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April 22, 2024

Shri Rajiv Kumar
Chief Election Commissioner

Shri Gyanesh Kumar
Election Commissioner

Dr Sukhbir Singh Sandhu
Election Commissioner

Subject: Violation of (a) the Model Code of Conduct, (b) Sections 123(3) and (3A), 125 of the Representation of the People Act, 1951, and Section 153A of the Indian Penal Code by Shri Narendra Modi, the Prime Minister, in a speech in Banswara, Rajasthan, on April 21, 2024.

Dear S/Shri Rajiv Kumar, Gyanesh Kumar, and Dr Sukhbir Singh Sandhu,

1. I write to you as a concerned citizen of India and a keen observer of the political and electoral situation in the country, while being completely non-partisan about ALL political parties.
2. I have been concerned about the political discourse in the current campaign for the 2024 Lok Sabha election. However, it is a speech by Shri Narendra Modi, the Prime Minister, in Banswara in Rajasthan, on April 21, 2024, that makes me take the liberty of writing to you to lodge a complaint for violation of the Model Code of Conduct.
3. A link to the video of this speech is available at the link <https://www.youtube.com/watch?v=E8s9LkUoFzA>, with the title “PM Modi Live | Public meeting in Banswara, Rajasthan | Lok Sabha Election 2024”.
4. Anyone watching the entire video will, in my opinion, will not be left in any doubt whatsoever that it is an election campaign video. Shri Modi is a star campaigner for the Bharatiya Janata Party (BJP) and actually names candidates contesting on behalf of the BJP.

5. I urge the full Commission to particularly watch the video from 36:44 to 38:01, a Hindi transcript of which, taken from the You Tube link mentioned above itself, is reproduced below.

6. =====

36:44

मेनिफेस्टो में गोल ले लेंगे सबको वितरित कर देंगे और

36:50

पहले जब उनकी सरकार थी उन्होंने कहा था कि देश की संपत्ति पर पहला अधिकार मुसलमानों

36:59

इसका मतलब यह संपत्ति इकट्ठी करके किसको

37:04

बांटेंगे जिनके ज्यादा बच्चे हैं उनको

37:10

बांटेंगे घुसपैठियों को बांटेंगे क्या आपकी मेहनत की कमाई का पैसा

37:17

गुपे को दिया जाएगा आपको मंजूर है य यह कांग्रेस का मैनिफेस्टो कह रहा

37:26

है माताओं बहनों का सोने का हिसाब करेंगे उसकी जड़ती करेंगे जानकारी लेंगे और फिर

37:34

उस संपत्ति को बांट देंगे और उनको बांटेंगे जिनको मनमोहन सिंह जी की सरकार

37:40

ने कहा था कि संपत्ति पर पहला अधिकार मुसलमानों का है भाइयों बहनों ये अर्बन

37:48

नक्सल की सोच मेरी माताओं बहनों ये

37:54

आपका मंगल सूत्र भी बचने नहीं देंगे यहां तक जाएंगे मैं कहने

38:01

आया साथियों

7. To me it is clear that the above excerpts from Shri Modi's speech are clearly in violation of Sections 123(3), 123(3A), and Section 125 of the Representation of the People Act (RPA), 1951. The RPA, 1951 can be seen at <https://www.indiacode.nic.in/bitstream/123456789/2096/5/a1951-43.pdf>.

8. Sections 123(3), 123(3A), and Section 125 of the RPA, 1951, are reproduced below for ready reference.

“123(3) 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:

Provided that no symbol allotted under this Act to a candidate shall be deemed to be a religious symbol or a national symbol for the purposes of this clause.”

“123(3A) The promotion of, or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community, or language, by a candidate or his agent or any other person with the consent of a candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.”

“125. Promoting enmity between classes in connection with election.—Any person who in connection with an election under this Act promotes or attempts to promote on grounds 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.”

9. In addition, to the above violations of the RPA 1951, the above speech and the excerpts in particular, also attract the provisions of Section 153A of the Indian Penal Code which reads as follows:

“153A. Promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony.—(1) Whoever—

(a) by words, either spoken or written, or by signs or by visible representations or otherwise, promotes or attempts to promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill will between different religious, racial, language or regional groups or castes or communities, or

(b) commits any act which is prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or castes or communities, and which disturbs or is likely to disturb the public tranquillity.

The complete text of the Indian Penal Code can be accessed at
<https://laddashboard.legislative.gov.in/sites/default/files/A1860-45.pdf>.

10. I urge the Commission to take appropriate action on the violations as described above with information to the undersigned.
11. Given the election is already underway, it is absolutely necessary that the action be taken without any loss of time.
12. I really look forward to hearing from you VERY SOON.

An MS Word file of this letter is attached for easy reading.

With warm regards,

Jagdeep S. Chhokar