



भारतीय जनता पार्टी
Bharatiya Janata Party

11th November 2024

**The Chief Election Commissioner and Election Commissioners,
Election Commission of India,
Nirvachan Sadan, Ashoka Road,
New Delhi – 110001**

**Subject: Gross violations of Electoral Laws, Model Code of Conduct, and Criminal law
by Shri Rahul Gandhi of Indian National Congress.**

Sir/s

We wish to bring to your notice the gross violation, of MCC and other electoral and penal laws, by Shri Rahul Gandhi of Indian National Congress, while the Model Code of Conduct enforced effective 15th October 2024 in the State of Maharashtra.

Shri Rahul Gandhi of Indian National Congress at Mumbai, Maharashtra, in his speech on November 6, 2024, has said as follows: -

The relevant extract of the speech of Shri Rahul Gandhi is reproduced below for your ready reference:

“..... बीजेपी के लोग आरएसएस के लोग इस संविधान को खत्म करना चाहते हैं ”

..... आज देश में यूनिवर्सिटीज़ के वाइस चान्सलर की लिस्ट निकाली, उस लिस्ट में आपको मेरिट नहीं दिखाई देगा! सिर्फ कॉलिफिकेशन सिर्फ आर. एस. एस की मेंबरशिप का है! वाइस चान्सलर बनना है, आर.एस.एस की मेंबरशिप लीजिये साइंस के बारे में, जियोग्राफी के बारे में, हिस्टरी के बारे में कुछ मालूम कुछ मालूम ना हो कोई फर्क नहीं पड़ता आर.एस.एस के हो सीधा आपको उस में जगह मिलेगी और ये एक संस्था के साथ नहीं हो रहा है ये हिंदुस्तान की सारी की सारी संस्थाओं के साथ इन्स्टिट्यूशन्स के साथ हो रहा है,.....

..... इलेक्शन कमिशन पर दबाव डालते हैं, सी बी. आई, ई ड, इन्कम टैक्स डिपार्टमेंट का इस्तेमाल कर के सरकार गिराते हैं.... ..



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.... आपके जो प्रोजेक्ट्स थे चाहे वो एप्पल आईफोन की फैक्ट्री हो, चाहे वह हवाई जहाज बोइंग का यूनिट हो, आप से छीन कर दूसरे प्रदेशों में चले जा रहे हैं, 5,00,000 युवाओं को रोजगार मिलता है इन प्रोजेक्ट से सारे के सारे आपसे छीन कर गुजरात की ओर चले गए, सेमीकंडक्टर प्लांट आई फ़ोन मैन्युफैक्चरिंग, प्लांट गैल पेट्रोकेमिकल प्रोजेक्ट, टाटा एयरबस प्रॉजेक्ट ये सारे के सारे जो आपके थे जिससे आप के युवाओं को फायदा मिलना चाहिए था रोजगार मिलना चाहिए था ये एक बाद एक आपसे छीन लिए गए हैं आपकी जमीन छीनी जा रही है 1,00,000 करोड़ रुपए की जमीन छीनी जा रही है आपके प्रोजेक्ट्स छीने जा रहे हैं ये हैं

..... हिंदुस्तान की संस्थाओं को देखते हैं मीडिया को देखते हैं, कॉर्पोरेट इंडिया को देखते हैं, जुडिशियरी को देखते हैं; इन सब संस्थाओं में हमें ना पिछड़े वर्ग के लोग दिखते हैं ना दलित लिखते हैं ना आदिवासी दिखते हैं ना माइनॉरिटी के लोग लिखते हैं ना गरीब जनरल कास्ट के लोग दिखते हैं.....

.....इस बार महाराष्ट्र की सरकार बनाइये जो आपके प्रोजेक्ट दूसरे प्रदेशों में ना भेजें "

The video is available at the link below:

<https://www.youtube.com/live/2xNOtf4kezY?si=KH5-rG2imgM142i>

The above remarks made by Shri Rahul Gandhi in his address have been made in stark contravention to true facts. It is stated that Shri Rahul Gandhi has made totally unverified claims and has distorted the truth by stating that Apple's iPhones and Boeing's airplanes are being manufactured in other states of the country at the expense of State of Maharashtra. Through his statements, Shri Rahul Gandhi has falsely accused other states of stealing and snatching alleged opportunities from the State of Maharashtra. Infact, the State of Maharashtra has topped in the direct investment (FDI) across India by receiving a total of Rs, 70,795 crore from April to June 2024-25. Shri Rahul Gandhi with his statements is inciting the youths of Maharashtra which is immensely dangerous for the unity and integrity of the nation.

