

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI -110001

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

Dated: 25th January, 2020

ORDER

Whereas, the Commission announced the schedule for holding General Election to the Legislative Assembly of NCT of Delhi 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, Sh. Kapil Mishra, a candidate at the aforesaid general election from 18-Model Town Assembly Constituency, posted the following tweets on his twitter handle of @Kapil Mishra_IND on 22nd and 23rd January 2020:

“ Delhi mein chote chote Pakistan bane”, “Shaheen Baagh mein Pak ki entry”, “ India Vs Pakistan 8th February Delhi -8 फरवरी को दिल्ली की सड़कों पर हिंदुस्तान और पाकिस्तान मुकाबला होगा ”, “ AAP और कांग्रेस ने शाहीन बाग जैसे मिनी पाकिस्तान खड़े किये हैं जवाब में 8 फरवरी को हिंदुस्तान खड़ा होगा जब जब देशद्रोही भारत में पाकिस्तान खड़ा करेंगे तब तब देशभक्तों का हिंदुस्तान खड़ा होगा”

3. Whereas, Returning Officer for 18-Model Town Assembly Constituency issued a show cause notice to Sh. Kapil Mishra, on 23rd January 2020, calling upon the candidate to explain as to why action should not be initiated against him for violation of law and provisions of Model Code of Conduct; and

4. Whereas, Sh. Kapil Mishra submitted reply to the show cause notice on 24th January 2020, before the Returning Officer; and

5. Whereas, on consideration of the submissions in the reply filed by Sh. Kapil Mishra and finding the reply unsatisfactory, the Returning Officer got an FIR filed before the police authorities, on 24th January 2020 ,for proceeding against Sh. Kapil Mishra for violation of the law and provisions of Model Code of Conduct ; and

5. Whereas, the Chief Electoral Officer, NCT of Delhi referred the matter to the Election Commission for further directions; and

6. Whereas, the Commission has carefully considered all the documents and all relevant facts of the matter; and

7. Whereas, the Commission is of the considered view that the tweets in question violate the following provisions of Part-I of the Model Code of Conduct:

(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.*

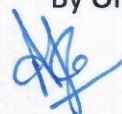
(3) *There shall be no appeal to caste or communal feelings for securing votes. -----.*

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

8. Now, therefore, the Commission hereby condemns the statements made by Sh. Kapil Mishra through the aforesaid tweets on 22nd and 23rd January 2020. The Commission, under Article 324 of

the Constitution of India and all other powers enabling it in this behalf, bars Sh. Kapil Mishra 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 **48 hours starting from 5.00 P.M on 25th January 2020(Saturday)**.

By Order,



(AJAY KUMAR)
SECRETARY

Sh. Kapil Mishra,
Contesting Candidate from
18-Model Town AC,
B3/61, B3-Block, Yamuna Vihar, Delhi.
(To be served through O/o CEO, NCT of Delhi)