

LOKPAL OF INDIA
Plot No.6, Institutional Area, Phase-II
Vasant Kunj
New Delhi - 110070

Complaint No. : 138/2024

Date : 19.07.2024

Coram : **Shri Justice A.M. Khanwilkar**
Chairperson

Shri Justice L. Narayana Swamy
Judicial Member

Shri Justice Sanjay Yadav
Judicial Member

Shri Sushil Chandra
Member

Shri Justice Ritu Raj Awasthi
Judicial Member

Shri Pankaj Kumar
Member

Shri Ajay Tirkey
Member

ORDER

This complaint has been filed against the Prime Minister of India and a Member of Parliament belonging to a national party (Congress Party). It pivots around a speech



given by the Prime Minister during the election campaign on 08.05.2024, at Karim Nagar (Telangana). It would be apposite to reproduce the transcript of the contents of the viral video provided by the Complainant; and submitted for our consideration. The same reads thus:

“करीमनगर (तेलंगाना) में दिनांक 8/5/2024 को प्रधानमंत्री श्री नरेन्द्र मोदी के भाषण की वायरल वीडियो की ट्रांसक्रिप्शन

आपने देखा होगा कि कांग्रेस के शहजादे पिछले पांच साल से सुबह उठते ही माला जपना शुरू करते थे। जब से उनका राफेल वाला मामला ग्राउन्डेड हो गया, तब से उन्होंने एक नई माला जपना शुरू किया, पांच साल से एक ही माला जपते थे, पांच उद्योगपति, पांच उद्योगपति, पांच उद्योगपति। फिर धीरे-धीरे कहने लगे अम्बानी-अडाणी, अम्बानी-अडाणी, अम्बानी-अडाणी, पांच साल से। लेकिन जब से चुनाव घोषित हुआ है इन्होंने अम्बानी-अडाणी को गाली देना बंद कर दिया है। मैं आज तेलंगाना की धरती से पूछना चाहता हूँ कि जरा इस शहजादे घोषित करे कि इस चुनाव में ये अम्बानी-अडाणी से कितना माल उठाया है? काले धन के कितने बोरे भर के रूपये मारे हैं। क्या टैम्पु भर कर नोटों कांग्रेस के लिए पहुंची हैं क्या? क्या सौदा हुआ है? आपने रातों-रात अम्बानी-अडाणी इनको गाली देना बंद कर दिया, जरूर दाल में कुछ काला है। पांच साल तक अम्बानी-अडाणी को गाली दी और रातों-रात गालियां बंद हो गईं। मतलब कोई ना कोई चोरी का माल टैम्पु भर-भर के आपने पाया है। ये जवाब देना पड़ेगा देश को।”

2. On the very next day (i.e. 09.05.2024) after the video clip became viral, the Complainant rushed in a letter addressed to the Lokpal, online. The same reads thus:

“दिनांक 8 मई 2024 को करीमनगर, तेलंगाना में भारत के वर्तमान प्रधानमंत्री श्री नरेन्द्र मोदी ने भरी जनसभा में हजारों लोगों की रैली में भाषण देते हुए देश के टॉप उद्योगपति गौतम अडाणी, मुकेश अम्बानी व कांग्रेस के राष्ट्रीय नेता श्री राहुल गांधी पर आरोप लगाए हैं कि इन दोनों उद्योगपतियों ने कांग्रेस पार्टी को कालेधन के नोटों के बोरे भर-भर कर टैम्पुओं में भिजवाए हैं। इसलिए इन चुनावों में राहुल गांधी ने अंबानी-अडाणी को गाली देना बंद कर दिया है। इस भाषण का वीडियो देशभर में वायरल हुआ है, मैंने भी प्रधानमंत्री मोदी का यह भाषण समालखा (पानीपत) में सोशल मीडिया पर सुना है। इस वीडियो की पैन ड्राइव व हिंदी ट्रांसक्रिप्ट सबूत संलग्न है। इस सम्बंध में देश के सभी प्रमुख समाचार पत्रों में प्रमुखता से आज प्रकाशित न्यूज की क्लिपिंग सबूत संलग्न है। प्रधानमंत्री श्री नरेन्द्र मोदी जिनके अधीन खुफिया एजेंसियां हैं और इन खुफिया एजेंसियों की पुख्ता जानकारी इनपुट के आधार पर ही प्रधानमंत्री मोदी ने इसतने गंभीर आरोप लगाए हैं।



