

URGENT

Date: October 29, 2025

To,

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

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CC:

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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 & 356 of the Bharatiya Nyaya Sanhita, 2023 — against Union Minister Giriraj Singh for making communal, coercive, and derogatory remarks during election campaign in Arwal on October 18, 2025 and Begusarai on October 19, 2025, vilifying Muslim citizens and politicising welfare entitlements

Respected Sirs,

We, at Citizens for Justice and Peace (CJP), hereby submit this joint complaint against Union Minister and Member of Parliament (MP) Shri Giriraj Singh, for allegedly making explicitly communal, coercive, and unconstitutional public statements on October 18 and 19, 2025, during the Bihar Assembly election campaign. These remarks constitute clear violations of the Model Code of Conduct (MCC), the Representation of the People Act, 1951, 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 Union Ministers became bound to observe the principles of 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. These are not procedural formalities, but essential safeguards that preserve the constitutional promise of equality and fair participation in the democratic process.

Despite these clear constitutional and statutory restraints — and while the MCC was in full force — Union Minister Shri Giriraj Singh delivered multiple public speeches in Arwal and Begusarai on October 18 and 19, 2025, in which he invoked religious identity, mocked expressions of faith, questioned the political loyalty of Muslim citizens, and coercively linked access to government welfare schemes with voting behaviour.

Such statements, made in his official capacity as a Union Minister and senior campaigner, represent not only a flagrant breach of the Model Code of Conduct, but also a direct assault on the secular fabric of Indian democracy. By deploying religious references and derogatory remarks against a specific community, Shri Singh has compromised the neutrality of the electoral process and challenged the constitutional mandate of free and fair elections entrusted to the Election Commission of India.

Transcript and context of the speeches:**A. October 18, 2025 — Arwal, Bihar**

During a campaign meeting on October 18, 2025, in the midst of the Bihar Assembly election campaign, Union Minister Shri Giriraj Singh made the following remarks, which have been widely reported across mainstream and digital media:

"I asked a Maulvi, did you get the Ayushman card? He said yes. I asked, did any Hindu-Muslim issue arise? He said no. I asked, did you vote for us? He said yes. I told him to swear on Khuda and say it, and he said no. I asked, did I or Narendra Modi ever abuse you? He said no. Then I said, what do you call someone who doesn't appreciate others' help? A namakharam. I said, 'Maulvi saab, I don't need votes from namakharam people.'" (Time Stamp: 00:01 – 01:40)

This statement, made from an official campaign platform, publicly targeted a Muslim religious leader ("Maulvi"), invoked faith references in derision ("Khuda"), and characterised Muslim voters as "namakharam" (disloyal). The statement further implied that access to government welfare schemes such as Ayushman Bharat must be met with electoral gratitude towards the ruling party.

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

The video can be accessed through this link: <https://t.me/hindutvawatchin/3114>

B. October 19, 2025 — Begusarai, Bihar

This subsequent statement, made during a press interaction the very next day, compounded the earlier remarks. It trivialised Islamic dietary tenets by twisting the term “*Haram*” into political commentary, insinuating that Muslims are hypocritical for accepting government benefits while not supporting the ruling party.

“Some people say that consuming Haram is wrong in their religion. Islam says that consuming free food is Haram. Are they not taking a 5 kg ration? Did both Hindus and Muslims not get Pradhanmantri Awas? Did both Hindus and Muslims not get toilets? Was there any discrimination between Hindus and Muslims in the Nal-Jal scheme, gas cylinder, or 5 kg ration?” [Time Stamp: 00:01 – 01:52]

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

The video can be accessed through this link:

<https://x.com/NewsArenaIndia/status/1979818616234311936?t=>

Taken together, the October 18 and 19 statements form a continuous rhetorical pattern as both religiously stereotype Muslim citizens, politicise welfare schemes, and question their loyalty to the nation and government. This pattern transforms state welfare into a partisan test and reduces equal citizenship to conditional favour.

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

In both remarks, Shri Singh explicitly invoked Islamic symbols — “Maulvi,” “Khuda,” and “Haram” — to ridicule a religious identity. Such rhetoric has no place in electoral discourse. It portrays Muslim citizens as a homogeneous bloc whose loyalty must be proven, thus violating the secular foundation of electoral politics under Article 15 and the Preamble to the Constitution. Under Section 123(3A) of the RPA, 1951, any attempt to promote feelings of enmity or hatred between different classes of citizens on grounds of religion for electoral advantage is a corrupt practice. Both statements unmistakably fall within this definition.

