



भारत निर्वाचन आयोग
Election Commission of India

No:-437/ES-1/BR-HP/2019

निर्वाचन सदन
NIRVACHAN SADAN
अशोक रोड, नई दिल्ली -110 001
ASHOKA ROAD, NEW DELHI - 110 001

Dated: - 22nd April, 2019.

ORDER

Whereas, the Commission had issued a show cause Notice no. 437/ES-1/BR-HP/2019, dated 20th April, 2019 to Sh. Navjot Singh Sidhu, a leader of Indian National Congress for violation of certain provisions of Model Code of Conduct and Representation of the People Act, 1951 for making the following statements during a public rally on 15.04.2019 at Barsoi and Barari of Katihar District in Bihar:

“ -----मैं अपने मुस्लिम भाईयों को एक ही बात कहने आया हूँ कि आप ये ऐसी constituency है जहाँ आप Minority बनके Majority में हो 62 फीसदी constituency में आपका वर्चस्व है ये BJP वाले षडयंत्रकारी लोग आपको बांटने का प्रयास करेंगे। आपके वोट को बाँटने का प्रयास करेंगे। मैं कहता हूँ अगर आप इकट्ठे आये तो तारिक साहब को भी दुनिया की कोई भी ताकत हरा नहीं पायेगी ; and

“ -----आज साजिश हो रही है पूर्णिया में। मैं आपसब को चेतावनी देने आया हूँ मुस्लिम भाईयों आप 64 प्रतिशत आबादी हो यहाँ पे। मेरे मुसलमान भाई जितने भी हैं वो ये मेरी पगड़ी है। आप सब लोग पंजाब मे भी काम करने जाते हो पंजाब में हमारी तरफ से प्यार मिलता है, मेहमां जो हमारा होता है जान से प्यारा होता है। अगर आपको कोई दिक्कत हो पंजाब में मैं मंत्री हूँ जिस दिन पंजाब आईयेगा सिद्धू को अपने साथ खड़ा पाईयेगा कंधे से कंधा मिलाकर खड़ा पाईयेगा लेकिन मैं आपको चेतावनी देने आया हूँ बहनों भाईयों ये बाँट रहे हैं आपको। मुस्लिम भाईयों वो यहाँ पे आपको ओबैसी साहब जैसे लोगों को लाकर एक नई पार्टी साथ में खड़ी करके आपलोगों की वोटें बाँट के ये जीतना चाहते है। अगर तुमलोग इकट्ठे हुए 64 प्रतिशत आपकी आबादी है Minority Majority में है यहां पे यदि तुम इकट्ठे हुए और इकट्ठे होकर एकजुट वोट डाला तो सब उलट जायेंगे मोदी सुलट जायेगा छक्का लग जायेगा.....; and

Whereas, it was also informed that FIR has been lodged against Shri Sidhu for these statements under relevant sections of Law in Barsoi Police Station of Katihar District; and

Whereas, a reply to the aforesaid Notice has been received through e-mail on 21.04.2019 from Shri Varun K Chopra, Advocate, claiming to have been duly authorised by Shri Navjot Singh Sidhu; and

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Whereas, the Commission has carefully gone through the contents and averments made in the aforesaid e-mail dated 21st April, 2019, of Sh. Navjot Singh Sidhu, wherein he has *inter-alia* accepted to have been made the impugned statement; and

Whereas, in the aforementioned reply, it has been submitted that the statements made by Shri Sidhu have been misquoted/misconstrued by the media and the speech made by him should be taken as a whole and in context; and

Whereas, it has been further argued that he was well within his right to remind the electorate of the ideal of secularism, which finds place in the Preamble of the Constitution and forms part of the basic structure of the Constitution and his speech was well within the prescribed norms of the Model Code of Conduct and the R.P. Act ; and

Whereas, it is a fact that Sh. Tariq Anwar, who belongs to the Muslim Community is the candidate fielded by the INC from 11-Katihar PC, where the impugned statement was made by Sh. Sidhu; and

Whereas, the Commission has again seen the video recording of his impugned speech and is convinced that he has made an objectionable speech which has the tone and tenor to aggravate existing differences or create mutual hatred between different religious communities, and thus violative of aforesaid provisions of Model Code of Conduct; and

Whereas, the Commission observes that Sh. Navjot Singh Sidhu should have desisted himself in making statements that have the undertone and propensity to polarize the elections, which is not confined to the constituency only where the statement is made, but to the other parts as well, due to fast dissemination of information in this digital age; and

Whereas, the Commission, while deliberating this matter, has expressed its concern on such public utterances, which contaminate the electoral process; and

Whereas, the Commission is also of the view that Sh. Navjot Singh Sidhu, in his impugned speech, has appealed to secure votes on religious lines that tantamounts to violation of provisions of para 3 and para 4 of part I '**General Conduct**' of "**Model Code of Conduct, for the guidance of Political Parties and Candidates**" which specify that:-

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'(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, such as bribing of voters, intimidation of voters....'; and that he has disobeyed the Hon'ble Supreme Court's judgement made in Civil Appeal No 37 of 1992 (Abhiram Singh vs C. D. Commachen and others), with Civil Appeal No.8339 of 1995;

Now, therefore, the Commission, without prejudice to any Order/Notice issued or to be issued in the matter relating to MCC violations to him, hereby, **strongly condemns** the impugned statements made by him during election campaign held at Barsoi and Barari of Katihar District and **censures** Sh. Navjot Singh Sidhu, leader, Indian National Congress for the above said misconduct. The Commission, under Article 324 of the Constitution of India and all other powers enabling in this behalf, bars him 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 elections for **72 hours from 10 am on 23rd April, 2019.**

By Order,


(A.K.PATHAK)
SECRETARY

To,

Sh. Navjot Singh Sidhu

1. Kothi No-42 (Through CEO, Punjab)
Sector-02
Chandigarh
2. Indian National Congress
24-Akbar Road
New Delhi-110001