प्रधानमंत्री श्री नरेन्द्र मोदी के इस ब्यान से स्पष्ट है कि उनको सब पता है कि काले धन के कितने बोरे थे, कितना कालाधन था व किन-किन टैम्पुओं में ये काला धन कहां-कहां पहुंचाया गया। फिर भी प्रधानमंत्री श्री नरेन्द्र मोदी ने संविधान व कानून की रक्षा करने की ली हुई शपथ के विरुद्ध उद्योगपतियों अम्बानी, अडाणी व कांग्रेस नेता श्री राहुल गांधी के खिलाफ ईडी, सीबीआई की जांच ना करवाकर अपराध किया है। क्योंकि दोषी उद्योगपति अम्बानी-अडाणी जोकि दोनों प्रधानमंत्री श्री नरेन्द्र मोदी के परम मित्र हैं और हर विदेशी दौरे में प्रधानमंत्री मोदी उन्हें अपने साथ ले जाते हैं। इसी कारण अभी तक कोई कारवाई नहीं की गई। जबकि श्री राहुल गांधी ने खुद इन गंभीर आरोपों की जांच सीबीआई व ईडी से करवाने की मांग सार्वजनिक तौर पर मीडिया में की है।

देश का जागरूक नागरिक व वोटर होने के नाते मैं इन गंभीर आरोपों से बुरी तरह पीड़ित, आहत व चिंतित हूं कि इस तरह से ये दोषी पूंजीपति और दोषी उच्च राजनेता आपस में मिलकर काले धन से देश की एकता, संप्रभुता को खतरे में डाल रहे हैं और इस काले धन से देश के लोकतन्त्र व चुनाव व्यवस्था को प्रभावित कर रहे हैं, मौजूदा संसदीय व्यवस्था को एक मजाक व ढकोसला बनाकर रख दिया है। इन चुनावों में उद्योगपतियों के इस काले धन से लोकतन्त्र बुरी तरह से प्रभावित होगा। इसलिए प्रधानमंत्री श्री नरेन्द्र मोदी, उद्योगपतियों गौतम अडाणी, मुकेश अम्बानी व कांग्रेस के राष्ट्रीय नेता श्री राहुल गांधी, अज्ञात टैम्पु मालिकों के खिलाफ यूएपीए, मनी लॉन्ड्रिंग एक्ट, भ्रष्टाचार निरोधक कानून व सैक्शन 420/467/468/469/120 बी, आईपीसी में आपराधिक मुकद्दमा दर्ज करके कानूनी कारवाई की जाए। ताकि देश में लोकतंत्र की सुरक्षा हो सके, काले धन पर रोक लगे व देश की संप्रभुता की रक्षा हो पाए।”

3. We have carefully analysed the complaint and the accompanying documents including the transcript of the speech under consideration. The transcript seems to be an accurate reproduction of the relevant extract of the subject speech.

4. First, we need to dissect the transcribed speech recorded in the video clip – as being the fulcrum of this complaint. More importantly because, no other source or material has been referred to in the complaint.

5. Indisputably, the stated public speech came to be delivered whilst addressing a public gathering (rally), during an election campaign. The tenor of the speech is to surmise that - earlier the Congress Prince for five years had been unsuccessfully raising

the issue of Rafale and when the same got grounded, for last five years he first started chanting a new rosary of Government favouring five industrialists and gradually named only two of them. However, after the announcement of the Parliamentary elections, he (Rahul Gandhi) has remained completely silent about it and stopped abusing them (two named industrialists). For this, the speaker (Prime Minister) then goes on to pose a question to Rahul Gandhi; and has asked him to declare as to how much amount has been collected by him from the two named industrialists for the elections? How many gunny bags of black money have been collected? Whether tempos filled with notes have reached Congress? Whether any deal has been done? As you (Rahul Gandhi) have suddenly stopped abusing the two named industrialists, surely there is something amiss. The speaker then goes on to state that for five years, he (Rahul Gandhi) had been continually abusing the two named industrialists and suddenly stopped that, which means he must have received tempos filled with money. This, he (Rahul Gandhi), will have to answer it to the country.

