

URGENT

Date: October 30, 2025

To,

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CC:

Sh. Gyanesh Kumar

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Subject: MCC violation complaint under the Model Code of Conduct and Sections 123(2), 123(3), 123(3A) & 125 of the Representation of the People Act, 1951, read with Sections 196, 297, 299 & 356 of the Bharatiya Nyaya Sanhita, 2023 — against Madhubani BJP MP Mr. Ashok Kumar Yadav for communally charged and coercive statements made after the public meeting of BJP candidate from Keoti, Dr. Murari Mohan Jha during his nomination rally

Respected Sirs,

We, at Citizens for Justice and Peace (CJP), hereby submit this formal complaint against Madhubani BJP Member of Parliament (MP) Mr. Ashok Yadav, for allegedly making explicitly communal, coercive, and unconstitutional public statements on October 16, 2025, during a public meeting in Darbhanga, held immediately after BJP candidate Dr. Murari Mohan Jha filed his nomination from Keoti. These remarks constitute clear violations of the Model Code of Conduct (MCC), the Representation of the People Act, 1951 (RPA), and the Bharatiya Nyaya Sanhita, 2023 (BNS).

The Election Commission of India (ECI), vide Press Note No. ECI/PN/318/2025 dated October 8, 2025, announced the schedule for the General Elections to the Legislative Assembly of Bihar,

thereby bringing the Model Code of Conduct (MCC) into immediate effect across the State. From that moment, every political party, candidate, and public functionary—including Members of Parliament—became bound to observe impartiality, restraint, and secular conduct in both speech and action.

Background:

The ECP's directions, grounded firmly in Article 324 of the Constitution of India, mandate that the electoral space remain neutral, non-discriminatory, and free of religious influence. The MCC explicitly prohibits appeals to caste, community, or religion, and forbids any statement or campaign activity that may disturb communal harmony or exploit religious sentiment for electoral gain. Despite these clear constitutional and statutory restraints—and while the MCC was in full force, Mr. Ashok Yadav delivered a communal and coercive speech on October 16, 2025, at a public meeting in Darbhanga, directly addressing Muslim citizens in derisive terms and linking access to government welfare schemes with political allegiance.

Details, transcript and context of the speech:

Date: October 16, 2025

Place: Keoti, Darbhanga, Bihar [Public meeting after BJP candidate Dr. Murari Mohan Jha filed nomination from Keoti]

Speaker: Madhubani BJP MP Mr. Ashok Yadav

Mr. Ashok Kumar Yadav stated in his speech that:

“Muslim brothers, if you hate Modi ji then say, ‘tauba tauba, I will not eat free grain.’ Say ‘tauba tauba, I will not take a gas cylinder.’ Say ‘tauba tauba, I will not walk on the road built by Modi ji.’ Say ‘tauba tauba, I will not cross the bridge built by Modi ji.’ You’ll swim across the river. You’ll take all the facilities and then abuse Modi ji and the BJP. The people of India — and the people of Keoti — will no longer tolerate this.”

[Time Stamp: 00:01 – 00:53]

This statement, made from an official campaign platform, directly targets Muslim citizens as a group, invoking Islamic expressions such as “tauba tauba” in mockery of faith, and characterising them as ungrateful beneficiaries of government schemes who “abuse” the Prime Minister and the BJP.

The video of the speech has been downloaded by CJP and is annexed as Annexure-A.

Video Link: <https://t.me/hindutvawatchin/3117>

Violations:**(i) Communal targeting and mockery of faith**

In his October 16 speech, Mr. Ashok Yadav repeatedly invoked Islamic terminology — “Muslim brothers,” “tauba tauba” — in a derisive tone, constructing a narrative that associates

Muslim identity with disloyalty to the nation and ingratitude toward welfare benefits. Such rhetoric vilifies a religious community, violates Articles 14 and 15 of the Constitution, and falls squarely within Section 123(3A) of the RPA, 1951, which defines as a corrupt practice any attempt to promote feelings of enmity or hatred between different classes of citizens on grounds of religion for electoral advantage.

(ii) Construction of a religious loyalty test

By exhorting Muslim citizens to renounce benefits (“Say tauba tauba, I will not eat free grain... I will not take gas cylinder”), Mr. Yadav constructed a religious loyalty test, implying that beneficiaries of welfare schemes must demonstrate allegiance to the ruling party or forfeit their right to welfare. This is a coercive and discriminatory appeal that violates Article 326, Para I (3)-(4) of the MCC, and the spirit of Article 324, which safeguard the secular nature of elections.

