

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI -110001

No. 437/DL-LA/2020/-NS-II

Dated: 30th January, 2020

ORDER

Whereas, the General Election to the Legislative Assembly of NCT of Delhi was announced by the Election Commission vide its Press Note No. ECI/PN/ 4/2020, dated 6th January, 2020, and the provisions of the Model Code of Conduct for the political parties and candidates came into force with immediate effect from the said date; and

2. Whereas, following clauses of Part-I of the Model Code of Conduct for the guidance of political parties and candidates, *inter alia*, provide that:

(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 programme, 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.*

(3) *There shall be no appeal to caste or communal feelings for securing votes. -----.*

(4) *All parties and candidates shall avoid scrupulously all activities which are "corrupt practices" and offences under the election law, -----; and*

3. Whereas, Section 123 (3A) of the Representation of the People Act, 1951 provides as under:

“The promotion of, or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community, or language, by a candidate, or his agent or any other person with the consent of a candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate” ; and

4. Whereas, Section 125 of the Representation of the People Act provides that any person who in connection with an election 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; and

5. Whereas, the Commission received a report from Chief Electoral Officer, NCT of Delhi vide his letters dated 28th January and 29th January, 2020 that Sh. Parvesh Sahib Singh, a leader of Bharatiya Janata Party, in a public meeting in Vikaspuri Assembly Constituency area on 28th January, 2020 made certain objectionable statements and prior to that in an interview to ANI also, he had made certain objectionable statements which amounted to violation of Model Code of Conduct; and

6. Whereas, the Commission issued a show cause Notice No. 437/DL-LA/2020/-NS-II, dated 29th January 2020 to Sh. Parvesh Sahib Singh for violation of provisions of Model Code of Conduct and Representation of the People Act, 1951 seeking reply by 12 Noon of 30th January 2020; and

7. Whereas, a reply dated 30th January 2020 has been received from Parvesh Sahib Singh in response to the Commission's above said notice; and

8. Whereas, the Commission has duly considered the submissions and averments made in the aforesaid reply dated 30th January 2020, of Parvesh Sahib Singh. He has stated in his reply that the statements regarding the protesters at Shaahen Bagh was in response to a question in an interview and was intended to highlight certain incidents that disturbed peace in several States and his statements were misrepresented in the media. He further stated that his statements regarding removal of Masjids in the public meeting in Vikaspuri was in the context of removing illegal encroachment on govt. land. He denied that there was any violation of Model Code of Conduct; and

9. Whereas, although Shri Parvesh Sahib Singh has made a request for personal hearing, the Commission does not consider the need for personal hearing in the matter: and

10. Whereas, the Commission, has carefully considered the matter and is of the considered view that Sh. Parvesh Sahib Singh has made undesirable and objectionable statements which has the potential to aggravate existing differences and create mutual hatred between different religious communities, and thus violated the provisions of Model Code of Conduct and Representation of the People Act, 1951;

11. Now, therefore, the Commission hereby condemns the impugned statements made by Sh. Parvesh Sahib Singh. The Commission, under Article 324 of the Constitution of India and all other powers enabling it in this behalf, bars Sh. Parvesh Sahib Singh from holding any public meetings, public processions, public rallies, road shows and interviews, public utterances in media (electronic, print, social media) etc. in connection with ongoing general election to the legislative assembly of NCT

of Delhi, 2020 for a period of **96 hours** starting from **5.00 P.M on 30th January 2020(Thursday)**.

12. The Order already passed on 29th January, 2020, to remove Shri Parvesh Sahib Singh from the list of star campaigners for the current general election to the legislative assembly of NCT of Delhi shall continued to be in force.

By Order,



(AJAY KUMAR)

SECRETARY

To,
Sh. Parvesh Sahib Singh,
Bharatiya Janata Party,
20, Windsor Place, Near BSNL House,
Janpath Road,
New Delhi- 110001.