भारत निर्वाचन आयोग सचिवालय
SECRETARIAT OF THE ELECTION COMMISSION OF INDIA
निर्वाचन सदन, अशोक रोड, नई दिल्ली-110001
Nirvachan Sadan, Ashoka Road, New Delhi-110001.

No. 437/6/INST/ECI/FUNCT/MCC/2024 **Dated: 25th April, 2024**

NOTICE

Whereas, the role of Political Parties in electoral democracy, particularly after the notification of the General Election, is pivotal, and hence stands clearly recognized in the formal statutory framework of the Representation of the People Act, 1950 and 1951, the Conduct of Elections Rules, 1961 and the Registration of Electors Rules, 1960 and, in the 'instructions' issued by the Commission from time to time and, so also by various landmark rulings of the Hon'ble Supreme Court.

Whereas, with regard to the campaign space and in particular recalling the commitment of all political parties to the spirit and consensus underlying the Model Code of Conduct duly reinforced by Commission's series of advisories including the recent reminders dated 2nd May, 2023 and 1st March, 2024 whereby Commission had reminded all political parties of the vital role which their respective star campaigners play in maintaining high standard of campaign discourse.

Whereas, the grant of the status of the 'Star Campaigner' statutorily lies entirely within the realm of the Political Parties under Section 77 of the Representation of the People Act, 1951 and the Star Campaigners are expected to contribute to a higher quality of discourse, inter alia, by way of providing an all-India perspective, which sometimes gets distorted in the heat of the contests at the local level. Thus, the expectation from Star Campaigners is to provide corrective action or a sort of healing touch, when intensity of local campaign disrupts or inadvertently crosses over such boundaries. The Star Campaigners are thus expected to utilize this privilege for "propagating the programme of the political parties" and, therefore, their speeches in the campaign space necessarily needs to be judged at a higher threshold of compliance.

Whereas, in light of the above, the Commission considers the political party as the fundamental stakeholder, in terms of regulation, consultation and facilitation within and about the election process; and whereas over the years through various instructions/ orders and advisories, the Commission has sought to make political parties more accountable, transparent and

democratic in their functioning; and whereas the Commission is of the considered view that political parties will have to take primary and increasing responsibility for the conduct of their candidates in general and star campaigners in particular.

Whereas, yours is a National Party and is therefore expected to be the standard bearer in political and campaign discourse and as such should also set high standards of compliance of the model code of conduct.

Whereas, the Commission is in receipt of representation from a political party alleging violation of the Model Code of Conduct by speeches made during campaigning by some of your star campaigners. Whereas, these speeches are alleged to be in violation of MCC.

Whereas, in view of the foregoing and the plenary power of the political parties to nominate or withdraw the star campaigner's status with associated responsibility and authority to control their star campaigners, the Commission has taken a view that while the individual star campaigner would continue to remain responsible for speeches made, the Commission will address party President / Head of the political party, on case-to-case basis.

Accordingly, I am directed to forward a copy of the representation dated 19.04.2024 made by Bharatiya Janata Party (a National recognized political party) (Copy attached) with the direction to send comments to the Commission latest by 11:00 Hrs. on 29.04.2024 (Monday). You are also directed, as President of the National Party to bring to the notice of all your star campaigners to set high standards of political discourse and observe provisions of MCC in letter and spirit.

By Order,

(Narendra N. Butolia)
Sr. Principal Secretary

To

Shri Mallikarjun Kharge,
President,
Indian National Congress,
24 Ashoka Road,
New Delhi - 110011

भारतीय जनता पार्टी
Bharatiya Janata Party

April 19 2024

Chief Election Commissioner & Commissioners,
Election Commission of India,
Nirvachan Sadan, Ashoka Road,
New Delhi 110001.

Subject: Gross Violation of Electoral Laws, Model Code of Conduct, and criminal laws by Shri Rahul Gandhi and Shri Mallikarjun Kharge, President of Indian National Congress.

