw] his candidature.

Explanation.—For the purposes of this clause the term "gratification" is not restricted to pecuniary gratifications or gratifications estimable in money and it includes all forms of entertainment and all forms of employment for reward but it does not include the payment of any expenses bona fide incurred at, or for the purpose of, any election and duly entered in the account of election expenses referred to in section 78.]";

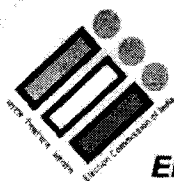
Now, therefore, the Commission, without prejudice to any Order/Notice issued or to be issued in the matter relating to MCC violations to her, hereby, **strongly condemns** the impugned statements made by her during election campaign held at Sultanpur and **reprimands** Smt. Maneka Sanjay Gandhi, Minister for Women and Child Development, Govt. of India for the above said misconduct. The Commission, under Article 324 of the Constitution of India and all other powers enabling in this behalf, bars her from holding any public meetings, public

processions, public rallies, road shows and interviews, public utterances in media (electronic, print, social media) etc. in connection with ongoing elections for 48 hours from 10:00 am on 16th April, 2019 (Tuesday).

By Order,


(ANUJ JAIPURIAR)
PRINCIPAL SECRETARY

To
Smt. Maneka Sanjay Gandhi,
Minister for Women and Child Development, Govt. of India



भारत निर्वाचन आयोग
Election Commission of India

निर्वाचन सदन
NIRVACHAN SADAN
अशोक रोड, नई दिल्ली - 110 001
ASHOKA ROAD, NEW DELHI - 110 001

No:-437/UP-HP/2019

Dated:- 15th April, 2019.

ORDER

Whereas, the Commission has announced the schedule for holding the General Election to the House of the People, 2019 *vide* Press Note no. ECI/PN/2019, dated 10/03/2019 and provisions of Model Code of Conduct for political parties and candidates have come into force from that very date; and

Whereas, para 2 of part I '**General Conduct**' of "**Model Code of Conduct, for the guidance of Political Parties and Candidates**" provides:-

"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"; and

Whereas, the Commission, *vide* its letter no. 437/6/INST/2013-CC&BE, dated 28th November, 2013, advised all the political parties and candidates to refrain from any deeds/actions/otherwise that may be construed as being repugnant to honour and dignity of women; and

Whereas, the Chief Electoral Officer, Uttar Pradesh *vide* his letter, dated 15th April, 2019 has forwarded a copy of a video clip of the speech delivered by Sh. Azam Khan, Leader of Samajwadi Party, on 14th April, 2019 during a public meeting in Rampur, Uttar Pradesh, wherein he has made the following statements:-

"मैं सवाल करता हूँ कि राजनीति इतनी गिर जाएगी कि 10 वर्ष जिसने रामपुर वालों का खून पिया जिसकी उंगली पकड़कर हम रामपुर में लेकर आये, रामपुर की गलियाँ, रामपुर की सड़कों की पहचान कराई, किसी का कान्धा नहीं लगने दिया उसके शरीर से, छूने नहीं दिया, गंदी बात नहीं करने दी, आपने 10 साल अपना प्रतिनिधित्व कराया। शाहबाद वालों, रामपुर वालों, उत्तर प्रदेश वालों, हिन्दुस्तान वालों, उसकी असलियत जानने में आप लोगों को 17 वर्ष लगे, मैं 17 दिन में ही जान गया कि इनके नीचे का जो अंडरवियर है वह खाकी रंग का है, मैं 17 दिन में पहचान गया, आपको पहचानने में 17 वर्ष लगे।"; and

Whereas, his said statement has been widely published in the electronic and print media; and

Whereas, an FIR no. 221/2019 under Section 509 of Indian Penal Code and under Section 125 of Representation of the people Act, 1951 has been lodged against Sh. Azam Khan for his indecent and repugnant comments against Smt. Jaya Prada, candidate of BJP from 07-Rampur PC, in concerned Police Station; and

Whereas, the Commission has observed that the impugned statement made by Sh. Azam Khan is not only indecent but also derogatory and totally uncalled for; and

Whereas, Sh. Azam Khan was banned for campaigning in the State of Uttar Pradesh by the Commission for his misconduct and provocative speech during the General Elections to the Lok Sabha, 2014 and was also **censured** by the Commission, vide its Order, dated 16.04.2014; and

Whereas, the Commission has observed that Sh. Azam Khan has not changed his way of campaigning and he is still indulging in using very objectionable language in election campaigning; and

Whereas, the Commission, based on the available evidence and material facts, is convinced that the statements made by Sh. Azam Khan are in violation of the aforesaid provisions of the Model Code of Conduct and Commission's advisory, dated 28th November, 2013; and

Now, therefore, the Commission, without prejudice to any Order/Notice issued or to be issued in the matter relating to MCC violations to him, hereby, **strongly condemns** the impugned statements made by him during election

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campaign held at Rampur and **reprimands** Sh. Azam Khan for the above said misconduct. The Commission, under Article 324 of the Constitution of India and all other powers enabling in this behalf, bars him from holding any public meetings, public processions, public rallies, road shows and interviews, public utterances in media (electronic, print, social media) etc. in connection with ongoing elections for 72 hours from 10:00 am on 16th April, 2019 (Tuesday).

By Order,


(ANUJ JAIPURIAR)
PRINCIPAL SECRETARY

To,

Sh. Azam Khan,
Leader of Samajwadi Party,
Rampur, Uttar Pradesh.



भारत निर्वाचन आयोग
Election Commission of India

87 30
निर्वाचन सदन
NIRVACHAN SADAN
अशोक रोड, नई दिल्ली - 110 001
ASHOKA ROAD, NEW DELHI - 110 001

No:-437/UP-HP/2019

Dated:- 18th April, 2019.

ORDER

Whereas, the District Election Officer, Rampur had issued a show cause notice no. 17/निर्वाचन/2019, dated 05th April, 2019 to Sh. Mukhtar Abbas Naqvi, Minister of Minority Affairs, Govt. of India for violation of certain provisions of Model Code of Conduct by making references to the Defence Forces during a public meeting held on 03.04.2019 in Rampur; and

Whereas, a reply to the aforesaid Notice has been received in the Commission on 08th April, 2019 through District Election Officer, Rampur; and

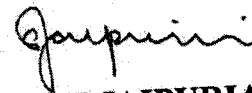
Whereas, the Commission has carefully gone through the contents and averments made in the aforesaid letter dated 08th April, 2019, of Sh. Mukhtar Abbas Naqvi, wherein he has *inter-alia* accepted using words "मोदी जी की सेना"; and

Whereas, the Commission has issued instructions vide its letter no. 437/6/INST/2019/MCC, dated 09th March, 2019 and letter of even no. dated 19th March, 2019 to all the political parties/candidates to desist from using any reference to the Defence Force in their political campaigns/propaganda; and

Whereas, the Commission has again seen the video recording of his impugned speech and is convinced that the statement made by him are not in line with the spirit of the Commission's multiple advisories, to the political parties/campaigners/ candidates, to desist, as part of their election campaigning, from indulging in any political propaganda involving activities of the Defence Forces.

Now, therefore, the Commission without prejudice to any Order/Notice issued or to be issued in the matter relating to MCC violations to him, hereby, warns Sh. Mukhtar Abbas Naqvi to desist from using the references to Defence Forces for political propaganda and to be careful in the future.

By Order,



(ANUJ JAIPURIAR)
PRINCIPAL SECRETARY

To

Sh. Mukhtar Abbas Naqvi,
Minister of Minority Affairs, Govt. of India.