(iii) Misuse of welfare schemes as electoral instruments

Mr. Yadav invoked free ration, gas cylinders, roads, and bridges — all government welfare and infrastructure schemes — as personal benefactions of “Modi ji,” thereby converting constitutionally guaranteed entitlements into political barter.

By stating that those who avail these benefits but do not vote for the BJP are “abusing Modi ji,” the MP created a link between welfare access and electoral gratitude, amounting to undue influence under Section 123(2) of the RPA and violating the ECI’s March 15, 2024 advisory against politicisation of government schemes during elections.

(iv) Collective vilification and psychological coercion

The statement collectively targets Muslim citizens as a bloc, branding them as ungrateful and undeserving of state welfare. The repeated invocation of “Muslim brothers” in contrast to “the people of Keoti” fosters a communal binary and psychological pressure upon voters of a particular faith. This constitutes an offence under Section 125 of the RPA and Sections 196, 297, and 356 of the Bharatiya Nyaya Sanhita, 2023, which criminalise promoting enmity, causing public mischief, and insulting religion.

Repeated violation of MCC by Ashok Kumar Yadav

The conduct of Shri Ashok Kumar Yadav reflects a deepening disregard for electoral fairness, statutory prohibitions, and constitutional morality. His repeated violation of election laws and coercive rhetoric cumulatively degrade electoral integrity, erode voter confidence, and embolden further violations of the Model Code of Conduct (MCC) and the Representation of the People Act, 1951.

Mr. Yadav, the sitting BJP Member of Parliament from Madhubani, possesses a recorded criminal history involving multiple serious offences across jurisdictions in Bihar. As per his own affidavit filed during the 2024 Lok Sabha elections, he is named in Darbhanga Nagar Sadar P.S. Case No.

226/2004, presently pending before the Court of the Additional Sessions Judge-II, Darbhanga, and in Madhubani Nagar P.S. Case No. 150/2019, registered as G.R. No. 652/2019, T.R. No. 25/2024, pending before the A.C.J.M., Madhubani.

The alleged offences include rioting, arson, road blockade, assault on public servants, damage to government vehicles, and acts disturbing public order, attracting serious penal provisions under Sections 147, 148, 149, 153B, 295, 353, 323, 324, 325, 307, 332, 333, 427, 436, 339, and 504 of the Indian Penal Code in FIR No. 226/2004 (Darbhanga Nagar Sadar P.S.). Additionally, in FIR No. 150/2019 (Madhubani Nagar P.S.), he is charged under Sections 188 and 171(F) of the Bharatiya Nyaya Sanhita and Section 136 of the Representation of the People Act, 1951, and was also accused of violating the Model Code of Conduct during the 2019 elections.

In addition to these antecedents, Shri Yadav now stands accused of violating the Model Code of Conduct through communally charged and coercive campaign remarks made during the Keoti Assembly constituency nomination event. His repeated pattern of lawless and inflammatory conduct reflects a sustained disregard for electoral ethics, constitutional principles, and the rule of law.

Effect on Electoral Environment

The timing and tenor of Mr. Yadav's statements are gravely prejudicial to the integrity of the Bihar Assembly elections. Delivered in the midst of the campaign period and by a sitting MP, these remarks carry authority and risk intimidating minority voters. By mocking religious expressions ("tauba tauba") and linking them to welfare, Mr. Yadav has turned constitutional entitlements into instruments of coercion and converted democratic choice into a moral test of loyalty. This conduct strikes at the heart of Article 324, which ensures free and fair elections, and contravenes Part I – General Conduct of the MCC, which prohibits aggravation of communal differences.

Violation of the Representation of the People Act, 1951

Part I – General Conduct

The Model Code of Conduct (MCC) explicitly provides that:

"No party or candidate shall indulge in any activity which may aggravate existing differences or create mutual hatred or cause tension between different castes, communities, religious or linguistic groups."

Mr. Ashok Yadav's statement clearly violates this clause. By directly addressing "*Muslim brothers*" and using religious expressions such as "*tauba tauba*" in a derisive tone, he mocked faith-based sentiments and sought to portray Muslims as ungrateful beneficiaries of welfare schemes who "take all the facilities and then abuse Modi ji and the BJP."

