

Date: November 13, 2025

To,

Sh. Vinod Singh Gunjiyal, I.A.S.

Chief Electoral Officer, Bihar

Email: ceo_bihar@eci.gov.in

Sh. Vinay Kumar

Director General of Police, Bihar

Email: dgp-bih@nic.in

CC:

Sh. Gyanesh Kumar

Chief Election Commissioner

Election Commission of India, New Delhi

Email: cec@eci.gov.in

Subject: Urgent Complaint under the Model Code of Conduct and the Representation of the People Act, 1951 – Communal and derogatory remarks by BJP MP Ashwini Choubey during campaign speech at Pirpainti, Bhagalpur (November 9, 2025)

Respected Sirs,

We, at Citizens for Justice and Peace (CJP), are submitting this complaint concerning the deeply communal, derogatory, and population-targeting remarks made by Ashwini Kumar Choubey, sitting Member of Parliament and senior leader of the Bharatiya Janata Party (BJP), during a public campaign meeting held at Pirpainti, Bhagalpur, on November 9, 2025, while the Model Code of Conduct (MCC) is in force for the Bihar Assembly elections.

Addressing the public, Choubey made a series of statements that explicitly singled out Muslims, appealing to them to “reduce their population,” and linking them to “ghuspaithiye” (illegal infiltrators) allegedly “coming from across the border.” He further justified this rhetoric by claiming his government was “working to remove these infiltrators” and portraying such actions as a defence against “vote theft.”

These statements, taken together, constitute a direct communal appeal and a targeted demographic vilification of an entire religious community. They are framed in the language of national security and demographic anxiety, suggesting that Indian Muslims are indistinguishable from foreign infiltrators and thereby delegitimising their citizenship. This is not political speech — it is hate propaganda delivered under the cover of governance and nationalism.

Choubey's remarks not only offend the Model Code of Conduct but also violate multiple provisions of the Representation of the People Act, 1951, and Bharatiya Nyaya Sanhita, 2023, by:

- appealing to voters on religious and communal lines;
- promoting enmity between communities;
- humiliating a religious group through population-based targeting; and
- spreading disinformation that conflates Indian citizens with “infiltrators.”

Such rhetoric — coming from a sitting Member of Parliament and senior ruling party leader — carries greater institutional weight and legitimises bigotry as governance, corroding the integrity of India's electoral process and violating the secular foundation of the Constitution.

This is not an isolated episode of electoral speech but part of a pattern of Islamophobic discourse wherein elected representatives repeatedly invoke demographic myths and border insecurities to stigmatise the Muslim population of Bihar and the nation. It seeks to redefine the electorate through exclusion, by suggesting that certain communities are less Indian or less entitled to civic rights.

We respectfully submit that this constitutes a serious electoral offence that demands immediate intervention by the Election Commission of India and the Bihar election authorities to preserve the credibility, neutrality, and lawfulness of the ongoing electoral process.

Summary of the incident

During his election campaign, Choubey made a series of statements targeting Muslims, invoking the trope of “infiltrators” and linking population growth with national security. He said:

“If we provide roads and electricity to others, won't our Muslim brothers also use them in Bhagalpur? Everyone uses them, right? Our population is also declining. Listen to me, and I appeal to my Muslim brothers as well: reduce your population. Ghospaithiye (infiltrators) are coming from across the border into Bihar and other parts of the country. Our government is working to remove these ghospaithiye (infiltrators), and yet they accuse us of ‘vote theft.’”

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

Link for the video is: <https://t.me/hindutvawatchin/3225>

Nature and implications of the remarks

Choubey's speech employs the now-familiar communal strategy of:

- Equating Indian Muslims with “ghospaithiye” (illegal infiltrators),

- Using demographic language (“reduce your population”) to stigmatise a religious community, and
- Presenting minority citizens as demographic threats and outsiders.

Such rhetoric constitutes hate speech, religious vilification, and a direct appeal to majority prejudice to influence voters.

By urging “Muslim brothers” to “reduce their population” while invoking infiltration from “across the border,” the statement collapses the distinction between Indian citizens and foreign nationals, thereby de-nationalising a religious minority in the public imagination.