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By email/Camp bag

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi -110001

No. 437/ECI/LET/TERR/NS-I-HP/2019 (Spl)

Dated: 19th April, 2019

To

The Chief Electoral Officers of
All the States and the Union Territories

Sub: General Election to Lok Sabha, 2019- Commission's Order dated 19.04.2019
Mr. Satpal Satti, State President, Bhartiya Janata Party, Himachal Pradesh-
compliance thereof-reg.

Sir,

With reference to the subject cited above, I am directed to forward herewith
Commission's Order dated 19.04.2019 to Mr. Satpal Satti, State President, Bhartiya
Janata Party, Himachal Pradesh for information and compliance.

Kindly, acknowledge the receipt of this letter along with its enclosures.

Yours faithfully,

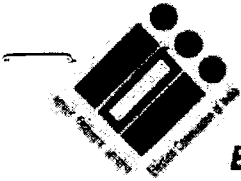


(Rahul Sharma)

Secretary

Ph-.011-23052070

Email: rahulsharma.eci@gmail.com



भारत निर्वाचन आयोग
Election Commission of India

निर्वाचन सदन
NIRVACHAN SADAN
अशोक रोड, नई दिल्ली - 110 001
ASHOKA ROAD, NEW DELHI - 110 001

No:-437/HP-HP/2019

Dated: - 19th April, 2019.

ORDER

Whereas, the Commission has announced the schedule for holding the General Election to the House of the People, 2019 vide Press Note no. ECI/PN/23/2019, dated 10/03/2019 and provisions of Model Code of Conduct for political parties and candidates have come into force from that very date; and

Whereas, para 2 of Part I 'General Conduct' of "Model Code of Conduct, for the guidance of Political Parties and Candidates" provides:-

"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"; and

Whereas, the Commission, vide its letter no. 437/6/INST/2013-CC&BE, dated 28th November, 2013, advised all the political parties and candidates to refrain from any deeds/actions/otherwise that may be construed as being repugnant to honour and dignity of women; and

Whereas, the Chief Electoral Officer, Himachal Pradesh vide his letter, dated 16th April, 2019 has forwarded a copy of a video clip of the speech delivered by Sh. Satpal Satti, State President of Bharatiya Janata Party, Himachal Pradesh on 13th April 2019, during a public meeting in Ramshaher of Solan District in Himachal Pradesh, wherein he made the following statement:-

आपके परिवार के अन्दर 3 प्राइम मिनिस्टर रहे हैं। आपको यही पता नहीं लगता की बोलना क्या है। मंच के उपर से नरेन्द्र मोदी जी को चोर बोल रहे हैं कि चौकीदार चोर है।

भाईया तेरी मां की जमानत हुई है, तेरी अपनी जमानत हुई है, तेरी जीजे की जमानत हुई है। पूरे टबर (परिवार) की जमानत हुई है। नरेन्द्र मोदी की न जमानत हुई है, न केस बना है, न किसी ने सजा दी है। तू कौन होता है जज की तरह चोर बोलने वाला। एक पंजाबी व्यक्ति ने फेस बुक पे लिखा। रणधीर शर्मा ने कि मैं आपको बोल के नहीं, मैं आपको बोल नहीं सकता क्योंकि राहुल जी के बारे में हम भी बोल नहीं सकते क्योंकि ऐ नेशनल पार्टी के लीडर हैं और 3 बार कि एमपी0 है। मैंने कहा लिखा क्या बोल तो दो। बोला लिखा नहीं। आप थोड़ा जरा फेस-बुक पर पढ़ों देखों हमसे भी ज्यादा गुस्सा लोगो को है। उसने लिखा है मैं भारी मन से बोल रहा हूँ उसने लिखा है कि अगर देश का चौकीदार चोर है और अगर तू बोलता है तो तू "\$\$\$\$\$\$\$\$" है। उसने इसलिए लिखा फेस बुक के उपर यानि लोगो को गुस्सा आता है कि देश के ईमानदार प्राईम मिनिस्टर को जो कहता है कि मैं आने वाला प्राईम मिनिस्टर हूँ। मैं इस देश का प्राईम मिनिस्टर बनना चाहता हूँ लेकिन मैं इस देश के प्राईम मिनिस्टर को चोर बोलता हूँ मचं से खड़ा होकर।

Whereas, the said statement of Sh. Satpal Satti has been widely published in the electronic, print media and social media; and

Whereas, an FIR no. 21/2019 dated 16.4.2019 under Section 294 of Indian Penal Code and under Section 125 of Representation of the people Act, 1951 has been lodged against Sh. Satpal Satti, State President Bharatiya Janata Party, Himachal Pradesh for his indecent and repugnant comments against President of Indian National Congress and

Whereas, the Commission has observed that the impugned statement made by Sh. Satpal Satti is not only indecent but also derogatory and totally uncalled for; and

Whereas, the Commission, based on the available evidence and material facts, is convinced that the statement made by Sh. Satpal Satti is in violation of the aforesaid provisions contained in para 2 of Part-1 General Conduct of the Model Code of Conduct and the Commission's advisory, dated 28th November, 2013; and

Now, therefore, the Commission, without prejudice to any Order/Notice issued or to be issued in the matter relating to MCC violations to Sh. Satpal Satti, State President of BJP, hereby, **strongly condemns** the impugned statement made by him during election campaign held at Ramshaher of Solan District in Himachal Pradesh and **reprimands** Sh. Satpal Satti for the above said misconduct. The

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Commission, under Article 324 of the Constitution of India and all other powers enabling in this behalf, bars Sh. Satpal Satti from holding any public meetings, public processions, public rallies, road shows and interviews, public utterances in media (electronic, print, social media) etc. in connection with ongoing elections for 48 hours from 10 AM on 20th April, 2019 (Saturday).

By Order,



(RAHUL SHARMA)
SECRETARY

To,

Sh. Satpal Satti,
State President, Bharatiya Janata Party,
Una, Himachal Pradesh



भारत निर्वाचन आयोग
Election Commission of India

निर्वाचन सदन
NIRVACHAN SADAN
अशोक रोड, नई दिल्ली - 110 001
ASHOKA ROAD, NEW DELHI - 110 001

No:-437/ES-1/BR-HP/2019

Dated:-20th April, 2019.

NOTICE

Whereas, the Commission has announced the schedule for holding the General Election to the House of the People, 2019 vide Press Note no. ECI/PN/2019, dated 10/03/2019 and provisions of Model Code of Conduct for political parties and candidates have come into force from that very date; and

Whereas, the Chief Electoral Officer, Bihar, vide his letter dated 16th April, 2019 has forwarded a copy of video clip of the speech delivered by you on 15th April, 2019 at Blocks Barsoi and Barari of Katihar District in Bihar wherein you have made the following statements:-

“-----मैं अपने मुस्लिम भाईयों को एक ही बात कहने आया हूँ कि आप ये ऐसी constituency है जहाँ आप Minority बनके Majority में हो 62 फीसदी constituency में आपका वर्चस्व है ये BJP वाले षडयंत्रकारी लोग आपको बांटने का प्रयास करेंगे। आपके वोट को बाँटने का प्रयास करेंगे। मैं कहता हूँ अगर आप इकट्ठे आये तो तारिक साहब को भी दुनिया की कोई भी ताकत हरा नहीं पायेगी ; and