Sir/s,

Shri Rahul Gandhi of Indian National Congress at Kottayam, Kerala, in his speech on April 18, 2024, has said as follows: -

> *"..... If a daughter graduates from a university, her parents congratulate in Malayalam. When a brother loses the other brother, he communicates in Malayalam. Thus, Kerala is Malayalam, Malayalam is Kerala. I get surprised when I hear PM giving speeches where he says* ***one nation, one language, and one religion. How can you tell people of Tamil to not speak Tamil, people of Kerala to not speak Malayalam, people****... Every single Indian language is as important as any other language.* ***BJP does this with language, place, caste and religion. Whenever they get an opportunity, they divide the country*****....."**

The link to the video footage in question is the following:

https://www.youtube.com/live/uxoKDEBNRow?si=msfitnfeZ5y6mNrC

At the outset, before dwelling upon the speech of Shri Rahul Gandhi at Kottayam, Kerala, on 18.4.2024, we request you to recapitulate earlier show cause notice issued to **Shri Rahul Gandhi vide ECI number 437/RJ – LA/2023 dated 23.11.2023,** regarding his derisive and obnoxious utterances, against the Prime Minister Shri Narendra Modi, without any basis or substance. However, throwing to the winds the earlier word of caution from the Election Commission of India, Shri Rahul Gandhi, as a habitual serial offender, had once again on 12.4.2024, levelled grossly malafide, patently false and utterly sinister allegations against the Prime Minister, Shri Narendra Modi at Coimbatore in Tamil Nadu.

The relevant transcript of his Coimbatore speech on April 12, 2024, is as follows: -

> *"..... .....* ***They took away my lok Sabha membership*** *within a week. I was thrown out of the Lok Sabha..... ....And when they spoke whole world listen because they knew these are not individuals speaking, this is the voice of the Tamil people speaking.*

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And now the voice of the Tamil people is asking a few simple questions, it is asking Narendra Modi, Mr Adani and the RSS these questions. The first question is, ***why are you attacking our language, our history, and our tradition.*** *You come here and you say I like dosas, and then you go back to Delhi and you say one nation,* ***one leader, one language.*** *Why why* ***one language, why not space for Tamil, why not space for Bengali, why not space for kannada, why not space for Manipuri*****.....***So, you come here you tell the people of* ***Tamil Nadu you like dosa and then you insult them and you attack their culture, their history and their language*****.....***Today* ***most vice chancellors*** *who are defining the way we educate our children* ***are from the RSS****. The bureaucratic system,* ***the Election Commission, the legal system are all being infiltrated by the RSS and the RSS is placing their people in all these institutions*****.....*** ***This is the attack on the very idea of our nation. It is an attack on the Union of India. The BJP has clearly said that they are going to change the constitution if they win the elections.*** *.....*"

The YouTube link of video is given here:

https://youtu.be/3WsiGWIpKDw?feature=shared

May we remind you that the BJP had moved a complaint to the election commission of India on various issues, emerging from the speech of Shri Rahul Gandhi at Coimbatore, Tamil Nadu on April 12, 2024 to expose Shri Rahul Gandhi's crass lies and falsehoods. However, since no exemplary action has been taken thereon, Shri Rahul Gandhi has started behaving like an incorrigible serial offender and committing the same offences time and again with greater audacity and abandon.

Just like Shri Rahul Gandhi had tried at Coimbatore (Tamil Nadu) to create a linguistic and cultural divide between the Tamil speaking people and others by levelling a baseless allegation that the Prime Minister, Shri Narendra Modi, wants only one Language in India, implying thereby that that the PM is against Tamil language, he has now again tried to do the same with greater malice at Kottayam in Kerala, where he extended his wholly misconceived and false statement beyond his averments regarding language, and enlarged his acerbic diatribe to **'one religion'** also . Earlier, by making this false, unsubstantiated, unverified, and baseless allegation, he had hit at the credibility of the Prime Minister, besides creating a bias against him in the minds of people of Tamil Nadu. Now, he has attempted the same for the Malayali speaking people of Kerala. He is applying the same nefarious formula to create linguistic and cultural divide in the minds of people of India for electoral gains.

The utter falsehood of Shri Rahul Gandhi's indiscreet and irresponsible utterances at Kottayam (Kerala) on 18.4.2024, insinuating Shri Narendra Modi, the Prime Minister, and

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levelling baseless allegations against him; and declaring him an opponent of the fundamental concept of cultural, linguistic, and religious variety and diversity, is exposed without a shadow of doubt from the solemn statements made by Shri Narendra Modi at multiple fora as a stateman championing the cause of cultural, linguistic, and religious diversity for a vibrant society conducive to India's overall development. This is a brazen attempt to tarnish the Prime Minister, defame him, and indulge in his character assassination.

