



May 8, 2022

To,

Dr. B. Basavaraaju, I.A.S. (Retd.)
Karnataka State Election Commissioner
Email: ceo_karnataka@eci.gov.in, karsec@gmail.com

Mr. Rajiv Kumar
Chief Election Commissioner
Email: cec@eci.gov.in

Shri. Praveen Sood, IPS
Director General & Inspector General of Police, Karnataka
Email: police@ksp.gov.in
Phone: 080-22942111, 080-22942777

Subject: Complaint against hate speech of BJP MLA T. Raja Singh for violating Model Code of Conduct

Respected Sirs,

We, at Citizens for Justice and Peace (CJP), a human rights movement dedicated to furthering the constitutional rights of all Indians, are deeply concerned about the communal and hate spewing speeches delivered by suspended BJP MLA T. Raja Singh, representing Goshamahal Assembly constituency in Hyderabad, in the poll-bound state of Karnataka. In his speeches, videos of which have been making rounds on social media, he can be heard espousing a hard, right-wing, exclusionist ideology, and can be seen delivering incendiary and inciteful speeches through which they had specifically targeted the Muslim citizens and community of our country.

In his speeches, given at two separate events have been highlighted by us, the speaker has made misinformed and offensive claims against the minority community, made religiously derogatory and communal statements. We would like to bring your attention to these instigating speeches, urging you to take stringent action against the perpetrators, as the nature of this speech is not only in contravention to the Model Code of Conduct issued by the Election Commission of India but also amounts to offences under the Indian Penal Code and the Representation of the People Act, 1951.

Sir, T. Raja Singh has a history of stigmatizing and dehumanizing the minority community apart from spreading communal disharmony by targeting the Muslim community. He also had a history of criminal cases being registered against him for giving hate speeches that are anti-Muslim and anti-women, provocative, derogatory and vile. Sir, with the overall unsafe atmosphere for the Muslim

community that is being generated through the systemic and perpetrated use of hate speech and writing within the country, and if these similar hate-driven speeches are left unchecked, open to the usage of far-right leaders for creating fear in the minds of the people with the aim of getting votes, the democratic nature of our country will be affected direly.

In the first video, Singh can be seen addressing a crowd at a rally organised for BJP Candidate Shri Rajkumar Patil in the Sedam Assembly Constituency of Karnataka. At the said rally, the serial hate-speaker can be heard making the following speech:

“On one side, the army of Lord Hanuman has left with the flag of Bajrang Bali, while on the other end, there are attempts being made by the demon army to oppress the Bajrang army.”

“A lot of the people say that the Muslims will not vote for Modi in these elections. To those Muslims, I want to just remind them that this is the same Modi that has saved the honour of your sisters and daughters by banning Triple Talaq in India. Before Modi had brought in the issue of Triple Talaq, your sisters and daughters had to suffer through Halala. You should be grateful that he saved you honour.”

“There are so many women who feel proud of the fact that they do not have to undergo Halala now. Today, triple talaq does not happen, and whoever does it, they are jailed.”

“If these people like Ali, then I like Bajrang Bali.”

“This statue that is being built of Vishleshwar Maharaj, our Rajakumar ji had accepted him as his our Maharaj, and for the same reason and ideology, he got this big statue made. He has also made a temple recently, the place that he got the temple made, it was previously being used by anti-religious/ traitorous people, and was about to be capture the place too. But then, our Rajkumar ji, took a saffron flag and waived it at that place, took control of it. Now you decide if you need someone who waives the saffron flag, or someone who brings shame to it”

“Recently, the Congress manifesto was released and they had written that they will ban the Bajrang Dal. They also said that they will remove the law that BJP had brought in to prohibit cow slaughter and forced religious conversions. What they meant is that they want to support the slaughter of cow in Karnataka. *Yeh kesi Congress hai?*”

“Even Raavan saw a dream- to trap Lord Hanuman. But what did our Hanuman do? They put fire to the whole of Lanka. These Congress party members are also the illegal children of Raavan.”

“Whomsoever has tried to mess with our Bajrang Bali, they have been destroyed. Just like that, *Tandav* will happen, and the congress party will be destroyed.”

The clipping of the video as available on social media and downloaded by CJP is marked and annexed as Annexure A

In the second video, Raja Singh continues to create communal tensions while speaking in a rally in support of BJP candidate Eshwar Singh Thakur. The speech is as follows:

“If the Congress comes in Karnataka, they will give full autonomy and freedom to the PFI. If the PFI comes back to Karnataka, then understand this, the Hindus will not remain safe, no one will remain safe. Our mother cow will be openly slaughtered then, they will commit Love-Jihad and Land-jihad, if the PFI comes back after the Congress wins. Understand this, if all this happens, whoever works for the Hindutva cause or calls themselves a Hindu, there will be a great risk for them.”