This statement constitutes a direct appeal to prejudice against a religious community, which is expressly barred under the MCC. Further, as a Member of Parliament, Mr. Yadav is bound by additional MCC provisions governing public authorities, which prohibit the misuse of official position or reference to government schemes for political gain. By invoking government welfare

and infrastructure benefits—such as *free grain, gas cylinders, roads, and bridges built by Modi ji*—to demand political allegiance, he misused his public office and converted welfare entitlements into instruments of electoral coercion.

Violation of the Representation of the People Act, 1951

- Section 123(2) – Undue Influence:

Any attempt to interfere with the free exercise of electoral rights, directly or indirectly, constitutes *undue influence*.

Mr. Yadav’s statement, explicitly linking government benefits with expected political support, implies that citizens who avail welfare schemes must reciprocate by voting for the ruling party. This coercive framing creates a **psychological and moral pressure** on beneficiaries, threatening the neutrality of welfare entitlements and impairing their freedom of electoral choice.

- Section 123(3) – Appeal on religious grounds:

Section 123(3) of the RPA defines as a *corrupt practice* any appeal to vote or refrain from voting on the grounds of religion, race, caste, community, or language. By directly addressing “*Muslim brothers*” and invoking Islamic expressions such as “*tauba tauba*”, Mr. Yadav made an appeal on religious grounds. The speech deliberately invoked religious identity to ridicule and isolate a section of the electorate, amounting to a corrupt practice under this section.

- Section 123(3A) – promotion of enmity or hatred:

Mr. Yadav’s remarks, insinuating that Muslims are ungrateful and undeserving, promote enmity between communities. Such words foster resentment, deepen mistrust, and disturb public tranquility. Judicial precedents establish that even implied hostility or contempt toward a religious group during election campaigns attracts the operation of Section 123(3A).

- Section 125 – offence of promoting enmity between classes

Section 125 criminalises acts that promote or attempt to promote hatred or enmity between classes on the basis of religion during elections. By using the term “*you’ll take all facilities and then abuse Modi ji and the BJP... the people of India will no longer tolerate this*”, Mr. Yadav’s speech publicly stigmatized Muslim voters and sought to incite social hostility. The intent (*mens rea*) and act (*actus reus*) necessary for the offence are both evident, as the speech was delivered before a partisan crowd during an active campaign period.

Violation under the Bharatiya Nyaya Sanhita (BNS), 2023

The following provisions of the Bharatiya Nyaya Sanhita, 2023 are squarely attracted to the speech in question:

- Section 196 – Punishes anyone who, by words, gestures, or visible representations, promotes enmity or hatred between different groups on the grounds of religion.
- Section 297 – Criminalises statements conducive to public mischief, including those likely to incite feelings of ill-will or hostility among communities.
- Section 299 – Penalises acts that intentionally insult or provoke any class or community with the intent to disturb public peace or harmony.
- Section 356 – Punishes deliberate acts intended to outrage religious feelings by insulting religion or religious beliefs.

Mr. Yadav’s mocking reference to “*tauba tauba*” while addressing “*Muslim brothers*” in a political rally amount to religious derision and incitement. The tone and context of the speech were designed to stigmatise a religious group, disturb communal harmony, and influence voting behaviour through fear and resentment. These actions constitute a punishable hate offence under the above provisions of the BNS.

Constitutional Violation: Welfare is a fundamental right, not a party gift

Welfare schemes for every citizen irrespective of their religion and caste are constitutional entitlements—not personal benefactions of a political party. Under Articles 14, 15, 38, and 46 of the Constitution, every citizen is entitled to equal access to welfare without discrimination. Linking welfare to political loyalty perverts this constitutional mandate. Sh. Yadav’s suggestion that welfare recipients must express electoral gratitude is a dangerous distortion of democratic accountability, converting welfare into a tool of political control. Such remarks violate the doctrine of constitutional morality, as articulated in *Navej Singh Johar v. Union of India (2018)* and *Sabarimala (2018)*, which requires that all public authorities act within the spirit of equality and fraternity.

The Supreme Court in *Abhiram Singh v. C.D. Commachen (2017)* ruled that political candidates cannot seek votes in the name of religion, race, caste, community, or language. The Court said that elections should be free from appeals to religious identity, interpreting Section 123(3) broadly to cover even indirect appeals to voters' religious sentiments. The Court further emphasised that the relationship between the voter and the candidate must remain secular to preserve the purity of elections.

