

भारत निर्वाचन आयोग सचिवालय
SECRETARIAT OF THE ELECTION COMMISSION OF INDIA
निर्वाचन सदन, अशोक रोड, नई दिल्ली-110001
Nirvachan Sadan, Ashoka Road, New Delhi-110001.

No. 437/DL-LA/1/2020-NS-II

Dated: 5th February, 2020

ORDER

Whereas, the Election Commission has 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, the Commission has received a complaint bearing No. CEO/Complaint/007, dated 14th January 2020 from Sh. Neeraj, Bharatiya Janata Party, Delhi Pradesh *inter-alia* alleging that Sh. Arvind Kejriwal, in the capacity of Chief Minister, NCT of Delhi, has made an announcement, before gathering of advocates in Makar Sankranti and Lohri celebration organized on 13th January 2020 at Tis Hazari Court by Delhi Bar Association, that "if land could be provided in the premises (of the court complex) Mohalla Clinic would be established"; and

3. Whereas, a report in this regard received from Chief Electoral Officer, NCT of Delhi also confirmed that Sh. Arvind Kejriwal have made a promise while making the following statement while addressing the gathering at the above said place on 13th January 2020

"-----जहाँ तक मोहल्ला क्लिनिक की बात है हम सभी courts के अंदर सभी bars के अंदर मोहल्ला क्लिनिक बनाने के लिए तैयार हैं अगर आप स्पेस हमें प्रोवाइड कर दें हर जगह हर कोर्ट के अंदर अगर हमें स्पेस दे दी जाए 2 या 3 कमरे की जरूरत पड़ती है तो हम मोहल्ला क्लिनिक बनवा देंगे जिम की बात की गयी जिम भी बनवा देंगे और जैसा मैंने कहा कि मुझे पूरी उम्मीद है इस बार आप लोगों का जो सपोर्ट है वो सपोर्ट हमें पॉजिटिव सपोर्ट मिलेगा नेगेटिव सपोर्ट की बजाय इस बार तो आज आप लोगों ने मुझे अपने बीच में मुझे बुलाया इतना प्यार दिया इतना सम्मान दिया उसके लिए बहुत बहुत शुक्रिया-----" ; and

4. Whereas, Part VII of Model Code of Conduct for guidance of Political Parties and Candidates *inter-alia* provides that the party in power whether at the Centre or in the State or States concerned, shall ensure that no cause is given for any complaint that it has used its official position for the purposes of its election campaign and sub-clause(c) of clause (vi) thereof provides that from the time elections are announced by the Commission, Ministers and other authorities shall not make any promise of construction of roads, provision of drinking water facilities etc.; and

5. Whereas, the Commission was of the view that by making the said promise Sh. Arvind Kejriwal has violated the said provision of Model Code of Conduct; and
6. Whereas, The Commission had issued a show cause notice No. 437/DL-LA/2020/NS-II, dated 30th January 2020 to Sh. Arvind Kejriwal for violation of provision of Model Code of Conduct; and
7. Whereas, a reply dated 31st January 2020 has been received from Sh. Mohd. Irshad, Advocate on behalf of Sh. Arvind Kejriwal in response to the Commission's above-said notice; and
8. Whereas, in the reply it has been submitted that the gathering of advocates in the celebration organized by Delhi Bar Association on 13th January 2020 at Tis Hazari Court premises was a totally a private function which was not attended by him in official capacity instead it was a private affair by using private vehicle and on invitation by the said Bar Association and further, so called promise in the notice was not a poll promise but reiteration of an old decision of the Government and in no manner was connected with ongoing general election to legislative assembly of NCT of Delhi and the statement in question was only to clarify the modus of implementation of the policy of the government; and
9. Whereas, the Commission has carefully considered the matter and is of considered view that Sh. Arvind Kejriwal has made the said statement on 13th January 2020 before the above-mentioned gathering and even though it was a private affair, as claimed, it was made in the official capacity and thus there was violation of provision of Model Code of Conduct and level playing field was disturbed;
10. Now, therefore, the Commission, finding the reply not acceptable, hereby condemns the impugned statement made by Sh. Arvind Kejriwal and warns him to be more careful and exercise caution in future while making public utterances as the spirit of Model Code of Conduct requires public servant including Ministers to ensure the sanctity of electoral process, not to either make a statement or appear to make a statement that disturbs or appears to disturb the level playing field of Conduct of elections or creates doubts in the minds of electors about integrity of the electoral process.

 By order,
(AJAY KUMAR)
SECRETARY

To,
Sh. Arvind Kejriwal,
National Convenor, Aam Aadmi Party.