



भारतीय जनता पार्टी
Bharatiya Janata Party

26th March 2024

To,

The Chief Election Commissioner & Commissioners,
Election Commission of India,
Ashok Road,
New Delhi

Subject – Violation of the Election Model Code of Conduct & Offence committed – Shri Sanjay Raut

Respected Sir,

We wish to draw your urgent attention to a statement made by Shri Sanjay Raut, Member of Parliament (Rajya Sabha) and leader of Shiv Sena (UBT) against Prime Minister Shri Narendra Modi while addressing a Party Meeting in Buldana District of Maharashtra in the presence of his party President, Shri Udhav Thackeray. He said;

“नरेंद्र मोदी का जहां जन्म हुआ, उसी के पास औरंगजेब पैदा हुआ था। इसीलिए औरंगजेब की मानसिकता के साथ हमारे ऊपर हमला होता है”

And goes on to say;

“Don't say Modi has come, say Aurangzeb has arrived. We will bury them,”

His statements can be accessed through the link given [<https://www.youtube.com/watch?v=bRSkk46PAGU>] and the CD attached along with the complaint.

Shri Sanjay Raut, an MP and leader of Shiv Sena (UTB), tragically departed from the standards of respectful and dignified communication, thereby transgressing legal statutes and undermining fundamental principles of political discourse. His egregious comparison of the esteemed Prime Minister, Shri Narendra Modi, with the historical figure of Aurangzeb, a ruler infamous for his despotic tendencies and oppressive rule, is not only unacceptable but also profoundly disrespectful.

Prime Minister Shri Narendra Modi occupies a position of immense stature, both nationally and on the global stage. As the leader of the world's largest democracy, his visionary leadership, transformative policies, and tireless dedication to the welfare of the people have

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earned him widespread acclaim and admiration. He has consistently demonstrated unparalleled commitment to inclusive development, economic prosperity, and the empowerment of every citizen, thereby cementing his legacy as a statesman of unparalleled significance.

In stark contrast, Aurangzeb's reign is marred by a legacy of tyranny, authoritarianism, and religious intolerance. His rule was characterized by ruthless suppression of dissent, wanton persecution of minorities, and the imposition of draconian policies that inflicted untold suffering upon his subjects. By equating Shri Narendra Modi, a beacon of democracy and progress, with such a figure, Shri Sanjay Raut not only diminishes the stature of the Prime Minister but also trivializes the profound suffering endured by countless individuals under Aurangzeb's despotic rule.

Such a comparison not only lacks factual basis but also represents a grave affront to the dignity of the Prime Minister and the principles of respectful political discourse. It is incumbent upon public representatives to engage in dialogue with civility and decorum, upholding the principles of democracy and mutual respect. Shri Sanjay Raut's reckless remarks not only betray a disregard for these principles but also reflect a broader trend of political polarization and vitriol that undermines the fabric of our democratic institutions.

In doing so, Shri Sanjay Raut has **violated several provisions of Indian Penal Code, the Representation of People Act 1951, and Model Code of Conduct** and some of the latest advisories & Instructions of the Election Commission of India.

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."

While this section may speak of 'candidates' of their agents, but by implication, it applies, on a larger canvas, to the political parties and their campaigners too.

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.

Model Code of Conduct

I. General Conduct

(1) 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.

(2) Criticism of other political parties, when made, shall be confined to their policies and program, 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.

4.3 Advisory to Political Parties and Candidates

4.3.1 Model Code provides that political parties and candidates shall refrain from criticism of all aspects of private life, not connected with the public activities of the leaders and workers of other parties. It also provides that no party or candidate shall indulge in any activity which may aggravate existing differences or create mutual hatred or cause tension between different castes and communities, religious or linguistic, and there shall be no appeal to caste or communal feelings for securing votes.

Indian Penal Code – Relevant Sections

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 illwill between different religious, racial, language or regional groups or castes or communities, or



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(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, [or]

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

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.

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.

500. Punishment for defamation.—Whoever defames another shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

Case Law

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



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“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”.

The Madras High Court in the case titled as “T.T.V. Dhinakaran v. City Public” observed that:

“that persons in public life and the leaders of various political parties should restrain themselves from making serious allegations or criticism against constitutional functionaries since leaders of political parties have huge followers and the same will have a serious impact on the followers and the followers also blindly follow the path of their leaders.”

Further the Supreme court in cases;

In Abhiram Singh v. C.D. Commachen, (2017) case, the Supreme Court held-

“It seems to us that Section 123, sub-sections (2), (3) and (3-A) were enacted so as to eliminate, from the electoral process, appeals to those divisive factors which arouse irrational passions that run counter to the basic tenets of our Constitution, and, indeed, of any civilised political and social order. Due respect for the religious beliefs and practices, race, creed, culture and language of other citizens is one of the basic postulates of our democratic system. Under the guise of protecting your own religion, culture, or creed you cannot embark on personal attacks on those of others or whip up low herd instincts and animosities or irrational fears between groups to secure electoral victories. The line has to be drawn by the courts, between what is permissible and what is prohibited, after taking into account the facts and circumstances of each case interpreted in the context in which the statements or acts complained of were made.”