The Prime Minister declared on one his public meetings at Karnataka;

"हमने संकल्प पत्र में स्थानीय भाषाओं में विकास की बात की है। हमारी कन्नड़ देश की इतनी समृद्ध भाषा है बीजेपी के मिशन से कन्नड़ का विस्तार होगा और उनसे बड़ी पहचान मिले गी साथ ही हमने विरासत के विकास की गारंटी भी दी है। हमारे कर्नाटक मैं हम्पी और बादामी जैसी तो हेरिटेज साइट है इन्हें वर्ल्ड टूरिज़्म मैप पर प्रोमोट करेंगे इसमें कर्नाटक में टूरिज्म और रोजगार के नए अवसर सृजित होंगे।"

https://youtu.be/fyUshNgd8nc?feature=shared

PM promising development of regional languages at *https://youtu.be/DUiok45X_Ks?si=LnexrJSGV-Sh-wwf*

PM extolling Sree Seetharama Swamy Temple during Thrissur Poornam festival at Thrissur, Kerala

https://theprint.in/india/thrissur-is-cultural-capital-of-kerala-pm-modi/1539312/?amp

Kerala is God's Own Country, and is the "land of great saints. The place has an impression of purity and holiness."

https://www.business-standard.com/amp/article/news-ians/feel-pride-when-kerala-diaspora-is-praised-in-gulf-countries-modi-116092400521_1.html

In praise of Lord Ayappa

https://www.onmanorama.com/news/kerala/2021/04/02/kerala-election-news-modi-election-rally-konni.amp.html

https://news.abplive.com/kerala/as-kerala-develops-india-will-develop-faster-pm-modi-praises-people-of-god-s-own-country-top-points-1597839/amp

The Commission had issued a notice to Shri Mallikarjun Kharge, President, Indian National Congress, on 9.4.2024, wherein he was, inter-alia, advised as follows:-

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"……you as President of INC, were asked to issue specific advisory to your party functionaries, involved in election campaign and in interaction in public domain, not to commit such type of violations….."

However, instead of maintaining the necessary decency and decorum of expression in his political party, Shri Kharge, on 18.4.2024, speaking in Indian Express Idea Exchange program, himself committed the most condemnable and shameless breach of model Code of Conduct, by claiming that scheduled castes and tribes are discriminated against and to support his malicious accusation, he claimed that he was not even invited to the Pran Pratishta of Ram Lalla in Ayodhya on 22nd January 2024. It was extremely unfortunate that he even dragged the high office of the President of India into caste and tribe controversy in a manner most unbecoming of the President of a national political party.

The relevant link to the video clipping of Shri Mallikarjun is below:

https://www.instagram.com/reel/C55BSPjt2hK/?igsh=cm5wcHliczBvbDZ2

The INC President resorted to telling lies about he his non-participation in the consecration ceremony of **Lord Rama at Ayodhya**, which was purely a political manipulation on his part, and on the part of his senior party leaders, certainly not attributable to any **denial of invitation or discrimination or lack** of respect shown to him. It is a matter of record that **Ayodhya trust handed over formal invitation** to him through its highest functionaries. In that context, the following link contains the news published by various reputed newspapers, recording the invitation being presented to the Congress. President is self-explanatory: –

https://indianexpress.com/article/political-pulse/mallikarjun-kharge-ayodhya-temple-scheduled-caste-discrimination-9278752/lite/

Shri Kharge also indulged in grossly misleading the voters by declaring that BJP is going to change the constitution if they win the elections. In fact, BJP never made such a statement. Like Shri Rahul Gandhi, Shri Kharge has used the same script and replicated the falsehood disseminated by a pathological liar and habitual offender. The Commission is required to strongly deal with him in order to ensure the free and fair elections, where the voters are not brain-washed with falsehood.

Elaborating further, it is submitted that Shri Mallikarjun Kharge and Shri Rahul Gandhi have violated the following provisions of Indian Penal Code, Model Code of Conduct, advisories & Instructions of the Election Commission of India.

Indian Penal Code

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Section 153A IPC – Promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony.