“-----आज साजिश हो रही है पूर्णिया में। मैं आपसब को चेतावनी देने आया हूँ मुस्लिम भाईयों आप 64 प्रतिशत आबादी हो यहाँ पे। मेरे मुसलमान भाई जितने भी हैं वो ये मेरी पगड़ी है। आप सब लोग पंजाब में भी काम करने जाते हो पंजाब में हमारी तरफ से प्यार मिलता है, मेहमां जो हमारा होता है जान से प्यारा होता है। अगर आपको कोई दिक्कत हो पंजाब में मैं मंत्री हूँ जिस दिन पंजाब आईयेगा सिद्धू को अपने साथ खड़ा पाईयेगा कंधे से कंधा मिलाकर खड़ा पाईयेगा लेकिन मैं आपको चेतावनी देने आया हूँ बहनों भाईयों ये बाँट रहे हैं आपको। मुस्लिम भाईयों वो यहाँ पे आपको ओबैसी साहब जैसे लोगों को लाकर एक नई पार्टी साथ में खड़ी करके आपलोगों की वोटें बाँट के ये जीतना चाहते हैं। अगर तुमलोग इकट्ठे हुए 64 प्रतिशत आपकी आबादी है Minority Majority में है यहाँ पे यदि तुम इकट्ठे हुए और इकट्ठे होकर एकजुट वोट डाला तो सब उलट जायेंगे मोदी सुलट जायेगा छक्का लग जायेगा.....; and

Whereas, it has been informed that FIR has been lodged against you for these statements under relevant sections of Law in Barsoi Police Station of Katihar District; and

Whereas, your said statement has been widely published in the electronic and print media; and

Whereas, Para (3) of part I 'General Conduct' of "Model Code of Conduct for the guidance of Political Parties and Candidates", *inter-alia*, provides that there shall be no appeal to caste or communal feelings for securing votes, and Para (4) of the said part I provides that all parties and candidates shall avoid scrupulously all activities which are corrupt practices and offences under the election law; and

Whereas, sub-section (3) of Section 123 of the Representation of the People Act, 1951, which deals with 'Corrupt Practices' provides:

"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...."; and

Whereas, the Hon'ble Supreme Court of India, *vide* judgement and Order dated 2.1.2017, in Civil Appeal No 37 of 1992 (Abhiram Singh vs C. D. Commachen), with Civil Appeal No.8339 of 1995, has held that Religion and Caste cannot be used by anyone while making any statement during electioneering or otherwise; and

Whereas, the Commission is *prima facie* of the opinion that you have violated the aforesaid provisions of the MCC and the R. P. Act, 1951 and also wilfully disobeyed the aforesaid Order of Hon'ble Supreme Court by making the impugned statements;

Now, therefore, the Commission, after considering the available material and extant instructions on the matter, has decided to provide you an opportunity to explain your stand regarding the said statement. Your explanation shall be submitted within 24 hours of receipt of this Notice, failing which the Commission shall take a decision without further reference to you.

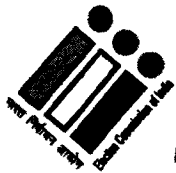
By Order,


(A.K. PATHAK)
SECRETARY

To,

Sh. Navjot Singh Sidhu

1. Kothi No-42 (Through CEO, Punjab)
Sector-02
Chandigarh
2. Indian National Congress
24-Akbar Road
New Delhi-110001



भारत निर्वाचन आयोग
Election Commission of India

No:-437/ES-1/BR-HP/2019

निर्वाचन सदन
NIRVACHAN SADAN
अशोक रोड, नई दिल्ली -110 001
ASHOKA ROAD, NEW DELHI - 110 001
Dated: - 22nd April, 2019.

ORDER

Whereas, the Commission had issued a show cause Notice no. 437/ES-1/BR-HP/2019, dated 20th April, 2019 to Sh. Navjot Singh Sidhu, a leader of Indian National Congress for violation of certain provisions of Model Code of Conduct and Representation of the People Act, 1951 for making the following statements during a public rally on 15.04.2019 at Barsoi and Barari of Katihar District in Bihar:

" ----- मैं अपने मुस्लिम भाईयों को एक ही बात कहने आया हूँ कि आप ये ऐसी constituency है जहाँ आप Minority बनके Majority में हो 62 फीसदी constituency में आपका वर्चस्व है ये BJP वाले षडयंत्रकारी लोग आपको बांटने का प्रयास करेंगे। आपके वोट को बँटने का प्रयास करेंगे। मैं कहता हूँ अगर आप इकट्ठे आये तो तारिक साहब को भी दुनिया की कोई भी ताकत हरा नहीं पायेगी ; and

" ----- आज साजिश हो रही है पूर्णिया में। मैं आपसब को चेतावनी देने आया हूँ मुस्लिम भाईयों आप 64 प्रतिशत आबादी हो यहाँ पे। मेरे मुसलमान भाई जितने भी हैं वो ये मेरी पगड़ी है। आप सब लोग पंजाब में भी काम करने जाते हो पंजाब में हमारी तरफ से प्यार मिलता है, मेहमां जो हमारा होता है जान से प्यारा होता है। अगर आपको कोई दिक्कत हो पंजाब में मैं मंत्री हूँ जिस दिन पंजाब आईयेगा सिद्धू को अपने साथ खड़ा पाईयेगा कंधे से कंधा मिलाकर खड़ा पाईयेगा लेकिन मैं आपको चेतावनी देने आया हूँ बहनों भाईयों ये बॉट रहे हैं आपको। मुस्लिम भाईयों वो यहाँ पे आपको ओबैसी साहब जैसे लोगों को लाकर एक नई पार्टी साथ में खड़ी करके आपलोगों की वोटें बॉट के ये जीतना चाहते है। अगर तुमलोग इकट्ठे हुए 64 प्रतिशत आपकी आबादी है Minority Majority में है यहां पे यदि तुम इकट्ठे हुए और इकट्ठे होकर एकजुट वोट डाला तो सब उलट जायेंगे मोदी सुलट जायेगा छक्का लग जायेगा.....; and

Whereas, it was also informed that FIR has been lodged against Shri Sidhu for these statements under relevant sections of Law in Barsoi Police Station of Katihar District; and

Whereas, a reply to the aforesaid Notice has been received through e-mail on 21.04.2019 from Shri Varun K Chopra, Advocate, claiming to have been duly authorised by Shri Navjot Singh Sidhu; and

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22/04/19

Whereas, the Commission has carefully gone through the contents and averments made in the aforesaid e-mail dated 21st April, 2019, of Sh. Navjot Singh Sidhu, wherein he has *inter-alia* accepted to have been made the impugned statement; and

Whereas, in the aforementioned reply, it has been submitted that the statements made by Shri Sidhu have been misquoted/misconstrued by the media and the speech made by him should be taken as a whole and in context; and

Whereas, it has been further argued that he was well within his right to remind the electorate of the ideal of secularism, which finds place in the Preamble of the Constitution and forms part of the basic structure of the Constitution and his speech was well within the prescribed norms of the Model Code of Conduct and the R.P. Act ; and

Whereas, it is a fact that Sh. Tariq Anwar, who belongs to the Muslim Community is the candidate fielded by the INC from 11-Katihah PC, where the impugned statement was made by Sh. Sidhu; and

Whereas, the Commission has again seen the video recording of his impugned speech and is convinced that he has made an objectionable speech which has the tone and tenor to aggravate existing differences or create mutual hatred between different religious communities, and thus violative of aforesaid provisions of Model Code of Conduct; and

Whereas, the Commission observes that Sh. Navjot Singh Sidhu should have desisted himself in making statements that have the undertone and propensity to polarize the elections, which is not confined to the constituency only where the statement is made, but to the other parts as well, due to fast dissemination of information in this digital age; and


Whereas, the Commission, while deliberating this matter, has expressed its concern on such public utterances, which contaminate the electoral process; and

Whereas, the Commission is also of the view that Sh. Navjot Singh Sidhu, in his impugned speech, has appealed to secure votes on religious lines that tantamounts to violation of provisions of para 3 and para 4 of part I 'General Conduct' of "Model Code of Conduct, for the guidance of Political Parties and Candidates" which specify that:-