The Commission may please note that;

Such public statements were made in the presence of Shri Udhav Thackrey, Party President of Shiv Sena [UBT] and thus amounts to his approval, making him a partner in the offence.

His comments seek drive a wedge between the two states; Gujarat & Maharashtra and likening of Shri Modi with Aurengzeb with an intent to incite hostility based on regional identity, thereby subverting the harmonious coexistence of diverse communities within our nation.



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Furthermore, Shri Sanjay Raut's remarks egregiously breached the Model Code of Conduct, particularly its General Conduct provisions, which emphasize the imperative of maintaining decorum and civility during electoral processes. His inflammatory rhetoric has the potential to inflame tensions and disrupt the peaceful conduct of democratic affairs.

This act also violates several guidelines and advisories issued by ECI to all Political Parties. Despite receiving the information and having knowledge of the rules in force and the meaning of his statements Shri Sanjay Raut, in the presence of Shri Udhav Thackrey, demonstrated a complete disregard for institutional directives and engaged in rhetoric that contravened the principles outlined therein. His actions reflect a blatant disregard for electoral norms and a cavalier attitude towards the sanctity of the democratic process.

Therefore, swift and stringent action is required to uphold the integrity of public discourse and preserve the dignity of political officeholders.

Hence, we request the Commission to;

1. Direct Shri Sanjay Raut and Shri Udhav Thackrey to tender an unconditional public apology to the Prime Minister Shri Narendra Modi and the people of Gujarat.
2. Order immediate filing of FIR and criminal investigations against Shri Sanjay Raut under various provisions of Indian Penal Code, Representation of People Act 1951.

Yours faithfully,

Ashwini Vaishnav

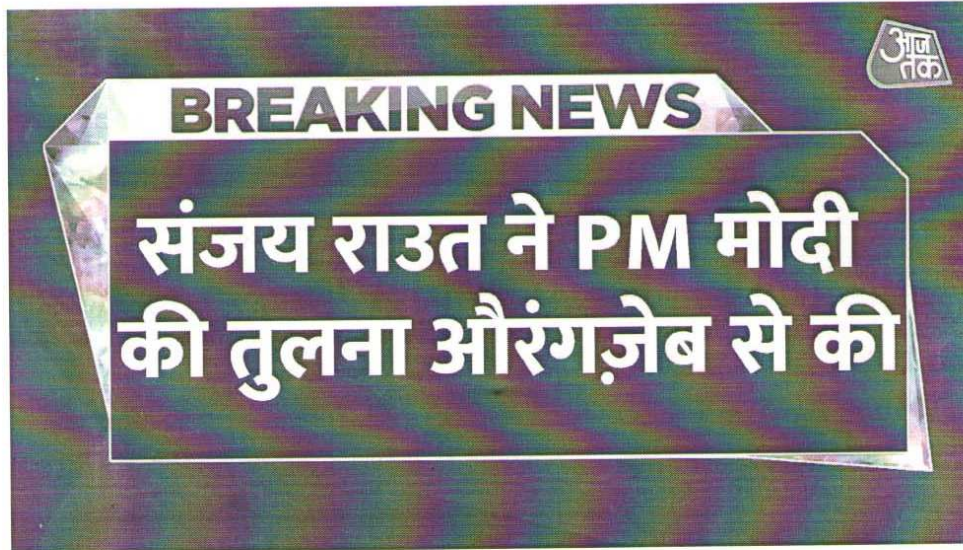
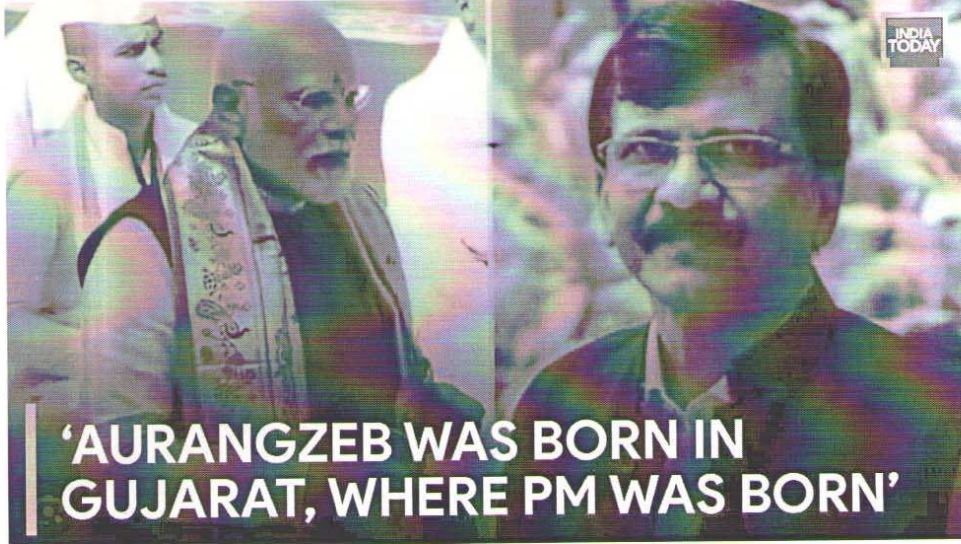
Om Pathak

Vinod Tawde

Sanjay Mayukh



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