The clipping of the video as available on social media and downloaded by CJP is marked and annexed as Annexure B

Legal Violations-

Model Code of Conduct

The above-mentioned speeches made by Singh stand in violation of the following sections of Code of Conduct:

I. General 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. Mosques, Churches, Temples or other places of worship shall not be used as forum for election propaganda.
- (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, impersonation of voters, canvassing within 100 meters of polling stations, holding public meetings during the period of 48 hours ending with the hour fixed for the close of the poll, and the transport and conveyance of voters to and from polling station.

In ECI letter No. 437/6/INST/2013/CC&BE, dated 28.11.2013 addressed to the President/General Secretary of all recognised National and State Political Parties, had made note of plummeting levels of political discourse witnessed during the ongoing election campaign for the 5 State Assembly elections, namely Chhattisgarh, Madhya Pradesh, Mizoram, Rajasthan and Delhi and mentioned that it had received a tide of complaints indicative of:

- (a) Mouting of provocative and inflammatory statements’ calculated to cause mutual hatred, disharmony or ill will,

- (b) Use of intemperate and abusive language transgressing the limits of decency, and
- (c) Attacks on the personal character and conduct of political rivals, in utterances & through posters/hoardings, tend to incite mutual hatred, disharmony or ill-will and aggravate the differences between different political parties and classes of citizens on the grounds of religion, caste, community, etc., and which the Model Code of Conduct dissuades from being resorted to.

A similar situation has emerged in the state of Uttar Pradesh as well. As can be clearly seen in the videos attached herewith, Singh has brazenly pitched Hindus against Muslims and has boasted of economic boycott of the Muslim community to rile up voters to vote for him and his party. All his appeals for votes in these videos are along religious lines which is in clear violation of the MCC as well as the Representation of people Act.

Representation of People Act

Singh stands in violation of the following sections of the Act:

123. Corrupt practices. —The following shall be deemed to be corrupt practices for the purposes of this Act: —

[(3) The appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to religious symbols or the use of, or appeal to, national symbols, such as the national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate

(3A) 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

[125. Promoting enmity between classes in connection with election.—Any person who in connection with an election under this Act 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.]

Indian Penal Code

The following offences under the IPC are applicable to the speeches made by Singh:

153A, 153B, 171C, 295A, 505(2)

153A. Promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony.

153B. Imputations, assertions prejudicial to national integration

298. Uttering words, etc., with deliberate intent to wound religious feelings

505. Statements conducing to public mischief

505. (2) Statements creating or promoting enmity, hatred or ill-will between classes

In *Abhiram Singh v. C.D. Commachen (Civil Appeal No. 37 of 1992; decided on January 2, 2017)*, a 7-judge bench decided whether the word 'his' under section 123(3) pertained to the identity of the candidate or his rival only (literal interpretation), or also extended to the identity of the voter/s (purposive interpretation). By a 4:3 margin, the court upheld the purposive interpretation of 'his' and thus proscribed any appeal pertaining to the identity of the candidate, his rival or the voter. This meant that electoral appeals to voters based on their religion is a "corrupt practice" which can result in declaring the election of the candidate as void and further disqualification for a period of six years.

Justice T.S. Thakur in his concurring judgment said,

"The State being secular in character will not identify itself with anyone of the religions or religious denominations. This necessarily implies that religion will not play any role in the governance of the country which must at all times be secular in nature. The elections to the State legislature or to the Parliament or for that matter or any other body in the State is a secular exercise just as the functions of the elected representatives must be secular in both outlook and practice. Suffice it to say that the Constitutional ethos forbids mixing of religions or religious considerations with the secular functions of the State."

In *Ziyauddin Burhanuddin Bukhari vs Brijmohan Ramdass Mehra 1975 SCR 453*, the Supreme Court held thus,

"As already indicated by us, our democracy can only survive if those who aspire to become people's representatives and leaders understand the spirit of secular democracy. That spirit was characterised by Montesquieu long ago as one of "virtue". It implies, as the late Pandit Jawaharlal Nehru once said, "self-discipline". For such a spirit to prevail, candidates at elections have to try to persuade electors by showing them the light of reason and not by inflaming their blind and disruptive passions. Heresy hunting propaganda on professedly religious grounds directed against a candidate at an election may be permitted a theocratic state but not in a secular republic like ours. It is evident that, if such propaganda was permitted here, it would injure the interests of members of religious minority groups more than those of

others. It is forbidden in this country in order to preserve the spirit of equality, fraternity, and amity between rivals even during elections. Indeed, such prohibitions are necessary in the interests of elementary public peace and order.”

