



15th April 2024

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

Subject: Gross Violation of Electoral Laws, Model Code of Conduct, and criminal laws by Shri Rahul Gandhi of Indian National Congress at Coimbatore, Tamil Nadu.

Sir,

We refer to your earlier show cause notice issued to Shri Rahul Gandhi vide ECI no. 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. Throwing to the winds the earlier word of caution from the election commission of India, Mr. Rahul Gandhi, as a habitual serial offender, has again levelled grossly malafide, patently false and utterly sinister allegations against the Prime Minister, Shri Narendra Modi, at his public rally at Coimbatore on April 12, 2024.

The transcript of his speech is attached for your ready reference. The YouTube link of video is given here:

<https://youtu.be/3WsiGWlpKDw?feature=shared>

Mr. Rahul Gandhi has tried 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. By making this false, unsubstantiated, unverified, and baseless allegation, he has hit at the credibility of the Prime Minister, besides creating a bias against him in the minds of people of Tamil Nadu. He has made a nefarious attempt to create linguistic and cultural divide India for electoral gains. The falsehood in the public utterances of Mr Rahul Gandhi gets completely exposed on the perusal of the following links, where the Prime Minister Shri Narendra Modi has very clearly exhibited his utmost respect for Tamil language and culture, and has expressed his desire to develop Tamil into an international language, which makes all Tamil speaking people extremely proud of our heritage, culture and linguistic richness:



भारतीय जनता पार्टी Bharatiya Janata Party

The links are as follows:

Link-1 :

<https://x.com/narendramodi/status/1770085963428970690?s=61&t=HLDEFaZLSAuJD-w78vhIDA>

Link-2

<https://indianexpress.com/article/cities/chennai/tamil-oldest-language-pm-modi-8408930/>

Link-3

<https://www.thehindu.com/news/national/pariksha-pe-charcha-tamil-is-the-oldest-language-let-your-chest-swell-with-pride-pm-to-students/article66440726.ece>

Link-4

<https://www.thehindu.com/news/national/tamil-nadu/pm-modi-supported-demand-to-make-tamil-official-language-of-madras-high-court-judge/article68058973.ece>

Link-5

<https://x.com/ani/status/1727642184617464078?s=61&t=HLDEFaZLSAuJD-w78vhIDA>

It is also pertinent to note that Shri Rahul Gandhi has further flouted the Model Code of Conduct and the earlier notice issued to him by the Election Commission of India by levelling vague, unverified and baseless allegations regarding waivers by banks in their routine commercial decision-making from time to time under the watchful eyes of the Reserve Bank of India, with the Prime Minister having no role to play in any such decision whatsoever. Shri Rahul Gandhi considers himself beyond the reach of the Election Commission of India, because this matter was particularly highlighted in the notice issued by the Election Commission of India to him earlier on November 23, 2023, the excerpts of which are follows:--

"Further, the allegation of grant of waivers of Rs. 14,00,000 crores for the past 9 years, is asserted by the BJP, as not borne out on facts. Furthermore, they are allegedly in violation of Section 123 (4) of the R. P. Act, Section 171G, 504, 505 (2), and 499 of IPC and provisions of Model Code of Conduct.....Criticism of other parties or their workers based on unverified allegations or distortion shall be avoided"



Not only the Commission had issued a notice to Shri Rahul Gandhi, but also to Shri Mallikarjun Kharge, President, Indian National Congress, on 9.2.2024, wherein he was, inter-alia, advised as follows :-

".....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....."

Shri Rahul Gandhi has proved himself a pathological liar, misleading the voters by falsely accusing Shri Narendra Modi of disqualifying him as Member of Parliament, whereas the true fact is that he faced **disqualification from the date of his conviction by the Court of Chief Judicial Magistrate, Surat, in the criminal defamation case** against him over his defamatory remarks, holding him guilty under sections 499 and 500 Indian Penal Code (IPC). His false and misleading utterances trying to pose himself as a 'victim' for earning ill-deserved sympathy of the voters is a clear violation of Model Code of Conduct.

It is again factually incorrect that **agricultural income has been subjected to any new taxes**, as alleged by Shri Rahul Gandhi with a sinister design of inciting the hard-working farming community against the Prime Minister and the BJP during the Lok Sabha elections. This is shockingly unethical, and a blatant violation of the Model Code of Conduct.

Similarly, instead of referring to the widely acclaimed National Education Policy, Shri Rahul Gandhi has indulged in cheap and baseless antics by levelling wild allegations against the academic integrity of the **Vice Chancellors of the Universities in India**, which are striving to produce the best Indian scientists, engineers, doctors, entrepreneurs, and other professionals, who are sought after all over the world.

His allegations with regard to favouring certain entrepreneurs are utterly baseless because of the well-established transparent competitive procedures and processes through which public private partnerships are carried out, not only in India, but in the entire world, for dynamic multiplier growth in their respective economies. There are watch dogs that the system provides for at every step, and every day decision taken by any authority passes through the scrutiny at multiple layers, and finally at the level of the judiciary.