As only expected and in line with his typical pattern of campaigning and general conduct, Shri Rahul Gandhis' speech was full of falsehood and lies, intending to create disaffection, enmity and ill-will between the states of Union of India. Shri Rahul Gandhi with his misleading statement has tried to create divide between the people of Maharashtra and Gujarat & other



states. He has been constantly making the false, unsubstantiated, unverified and baseless allegations against the BJP. His nefarious attempt to create a rift between the citizens of India on the basis of place, caste and religion is solely aimed to achieve the electoral gains in the ongoing assembly elections in the state of Maharashtra.

The Commission is aware that Shri Rahul Gandhi has been making the unverified false remarks to further the propaganda of Indian National Congress and INDI alliance. However in the absence of an exemplary action, Shri Rahul Gandhi has become a serial offender, thus committing the same offences time and again with absolute impunity.

The Courts and the Commission have reprimanded Shri Rahul Gandhi, but without any sobering effect. Based on such repeat violations, the ECI had reiterated an advisory vide its letter no 437/6/INST/ECI/FUNCT/MCC/2024 dated 1st March 2024. Amongst others, the ECI in the referred communication, had emphasised;

“9. While strongly urging all the political parties, their leaders in all capacities and their contesting candidates to remain within the confines or the model code of conduct and the legal framework, observe utmost restraint and decency in election campaign and to raise the level of election campaigning to ‘issue’ based debate, the Commission advises that any genres of surrogate or interact violation of MCC and surrogate means to plumate levels of election campaigning will be dealt with stern action:

- i. No appeal shall be made on the basis of cast communal feelings are the electors no activity which may aggravate existing differences all create mutual hatred or cause tension between different castes communities religious linguistic groups shall be attempted.*
- ii. The political parties and their leaders shall not make false statements/ utterances without factual basis aimed at misleading the voters. Criticism of other parties or their workers on the basis of unverified allegations or on distortions shall be avoided.*

10. All recognised political parties are also required to bring this advisory in the cognizance of the candidates, star campaigners and other campaigners.”

Such advisories by the ECI has little or no effect on INC and its leadership and star campaigners. The electoral violations continued unabated.

Taking cognizance of repeat electoral offences, the Commission had issued a show cause notice to INC and its president, Shri Mallikarjun Kharge on 25th April 2024. Upon consideration of their response the Commission, vide its letter no.



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437/6/INST/ECI/FUNCT/MCC/2024, dated 22nd May 2024, directed the INC and Shri Mallikarjun Kharge;

“In view of the foregoing the Commission, therefore, observes the following;

The utterances of the concerned star campaigners follow patterns and create narratives which can be damaging beyond the MCC period. Technical loopholes or extreme interpretations of other political parties cannot discharge them from this core responsibility of their own content which ought to be corrected to the ongoing discourse and not further plummeting the quality of campaign discourse;

Elections are a process when political parties not only contest to win but also avail the opportunity to present themselves in their ideal best for the voting community to experience, emulate and build hopes on. The second part constitutes a more precious heritage of the Indian elections and our electoral democracy and this should not be allowed to be weakened by anyone including your party;

Elections are periodic exercises, they come and go, but the political parties like yours endure and yours endure even more enduring preserve is India socio cultural milieu;

Political parties are in the task of nurturing leaders for the country, for the present and the future. They cannot afford to be relaxed in any manner in enforcing discipline and conduct amongst the Cadre in the high stake electoral space, especially with the reference to senior members;

It is expected of you to use the strength of your office and intra party consultations to advise/ counsel/ oblige the listed star campaigners of a party to be careful in their campaign utterances and correct their discourses;

Commission expects INC fully align the campaign methods to the practical aspects of the composite and sensitive fabric of India.