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22/04/19

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- (3) *There shall be no appeal to caste or communal feelings for securing votes.....*
- (4) *All parties and candidates shall avoid scrupulously all activities which are "corrupt practices" and offences under the election law, such as bribing of voters, intimidation of voters....'; and that he has disobeyed the Hon'ble Supreme Court's judgement made in Civil Appeal No 37 of 1992 (Abhiram Singh vs C. D. Commachen and others), with Civil Appeal No.8339 of 1995;*

Now, therefore, the Commission, without prejudice to any Order/Notice issued or to be issued in the matter relating to MCC violations to him, hereby, **strongly condemns** the impugned statements made by him during election campaign held at Barsoi and Barari of Katihar District and **censures** Sh. Navjot Singh Sidhu, leader, Indian National Congress for the above said misconduct. The Commission, under Article 324 of the Constitution of India and all other powers enabling in this behalf, bars him from holding any public meetings, public processions, public rallies, road shows and interviews, public utterances in media (electronic, print, social media) etc. in connection with ongoing elections for **72 hours from 10 am on 23rd April, 2019.**

By Order,

(A.K.P. THAK)
SECRETARY

To,

Sh. Navjot Singh Sidhu

1. Kothi No-42 (Through CEO, Punjab)
Sector-02
Chandigarh
2. Indian National Congress
24-Akbar Road
New Delhi-110001

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ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi 110001

No:437/WB-HP/2019

Dated: 26th April, 2019.

ORDER

Whereas, a show cause notice number 67/MCCCMP/Elec.(LS)/2019, dated 23.04.2019 to Shri Mahadev Sarkar, District President of Bhartiya Janata Party, Nadia has been issued by District Election Officer, Nadia for violation of Para 1(2) of Model Code of Conduct by making statements attacking personal life of Ms. Mahua Moitra during a public meeting at Krishnanagar Govt. College ground on 22nd April 2019; and

Whereas, Shri Mahadev Sarkar, District President of Bhartiya Janata Party, Nadia has submitted a reply (undated) to the aforesaid Notice of District Election Officer; and

Whereas, Ms. Mahua Moitra, MLA, West Bengal has also filed a complaint, dated 23.04.2019, to the Chief Electoral Officer, West Bengal alleging that Shri Mahadev Sarkar, District President, Bhartiya Janata Party, Nadia has made highly offensive and sexually coloured remarks against her. A copy of this complaint has also been endorsed to the ECI; and

Whereas, the Commission has carefully gone through all the facts of this issue and contents and averments made in the aforesaid reply of Shri Mahadev Sarkar, wherein he has not denied making the alleged comments that have been ascribed to him in the complaint made by Ms. Mahua Moitra. He has, however maintained that the alleged matter does not come under Model Code of Conduct; and

Whereas, the paragraph 1(2) of Model Code of Conduct provides-

“Criticism of other political parties, when made shall be confined to their policies and programme, past record and work. Parties and Candidates shall refrain

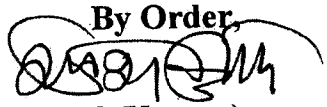
from criticism of all aspects of private life, not connected with the public activities of the leaders or workers of other parties. Criticism of other parties or their workers based on unverified allegations or distortion shall be avoided"; and

Whereas, the Commission has issued direction to all political parties to refrain from any deeds/action/otherwise that may be construed as being repugnant to honour and dignity of women, vide its instructions No.437/INST/2015-CCS, dated 17.09.2015; and

Whereas, the Commission is of the view that Shri Mahadev Sarkar has clearly violated the aforesaid provision of Para 1(2) and ECI's direction contained in its instruction No.437/INST/2015-CCS, dated 17.09.2015;

Now, therefore, the Commission, without prejudice to any Order/Notice issued or to be issued in the matter relating to MCC violations to him, hereby, **strongly condemns** the impugned statements made by Shri Mahadev Sarkar, District President, Bhartiya Janata Party, Nadia during election campaign held at Krishnangar Govt. College ground on 22nd April 2019 and severely reprimand him for the above said misconduct;

The Commission, under Article 324 of the Constitution of India and all other powers enabling in this behalf, also bars Shri Mahadev Sarkar, District President, Bhartiya Janata Party, Nadia from holding any public meetings, public processions, public rallies, road shows and interviews, public utterances in media (electronic, print, social media) etc. in connection with ongoing elections for 48 hours from 4.00 pm on 26th April, 2019 (Friday) till 4.00 pm on 28th April 2019(Sunday).

By Order,

(Rakesh Kumar)
SECRETARY

To
Shri Mahadev Sarkar,
District President, Bhartiya Janata Party, Nadia



भारत निर्वाचन आयोग
Election Commission of India
No:-437/UP-HP/2019

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निर्वाचन सदन
NIRVACHAN SADAN
अशोक रोड, नई दिल्ली - 110 001
ASHOKA ROAD, NEW DELHI - 110 001

Dated:- 29th April, 2019.

ORDER

Whereas, the Commission has announced the schedule for holding the General Election to the House of the People, 2019 *vide* Press Note no. ECI/PN/2019, dated 10/03/2019 and provisions of Model Code of Conduct for political parties and candidates have come into force from that very date; and

Whereas, the Chief Electoral Officer, Uttar Pradesh *vide* his letter, dated 16th April, 2019 has forwarded a copy of a video clip of the speech delivered by Smt. (Maneka Sanjay Gandhi) Minister for Women and Child Development, Govt. of India, at Sarkoda village in Sultanpur on 14.04.2019, wherein she has made the following statements:-

“.....मुझे नहीं मालूम यहां करूंगी कि नहीं क्योंकि पीलीभीत में मैं हर राउण्ड को इलेक्शन के बाद परखती हूँ कितने वोट मिले फिर अंदाज लेते चार खानों में पहला खाना A, B, C और D पहला खाना A से है जहां मुझे 80 फीसदी वोट मिले दूसरा B जिसमें 60 फीसदी वोट मिले, C जिसमें 50 फीसदी वोट मिले और D जिसमें हम हारे, अब जब काम शुरू होता है तो काम बहुत तगड़े पर से A में शुरू होता है जब A खत्म हो जाय तभी B में होता है और जब B खत्म हो जाय तभी C में होता है D में होता है नहीं होता है मुझे पता नहीं आप समझ गये, अब आपको कोशिश ये करनी है कि हर गांव को A, A नहीं तो B में रखे क्योंकि मैं आज आयी हूँ देने के लिये लेकिन आपको मुझे बहाना देना है देने का और आपको मुझे तगड़ी ताकत देनी है ताकि मैं साफ सुथरा पल यानी इसौली में ले आऊ....”; and

Whereas, the said statement has been widely published in the electronic and print media; and

Whereas, the Commission has seen the video recording of her impugned speech and based on the available evidence and material facts, is convinced that the statement made by her are in violation of provisions of para 3 and para 4 of part I ‘General Conduct’ of “Model Code of Conduct, for the guidance of Political Parties and Candidates” which specify that:-

- (3) There shall be no appeal to caste or communal feelings for securing votes.....
- (4) All parties and candidates shall avoid scrupulously all activities which are "corrupt practices" and offences under the election law, such as bribing of voters, intimidation of voters....'; and

Whereas, the Commission has also observed that Smt. Maneka Sanjay Gandhi has violated the relevant sections of Representation of the People Act, 1951 which deals with 'Bribery' under 'Corrupt practices', which provides:-

"123. Corrupt practices.—The following shall be deemed to be corrupt practices for the purposes of this Act:—

[(1) "Bribery", that is to say—

(A) 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 ⁵[having withdrawn or not having withdrawn] his candidature; or

(ii) an elector for having voted or refrained from voting;

(B) the receipt of, or agreement to receive, any gratification, whether as a motive or a reward—

(a) by a person for standing or not standing as, or for [withdrawing or not withdrawing] from being, a candidate; or

(b) by any person whomsoever for himself or any other person for voting or refraining from voting, or inducing or attempting to induce any elector to vote or refrain from voting, or any candidate [to withdraw or not to withdraw] his candidature.

