



Date: October 6, 2023

To,

Shri Rajiv Kumar

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Subject: Kailash Vijayvargiya's election speech offering monetary benefits to entice votes

Respected Sirs,

We at Citizens for Justice and Peace (CJP), are concerned about an election speech video of BJP senior leader and candidate from Indore Assembly Constituency No. 1 Kailash Vijayvargiya that has surfaced on social media. In the said video, Vijayvargiya, while addressing a gathering in Indore, can be seen and heard announcing a reward of Rs 51,000 to the polling booth chairman from where **no votes are given to the opposition Congress party.** The said video is from October 5, 2023, and has been widely circulated on 'X' (formerly known as Twitter).

According to a report of the Free Press Journal, Vijayvargiya was addressing a gathering of people outside Ward 5 of Indore-1. During his speech, he could be heard saying the following:

"Give all your blessings to the Bharatiya Janata Party so that Congress does not get a single vote from this ward. I have made an announcement that at whichever booth not even one vote is given to Congress, a reward of Rs 51,000 to the chairman of the polling booth. All of you should make the effort to ensure that no vote goes to Congress from this booth as Congress has not done any work here."

The aforementioned video can be accessed here:

<https://twitter.com/anshulsigh/status/1709999510917890107>

The clipping of the video as available on 'X' and downloaded by CJP has been attached and annexed hereto as Annexure A

The article of the Free Press Journal dated October 6, 2023 has been attached and annexed hereto as Annexure B

Respected Sirs/ Ma'am, this speech of BJP leader Vijayvargiya, promising money (monetary benefits) in return for ensuring that no votes are given to Congress are in blatant contravention of election law, the principle of voluntary, free and fair elections and amount to coercive action from a man in a politically powerful position. They are also violative of all equality and non-discrimination provisions (secular and democratic values) enshrined in the Constitution of India and also amounts to the offences defined as "corrupt practices" under the Representation of the People Act, 1951. **(Section 23, detailed below).**

Through the carefully calculated words uttered by Vijayvargiya, there is a clear intention to entice and manipulate the votes of the general public by offering monetary gains to the chairman of the booth. Sir, exercising one's right (and freedom) to cast vote and choose their representatives is a basic right that is granted to every citizen of India. It is necessary that these brazen violative acts are evaluated and acted upon for what they are, not individual misdemeanours but concerted attempts to not only vitiate the social and political atmosphere but also to intimidate voters as well as tempt them into indulging in a corrupt electoral practice.

It is urgent and essential that these statements condoning and promoting corruption and bribery are taken strict action upon. It should also be considered that this speech are emanating from a senior leader of the political party, and if left unchecked, will raise serious questions of allegiance of that party to the Indian Constitution and in fact are evidence of a blatant breach.

Violations of the Representation of People Act, 1951

Vijayvargiya 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:—

(1) "**Bribery**", that is to say—

(A) any gift, offer or promise by a candidate or his agent or by any other person with the consent of a candidate or his election agent of any gratification, to any person whomsoever, with the object, directly or indirectly of inducing—

(a) a person to stand or not to stand as, or 2[to withdraw or not to withdraw] from being a candidate at an election, or

(b) an elector to vote or refrain from voting at an election, or as a reward to—

(i) a person for having so stood or not stood, or for 3[having withdrawn or not having withdrawn] his candidature; or

(ii) an elector for having voted or refrained from voting;

(B) the receipt of, or agreement to receive, any gratification, whether as a motive or a reward—

(a) by a person for standing or not standing as, or for 4[withdrawing or not withdrawing] from being, a candidate; or

(b) by any person whomsoever for himself or any other person for voting or refraining from voting, or inducing or attempting to induce any elector to vote or refrain from voting, or any candidate 2[to withdraw or not to withdraw] his candidature. Explanation.—For the purposes of this clause the term “gratification” is not restricted to pecuniary gratifications or gratifications estimable in money and it includes all forms of entertainment and all forms of employment for reward but it does not include the payment of any expenses bona fide incurred at, or for the purpose of, any election and duly entered in the account of election expenses referred to in section 78.]

(2) **Undue influence**, that is to say, any direct or indirect interference or attempt to interfere on the part of the candidate or his agent, or of any other person 5[with the consent of the candidate or his election agent], with the free exercise of any electoral right: Provided that—

(a) Without prejudice to the generality of the provisions of this clause any such person as is referred to therein who—

(i) threatens any candidate or any elector, or any person in whom a candidate or an elector interested, with injury of any kind including social ostracism and ex-communication or expulsion from any caste or community; or

(ii) induces or attempts to induce a candidate or an elector to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of this clause;

(b) a declaration of public policy, or a promise of publication, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this clause. 6[(3) The appeal by a candidate or his agent or by any other person with the consent of a

candidates 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: 7[Provided that no symbol allotted under this Act to a candidate shall be deemed to be a religious symbol or a national symbol for the purposes of this clause.]

123.(3A). Definition of Corrupt Practices under the Act: 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.] 8[(3B) the propagation of the practice or the commission of sati or its glorification by a candidate or his agent or any other person with the consent of the 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.

Explanation.—For the purposes of this clause, “sati” and “glorification” in relation to sati shall have the meanings respectively assigned to them in the Commission of Sati (Prevention) Act, 1987 (3 of 1988).]