Accordingly the Commission directs INC and all concerned to follow MCC in general and the following in particular;

Directs all your star campaigners to refrain from making any statement which is prohibited in clause (1) of the General Conduct of MCC which provides that “No party or candidate should include in any activity which may aggravate existing differences or create mutual hatred or cause tension between different castes and communities, religious or linguistic”,



Direct you as a party president to also convey to all Star campaigners that they do not make statements which give false impression such as the Constitution of India may be abolished or sold,

Directs to ensure full compliance of the advisory of the Commission dated 19th March 2019 which requires that their campaigners/candidates should desist as part of the election campaigning from indulging in any political propaganda involving activities of the defence forces and not to make potentially divisive statements regarding socio economic composition of defence forces”,

Direct you to remain dutiful towards the special responsibility of star campaigners of the party and issue formal notes of caution to them to maintain decorum in their utterances.

Not just this, as late as 29th October 2024, the Commission had upon due consideration of some of issues flagged by INC in Assembly elections in the state of Haryana, observed;

11. The Commission would also like to recall that, seen in retrospect, INC is persistently raising unfounded doubts on the “core” aspects of Indian electoral process, with a sort of discernible pattern of timelines and approach. Records reflect that:

i. The Commission had to respond on 11th May 2023 when just before the poll day in Karnataka, INC made absurd and unfounded allegations,

“the concern arises from the fact that this Honourable Commission has deployed EVMs which were previously deployed for elections in South Africa. We have been informed of this by various sources including the fact all these EVMs have been received directly back from South Africa without going through the process of re-validation and re-verification.”

ii. INC’s allegation based on some media reports on voter turnout, also making an indirect attack on EVM, during Lok Sabha election 2024 was again duly replied in detail by Commission on 10th May 2024),

“...Through innuendos and insinuations, the contents of the post, tend to create disharmony in respect of the delicate space of election management, can plant doubts in the mind of the voters and political parties and potentially creates an anarchic situation...”



It was also conveyed that "As you are also aware, during the election period, Commission scrupulously avoids commenting on political parties and takes the hard hitting of several public questions and accusations on its own shoulders as it believes in a respectful collaborative equation with all political parties, so critical for healthy Indian democracy. However, Commission has found your communication placed in public domain in the middle of the ongoing election process as highly undesirable and one that appears designed to create confusion / misdirection / impediment to the conduct of smooth, free and fair elections which is the mandate of ECI under the constitution."

iii. INC's high pitch allegations again came through social media on 2nd June 2024, just two days before the counting day of last Lok Sabha election, alleging that the outgoing Home Minister was calling up 150 DMs/Collectors to pressurize them for counting. Despite the request of ECI to provide details of such 150 DMs along with factual matrix/ basis, it was never provided.

iv. INC's allegation on 4.6.2024, the counting day of Lok Sabha 2024 election itself, emanating from inadequate understanding of counting data release, was explained to their delegation on the same day: - that once leads consolidate after many rounds, the party /candidate wise position would normally change much less frequently than the early rounds, when leading margins are narrow.

v. INC's unverified and unsubstantiated allegation of slow counting and slow reporting of result data on the counting day of the recent Haryana General Election was duly replied on the same day on 08th Oct 2024,

"entire counting process in Haryana was unfolding in the presence of candidates, observers and micro observers as per the statutory scheme and there was nothing on record to substantiate ill-founded allegations of slowdown in updating results. It was gleaned from publicly available data on website that 25 rounds across all the constituencies were being updated every 5 minutes, testifying dissemination of counting process in a speedy manner."

vi. The latest allegation/ apprehension conveyed by the party through press conference over "battery status" and making use of the same to allege that the lawful result was "unacceptable" was also responded to on 09.10.2024

"Such an unprecedented statement as above in a generic sense, unheard in the rich democratic heritage of the country, is far from a legitimate part of free speech & expression and moves towards an undemocratic rejection of



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the will of the people expressed in accordance with the Statutory and Regulatory electoral framework, uniformly applied across all elections in the country including J&K and Haryana.”

12. It is needless to remind that such frivolous and unfounded doubts have the potential of creating turbulence when crucial steps like polling and counting are in live play, a time when both public and political parties' anxiousness is peaking. The communications carrying baseless allegations were often widely publicized by INC even before receipt of any formal letter in the ECI and mostly coinciding with peak of electoral cycle i.e., near to or on poll day or counting day.