Explanation.—For the purposes of this clause the term "gratification" is not restricted to pecuniary gratifications or gratifications estimable in money and it includes all forms of entertainment and all forms of employment for reward but it does not include the payment of any expenses bona fide incurred at, or for the purpose of, any election and duly entered in the account of election expenses referred to in section 78.]"; and

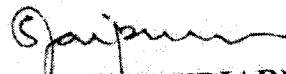
Whereas, the Commission in another similar matter, vide its Order no. 437/UP-HP/2019, dated 15.04.2019 has reprimanded Smt. Maneka Sanjay Gandhi, Minister for Women and Child Development, Govt. of India for her misconduct during

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election campaigning in Sultanpur and barred her from holding any public meetings, public processions, public rallies, road shows and interviews, public utterances in media (electronic, print, social media) etc. in connection with ongoing elections for 48 hours, from 10:00 am on 16.04.2019;

Now, therefore, the Commission, based on the available evidence and material facts in the matter before it, hereby, **strongly condemns** the impugned statements made by Smt. Maneka Sanjay Gandhi and **warns** her not to repeat such misconduct in future.

By Order,


(ANUJ JAIPURIAR)
PRINCIPAL SECRETARY

To,

Smt. Maneka Sanjay Gandhi,
Minister for Women and Child Development, Govt. of India,
New Delhi – 110001.



भारत निर्वाचन आयोग
Election Commission of India
No:-437/UP-HP/2019

निर्वाचन सदन
NIRVACHAN SADAN

अशोक रोड, नई दिल्ली - 110 001
ASHOKA ROAD, NEW DELHI - 110 001

Dated:- 16th April, 2019.

NOTICE

Whereas, the Commission has announced the schedule for holding the General Election to the House of the People, 2019 vide Press Note no. ECI/PN/2019, dated 10/03/2019 and provisions of Model Code of Conduct for political parties and candidates have come into force from that very date; and

Whereas, the Chief Electoral Officer, Uttar Pradesh vide his letter, dated 15th April, 2019 has forwarded copies of video clips of the speeches delivered by you between 07th to 12th April, 2019 in various parts of Rampur, wherein you have made highly objectionable statements. Some of the statements are as under:-

During a public speech in 34-Swar Assembly Constituency on 05.04.2019:-

क्या कर सकते हो, फासिस्टों, मुझे मारने की साजिश कर सकते हो..... संवैधानिक कुर्सियों पर बैठे लोग मुजरिम हैं, एक दिन की सजायफता कल्याण सिंह को गवर्नर बना दिया.... प्रधानमंत्री मुसलमान के कातिल व धर्म के ठेकेदार हैं,, सारा दिन भारतीय जनता पार्टी के नेता सिवाय मुसलमानों को गाली देने के अलावा कोई काम नहीं करते हैं..... उर्दू दरवाजा सिर्फ इसलिए गिरा दिया, क्योंकि उसका नाम उर्दू दरवाजा था, इतने गिर जाओगे..... यह चुनाव सिर्फ इसलिए है, कि मुसलमानों से जितनी नफरत कर सकते हो, करो... कोई कमीना से कमीना, कोई जलील से जलील अरे लानत है उस माँ की कोख पर जिस माँ ने ऐसा कपूत पैदा किया....'

During public speeches in 38-Milak Assembly Constituency on 07.04.2019:-

रामपुर का चुनाव बहुत खतरनाक है.. रामपुर के अधिकारी मुझे हराने के लिए आये.... यह हर तरह की बेईमानी करेंगे, मशीन खराब करेंगे, चोरी करेंगे, मशीनों के साथ..... इधर भी मौत है, उधर भी मौत है, आओ, ऐलाने जंग का नारा लगाओ और जालिमों पर टूट पड़ो...

मोदी जी अपने हिंदुस्तान में ऐसा माहौल बना दिया कि मुसलमानों का जीना दुभर हो गया है..... बहुत उमस की जिन्दगी गुजार रहे हैं. जो कांग्रेस का candidate खड़ा हुआ है वह सिर्फ मुसलमानों में वोट न मांगे.... कुछ हिन्दू भाईयों में जाकर भी वोट मांगे सारा दिन मुसलमानों में वोट मांग रहा, ताकि मुसलमानों का वोट काटकर भारतीय जनता पार्टी को जिता सके जो तुम्हे पिल्ला और कुत्ता कहते हैं, उनसे बदला लो.. तुम्हें नहीं दिख रहा है कि रामपुर में कैसा कलेक्टर आया और अपने साथ 03 अधिकारी कैसे लेकर आया है मैं जानना चाहता हूँ आपसे कौन इतना बड़ा नीच, कमीना होगा.... किसकी माँ ने यह कपूत पैदा किया है अपनी कोख से, होगा कोई ऐसा दरिद्र कमीना अधिकारी। 01 महीने के अन्दर इस कलेक्टर ने नरक बना दिया इस रामपुर को, दंगा कराने की कोई कसर नहीं

रखी.... हम बिलासपुर में शराब की भट्टियों नहीं चलाते हैं... मैंने रामपुर में रण्डी खाना नहीं खोले हैं, अरे कलेक्टर अपनी माँ की कोख में लात मार किस कपूत को पैदा किया तेरी माँ ने.... इस जैसे जाने कितने कलेक्टर ने मेरे दफ्तर में खड़े होकर पेशाब किया है। अपील करने आया हूँ आपसे अपनी ताकत को मत बटने दो और यह जो कांग्रेस का वोट कटुवा बीजेपी के *candiadte* को जिताने के लिए घूम रहा है। इसने ले लिये होंगे वहाँ से अच्छे खासे। कलेक्टर अँधा हो गया बहुत उसूली बनता है, मैं बताऊँगा तेरे भाई के कारनामों की रिपोर्ट आ गयी है मेरे पास, कितने अच्छे परिवार से है तू...

During a public speech in 38-Milak Assembly Constituency on 08.04.2019:-

...जितनी बदतमीजी करोगे ... उतनी औकात बताऊँगा, जनता के नौकर (अधिकारी) को अपनी औकात को समझना चाहिए. उर्दू गेट गिराया. मंशा दंगा कराने का था... कहते हैं सिक्किम कैडर का हूँ सिक्किम चला जाऊँगा, दोस्तों जमकर वोट डालो सरकार बनने जा रही है... मैं सिक्किम से पकड़कर लाऊँगा.. बड़े-बड़े अधिकारी जूते साफ करते हैं, यह इनकी औकात है..

During a public speech in 36-Bilaspur Assembly Constituency on 09.04.2019:-

....एक अफसर जो यहाँ का नहीं है जो सिक्किम कैडर का है उ०प्र० के अन्दर हरी भरी खेतियों चरने के लिए चला आया। धिक्कार है लानत है... ऐ माँ ऐसे अफसरान अपनी कोख से पैदा मत करना यह पूत नहीं कपूत पैदा कर दिया है...

