

URGENT

Date: October 30, 2025

To,

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CC:
Sh. Gyanesh Kumar
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Subject: MCC violation complaint against Union Minister of State for Home Affairs Nityanand Rai for making communal, inflammatory, and hate-filled remarks during an election campaign event in Hayaghat, Darbhanga, on October 22, 2025, vilifying Muslim citizens and invoking religious identity and cow protection as electoral rhetoric

Respected Sirs,

We, at Citizens for Justice and Peace (CJP), hereby submit this formal complaint against Union Minister of State for Home Affairs, Nityanand Rai, for making explicitly communal, inflammatory, and unconstitutional statements during a public address in Hayaghat, Darbhanga on October 22, 2025, while campaigning for the Bihar Assembly elections. These remarks constitute clear and aggravated 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 MCC into force across the State. From that moment, every political party, candidate, and public functionary, including Union Ministers, became bound to uphold impartiality, secularism, and restraint in both speech and conduct.

The remarks in question represent an egregious violation of the Model Code of Conduct (MCC), Sections 123(2), 123(3), 123(3A), and 125 of the Representation of the People Act,

1951, and Sections 196, 297, and 356 of the Bharatiya Nyaya Sanhita, 2023 (BNS). They also offend the secular and egalitarian structure of the Constitution of India, penned in the Preamble and Articles 14, 15, 19(1)(a), 21, 25, and 51A(e).

Background

The ECI's directions, rooted in Article 324 of the Constitution of India, are designed to ensure that elections remain neutral, inclusive, and untainted by communal or religious appeals. The MCC explicitly forbids any statement or act that could aggravate religious differences or appeal to voters on the basis of faith. These obligations form the bedrock of a secular democracy and cannot be waived even by ministers holding high constitutional office.

Part I of the MCC (General Conduct) explicitly states 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.”

Despite these safeguards, Union Minister Nityanand Rai delivered a highly divisive and communal address at a campaign event in Hayaghat, Darbhanga on October 22, 2025, invoking religious identity, faith-based superiority, and vilification of minorities, particularly Muslims, through derogatory references to attire, food practices, and alleged “infiltration.” His remarks go beyond ordinary political speech and constitute a deliberate attempt to communalise the electoral process and inflame prejudice against a religious minority.

Further, the ECI's advisories dated March 15, 2024, and February 26, 2023, direct all political parties to refrain from invoking religion, religious symbols, or faith-based appeals during campaigns, reiterating that “communal appeals erode the sanctity of free and fair elections.”

Despite these binding restrictions, Nityanand Rai delivered a speech that explicitly conflated religious identity with national belonging, vilified minorities, and cast political opponents as protectors of “infiltrators” and violators of Hindu faith.

Transcript and context of the speech

During the campaign event at Hayaghat, Darbhanga, on October 22, 2025, Rai declared:

“I want to be born only as a Hindu, only in this Bharat. We live by Krishna's teachings and do not support cow slaughter. Those who promote it — those wearing reshmi salwar and topi, the jaliwale, those opening slaughterhouses — no matter which party they belong to, if they go against the message of the Gita, they will incur sin. We proudly say Bharat Mata ki Jai and live to protect our nation, but some people want to bring in foreign ghushpethiyon (infiltrators) and take away the livelihood of Bihar's youth. Listen, Tejashwi — no matter how hard you try, you cannot include Bangladeshi and

Rohingya infiltrators in the voter list to destroy Bihar's demography and democracy. Open as many slaughterhouses as you want — you tried to file cases against me and send a cow worshipper to jail, but with Krishna's blessings, you couldn't do anything."

This statement, delivered from an official campaign platform, fuses religion, communal vilification, and state authority. It denigrates a section of citizens on the basis of attire and religious identity (“*topi, jaliwale*”), brands an entire community as “infiltrators,” and implies divine sanction for a partisan political position.