13. The persistence of this approach is disconcerting when it emanates from a reputed National Political Party of historic standing with those many years of experience in the electoral field. Thus, once again ECI is compelled to note that with no evidence whatsoever of any statutory electoral step being compromised and candidate's consent to proceed to each next stage being on record; the INC has once again raised the smoke of a "generic" doubt about the credibility of an entire electoral outcome exactly in similar manner as it has done in recent past, of which examples have been given in preceding paras. This is least expected of a national political party. The Commission appreciates the criticality of the considered views of political parties in sustaining and strengthening electoral democracy in the country and assures that it will remain committed towards timely grievance redressal. At the same time, the Commission sincerely urges INC to take firm and concrete steps, matching with the party's long and illustrious standing, to amend their afore stated approach and in doing so set an example for emulation by one and all to responsibly conduct themselves at sensitive electoral stages so as to avoid possibilities of precipitation of public unrest and chaos.”

It sounds rather exasperating that despite such and several reprimands, the INC and its star campaigners, principally, Shri Rahul Gandhi continue their perfidious tirade based on absolute & treacherous lies. As correctly pointed out by the Commission such slanderous campaigns may adversely affect the unity & integrity of this great country. We reiterate Commission's advice to Shri Kharge and INC vide its letter dated 22nd May 2024. It reads

“The second part constitutes a more precious heritage of the Indian elections and our electoral democracy and this should not be allowed to be weakened by anyone including your party;



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Elections are periodic exercises, they come and go, but the political parties like yours endure and yours endure even more enduring preserve is India socio cultural milieu;"

It is evident from the foregoing that despite objections raised by the political parties and the advisories and directions of the Commission, this one party and its star campaigner, Shri Rahul Gandhi continues unabated, unabashed, its' malicious and slanderous campaign to defy all of those including the electoral laws with gay abundance & impudence.

The Commission may finally have to take a view whether it would continue to be a mute spectator or as an empowered constitutional body step in restore the rule of law and provide a level playing field to all parties.

In addition to ECI advisories & directions, the law of the land prescribes;

Bharatiya Nyaya Sanhita, 2023 (BNS):

Section 152 - Act endangering sovereignty, unity and integrity of India.

Whoever, purposely or knowingly, by words, either spoken or written, or by signs, or by visible representation, or by electronic communication or by use of financial mean, or otherwise, excites or attempts to excite, secession or armed rebellion or subversive activities, or encourages feelings of separatist activities or endangers sovereignty or unity and integrity of India; or indulges in or commits any such act shall be punished with imprisonment for life or with imprisonment which may extend to seven years, and shall also be liable to fine.

Statements conducing to public mischief.

Section 353 -

(1) Whoever makes, publishes or circulates any statement, false information, rumour, or report, including through electronic means—

(a) with intent to cause, or which is likely to cause, any officer, soldier, sailor or airman in the Army, Navy or Air Force of India to mutiny or otherwise disregard or fail in his duty as such; or

(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 tranquillity; or



(c) with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community,

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

(2) Whoever makes, publishes or circulates any statement or report containing false information, rumour or alarming news, including through electronic means, 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.

(3) Whoever commits an offence specified in sub-section (2) in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine.

Representation of Peoples Act 1951

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.]

In conclusion, it transpires that neither the laws of the land, nor the MCC, nor the specific advisories & directions of the Commission have had any effect on just this one party and some of its leaders, including Shri Rahul Gandhi, in ensuring the elections are conducted in a free & fair manner as mandated by the Constitution of India.

We may emphatically request the Commission to take cognizance of the continued unsubstantiated, malicious and slanderous campaign in complete disregard of Model Code of Conduct and applicable electoral laws conducted with absolute licentious impunity by the INC and its leader, Shri Rahul Gandhi.

Hence, we request the commission to:



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1. Reprimand, censure and restrain Shri Rahul Gandhi from handing out lies during election campaigning during the remaining term of the electioneering.
2. Direct the registration of an FIR against Shri Mallikarjun Kharge and Shri Rahul Gandhi under sections referred above.

Regards,

Yours faithfully,

Arjun Ram Meghwal

Arun Singh

Om Pathak

Sanjay Mayukh

Shehzad Poonawalla