



भारत निर्वाचन आयोग
Election Commission of India

निर्वाचन सदन
NIRVACHAN SADAN
अशोक रोड, नई दिल्ली - 110 001
ASHOKA ROAD, NEW DELHI - 110 001

No:-437/UP-HP/2019

Dated:- 15th April, 2019.

ORDER

Whereas, the Commission had issued a show cause notice no. 437/UP-HP/2019, dated 11th April, 2019 to Ms. Mayawati, National President, Bahujan Samaj Party for violation of certain provisions of Model Code of Conduct and Representation of the People Act, 1951 for making some objectionable statements during a public rally on 07.04.2019 at Deoband, Saharanpur; and

Whereas, the Commission has received a reply to the aforesaid Notice on 12th April, 2019; and

Whereas, the Commission has carefully gone through the contents and averments made in the aforesaid letter dated 11th April, 2019 of Ms. Mayawati, wherein she has *inter-alia* accepted that in her speech a special mention was made to the minority community of Muslims to vote in a consolidated manner in favour of the candidate of coalition parties; and

Whereas, it is a fact that Sh. Hazi Fajal-ur-Rehman, who belongs to the Muslim community is the candidate fielded by the BSP and other coalition parties from 01-Sharanpur PC, where the impugned statement was made by Ms. Mayawati; and

Whereas, the Commission has again seen the video recording of her impugned speech and is convinced that she has made highly provocative speech which has the tone and tenor to aggravate existing differences or create mutual hatred

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between different religious communities, and thus violative of aforesaid provisions of Model Code of Conduct; and

Whereas, the Commission observes that being a senior leader, Ms. Mayawati should have desisted herself in making statements that have the undertone and propensity to polarize the elections, which is not confined to the constituency only where the statement is made, but to the other parts as well, due to fast dissemination of information in this digital age; and

Whereas, the Commission, while deliberating this matter on 14.04.2019, expressed its concern on such public utterances, which contaminate the electoral process; and

Whereas, the Commission is also of the view that Ms. Mayawati, in her impugned speech, has appealed to secure votes on religious lines that tantamounts to violation of provisions of para 3 and para 4 of part I '**General Conduct**' of "**Model Code of Conduct, for the guidance of Political Parties and Candidates**" which specify that:-

(3) *There shall be no appeal to caste or communal feelings for securing votes.....*
(4) *All parties and candidates shall avoid scrupulously all activities which are "corrupt practices" and offences under the election law, such as bribing of voters, intimidation of voters....*'; and that she has disobeyed the Hon'ble Supreme Court's judgement made in Civil Appeal No 37 of 1992 (Abhiram Singh vs C. D. Commachen and others), with Civil Appeal No.8339 of 1995;

Now, therefore, the Commission, without prejudice to any Order/Notice issued or to be issued in the matter relating to MCC violations to her, hereby, **strongly condemns** the impugned statements made by her during election campaign held at Deoband, Saharanpur and **censures** Ms. Mayawati, National President,

Bahujan Samaj Party for the above said misconduct. The Commission, under Article 324 of the Constitution of India and all other powers enabling in this behalf, bars her from holding any public meetings, public processions, public rallies, road shows and interviews, public utterances in media (electronic, print, social media) etc. in connection with ongoing elections for **48 hours from 06:00 am on 16th April, 2019 (Tuesday)**.

By Order,



(ANUJ JAIPURIAR)
PRINCIPAL SECRETARY

To

Ms. Mayawati ji,
National President, Bahujan Samaj Party

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New Delhi – 110001.

9, Mall Avenue, New Lucknow,
Uttar Pradesh – 226027.