153B. Imputations, assertions prejudicial to national integration *- (1) Whoever, by words either spoken or written or by signs or by visible representations or otherwise,*

(b) ***asserts, counsels, advises, propagates or publishes that any class of persons shall, by reason of their being members of any religious, racial, language or regional group or caste or community, be denied, or deprived of their rights as citizens of India,*** *or*

(c) ***makes or publishes and assertion, counsel, plea or appeal concerning the obligation of any class of persons, by reason of their being members of any religious, racial, language or regional group or caste or community,*** *and such assertion, counsel, plea or appeal causes* ***or is likely to cause disharmony or feelings of enmity or hatred or ill-will between such members and other persons,***

shall be punished with imprisonment which may extend to three years, or with fine, or with both.

Section 171C – Undue influence at elections.

295A. Deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs -

Whoever, with ***deliberate and malicious intention of outraging the religious feelings of any class of citizens of India, by words, either spoken or written, or or by signs or by visible representations or otherwise, insults or attempts to insult the religion or the religious beliefs of that class,*** *shall be punished with imprisonment of either description for a term which may extend to three years or with fine, or with both.*

499. Defamation *- Whoever, by words either spoken or intended to be read, or by signs or by visible representations, makes or publishes any imputation concerning any person intending to harm, or knowing or having reason to believe that such imputation will harm, the reputation of such person, is said, except in the cases hereinafter excepted, to defame that person.*

505. Statements conducing to public mischief -

(2) **Statements creating or promoting enmity, hatred or ill-will between classes** *- Whoever makes, publishes or circulates any statement or report* ***containing***

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rumour or alarming news with intent to create or promote, or which is likely to create or promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, feelings of enmity, hatred or ill-will between different religious, *racial, language or regional groups or castes or communities, shall be punished with imprisonment which may extend to three years, or with fine, or with both.*

Representation of Peoples Act 1951

Section 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.

(4) - The publication by a candidate or his agent or by any other person *[with the consent of a candidate or his election agent], of* ***any statement of fact which is false, and which he either believes to be false or does not believe to be true,*** *in relation to the personal character or* ***conduct of any candidate****, or in relation to the candidature, or withdrawal, of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election.".*

Section:125. *Promoting enmity between classes in connection with election -*

Model Code of Conduct

Clause 2 Part I of General Conduct of Model Code of Conduct or the guidance of Political Parties and candidates:

"Criticism of other parties or their workers based on unverified allegations or distortion shall be avoided"

No party or candidate shall include in any activity which may aggravate existing differences or create mutual hatred or cause tension between different castes and communities, religious or linguistic.

4.4.2 B (iii) No activity, which may aggravate existing differences or create mutual hatred or cause tension between different castes/ communities/ religious/linguistic groups, shall be attempted.

*(d) Clause 4.3.2(ii) states, "Election Commission, while expressing deep anguish on the progressively **plummeting levels of political discoursers**, put the political parties on notice that repeated violation of Model Code may invite action against them.*

The Commission may please take note of the design, template, tone & tenor of the campaign launched by INC and Shri Rahul Gandhi. They are apparently trying to build a false & deceitful narrative in which they are trying to project;

1. Shri Rahul Gandhi also seems oblivious and ignorant of the NITI AYOG's report *'Multidimensional Poverty in India since 2005-06,* that stated that **"24.82 crore people escaped multidimensional poverty in last nine years.** This remarkable achievement is due to significant initiatives of the government to address all dimensions of the poverty between 2013-14 to 2022-23."

2. The Multidimensional Poverty Index (MPI) is a globally recognized comprehensive measure that captures poverty in multiple dimensions beyond monetary aspects. MPI's global methodology is based on robust Alkire and Foster (AF) method that identifies people as poor based on universally acknowledged metric designed to assess acute poverty, providing a complementary perspective to conventional monetary poverty measures.

3. Ruffle the sensibilities and sensitivities of people of southern states by building an utterly baseless and ignominious narrative that language & culture is under threat. The facts are completely different. The BJP and PM has always promoted regional aspirations, culture and language. The New Education Policy 2020 and National Curriculum Framework 2023 mandates;

    a. "**National Curriculum Framework (NCF) 2023** has introduced a mandate for the teaching of three languages at various educational levels. The initiative, in alignment with the **National Education Policy (NEP) 2020**, seeks to foster cultural connection, cognitive development, and **multilingualism** among students across the nation."

4. Spreading lies by alleging that the central government support to Southern states is not as per the standards and norms defined by statutory bodies like NITI AYOG or Finance Commission. The truth is Southern states have received far greater support from central government led by Shri Narendra Modi. A comprehensive chart is enclosed as a case in point for the state of Karnataka. [copy attached]

5. Such an insidious attempt to drive a wedge based on false narratives goes against the Bharat as an emerging global power. To seed such malicious narratives must be checked.