It further held,

“Therefore, candidates at an election to a legislature, which is a part of "the State", cannot be allowed to tell electors that their rivals are unfit to act as their representatives on grounds of their religious professions or practices. To permit such propaganda would be not merely to permit undignified; personal attacks on candidates concerned but also to allow assaults on what sustains the basic structure of our Democratic State.”

The above-mentioned are merely excerpts of some of the landmark judgements of the Supreme Court which run into pages and emphasize on upholding of secular character of the Constitution while holding that candidate for elections must at all costs avoid using any language that appeals to religion or that is against any religious community.

Background of T. Raja Singh

Singh had been granted conditional bail by Telangana High Court on November 9, 2022, and has a list of FIR and cases filed against him. The suspended Goshamahal BJP MLA Raja Singh was arrested in August for allegedly making [offensive remarks about Prophet Mohammed](#), was released by a division bench of the High Court, comprising of Justice Annireddy Abhishek Reddy and Justice Juvvadi Sridevi, after having conditions imposed on the bail granted to him. As per conditional bail, he had been prohibited from making provocative comments, anti-minority speeches, or sharing offensive posts on social media sites like Facebook, Twitter, and WhatsApp, as well as in print or electronic media. The division bench had also prohibited the suspended BJP MLA from holding celebratory rallies or meetings upon his release, as well as from addressing the media. But as evident from the speeches above, 6 months after his release, in a blatant contempt of court, Singh has been addressing huge crowds in the state of Karnataka, and openly targeting the Muslim community as well as creating fear in the minds of those belonging to the Hindu community with an attempt to seek votes.

The profile of hate offender Raja Singh can be accessed here: <https://cjp.org.in/hate-offenders/t-raja-singh-bjp-mla/>

On multiple occasions, Raja Singh has given speeches spreading his divisive and communal ideology by moulding the history of the India, colouring all the Muslims as anti-India, and accusing them of committing various anti-Hindu offences like illegal cow slaughter, forceful conversions, illegal land capture, and “love-Jihad”, as was done by him in the above-mentioned speeches. Speeches that have the potential to harm the peace and harmony have been charged as hate speeches, and even the Supreme Court have issued directions to take action against such speeches. Hence, it is the duty of

the State Election commission to ensure that speeches of such nature do not hamper the free and democratic exercise of voting our representatives.

Ongoing FIRs against T. Raja Singh since his bail:

| S. No. | District, State | FIR date | Police station at which FIR | Sections |
|--------|---|-------------------|--|--|
| 1. | Ajmer Dargah, Hyderabad | January 19, 2023 | Mangalhat police station | Section 295-A of the IPC Following investigations, Singh had been directed by Mangalhat police station to not commit any offenses in the future , not tamper with any of the evidences in the current case. He had also been directed to not threaten, induce or coerce any person acquainted with the facts of the case. All documents regarding the case had to be produced by Singh, any failure to comply with the notice could result in the MLA's arrest as per Section 41 A (3) and (4) of the CrPC |
| 2. | Latur, Maharashtra | February 27, 2023 | Shivaji Nagar police station | FIR against T Raja Singh under sections 153A, 153B, 295A, and 505 of the IPC. |
| 3. | Srirampur, Maharashtra Date: March 10 | March 15, 2023 | Ahmednagar district police | Sections 295, 504 and 506 invoked in the FIR filed |
| 4. | Aurangabad, Maharashtra Date: March 19 | March 20, 2023 | Kranti Chowk police station | FIR registered under IPC section 153A 1(a) |
| 5. | Mumbai, Maharashtra Date: January 29 | March 27, 2023 | Dadar police station | FIR registered under IPC section 153A 1(a) |

| | | | | |
|----|--|------------------|--------------------------------|--|
| 6. | Siddiamber Bazar, Hyderabad Date: March 30 | April 1, 2023 | Afzalgunj police station | Case registered under Sections 153A and 506 of the IPC. |
| 7. | Shahinayathgunj Police Station Date: March 30 | April 1, 2023 | Shahinayathgunj Police Station | FIR has been registered under IPC sections 504 and 505 (2) |

Our prayer

Sir, as citizens and civil rights groups, committed to maintaining harmony and social peace, we therefore urge that adequate action is taken under the law against these violations of laws. We humbly pray, that you take cognisance of this serious violation of the Model Code of Conduct and Representation of People Act, 1951. We pray that you take strict action against the BJP, and pass necessary strictures against BJP MLA T. Raja Singh, bar him from giving any speeches at any poll-bound district of Karnataka, and also direct him to issue an unconditional public apology.

Yours sincerely,

Nandan Maluste, CJP President

Teesta Setalvad, CJP Secretary

List of Annexures:

Annexure A: The clipping of the video as available on social media, dated May 8, and downloaded by CJP

Annexure B: The clippings of the video as available on social media, dated May 8, and downloaded by CJP