Analysis of violations

I. Violations under the Representation of the People Act, 1951

Section 123(2): Undue influence on the electorate- The language of fear and demographic alarm is coercive, creating psychological pressure on voters to align along religious and nationalist lines. It promotes the false notion that a religious community’s growth undermines the nation, amounting to undue influence through intimidation and prejudice.

Section 123(3): Appeal on religious grounds- By distinguishing “Muslim brothers” and linking them to “ghuspaithiye,” the speech appeals directly to religious identity. Such explicit invocation of religion for political gain squarely violates Section 123(3).

Section 123(3A): Promotion of enmity or hatred between communities- The repeated reference to “infiltrators” coming “from across the border” and the conflation of this with Muslims in Bihar is an intentional act of communal provocation. It promotes hatred and distrust between Hindus and Muslims, fulfilling the ingredients of Section 123(3A).

Section 125: Offence of promoting enmity between classes in connection with elections- The comments frame Muslims as both a demographic and territorial threat. The intention to stir hostility in the context of an election is evident and punishable under Section 125.

II. Violations under the Bharatiya Nyaya Sanhita, 2023

Section 196: Promoting enmity between different groups on grounds of religion- Referring to “Muslim brothers” as a source of population growth and associating them with “infiltrators” promotes religious enmity. It reduces an entire community to a security problem and portrays them as illegitimate citizens.

Section 297: Statements conducing to public mischief- The insinuation that “infiltrators are coming from across the border” in a local campaign is designed to inflame local prejudice, disturb public order, and sow fear of Muslims as demographic invaders.

Section 356: Outraging religious and group dignity- By singling out Muslims for population control appeals, the speech humiliates and stigmatises a community based on faith and reproductive choices — an act intended to insult and outrage community dignity.

III. Violation of the Model Code of Conduct (MCC)

The MCC (Part I: General Conduct) prohibits any activity that:

- “Aggravates existing differences or creates mutual hatred or causes tension between different castes, communities, religious or linguistic groups.”
- “Uses religion or religious sentiments for securing votes.”

By invoking “infiltrators” and associating them with Muslims while appealing to “population reduction,” Choubey’s remarks violate both these provisions. The statement is not an isolated expression of opinion but a calculated political strategy to communalise the electorate under the guise of “national security.”

IV. Constitutional violations

The speech undermines the secular and equal character of Indian democracy, breaching:

- **Article 14:** Equality before law — violated by treating Muslim citizens as outsiders.
- **Article 15:** Non-discrimination — breached by singling out one religious group for demographic control.
- **Article 19(1)(a):** Misuse of free speech to propagate hate.
- **Article 21:** Dignity and security of minority citizens endangered.
- **Article 25:** Freedom of religion and identity undermined by stereotyping and vilification.

The speech directly contravenes the Supreme Court’s dictum in *Abhiram Singh v. C.D. Commachen* (2017), which bars religion-based electoral appeals, and *Pravasi Bhalai Sangathan v. Union of India* (2014), which recognised hate speech as an assault on equality and fraternity.

Effect on the electoral environment

Pirpainti in Bhagalpur is a communally sensitive constituency with a mixed population. The speech, by invoking “infiltrators” and framing Muslims as demographic threats, has a dangerous polarising potential:

- It alienates Muslim citizens by portraying them as outsiders and demographic aggressors.
- It normalises demographic hate speech as political rhetoric.
- It undermines free and fair elections by shifting discourse from policy to identity-based suspicion.

The speech does not merely violate legal norms but corrodes democratic civility, endangering both electoral integrity and social peace.

Prayer

We respectfully request the Election Commission and State authorities to:

1. Take immediate cognisance of this complaint.
2. Register an FIR against Ashwini Choubey under the Representation of the People Act, 1951, and the Bharatiya Nyaya Sanhita, 2023.
3. Debar Choubey from further campaigning pending inquiry.
4. Issue a public censure and advisory to all political parties against using communal or demographic narratives.
5. Ensure compliance with the constitutional mandate of free, fair, and secular elections under Article 324.

Yours faithfully,

Nandan Maluste

President, Citizens for Justice and Peace

Teesta Setalvad

Secretary, Citizens for Justice and Peace

Annexure

- Annexure A: Video clip of Ashwini Kumar Choubey delivering the speech