During a public speech in 36-Bilaspur Assembly Constituency on 12.04.2019:-

...मैंने उर्दू गेट बहुत खूबसूरत बनाया था, सरकार के पैसे से बना था। दो साल के बीच कई कलेक्टर आये किसी को उर्दू गेट नहीं दिखा, लेकिन मौजूदा कलेक्टर आया इसने सिर्फ इसलिए गिराया कि इसका नाम उर्दू गेट है. यह जहाँ से आया है करीबन 42 मस्जिदें शहीद करके आया। इसने यहाँ का गेट गिराया..."; and

Whereas, in another video, received from District Election Officer, Rampur, you are seen making following statements:-

"ये कलेक्टर कलेक्टर से ना डारियो ये तनखहिया है, तनखहियों से नहीं डरते हैं, देखें हैं कभी मायावती जी के फोटों कैसे बड़े बड़े अफसर रूमाल निकालकर जते साफ कर रहे हैं, हाँ उन्हीं से है गठबन्धन, उन्हीं से जूते साफ कराऊँगा इनके अल्लाह ने चाहा तो"; and

Whereas, FIRs have been registered under Section 153-A, 153-B, 171-G, 505(1), 505(2) of Indian Penal Code and Section 125 of the Representation of the People Act, 1951 in the aforementioned cases; and

Whereas, your said statements have been widely published in the electronic and print media; and

Whereas, Section 125 of the Representation of the People Act, 1951, which deals with 'Promoting enmity between classes in connection with election', provides:-

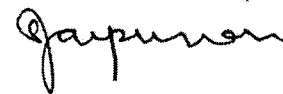
"Any person who in connection with an election under this Act promotes or attempts to promote on ground of religion, race, caste, community or language, feelings of enmity or hatred, between different classes of the citizens of India shall be punishable, with imprisonment for a term which may extend to three years, or with fine, or with both.; and

Whereas, the Commission has, *vide* its Order no. 437/UP-HP/2019, dated 15.04.2019 reprimanded you for making derogatory statements against a contesting candidate from 7-Rampur PC and barred you from holding any public meetings, public processions, public rallies, road shows and interviews, public utterances in media (electronic, print, social media) etc. in connection with ongoing elections for 72 hours; and

Whereas, the Commission is *prima facie* of the opinion that you have violated the aforesaid provisions of the MCC, the relevant sections of the Representation of the People Act, 1951 and also wilfully disobeyed the aforesaid Order of Hon'ble Supreme Court by making the highly objectionable and provocative aforesaid statements;

Now, therefore, the Commission, after considering the available material and extant instructions on the matter, has decided to provide you an opportunity to explain your stand regarding the said statements. Your explanation shall be submitted within 24 hours of receipt of this Notice, failing which the Commission shall take a decision without further reference to you.

By Order,



(ANUJ JAIPURIAR)
PRINCIPAL SECRETARY

To,

Sh. Azam Khan,
Leader of Samajwadi Party,
Rampur, Uttar Pradesh.



भारत निर्वाचन आयोग
Election Commission of India

137/19
निर्वाचन सदन
NIRVACHAN SADAN
अशोक रोड, नई दिल्ली - 110 001
ASHOKA ROAD, NEW DELHI - 110 001

No:-437/UP-HP/2019

Dated:- 30th April, 2019.

ORDER

Whereas, the Commission had issued a show cause Notice no. 437/UP-HP/2019 dated 16th April, 2019 to Sh. Azam Khan, Leader of Samajwadi Party who is also a candidate from 07-Rampur Parliamentary Constituency, Uttar Pradesh for violation of certain provisions of Model Code of Conduct and relevant sections of the Representation of the People Act, 1951 by making certain objectionable statements during (i) public speech in 34-Swar AC on 05th April, 2019, (ii) public speeches in 38-Milak AC on 07th April, 2019 and 08th April, 2019 and (iii) public speeches in 36-Bilaspur AC on 09th April, 2019 and 12th April, 2019; and

Whereas, the Commission has received a reply from Sh. Azam Khan to the aforesaid Notice on 17th April, 2019; and

Whereas, Sh. Azam Khan, in his aforesaid reply, has *inter-alia* submitted the following:-

"At the very outset and even before venturing into the arena of reply/explanation, I would like tender my unconditional apology, if I have either intentionally or unintentionally violated any of the laws of electoral significance during my political activities and election campaign in this ongoing General Election of 2019. This unconditional apology is being tendered out of my exemplary affection towards the democratic system of this country, needless to say that I have the highest faith in the democracy established by electoral ballot and deepest respect for the Election Commission of India, a body which is responsible for the preservation of the democracy in our beloved country.

I also tender an unconditional apology once again, and also submit that in future during the electoral campaign I will restrain myself from using expressions which may be remotely under the ambit of being objectionable.

25/6/23

I hereby further state that none of the statements spoken by me which was found to be objectionable were passed with an intention to violate the MCC or provisions of Representation of the People Act or any other law of the land. In future I will take special care to restrain myself from making such statements or similar statements during election campaign"; and

Whereas, the Commission has carefully gone through the contents and averments made in the aforesaid reply of Sh. Azam Khan and has once again seen the video recording of his impugned speeches; and

Whereas, the Commission observes that Sh. Azam Khan has made highly provocative speeches in his public utterances against the district election machinery and also on the religious lines, that have the propensity to polarize the elections, which is not confined to the constituency only where the statement is made, but to the other parts as well due to fast dissemination of information in this digital age; and

Whereas, the Commission, based on the material facts and evidences, is convinced that Sh. Azam Khan in his impugned speeches has appealed to secure votes on religious lines that tantamount to violation of provisions of para 3 and para 4 of part I '**General Conduct**' of "**Model Code of Conduct, for the guidance of Political Parties and Candidates**" which specify that:-

- (3) *There shall be no appeal to caste or communal feelings for securing votes.....*
- (4) *All parties and candidates shall avoid scrupulously all activities which are "corrupt practices" and offences under the election law, such as bribing of voters, intimidation of voters....'* and that he has disobeyed the Hon'ble Supreme Court's judgement made in Civil Appeal No 37 of 1992 (Abhiram Singh vs C. D. Commachen and others), with Civil Appeal No.8339 of 1995; and

Whereas, Sh. Azam Khan was barred from holding public meetings, public processions, public rallies, road shows etc. in the State of Uttar Pradesh by the Commission for his misconduct and provocative speech, commencing from 11th

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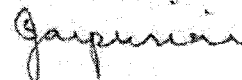
April 2014 onwards, during the General Elections to the Lok Sabha, 2014 and was **also censured** by the Commission, *vide* its Order, dated 16.04.2014; and

Whereas, the Commission in another matter, *vide* its Order no. 437/UP-HP/2019, dated 15.04.2019 has reprimanded Sh. Azam Khan for making derogatory statements against one of the contesting candidates from 7-Rampur PC and barred him from holding any public meetings, public processions, public rallies, road shows and interviews, public utterances in media (electronic, print, social media) etc. in connection with ongoing elections for 72 hours, from 10:00 am on 16.04.2019; and

Whereas, FIRs have already been registered against Sh. Azam Khan u/s 153-A, 153-B, 171-G, 505(1), 505(2) of Indian Penal Code and Section 125 of the Representation of the People Act, 1951 for alleged violations, in which the law will take its own course;

Now, therefore, the Commission, without prejudice to any Order/Notice issued or to be issued in the matter relating to MCC violations to him, hereby, **strongly condemns** the impugned statements made by him during election campaign held at Rampur and **warns Sh. Azam Khan not to repeat such misconduct in future**. The Commission further, under Article 324 of the Constitution of India and all other powers enabling in this behalf, **bars him** from holding any public meetings, public processions, public rallies, road shows and interviews, public utterances in media (electronic, print, social media) etc. in connection with ongoing elections for **48 hours from 06:00 am on 01st May, 2019 (Wednesday)**.