(ii) Construction of a religious loyalty test

The October 18 speech created a fictitious “conversation” with a Muslim cleric, culminating in a demand for an oath “on Khuda.” The October 19 remarks reinforced the narrative by comparing Muslim welfare beneficiaries to those consuming “Haram.” Together, these form an implied religious loyalty test, where a citizen’s faith becomes the measure of their political virtue.

This construction directly contravenes Article 326 (universal adult suffrage) and Para I (3)-(4) of the MCC, which forbid appeals to communal sentiments or use of religious symbols to influence voting.

(iii) Misuse of welfare schemes as electoral instruments

In both incidents, Shri Singh invoked Ayushman Bharat, PM Awas Yojana, Nal-Jal, and free ration schemes as evidence of government benevolence — implying that beneficiaries who did not reciprocate with votes were “ungrateful.” This directly links citizen welfare rights with partisan support, converting government schemes into political tools. Such misuse constitutes “undue influence” under Section 123(2) of the RPA, 1951, and violates the ECI’s advisory of March 15, 2024, which explicitly prohibits references to government welfare schemes in a manner that attributes ownership to a political party during the campaign period.

(iv) Collective vilification and psychological coercion

By branding an entire community as “namakharam” and mocking their faith-based practices, the Minister engaged in collective character assassination of Muslim citizens. The repeated juxtaposition of “Hindus and Muslims” in welfare distribution contexts further entrenches divisive binaries. Such speech meets the elements of Section 125 of the RPA and Sections 196, 297, and 356 of the BNS, which penalise promoting enmity, causing public mischief, and insulting religion respectively.

Antecedents of communally charged and divisive speeches by Union Minister Giriraj Singh

The present instance is not an isolated outburst. Shri Giriraj Singh, a sitting Union Minister, has a repeated and well-documented record of using religion-based and inflammatory rhetoric during electoral periods. These past incidents show a continuing disregard for the Model Code of Conduct, the Representation of the People Act, 1951, and the constitutional principle of secular campaigning.

Previous examples of slur and hate speech

During the 2014 Lok Sabha campaign between April 18 and 20, 2014, Shri Singh declared at rallies in Deoghar and Bokaro (Jharkhand) and Patna (Bihar) that “those who oppose Narendra Modi should go to Pakistan.” The Election Commission of India immediately censured him and prohibited him from campaigning in Jharkhand and Bihar. Multiple FIRs were filed under the penal provisions relating to promoting enmity between groups. This episode marks the first formal finding of hate-speech conduct against him by the ECI.

Communal appeal during campaign

On April 24, 2019, while contesting the Begusarai Lok Sabha seat, Shri Singh addressed voters at G.D. College, Begusarai, stating:

“Those who cannot say Vande Mataram, who cannot bow to the motherland, the nation will never forgive you... my forefathers died at Simaria Ghat and did not build graves; you demand three arms of land.”

The Election Commission issued a show-cause notice for making an explicit communal appeal and for attempting to stigmatize an entire community by religious practice, holding that such speech violated the Model Code of Conduct and Sections 123(3) and 125 of the RPA, 1951.

Armed mobilisation and “love jihad” claims

On October 22, 2024, during the “Hindu Swabhiman Yatra” in Kishanganj, Bihar’s only Muslim-majority district, Shri Singh urged Hindu citizens to keep spears, swords and tridents at home for “self-defence,” alleging that “love-jihad” and infiltration had endangered Hindus. Such exhortations to weapon possession and portrayal of one community as a threat created palpable tension and fear, violating the ECI’s standing prohibitions on provocative and militarised religious appeals.

Pattern and legal significance

Viewed cumulatively, these episodes form a clear and continuing pattern of hate speech, communal provocation, and misuse of religious and welfare narratives for electoral gain. Each instance occurred during an election campaign, involved explicit religious references, and drew adverse notice or condemnation from regulatory authorities or the public.

Such recurrence shows a habitual disregard for the secular and ethical boundaries governing electoral speech and directly aggravates the seriousness of the present offence. The Election Commission is therefore urged to treat this repetition as aggravating precedent, warranting enhanced censure, criminal referral, and temporary debarment from campaigning under Article 324 of the Constitution and Sections 123(3), 123(3A), and 125 of the RPA, 1951.