Effect on Electoral Environment

The timing and tenor of Mr. Ashok Yadav’s statement are gravely prejudicial to the integrity of the ongoing Bihar Assembly elections. Delivered amid an active campaign period and under the enforcement of the Model Code of Conduct, the speech carries a disproportionate and destructive impact on the free exercise of electoral choice. By directly addressing “Muslim brothers” and coercively exhorting them to renounce government benefits — “*tauba tauba, I will not eat free grain... I will not take a gas cylinder... I will not walk on the road built by Modi ji... I will not cross the bridge built by*

Modi ji” — the speaker converts constitutional entitlements into instruments of political humiliation. Such rhetoric intimidates minority voters by implicitly associating their electoral independence with disloyalty, and by casting suspicion on their right to vote freely without fear or favour.

The suggestion that certain citizens will “*take all the facilities and then abuse Modi ji and the BJP,*” and that “*the people of India — and the people of Keoti — will no longer tolerate this,*” directly demeans their dignity as equal participants in democracy.

It further pollutes public discourse, shifting the campaign narrative away from issues of governance, development, and accountability, and replacing it with religious vilification and divisive sentiment. The tone of the statement invites hostility between communities, weakening social cohesion and diverting public debate into sectarian binaries.

Most gravely, it erodes public faith in state neutrality, as an elected MP misuses references to government welfare and infrastructure — free rations, gas cylinders, roads and bridges — to imply partisan ownership and electoral indebtedness. Welfare entitlements are constitutional rights, not party gifts; linking them to voting behaviour transforms welfare into a tool of political coercion. The effect is cumulative and corrosive — creating a climate of moral intimidation, discouraging sections of the electorate from participating freely, and undermining the very idea of a free and fair election as guaranteed under Article 324 of the Constitution of India.

Relevant jurisprudence:

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 **Ziyouddin 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 6 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 emphasise 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.

The current case presents a direct violation of these principles, as the Minister's remarks integrate religion, welfare, and political loyalty — all antithetical to the secular and free nature of elections.

PRAYER

In light of the above facts and legal provisions, we respectfully request that the Chief Electoral Officer, Bihar:

1. *Issue a show-cause notice to Mr. Ashok Kumar Yadav for violating the MCC.*
2. *Direct the District Elections Officer, Darbhanga to file an FIR under Sections 123(2), 123(3), 123(3A), and 125 of the RPA, 1951, read with Sections 196, 297, 299 and 356 of the BNS, 2023.*
3. *Censure the MP Ashok Kumar Yadav publicly and bar him from further campaigning during the Bihar elections.*
4. *Order social media platforms and media outlets to take down any further dissemination of this speech.*
5. *Issue a general advisory to all parties, leaders and Ministers/MPs/MLAs, clarifying that government welfare schemes must not be politicised or linked to electoral allegiance.*

The essence of democracy lies in a citizen's freedom to vote without fear, guilt, or gratitude. By branding a section of voters as "ungrateful" based on their religion and their independent political choice, a Union Minister has crossed both legal and moral boundaries. The Election Commission must act decisively to restore faith in the sanctity of elections, uphold the constitutional promise of secularism, and deter such misconduct in future campaigns.

We trust that the Chief Electoral Officer, Bihar will take immediate and decisive action to address this issue, thereby safeguarding the integrity of the electoral process and ensuring that the people of Jharkhand can vote in an environment free from fear and communal discord.

On April 28, 2023, the division bench of Justice KM Joseph and BV Nagarathna in *Ashwini Kumar Upadhyay v. Union of India [W.P. (C) No. 943 of 2021]*, directed all States/UTs to register Suo moto FIR against Hate Speech irrespective of religion. The court added that when any speech or any action takes place which attracts offences such as Section 153A, 153B and 295A and 505 of the IPC etc., suo moto action will be taken to register cases even if no complaint is forthcoming and proceed against the offenders in accordance with law.

Thank you for your consideration of this urgent matter.

Yours faithfully,

Nandan Maluste

President, Citizens for Justice and Peace

Teesta Setalvad

Secretary, Citizens for Justice and Peace

Annexure:

Annexure A - Video uploaded on Telegram by Hindutva Watch on October 21, 2025, downloaded by CJP