

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 has been 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, *interalia* , 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 letter dated 28th January 2020 that Sh. Anurag Thakur, a leader of Bharatiya Janata Party, while addressing a public meeting on 27th January 2020 at Mother Dairy, Shamshan Ghat Road, Buddh Vihar, Delhi, falling under 06-Rithala Assembly Constituency of Delhi, made certain objectionable statements and slogan chanting; and

6. Whereas, the Commission was, prima facie, of the view that slogans and the statements by Sh. Anurag Thakur amounted to violation of the above said provisions of Model Code of Conduct and Representation of the People Act, 1951 ; and

7. Whereas, the Commission had issued a show cause Notice No. 437/DL-LA/2020/-NS-II, dated 28th January 2020 to Sh. Anurag Thakur 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

8. Whereas, a reply dated 30th January 2020 has been received from Sh. Anurag Thakur in response to the Commission's above said notice; and

9. Whereas, the Commission has carefully gone through the contents and averments made in the aforesaid reply dated 30th January 2020, of Sh. Anurag Thakur. Sh. Anurag Thakur has stated that he has chanted only "Desh Ke Gaddaron ko" which literally means the traitor of the country and it was the crowd that responded to his slogans; ; and

10. Whereas, he has further stated that in the statement he had neither intention to create or promote enmity between different religions, races, castes or communities nor did he do any covert/avert act in furtherance of the same and thus the same is not violative of the Model Code of Conduct and the provisions of the Representation of the People Act, 1951; and

11. Whereas, although Sh. Anurag Thakur has made a request for opportunity of personal hearing to him, the Commission does not consider the need for any hearing in the matter; and

12. Whereas, the Commission, has carefully considered the matter and is of considered view that Sh. Anurag Thakur has made undesirable and objectionable statements which has the tone and tenor to aggravate existing differences or create mutual hatred between different religious communities, and thus violated the provisions of Model Code of Conduct and Representation of the People Act, 1951;

13. Now, therefore, the Commission hereby condemns the impugned statements made by Sh. Anurag Thakur. The Commission, under Article 324 of the Constitution of India and all other powers enabling it in this behalf, bars Sh. Anurag Thakur 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 **72 hours** starting from **5.00 P.M on 30th January 2020(Thursday)**.

14. It is also clarified that the order passed on 29th January 2020, to remove Sh. Anurag Thakur from the list of Star Campaigners for the current general election to Legislative Assembly of NCT of Delhi shall continue to be in force.

By Order,



(AJAY KUMAR)

SECRETARY

To,
Sh. Anurag Thakur,
Bharatiya Janata Party,
14, Janpath, New Delhi-110001.