Antecedents

Sir, in the year 2020, Vijayvargiya, along with 350 other party members, had been booked by the Indore police on a complaint of a *tehsildar* for threatening public officials. Notably, this complaint had been filed after a video of Vijayvargiya went viral on social media where he could be seen saying, “Have they (top officers) become so big? The officers should understand that they are public servants.”

In the same video, He could further be heard issuing threats by saying, “Our Sangh (RSS) leaders are (here), otherwise would have set Indore on fire today.”

In January 2020, Vijayvargiya had made a derogatory and misleading anti-Bangladeshi statement wherein he had he remarked that he suspected some of the labourers conducting repair work in his house were Bangladeshi because they ate *poha*, a snack made from puffed rice.

NDTV had quoted Vijayvargiya saying, “*There is some construction work going on at home. Outside, I saw some six-seven labourers sitting with one thali piled up with a huge amount of poha — maybe 10 plates — and eating. I asked, why are you eating poha? They did not answer because they could not speak Hindi. Then one man said they are Bengalis. I suspected something. I asked why they had been hired here. The answer was, they are cheap labour.*”

It is crucial to note that these statements were made by the BJP leader during the backdrop of the protests against the Citizenship Amendment Act (CAA), the National Population Register (NPR) and the National Register of Citizens (NRC).

Previous instances of questionable speeches and statements

Sir, it is also crucial to highlight here that this is not the first time that BJP leader Vijayvargiya has made the headlines for delivering a speech that goes against the values and ethics promoted by our Constitution. For a public leader, certain ethical standards are set, which might be higher than the ones in place for a common person, as per which they are evaluated. Time and again, Vijayvargiya has indulged in derogatory, anti-women and anti-minority speeches.

In the year 2023 itself, Vijayvargiya had delivered an anti-women speech while addressing a crowd. On April 5, speaking at a religious function in Madhya Pradesh's Indore on the occasion of Hanuman and Mahavir Jayanti, Vijayvargiya had said that "Badly dressed" girls resemble "Surpanakha", a fictional character, a demon, from the Epic Ramayana.

"Women wear such bad and vulgar clothes... we think of women as goddesses... but we can't see any of that in these women. They look like Surpanakha. Wear nice clothes because God has given you a beautiful body. Teach your children about our culture," Vijayvargiya said.

Continuing with his derogatory statement, Vijayvargiya then said, *"When I leave for home at night, I see educated young people and children under the influence of drugs....I feel like getting down (from the car) and slapping them five to seven times to sober them up. When I go out at night and see young woman under the influence of drugs, I feel like giving them five-seven slaps to sober them up. I swear to God."*

Grounds for the present complaint

Sir, our objective behind highlighting the statements made by Vijayvargiya in the past is to depict that he is a repeat offender who spreads consistently indulges in making statements adverse to the values of a secular, socialist and democratic country.

The Hon'ble Election Commission may seriously consider, apart from issuing a notice to this individual candidate, to also issue a notice **to the state and national party in chief of the Bharatiya Janata Party (BJP) as this conduct of one of its own elected representatives puts a responsibility on any party that participates in elections held under the mandate of the Indian Constitution to honour and follow its mandate as laid down in both the Preamble and Fundamental Rights (Chapter III).**

Sir, as you must be aware, on October 6 itself, a PIL (Public Interest Litigation) had been filed in the Supreme Court highlighted that the pre-poll promises and freebies distributed by political parties to lure voters before elections were "frittering away taxpayers' money" and amounted to bribery and undue influence.

The plea had a sought for issuance of comprehensive guidelines to bar political parties from indulging in the same. Admitting the said PIL, the Supreme Court had also issued notice to the Madhya Pradesh and Rajasthan governments. The bench comprising Chief Justice DY Chandrachud and Justices JB Pardiwala and Manoj Misra had also issued notices to the Centre, the Election Commission (EC) and the Reserve Bank of India (RBI) on the petition, which also alleged that the money of taxpayers' was misused by the Madhya Pradesh and Rajasthan governments to lure voters.

Prayers:

Sirs, currently, the BJP government is ruling the state of Madhya Pradesh, making it crucial to ensure that the statement made by Vijayvargiya attracts the prescribed penalty.

Notably, on October 5, 2023, the Chief Election Commissioner Rajiv Kumar himself had stated that the Election Commission is fully committed to delivering free, fair, transparent, and inducement-free elections. Hon'ble Chief Election Commissioner had said that a very loud and clear message has been given to enforcement agencies to act strictly against the use of money power during elections.

Considering the above-mentioned, we humbly pray that the commission take cognisance of this serious violation the Representation of People Act, 1951. We pray that you take strict action against BJP leader Kailash Vijayvargiya and pass necessary strictures him. We also pray that the Commission directs Vijayvargiya to issue an unconditional public apology and retraction for his recent utterances in Indore. Any other action necessary may also be taken by the Hon'ble Commission.

Yours sincerely,

Nandan Maluste, President

Teesta Setalvad, Secretary

List of Annexures:

Annexure A: The clipping of the video as available on 'X' and downloaded by CJP

Annexure B: A copy of the article of the Free Press Journal dated October 6, 2023