



28 April 2023

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

**SUBJECT: Karnataka Assembly Election - Use of Abusive Language –  
Violation of MCC, Electoral and Other Laws**

**Dear Sir,**

In a public meeting at Kalaburgi in Karnataka on 27<sup>th</sup> April 2023, Shri Mallikarjun Kharge, National President of Indian National Congress launched a personal attack against the Hon'ble Prime Minister of India, Shri Narendra Modi ji calling him a POISONOUS SNAKE. The English and Hindi transcription of his speech is reproduced herein as below:

*"PM Modi is like a 'poisonous snake', you might think it's poison or not.  
If you lick it, your death is certain".*

*"पीएम मोदी एक 'जहरीले सांप' की तरह हैं, आपको लगता है कि यह जहर है या नहीं। यदि आप इसे चाटते हैं, तो आपकी मृत्यु निश्चित है"*

*[The video on the pen drive is enclosed for ready reference]*

Comparing anyone to a 'poisonous snake' in Indian society projects such an individual being an enemy, untrustworthy, unfaithful, treacherous, and deceitful.

We may also mention that Shri Kharge personally and his party is a repeat offender in this regard. The Commission may take cognizance of the fact that not long ago, Congress Party had Wished death calling "मोदी तेरी कब्र खुदेगी" or calling Shri Modi 100 headed Ravana is a desperate attempt to cast personal abuse against Shri Narendra Modi and Bharatiya Janata Party. There is a clear pattern in the brazen attempts of Indian National Congress and its leaders, particularly Shri Mallikarjun Kharge to vilify and abuse Shri Narendra Modi.



That the President of the Indian National Congress, Mallikarjun Kharge, being a senior leader and a responsible citizen is fully aware of the responsibility to use reasonable language while speaking on public platforms and that Personal attack or Character remark amounting to personal attack is not only impermissible under law, but also violative of the Model Code of Conduct as well. However, he has still made an objectionable and indecent statement in Public Domain. This fact clearly shows that the Congress leaders have no respect for the law or for the democratically elected national leaders.

Shri Narendra Modi is not just the Prime Minister of our country India who has earned love and respect of Indians and people from all over the world alike with his serving nature, but also a global leader as well, who is widely respected, loved, and looked upon by the people of various nations for his contributions and leadership qualities in modern politics. Use of such vulgar and abusive language to tarnish the image of a respected Prime Minister clearly shows the level to which Congress has plummeted, in desperate attempts to save themselves. There is no space for use of abusive language in a political speech in the process of elections in a democratic set up.

Such perverse pronouncements, if not checked effectively, will not only vitiate the electoral atmosphere, but will also further encourage the Congress rank & file in lowering the levels of propriety of the quality of political discourse.

That the afore-mentioned instances are derogatory, abusive, malicious, libelous & offensive and are made without any basis in law or in fact. A smear campaign is being run to tarnish the image and reputation of our respected Prime Minister Shri Narendra Modi and BJP, with a clear intent to spread misinformation and thereby influence the voters in a wrongful manner i.e., with a willful intention to mislead them for his own electoral benefits. In doing so, Shri Mallikarjun Kharge has violated the following provisions of Model Code of Conduct;



**Para 3.8.2.(ii)**

*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.*

**Para 4.3.1 states**

*“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”*

**Para 4.3.2**

*“maintain high standard of election campaign”*

**Para 4.3.2(ii)**

*“Election Commission while expressing deep anguish on the progressively plummeting levels of political discourse, put the political parties on notice that repeated violation of Model Code may invite action against them.”*

Further, actions of Shri Kharge attract penalties under the following provisions of Law;

**Section 499 the IPC** states that *“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 expected, to defame that person”*

**Section 500 IPC** states that *“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.”*



**Section 504 of the I.P.C.** – *“Whoever intentionally insults, and thereby gives provocation to any person, intending or knowing it to be likely that*

*such provocation will cause him to break the public peace, or to commit any other offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.”*

Election Commission is empowered under Article 324 of the Constitution of India to ensure that no one indulges in making false, unverified, baseless allegations to violate electoral laws and indulge in behavior which tear apart the sanctity of the MCC.

**Hence, we request the Election Commission of India to intervene urgently and take the following action;**

1. Bar Shri Mallikarjun Kharge from campaigning in Karnataka Elections so as contain the spread of such acrimonious campaign and set an example that the Commission will not brook any violation of MCC or other laws of the land.
2. File an FIR against Shri Mallikarjun Kharge under the abovementioned provisions of Law or any other Electoral or General Law and take exemplary punitive action.

Thanking you,

Yours sincerely,

**Bhupender Yadav**

**Tarun Chugh**

**Anil Baluni**

**Om Pathak**