Effect on electoral environment:

The timing and tenor of the October 18–19 statements are gravely prejudicial to the integrity of the Bihar Assembly elections. Delivered during the active campaign period, these remarks—by a sitting Union Minister—carry state authority and intimidate minority voters. The rhetoric associates Muslim citizens’ electoral independence with disloyalty, pollutes campaign discourse, and shrinking voter confidence in administrative neutrality. It promotes the dangerous idea that state welfare is conditional upon political allegiance, creating a coercive environment that is antithetical to Article 324 of the Constitution and the freedom of electoral choice.

The remarks, being communal, coercive, and discriminatory, amount to corrupt electoral practice, hate speech, and violation of ministerial responsibility, violates the free and fair nature of elections guaranteed under Article 324 of the Constitution.

Violation of the Model Code of Conduct (MCC)

Part I – General Conduct

6. The 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.”

Giriraj Singh’s statement clearly violates this clause. By using a *Maulvi* as the symbolic subject of his speech, and referring to “Khuda” and “namakharam,” he sought to portray Muslims as ungrateful beneficiaries of welfare schemes who allegedly do not vote for the ruling party.

This is a direct appeal to prejudice against a religious community, which is expressly barred under the MCC.

As a Union Minister, Shri Singh is further bound by the MCC provision for public authorities which prohibits using official position or state schemes for political campaigning. By invoking Ayushman Bharat, a Central government welfare scheme, to demand political gratitude, he misused his ministerial position.

Violation of the Representation of the People Act, 1951

A. Section 123(2) – Undue Influence:

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

Mr. Singh’s statement, linking access to government schemes (Ayushman Bharat) with expected political support, implies that those who avail government benefits must reciprocate by voting for the ruling party. This creates psychological coercion, threatening the neutrality of welfare entitlements and impairing free choice.

B. Section 123(3) – Appeal on Religious Grounds:

Section 123(3) classifies as a corrupt practice any appeal by a candidate or his agent to vote or refrain from voting on the grounds of religion, race, caste, community, or language.

The deliberate invocation of a *Maulvi* and *Khuda* constitutes a religious appeal. The use of such imagery to denounce a section of the electorate amounts to a corrupt practice under Section 123(3).

C. Section 123(3A) – Promotion of Enmity or Hatred

Singh’s remarks promote enmity between communities by insinuating that Muslims are “ungrateful” and undeserving. Such divisive remarks foster resentment between religious groups and disturb public tranquility.

Courts have repeatedly held that even implied hostility or contempt toward a religious group during elections is sufficient to attract this section.

D. Section 125 – Offence of Promoting Enmity Between Classes

Section 125 criminalises acts that promote or attempt to promote hatred or enmity between classes on grounds of religion during elections. The term “namakharam” here was used pejoratively and publicly, in an address designed to stigmatise a community. Such speech meets both the mens rea (intent) and actus reus (act) of this offence.

Violation under the Bharatiya Nyaya Sanhita (BNS), 2023

The following provisions of the BNS, 2023 are squarely attracted:

- **Section 196** – Punishes anyone who, by words or representations, promotes enmity or hatred between different groups on grounds of religion.
- **Section 297** – Criminalizes statements conducive to public mischief, including those likely to incite feelings of ill-will or hostility.
- **Section 356** – Penalises deliberate acts intended to outrage religious feelings by insulting religion or religious beliefs.

Giriraj Singh’s reference to “Khuda” in a mocking tone while addressing a *Mauvi*, and branding him “namakharam,” insults religious identity, disturbs communal harmony, and constitutes a punishable hate offence under these sections.

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

Welfare schemes such as Ayushman Bharat, PM Kisan, or Ujjwala Yojana 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. The Minister’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 Shri Giriraj Singh’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. 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—particularly from the Muslim community—are “ungrateful” or “namakharam” for not supporting the ruling party directly demeaning 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 a sitting Union Minister misuses references to government welfare schemes to imply partisan ownership and electoral indebtedness. Welfare entitlements such as Ayushman Bharat 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 Shri Giriraj Singh for violating the MCC.*
2. *Direct the District Elections Officers, Arwal and Begusarai, to file an FIR under Sections 123(2), 123(3), 123(3A), and 125 of the RPA, 1951, read with Sections 196, 297, and 356 of the BNS, 2023.*
3. *Censure the Union Minister 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 and Ministers 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

Annexures:

Annexure A - Video uploaded on Telegram by Hindutva Watch on October 20, 2025,
downloaded by CJP

Annexure B - Video and transcript of Shri Giriraj Singh's speech on October 19, 2025,
downloaded by BJP