Furthermore, Shri Rahul Gandhi again went on to falsely assert that the ruling party, Bharatiya Janata Party (BJP), harbours intentions to **abrogate the constitution**. A, compliant to this effect was filed to the Election Commission of India on 1.4.2024, in connection with his Ram Leela maidan rally on 31.3.2024. Such baseless statements not only undermine the democratic principles enshrined in our constitution, but also have the potential to incite civil unrest and discord among the populace. Such rhetoric threatens the



fabric of our nationhood, which Shri Rahul Gandhi, with his limited vision, fails to understand.

Shri Rahul Gandhi should not be allowed to get away, despite earlier notices, with his repeated breach of Model Code of Conduct and violation of the laws of land with regard to free and fair elections, and also for preserving the individual dignity of the the dignitaries that he maliciously targets through his motivated falsehood and mudslinging.

Elaborating further, it is submitter that Shri Rahul Gandhi has, inter-alia, violated the following provisions of Indian Penal Code, Model Code of Conduct, advisories & Instructions of the Election Commission of India. The provisions stipulate.

Representation of Peoples Act 1951

Section 123 (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. ”.

Indian Penal Code –

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

Whoever, 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.

171G. False statement in connection with an election - *Whoever with intent to affect the result of an election makes or publishes any statement purporting to be a statement of fact which is false and which he either knows or believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate shall be punished with fine.*

Section 499. Defamation- *Whoever, by words either spoken or intended to the 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 from now on excepted, to defame that person.

Section 505. Statements conducing to public mischief;

[1)] Whoever makes, publishes or circulates any statement, rumour or report,—

(b) with intent to cause, or which is likely to cause, fear or alarm to the public, or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquility; or

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

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"

*(a) Clause 3.8.2 (ii) states, "Nobody should indulge in any activities or make any statements that would amount to attack on personal life of any person or **statements that may be malicious or offending decency and morality.**"*

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

Case laws:

The Hon'ble Supreme Court of India in its judgment titled as "Subramaniam Swamy Vs. Union of India & Ors.", (2016) 7 SCC 221 has observed that:

"If freedom of speech and expression is protected by Article 19(1)(a) of the Constitution, the right to reputation is also considered to be an inextricable part of the right to life protected by Article 21 and balancing these two rights is a constitutional necessity."

The Hon'ble Madras High Court in the case titled as "T.T.V. Dhinakaran v. City Public" observed that:



“Before parting, though the complaint has been quashed on the basis of well settled position of law, it is also to be recorded that persons in public life and the leaders of various political parties should restrain themselves from making serious allegations or criticism against the constitutional functionaries, since leaders of political parties have huge followers and the same will have serious impact on the followers also and the followers also blindly follow the path of their leaders. Merely because one has right of freedom of speech they cannot make any such allegation though it may not attract penal consequences or may not amount to criminal defamation. Using scurrilous allegations, using harsh words, which is in the nature of serious criticism against particular individual also to be avoided. Therefore, this Court is of the view that irrespective of the political affiliation, when a person raised to the level of leader of a political party should show utmost respect to the others in public life. Of course, every citizen of a democratic country has a freedom of speech, but at the same time such criticism should not exceed affecting the sentiments of others also. The leaders of political parties should show their statesmanship and quality and healthy politics rather than accusing others by using vituperated language in political platform”

The Hon'ble Supreme Court in *Guruji Shirhari Baliram Jivatode v. Vithalrao* reported in 1969 1 SCC 82 held:

“The freedom of criticism may sometimes be misused, but the advantage gained from free criticism—though sometimes it may turn out to be irresponsible --in the long run outweighs the disadvantages. It is in the interests of democracy that such criticism should be allowed. However, democracy will be a farce if interested persons are allowed to freely indulge in character assassination during election. A political party may not be affected by passing winds but a campaign of slander against an individual is likely to create prejudice in the mind of the people against him. Section 123(4) is designed to achieve the dual purpose of protecting freedom of speech and prevention of malicious attack on the personal character and conduct of rivals.”

Shri Rahul Gandhi has gone on to falsely accusing BJP by making factually incorrect statements that BJP will change the constitution, if it comes to the power. In fact, BJP never made such a statement. He has attacked statutorily and constitutionally established institutions and questioned their impartiality and integrity. Shri Rahul Gandhi has turned



himself into a pathological liar and habitual offender. The commission is required to strongly deal with him in order to ensure free and fair elections.

The Commission may please note that afore-mentioned charges and their rebuttal is to demonstrate that Shri Rahul Gandhi is incorrigible in his diatribe without any basis, evidence or logic whatsoever. Commission's attempts, in the past such incidents of violations, have not been able to sober him down and get him to conform to the rules of electoral contests.

The Commission may consider invoking the legal provisions and the MCC guidelines including Supreme Court rulings to check and prevent such senseless and shameless charges often repeated by Shri Rahul Gandhi.

Hence, we request the commission to:

1. Direct Shri Rahul Gandhi to tender an unconditional public apology for his false, malafide and scurrilous public utterances at Coimbatore.
2. Reprimand, censure and restrain 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 Rahul Gandhi under the stringent provisions of laws.

Regards,

Yours faithfully,

Nirmala Sitharaman

Tarun Chugh

Sudhanshu Trivedi

Om Pathak