By Order,



(ANUJ JAIPURIAR)
PRINCIPAL SECRETARY

To,

Sh. Azam Khan,
Leader of Samajwadi Party,
Rampur, Uttar Pardesh.



भारत निर्वाचन आयोग
Election Commission of India

NO. 437/GJ-HP/2019

143-20
निर्वाचन सदन
NIRVACHAN SADAN
अशोक रोड, नई दिल्ली - 110 001
ASHOKA ROAD, NEW DELHI - 110 001

Dated 30th April, 2019

ORDER

Whereas, the Commission had issued a notice no. 437/GJ-HP/2019 dated 18.04.2019 to you for violation of Sub Paras (1) and (3) of Para (1) of Model Code of Conduct by making following statements while addressing a group of party workers and voters on 7th April, 2019 at Amroli in Surat (Gujarat) *"One incident has occurred if another incident occurs then, it will not take us long to drive them out of Surat.... I warn people of the state from here to know well about these people of the state from here to know well about these people of unknown parentage (Haramjada)."*; and


Whereas the Commission has received your reply dated 20.04.2019, in which you have stated that there is no prime facie or substantial violation or contradiction by you of the provisions of the model code of conduct and hence no violation of provision of Sub Paras (1) and (3) of Para (1) of General Conduct of Model Code of Conduct ;and

Whereas, the Commission has considered your reply. On Consideration of the part of the speech referred to in the complaint, the Commission is satisfied that the statements therein is violation of provisions of Sub-Paras (1) and (3) of Para (1) of Model Code of Conduct . On due consideration of the complaint and your reply, the Commission has not found your reply satisfactory;

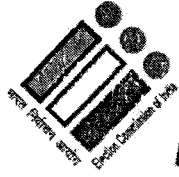
Now, therefore, the Election Commission hereby reprimands you for violating the provisions of Sub-Paras (1) and (3) of Para (1) of Model Code of Conduct and use of intemperate and abusive language transgressing the limits of decency and expects that you, being a responsible political leader, shall not repeat such indecent utterances during election;

The Commission under Article 324 of the Constitution of India and all other powers enabling in this behalf, also bars Shri Jitubhai Vaghani, State President, Bharatiya Janata Party, Gujarat from holding, in any part of the country, any public meetings, public processions, public rallies, road shows and interviews, public utterances in media (electronic, print, social media) etc. in connection with ongoing elections for 72 hours from 4.00 PM on 02nd May, 2019(Thursday) till 4.00 PM on 05th May, 2019 (Sunday).

By Order,


(VARINDER KUMAR)
PRINCIPAL SECRETARY

To,
Shri Jitubhai Vaghani,
Gujarat State President,
Bharatiya Janata Party, Gujarat
(Through Chief Electoral Officer, Gujarat)



भारत निर्वाचन आयोग
Election Commission of India

1513
निर्वाचन सदन
NIRVACHAN SADAN
अशोक रोड, नई दिल्ली - 110 001
ASHOKA ROAD, NEW DELHI - 110 001

NO. 437/GJ-HP/2019

Dated: 01st May, 2019

ORDER

Whereas, the Commission had issued a Notice 'No. 437/GJ-HP/2019 dated 22.04.2019 to you for violation of sub para (I) of General Conduct of Model Code of Conduct and use of intemperate and abusive language transgressing the limits of decency by making following statements while addressing a group of party workers and voters on 11th April, 2019 at Salabatpura (Gujarat) "*When he interferes in every matter, one 'Haramjado' Jitu Vaghani calls us 'Haramkhor'. I ten times call Jitu Vaghani, you are 'Haramkhor' and Madar.... the rest is in bracket. I am not saying it.*"; and

Whereas the Commission has received your reply dated 24.04.2019, in which you have stated that words are innocuous and frequently used in Surat and hence no violation of provision of Sub-para (I) of 'General Conduct' of Model Code of Conduct and use of intemperate and abusive language transgressing the limits of decency; and

Whereas, the Commission has considered your reply. On consideration of the part of the speech referred to in the complaint, the Commission is satisfied that the statements therein amount to use of intemperate and abusive language transgressing the limit of decency. On due consideration of the complaint and your reply, the Commission has not found your reply satisfactory;

Now, therefore, the Election Commission hereby, reprimands you for violating the provisions of Sub-para (I) of 'General Conduct' of Model Code of Conduct and use of intemperate and abusive language transgressing the limits of decency and expects that you, being a responsible political leader, shall not repeat such indecent utterances during election time;

The Commission under Article 324 of the Constitution of India and all other powers enabling in this behalf, also bars Shri Babubhai Rayka, President, President, Indian National Congress (Surat City), Gujarat from holding, anywhere in India, any public meetings, public processions, public rallies, road shows and interviews, public utterances in media (electronic, print, social media) etc. in connection with ongoing elections for three (3) days from 4.00 PM on 02nd May, 2019(Thursday) till 4.00 PM on 05th May, 2019 (Sunday).

By Order,


(VARINDER KUMAR)
PRINCIPAL SECRETARY

To,

Shri Babubhai Rayka, President,
Surat City Dist. Congress Committee
(Through Chief Electoral Officer, Gujarat)



भारत निर्वाचन आयोग
Election Commission of India

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निर्वाचन सदन
NIRVACHAN SADAN
अशोक रोड, नई दिल्ली - 110 001
ASHOKA ROAD, NEW DELHI - 110 001

ORDER

No. 437/MP-HP/2019/(Complaints)

Dated: 01st May, 2019

Whereas, the Commission has announced the schedule for holding the General Election to the House of the People, 2019 vide Press Note No. ECI/PN/2019, dated 10.03.2019 and the provisions of Model Code of Conduct for political parties and candidates have come into force from that very date; and

Whereas, (Sadhavi Pragya Singh Thakur) made certain statement against late Sh. Hemant Karkare, IPS, Maharashtra in violation of the provisions of Model Code of Conduct and relevant section of the Representation of the People Act, 1951 while addressing media at a press conference in Bhopal on 18.04.2019; and

Whereas, Sadhavi Pragya Singh Thakur apologized for the statement made against late Sh. Hemant Karkare and withdrew her aforesaid statement before news channels telecasted on 19.04.2019; and

Whereas, Sadhavi Pragya Singh Thakur again made certain other statement regarding demolition of Babri Masjid in an interview to a private television channel in Bhopal on 20.04.2019, in violation of the provisions of Model Code of Conduct and relevant section of the Representation of the People Act, 1951; and

Whereas, the District Election Officer, Bhopal issued a notice dated 20.04.2019 asking her to furnish explanation; and

Whereas, Sadhavi Pragya Singh Thakur furnished her explanation on 21.04.2019, and

Whereas, in her aforesaid reply, with regard to the statement made on late Shri Hemant Karkare, she has submitted as follows:-

"मैंने अपने उद्बोधन में किसी शहीद की शहादत के बारे में अपमानजनक बात नहीं कही, मेरे वक्तव्य को एक पंक्ति के आधार पर अर्थान्वयन नहीं करना चाहिए । पूरे वक्तव्य को एक साथ अर्थान्वयन करना चाहिए । मैंने अपने उद्बोधन में केन्द्र की तत्कालीन कांग्रेस सरकार के निर्देशों पर मुझे जो यातनाएँ दी गई उसका सिर्फ उल्लेख किया है और यह मेरा अधिकार है कि मेरे साथ जो घटना घटित हुई उसे जनता के समक्ष रखूँ । मेरे बयान को मीडिया द्वारा नकारात्मक परिपेक्ष्य में प्रस्तुत किया गया है उसे मैंने स्वयं जनभावना का सम्मान करते हुए बयान को वापस लिया है ।" and