This statement, made while the MCC was in full force, contained:

1. Direct invocation of Hindu religious texts and deities (Krishna, Gita) for electoral appeal;
2. Derogatory references to Muslim attire and identity markers (“*reshmi salwar,*” “*topi,*” “*jaliwale*”);
3. Religious vilification linked to cow slaughter, a long-standing communal trigger;
4. Allegations of demographic manipulation through “Bangladeshi and Rohingya infiltrators”;
5. Personal religious affirmation (“I want to be born only as a Hindu”) as a political identity statement;
6. Vilification of a political opponent (Tejashwi Yadav) as complicit in anti-national and pro-Muslim actions.

Together, these remarks weaponise religion and nationality, transforming a campaign rally into a platform of communal fear and religious exclusion.

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/3138>

Analysis of the violations

The MCC prohibits any appeal to caste, community, or religion and disallows criticism of political opponents on religious grounds. Rai’s statements expressly contravene these provisions.

Further, as a Union Minister, he is bound by the MCC provision that restrains holders of public office from using their position or authority to influence voters. Invoking divine sanction and associating the Hindu faith with his ministerial identity aggravates the offence and creates a presumption of state endorsement.

1. Communal targeting and vilification

The use of coded references such as “*reshmi salwar*,” “*topi*,” “*jaliwale*” unmistakably identifies and denigrates Muslim citizens. Associating them with cow slaughter, sin, and infiltration fosters hatred between communities. Such speech violates Section 123(3A) of the Representation of the People Act, 1951, and Sections 196 and 356 of the BNS, which criminalise promoting enmity and insulting religion.

2. Appeal on religious grounds

By invoking “Hindu birth,” “Krishna’s teachings,” and “Gita,” and contrasting these with the vilified “others,” the Minister sought to create a religious binary between Hindus and Muslims. This constitutes a corrupt practice under Section 123(3) of the RPA, 1951, which prohibits appeals to religion for electoral gain.

3. Promotion of enmity and fear-mongering

Equating an entire community with “foreign infiltrators” and accusing them of demographic manipulation violates Section 125 of the RPA and Section 297 of the BNS. These remarks dehumanise Indian Muslims and stigmatise Bengali-speaking citizens by equating them with “Bangladeshi” and “Rohingya infiltrators,” fostering public fear and hostility.

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

Part I of the MCC explicitly prohibits aggravating communal differences or using religion to solicit votes. Rai’s statements clearly breach these clauses. As a Union Minister, he is further barred from using his official status to influence the electorate, per the MCC’s provisions on public authorities.

5. Constitutional breach

By asserting that welfare and security belong exclusively to “Hindus” and equating dissent with sin, Rai contravened the constitutional ethos of secularism under the Preamble, Articles 14, 15, and 25, and the doctrine of constitutional morality. His remarks erode equality before law and violate Article 324’s guarantee of free and fair elections.

Legal Violations

1. Violations of the Representation of the People Act, 1951

Section 123(2): Undue Influence- The Minister’s statement implied that those opposing his views are “against Krishna’s message” and therefore “sinful.” This moral intimidation—rooted in religion—constitutes undue influence over the free exercise of electoral rights.

Section 123(3): Appeal on Religious Grounds- By explicitly declaring his desire to be “born only as a Hindu” and equating electoral virtue with adherence to “Krishna’s teachings,” Rai made an appeal in the name of religion, falling squarely within the scope of Section 123(3).

Section 123(3A): Promotion of Enmity or Hatred- The repeated vilification of those wearing “topi” or associated with cow slaughter, coupled with references to “Bangladeshi and Rohingya infiltrators,” promotes enmity between Hindus and Muslims and violates the secular guarantee of equal citizenship.

Section 125: Promoting Enmity Between Classes- The use of terms such as “ghuspethiyon” and “jaliwale” equates a religious identity with criminal infiltration and national disloyalty—an offence punishable under Section 125.