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6. Shri Mallikarjuna Kharge attempt to foist a caste divide proclaiming he was not invited to 'Ram Lalla Pran Pratistha' on 22nd January in Ayodhya, is yet another attempt to create disaffection amongst castes.

Shri Rahul Gandhi, in any or all of his speeches, continues to hand down allegations but has never provided any evidence in support of his claims or allegations.

As against his malicious narrative of One Nation, One Leader, One Language, One Religion, PM Modi mantra for human & economic development is built around "सब का साथ, सबका विकास, सब का विश्वास, सब का प्रयास।"

The Commission has issued comprehensive and clear instructions as to how the political discourse must always meet the highest standards and false narrative and baseless allegations against other parties be avoided. But this is classic case of complete disregard of virtually the entire code of conduct and electoral laws and complete and absolute licentious impunity. We earnestly appeal to Commission to step in with resolute measure to arrest such deteriorating quality of campaigning by INC and its leaders; Shri Rahul Gandhi and Shir Mallikarjuna Kharge.

Hence, we request the commission to:

1. Direct Shri Mallikarjun Kharge and Shri Rahul Gandhi to tender an unconditional public apology for his false, malafide and scurrilous continuing public utterances; whether at Coimbatore or in Kerala.
2. Reprimand, censure and restrain Shri Mallikarjun Kharge and Shri Rahul Gandhi from handing out lies during election campaigning during the remaining term of the electioneering.
3. Direct the registration of an FIR against Shri Mallikarjun Kharge and Shri Rahul Gandhi under the stringent provisions of laws.

Regards

Yours faithfully,

Om Pathak

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Contribution To Karnataka State By BJP Led Central Government

1. From 2004 to 2014, UPA government had given Rs.81,000 Crore to Karnataka in tax devolution and provided Rs.60,000 Crore grant-in-aid. Under Modi government since 2014, this amount has increased to Rs.2.82 Lakh Crores and Rs.2.36 Lakh Crores, respectively, as per data extracted from the official documents of the Centre.
2. The state has seen significant investments in the modernization and extension of its airports, railroads, and highways.
3. Under Sagarmala, 31 projects amounting to Rs. 628 crore have been sanctioned for Karnataka.
4. The Bangalore Metro Rail project has received more finance and attention. extending metro services would stimulate economic growth and increase urban mobility.
5. During his visit in 2022, PM Modi initiated the groundwork for numerous infrastructure ventures totalling over Rs 27,000 crore. Among these projects is the STRR (Satellite Town Ring Road) Bengaluru Ring Road initiative, also aimed at alleviating congestion in the city, with an investment of Rs 15,000 crore under the Bharatmala Pariyojana scheme.
6. the government's focus on irrigation projects and water conservation has made Karnataka's agricultural sector resilient to climate change, helping farmers enhance productivity and mitigate the impact of droughts. Approximately 50 lakh farmers in Karnataka today receive direct benefits from the central government through PM KISAN.
7. In the fiscal year 2022-23 alone, over 49 lakh farmers in the state were beneficiaries of the PM-KISAN scheme.
8. Nearly 66 lakh households had tap water connections in Karnataka under Jal Jeevan Mission. Till January 2024, PMAY (Urban) has seen almost 3.35 lakh houses completed at Rs. 6800 crore assistance.
9. Under PMAY-G, over 2 lakh houses are sanctioned till February 2024.
10. In addition, over 50,000 households have been provided with tap water connections for the first time in Karnataka since the launch of the Jal Jeevan Mission in 2019.
11. With a budget of Rs. 45.71 crore, the building of pilgrimage amenities at Sri Chamundeshwari Devi Temple in Mysuru is being developed as part of the PRASHAD scheme.

12. Heritage City Development and Augmentation Yojana (HRIDAY) programme identified and developed Badami as a heritage city in Karnataka. In addition, Hampi has been developed under the Swadesh Darshan 2.0 project as a popular tourist destination.

13. The congress knowing fully well about the above actual statistics has falsely made the advertisement on the front pages of notable newspapers after severe deliberations and calculations, in order to prejudice the minds of the voters, to influence the outcome of the elections by making false statements without any basis.