Whereas, even though Sadhavi Pragya Singh Thakur has apologized on her statement made about late Shri Hemant Karkare, the Commission has found it unwarranted; and

Whereas, Sadhavi Pragya Singh Thakur in her reply dated 21.04.2019 regarding her statement on demolition of Babri Masjid has averred as follows:-

“मैंने किसी जाति, धर्म, समुदाय, भाषा इत्यादि के मध्य उन्माद या धार्मिक भावनाओं को आहत करने अथवा ठेस पहुंचाने के उद्देश्य से कोई बयान नहीं दिया बल्कि मेरे द्वारा दिये गये बयान मेरी स्वयं की अंतरात्मा कि आवाज को व्यक्त करता है, मैं सर्वे भवन्तु सुखिनः सर्वे सन्तु निरामयाः के सिद्धांत पर कार्य करने वाली हूँ।” and

Whereas, the District Election Officer, Bhopal did not find the explanation furnished by Sadhavi Pragya Singh Thakur satisfactory and found that she violated provisions of Model Code of Conduct by making the statement regarding demolition of Babri Masjid; and

Whereas, an FIR has been lodged against her on 22.04.2019 at Bhopal under Section 188 of IPC, 1860; and

Whereas, the Commission has carefully gone through the contents and averments made in the aforesaid reply of Sadhavi Pragya Singh Thakur and found it provocative and also on the religious lines that have the propensity of spreading hatred among various communities which is not confined to the constituency only where the statement is made, but also to the other parts as well due to fast dissemination of information in this digital age; and

Whereas, the Commission based on the material facts and evidences, is convinced that Sadhavi Pragya Singh Thakur in her impugned speech has appealed to secure votes on religious lines that tantamount to violation of provisions of para 3 of part I 'General Conduct' of "Model Code of Conduct, for the guidance of Political Parties and Candidates" which specify that:-

(3) *There shall be no appeal to caste or communal feelings for securing votes. Mosques, Churches, Temples or other places of worship shall not be used as forum for election propaganda.*

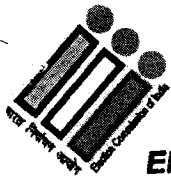
Now, therefore, The Commission, without prejudice to any Order/Notice issued in the matter relating to MCC violations to her, hereby, strongly condemns the impugned statements made by her in both the above cases and warns Sadhavi Pragya Singh Thakur not to repeat such misconduct in future. The Commission further, under Article 324 of the Constitution of India and all other powers enabling in this behalf, bars her from holding any public meetings, public processions, public rallies, road shows and interviews, public utterances in media (electronic, print, social media) etc. in connection with ongoing elections for 72 hours commencing from 06:00 AM on 02nd May, 2019.

By order,


(S. B. JOSHI)
SECRETARY

To,

Sadhavi Pragya Singh Thakur,
Contesting Candidate, Bharatiya Janata Party
19 - Bhopal Parliamentary Constituency,
Riviera Town, Bhopal.
(Through Chief Electoral Officer, Madhya Pradesh)



भारत निर्वाचन आयोग
Election Commission of India

निर्वाचन सदन
NIRVACHAN SADAN
अशोक रोड, नई दिल्ली - 110 001
ASHOKA ROAD, NEW DELHI - 110 001

Dated : - 12th May, 2019

No :- 437/ES-1/BR-HP/2019

ORDER

Whereas, the Commission has announced the schedule for holding the General Election to the House of the People, 2019 vide Press Note no. ECI/PN/2019, dated 10/03/2019 and provisions of Model Code of Conduct for political parties and candidates have come into force from that very date; and

Whereas, the Chief Electoral Officer, Bihar, vide his letter dated 25th April, 2019, forwarded a copy of video clip of the speech delivered by Shri Giriraj Singh on 24th April, 2019 at G.D. College, Begusarai in Bihar wherein he made the following statements:-

“ -----जो वन्दे मातरम् नहीं कह सकता, जो भारत की मातृभूमि को नमन नहीं कर सकता, अरे गिरिराज के तो बाबा-दादा सिमरिया घाट में गंगा के किनारे मरे उसी भूमि पर कब्र भी नहीं बनाया, तुम्हें तो तीन हाथ का जगह भी चाहिए अगर तुम नहीं कर पाओगे तो देश कभी माफ नहीं करेगी -----” ; and

Whereas, it has been also informed that FIR has been lodged against him under Sections 125, 123(3A) of the R.P. Act, 1951 and Sections 153A, 153B, 295A, 171C, 188, 298 and 505(ii) of the IPC Act in Begusarai Nagar Thana for these statements ; and

Whereas, the Commission had issued a show cause Notice no. 437/ES-1/BR-HP/2019, dated 29th April, 2019 to Sh. Giriraj Singh, a leader of Bharatiya Janata Party and contesting candidate from 24-Begusarai Parliamentary Constituency for violation of provisions of Model Code of Conduct and Representation of the People Act, 1951 for making the above quoted statement; and

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“Greater Participation for a Stronger Democracy”

12/05/2019

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Whereas, a reply dated 30.04.2019 has been received from Shri Giriraj Singh in response to the Commission's above said notice; and

Whereas, the Commission has carefully gone through the contents and averments made in the aforesaid reply dated 30.04.2019, of Sh. Giriraj Singh, wherein he has *inter-alia* accepted to have been made the impugned statement; and

Whereas, in the above said reply, dated 30.04.2019, it has been stated that, "Petitioner Gririraj Singh has not violated any of provisions of the representation of the people Act nor he made any such statement prejudicial to any caste or religion." ; and

Whereas, he has further stated that, "after going through the whole statement there is nothing to indicate that petitioner has or had any intention causing prejudice to any religion or caste " ; and

Whereas, the Commission has again seen the video recording of his impugned speech and is convinced that he has made an objectionable speech which has the tone and tenor to aggravate existing differences or create mutual hatred between different religious communities, and thus violative of provisions of Model Code of Conduct; and

Whereas, the Commission observes that Sh. Giriraj Singh should have desisted himself in making statements that have the undertone and propensity to polarize the elections, which is not confined to the constituency only where the statement is made, but to the other parts as well, due to fast dissemination of information in this digital age; and

Whereas, the Commission, while deliberating this matter, has expressed its concern on such public utterances, which contaminate the electoral process; and

Whereas, the Commission is also of the view that Sh. Giriraj Singh, in his impugned speech, has made a statement on religious lines that tantamounts to

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violation of provisions of para 3 and para 4 of part I 'General Conduct' of "Model Code of Conduct, for the guidance of Political Parties and Candidates" which specify that:-

(3) *There shall be no appeal to caste or communal feelings for securing votes.....*

(4) *All parties and candidates shall avoid scrupulously all activities which are "corrupt practices" and offences under the election law, such as bribing of voters, intimidation of voters....'; and that he has disobeyed the Hon'ble Supreme Court's judgement made in Civil Appeal No 37 of 1992 (Abhiram Singh vs C. D. Commachen and others), with Civil Appeal No.8339 of 1995;*

Now, therefore, the Commission, without prejudice to any Order/Notice issued or to be issued in the matter relating to MCC violations to him, hereby, **condemns** the impugned statements made by him during election campaign held at Begusarai and **censures** Sh. Giriraj Singh, leader, Bharatiya Janata Party and contesting candidate from 24-Begusarai Parliamentary Constituency for the above said misconduct. The Commission also strictly warns Shri Giriraj Singh to remain careful in his public utterances during the currency of Model Code of Conduct.

By order,


(A. K. PATHAK)
SECRETARY

To,

Sh. Giriraj Singh
Vill- Barahiya
PS-Barahiya
PO-Barahiya,
Dist- Lakhisarai
Bihar