2. Violations of the Bharatiya Nyaya Sanhita, 2023

Section 196 — Promoting enmity between groups on grounds of religion;

Section 297 — Statements conducive to public mischief or hostility;

Section 356 — Insulting religion or religious beliefs

All three are attracted here. The deliberate mockery of Muslim symbols (*topi*, *jaliwale*), the portrayal of cow slaughter as the exclusive act of Muslims, and the fusion of “Hindu virtue” with “nationalism” collectively incite religious hostility.

3. Constitutional Violations

Rai’s speech violates:

Articles 14 & 15 — Equal protection and non-discrimination;

Article 19(1)(a) — Freedom of speech of others, which is impaired when hate speech chills participation;

Article 21 — Dignity and security of life of targeted groups;

Article 25 — Freedom of religion, distorted through political instrumentalisation;

Article 51A(e)–(f) — Fundamental duty to promote harmony and renounce practices derogatory to women and communities.

Effect on electoral environment

The speech at Hayaghat carries grave implications for the ongoing Bihar Assembly elections. Darbhanga lies close to the Indo–Nepal border and forms part of the Seemanchal-Mithilanchal belt, an area historically sensitive to communal mobilisation and misinformation regarding “infiltrators.” By invoking “Bangladeshi and Rohingya infiltration,” the Minister revived a dangerous trope that has led to past communal tension in neighbouring districts. Such rhetoric, coming from a senior Minister in charge of Home Affairs, carries state authority and deepens insecurity among linguistic and religious minorities. Delivered during the campaign period and amplified through official platforms, it creates a climate of fear and division, undermining the neutrality of the electoral process. By suggesting that a section of citizens are “infiltrators” and “sinners,” the Minister’s words:

- stigmatise an entire faith group;
- intimidate minority voters; and
- sow communal animosity in a sensitive border region.

Such conduct erodes public confidence in the Election Commission’s authority, subverts the secular mandate of the Constitution, and converts elections into a battleground of faith rather than policy.

Jurisprudential and institutional precedents

1. **Abhiram Singh v. C.D. Commachen (2017, 7-Judge Bench):** Elections must remain secular; appeals to religion constitute corrupt practice.
2. **Ziyouddin Bukhari v. Brijmohan Mehra (1975):** Religious propaganda is an assault on the basic structure of democracy.
3. **Pravasi Bhalai Sangathan v. Union of India (2014):** Courts emphasised ECI’s proactive duty to curb hate speech.
4. **S. Rangarajan v. P. Jagjivan Ram (1989):** Freedom of speech does not extend to speech that threatens public order or social harmony.
5. **Ashwini Kumar Upadhyay v. Union of India (2023):** Directed suo motu FIRs in cases of hate speech under Sections 153A, 295A, etc., irrespective of the offender’s identity.

These rulings collectively mandate that election authorities and police must act promptly and independently against hate speech, particularly when delivered by public functionaries.

Prayer

In light of the above, we respectfully urge the Chief Electoral Officer, Bihar, to:

1. Issue a show-cause notice to Nityanand Rai for violations of the MCC.
2. Direct the District Election Officer, Darbhanga, to register 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 and debar Rai from further campaigning during the ongoing elections.
4. Refer the matter to the Prime Minister's Office and Ministry of Home Affairs for action under the Ministerial Code of Conduct, which mandates adherence to constitutional values.
5. Instruct all digital and broadcast media platforms to remove and cease circulation of the impugned speech.
6. Issue a general advisory to all political parties reiterating that communal or religious appeals will invite strict penal and electoral consequences.

Democracy rests upon the freedom to vote without fear or religious coercion. When a Union Minister uses the language of faith to stigmatise citizens, threaten dissent, and divide the electorate, it violates not only the Model Code of Conduct but the very soul of constitutional secularism. We therefore urge the Election Commission of India to act decisively and immediately.

Yours faithfully,

Nandan Maluste

President, Citizens for Justice and Peace

Teesta Setalvad

Secretary, Citizens for Justice and Peace

Annexures:

Annexure A: Video of the speech delivered by Nityanand Rai on October 22, 2025, Hayaghat, Darbhanga