

भारतीय जनता पार्टी
Bharatiya Janata Party

16th April 2024

To,

The Chief Election Commissioner & Election Commissioners,

Election Commission of India,

Nirvachan Sadan, Ashoka Road,

New Delhi — 110001

Subject: Corrupt and immoral practices aiming to bribe and mislead voters by INC

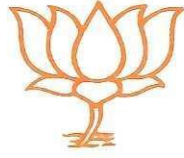
Dear Sir,

On April 3, 2024, the Indian National Congress President Sri Mallikarjun Kharge reportedly unveiled an initiative termed the "Ghar Ghar Guarantee." This initiative purportedly involves disseminating "Guarantee Cards" to households throughout India, purportedly containing a QR code, perforated application form, and manifesto pledges. INC affiliates are distributing these cards across all Lok Sabha constituencies, presenting them to recipients as application documents for accessing the guaranteed promises being articulated by the INC. A copy of the Guarantee Card referred to above is attached as Annexure to this communication.

The Guarantee Cards are reported to contain the following details:

- (i) Name of the applicant,
- (ii) Count of eligible voters within the household,
- (iii) Contact particulars,
- (iv) Residential addresses,
- (v) Particulars of the INC worker who distributed the card.

Such information ostensibly suggests that the designated INC worker is virtually offering pre-loaded cards in the nature of distributing a post-dated cheques to the voters to access the pledged benefits. To further confound the wrong, the cards bear the promissory signatures of prominent



leaders of Indian National Congress, namely Shri Rahul Gandhi and Shri Mallikarjun Kharge, as an official endorsement.

These purported activities raise serious concerns regarding grave violation of electoral laws and regulations, particularly about the manipulation of voters' trust and the misrepresentation of the Guarantee Cards as legitimate instruments for accessing promised INC freebies, largesse and utopian promises. Allowing such practices openly contradicts the principles of free and fair elections, and sets a precedent where only registered political supporters may be entitled to government schemes, and not the remaining ones.

In doing so, the INC has contravened and violated the provisions of various penal and electoral laws, in addition to committing gross violations of the Model Code Of Conduct prescribed by Election Commission of India.

Representation of People's Act, 1951

123. Corrupt practices;

Corrupt practices.—*The following shall be deemed to be corrupt practices for this Act:*

“Bribery”, that is to say - 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 an elector to vote or refrain from voting at an election, or as a reward to

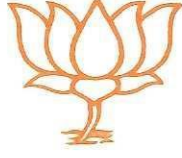
Indian Penal Code, 1860:

171B. Bribery;

(1) Whoever— (i) gives a gratification to any person with the object of inducing him or any other person to exercise any electoral right or of rewarding any person for having exercised any such right, or (ii) accepts either for himself or any other person any gratification as a reward for exercising any such right or for inducing or attempting to induce any other person to exercise any such right commits the offence of bribery:

171C. Undue influence at elections;

(1) Whoever voluntarily interferes or attempts to interfere with the free exercise of any electoral right commits the offence of undue influence at an election.



Model Code of Conduct:

All parties and candidates shall avoid scrupulously all activities which are "corrupt practices" and offences under the election law, such as bribing voters and intimidation of voters.

ECI Instructions :No. 437/6/INST /ECI/FUNCT /MCC/2024 (Election Manifestos)
Dated: 2nd January, 2024 "(iii) in the interest of transparency, level playing field and credibility of promise, it is expected that manifesto also reflect the rationale for the promises and broadly indicate the ways and means to meet the financial requirement for it. Trust of voters should be sought only on those promise which are possible to be fulfilled."

Case Law:

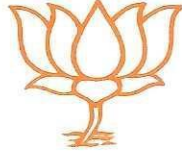
The Supreme Court in its judgment dated 5th July 2013 in SLP(C) No. 21455 of 2008 (S. Subramaniam Balaji Vs Govt. of Tamil Nadu and Others) has directed the Election Commission to frame guidelines with regard to the contents of election manifestos in consultation with all the recognized political parties. The guiding principles which will lead to framing of such guidelines are quoted below from the judgment:-

(i) "Although, the law is obvious that the promises in the election manifesto cannot be construed as 'corrupt practice' under Section 123 of RP Act, the reality cannot be ruled out that distribution of freebies of any kind, undoubtedly, influences all people. It shakes the root of free and fair elections to a large degree".

The Writ Petition (civil) no. 43 of 2022 titled Ashwini Kumar Upadhyay versus Union of India is also pending before the Hon'ble Supreme Court on the issue, related to promises made by political parties for the distribution of free goods (Freebies) as part of their election manifesto or during election speeches.

As a compulsive liar and habitual offender, Indian National Congress and its leaders have committed such unethical and illegal acts in the past too.

During the Rajasthan Assembly Election in 2023, INC had made a similar surrogate campaign to bribe and mislead the voters, and the Commission taken a serious view thereon and issued notice No.437/RJ-LA/2023, dated 22nd November 2023. [copy of the ECI notice is enclosed] This notice underscores a pattern of behaviour that may indicate repeated violations by the INC of electoral



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regulations. The parallels between the two incidents, characterised by the offering of benefits in exchange for electoral support, and or obtaining personal information of the voter under the garb of registration underscore a persistent modus operandi of utilising inducements to influence voter decisions. To an unsuspecting voter, it may sound like as if such goodies would actually be handed over to them and hence it amounts to an inducement that is expressly barred under all laws of the land, including the MCC.

Such recurrent infractions not only erode the sanctity of the electoral process but also undermine the foundational principles of democracy, warranting thorough investigation and stringent enforcement of legal measures to preserve the integrity of the electoral system.

To ensure the integrity of electoral processes and the legitimacy of democratic governance, it is imperative to prohibit distribution of 'Guarantee Cards'. Robust measures must be implemented to enforce electoral laws, strengthen regulatory mechanisms, and promote ethical conduct among political actors. Therefore, it is imminent that the Hon. Election Commission acts sternly on this complaint.

Hence, we request the commission to:

1. Immediately restrain the Indian National Congress from publishing, disseminating and distributing Guarantee Cards or any such material aimed to promote electoral bribery and inducement of voters.
2. Register FIRs against the agents of the Indian National Congress distributing Guarantee Cards to the voters at the ground level all over India.

Regards

Yours faithfully,


Arun Singh


Om Pathak


GVL Narsimha Rao


Sanjay Mayurkh