6. This is the free translation of the speech delivered in hindi, as recorded in the video clip in question. Taking these utterances as it is, there is no tittle of doubt that the speaker had merely made hypothetical or a speculative observation. In that, the speaker has posed series of questions based on the evolving narrative set forth by Rahul Gandhi. He has not stated it as a

fact within his (speaker's) knowledge or could be regarded as he having disclosed any information regarding commission of an actionable offence of corruption. This statement may be akin to having indulged in shadow boxing. By no standards, however, such a suppositional questionnaire can be regarded as having revealed any information - replete with verifiable allegations of corruption against another public functionary - warranting intervention by the Lokpal.

7. Reverting to the Complaint under consideration, the Complainant has named the Prime Minister as the public functionary against whom complaint is being made. It is unfathomable as to how a person unravelling an illegal transaction or about an act of corruption, could be regarded as an accused. He may, at best, be reckoned as an informant or a witness, but certainly not a collaborator or an accused involved in the commission of alleged crime of corruption.

8. Therefore, the Complainant has advisedly further alleged about the inaction or failure of the Prime Minister to inquire into the matters known to him (based on information gathered by him from the intelligence wing of the Government) including to take the inquiry to its logical end. This allegation is *ex facie* farfetched. For, there is no such reference in the text of the subject speech - that the speaker had received or gathered such factual

information from the intelligence sources either formally or informally. In our opinion, even this allegation cannot take the matter any further, considering the text of the speech – being entirely an expression of surmise and conjecture or hypothetical questionnaire.

9. Suffice it to mention that the allegation regarding the inaction and failure of the Prime Minister to cause an inquiry into the matter, does not take the matter any further. For, it could be anything else but certainly not a disclosure of information regarding commission of an offence of corruption as such; or for that matter a revelation regarding the involvement of the Prime Minister in commission of an offence of corruption in any manner, only whence we could exercise jurisdiction under the 2013 Act. As aforementioned, the tenor of the speech borders on surmising and conjecturing; and is purely an election propaganda for cornering the opponent by posing a questionnaire to him based on assumed or so to say fictional facts.

10. Furthermore, the relief in the complaint under consideration reproduced above is essentially for initiating an inquiry or investigation regarding an offence of corruption. Indeed, it is the bounden (statutory) duty of the Lokpal to thoroughly inquire into the allegations of corruption against public servants covered under section 14 of the 2013 Act; and unearth the involvement

of all concerned in the commission of the offence of corruption. The Lokpal without being fixated by technicalities, would not hesitate to proceed against all such person(s) who are prima facie involved in commission of an offence of corruption, being public servant and high functionaries referred to in section 14 of the 2013 Act - placed howsoever high; and even against any person (who is a non-public servant) being an abettor, bribe giver, bribe taker or party to a conspiracy relating to any offence of corruption, by virtue of section 14(3) of the Act of 2013.

11. As noted earlier, the allegations in the complaint in no way disclose commission of an offence of corruption by the Prime Minister himself. *A fortiori*, the complaint cannot proceed further against the Prime Minister - based on the contents of the subject video clip. Hence, this Complaint against the Prime Minister must fail at the threshold, being untenable.

12. Coming to the complaint against Rahul Gandhi, unknown tempo owners and two named industrialists', the same fully rests on the contents of a public speech reproduced hitherto. We have bestowed our serious consideration upon the transcript of the speech in question as expounded, *inter alia* in paragraphs 5 and 6, above. For the view we have taken in that regard, no further discussion is needed except to observe that the case made out in the complaint against these persons (Rahul Gandhi, unknown

tempo owners and the named industrialists) is founded on unreal and unverifiable facts about their complicity in commission of an offence of corruption. Hence, no further elaboration is needed.

13. Accordingly, the complaint under consideration is being **disposed of** at the threshold - as it is devoid of merit and based on unverifiable facts or lack of tangible material disclosing commission of an offence of corruption.

14. Copy of this order may be uploaded on the official website of the Lokpal as per norms, without redacting whilst ensuring that the name/identity of the complainant is not revealed in any manner.

Sd/-
(Justice A.M. Khanwilkar)
Chairperson

Sd/-
(Justice L Narayana Swamy)
Judicial Member

Sd/-
(Justice Sanjay Yadav)
Judicial Member

Sd/-
(Sushil Chandra)
Member

Sd/-
(Justice Ritu Raj Awasthi)
Judicial Member

Sd/-
(Pankaj Kumar)
Member

Sd/-
(Ajay Tirkey)
Member


(Court Master)

/SN/