



Democracy and Model Code of Conduct in India

(This editorial is based on the article '[Weathervane of democracy](#)' which appeared in 'The Hindu' on 16th April, 2019. The article talks about frequent violations of MCC and the need for it to evolve from mere guidelines to a more effective statute.)

Free and fair elections form the bedrock of any democracy and India does not stand as an exception. Since Independence, as many as 15 Lok Sabhas have been formed through elections, the first one being held in 1951-52.

[Election Commission of India](#) (ECI) which has been entrusted to conduct fair elections in India has done a commendable job over the years. ECI has always enjoyed the highest trust amongst the various public institutions in the country.

However, the reputation of the ECI has taken a beating in recent times. Chief among them is the inadequate response of ECI to violations of the Model Code of Conduct (MCC), thereby triggering the debate surrounding the very efficacy of the MCC.

Model Code of Conduct

The MCC is a set of guidelines issued by the Election Commission to regulate political parties and candidates prior to elections. The MCC is a unique Indian innovation and is not seen frequently in other democratic nations. It encapsulates an important story about democracy in India — the conduct of free and fair elections.

It helps ECI in keeping with the mandate it has been given under Article 324 of the Constitution, which gives the Election Commission the power to supervise elections to the Parliament and state legislatures. The MCC is operational from the date that the election schedule is announced till the date that results are announced.

Despite it only being a brief set of guidelines and not law, the MCC is a powerful instrument. It comes into force when the ECI announces election dates and comprises directions to government functionaries, political parties and candidates aimed at an impartial election process.

MCC includes many important provisions such as barring governments from making policy announcements to sway voters and restraining political actors from inciting hatred against any group, or bribing or intimidating voters.

Evolution of MCC

The origins of the MCC lie in the Assembly elections of Kerala in 1960, when the State administration prepared a 'Code of Conduct' for political actors.

Subsequently, in the Lok Sabha elections in 1962, the ECI circulated the code to all recognised political parties and State governments; the code was wholeheartedly followed.

The emergence of the code and its voluntary acceptance by political parties showed the commitment of the political elite to the holding of free and fair elections.

However, from 1967 till 1991, as political competition intensified, political actors began to resort to corrupt electoral practices. Governments made populist announcements on the eve of elections; had pliant officials in key positions while intimidation of voters and booth capturing increased.

The ECI's appeals to observe the code of conduct were largely ignored. The ECI now resorted to a familiar, but ineffective, strategy in Indian public life. It refined the code, making it more stringent by including a section about the misuse of powers by ruling parties and renamed it the MCC.

It was in 1991 after repeated flouting of the election norms and continued corruption, the ECI decided to use new means to enforce the MCC. The then-Chief Election Commissioner rebuked prominent political actors publicly and even postponed elections, thereby re-interpreting the ECI's power to fix election dates.

The growing electronic media of the time reported these initiatives with enthusiasm, while candidates were happy to capitalise on the mistakes made by their rivals. Consequently, political actors began to take the MCC seriously, fearing it even if they did not respect it.

MCC since then has been countering the lack of commitment of the political class to free and fair elections.

Provisions of the Model Code of Conduct

The MCC contains eight provisions dealing with general conduct, meetings, processions, polling day, polling booths, observers, party in power, and election manifestos. Some major provisions of the MCC are:

- **General Conduct:** Criticism of political parties must be limited to their policies and programmes, past record and work. Activities such as: (a) using caste and communal feelings to secure votes, (b) criticising candidates on the basis of unverified reports, (c) bribing or intimidation of voters, and (d) organising demonstrations or picketing outside houses of persons to protest against their opinions, are prohibited.
- **Meetings:** Parties must inform the local police authorities of the venue and time of any meeting in time to enable the police to make adequate security arrangements.
- **Processions:** If two or more candidates plan processions along the same route, organisers must establish contact in advance to ensure that the processions do not clash. Carrying and burning effigies representing members of other political parties is not allowed.
- **Polling day:** All authorised party workers at polling booths should be given identity badges. These should not contain the party name, symbol or name of the candidate.
- **Polling booths:** Only voters, and those with a valid pass from the Election Commission, will be allowed to enter polling booths.
- **Observers:** The Election Commission will appoint observers to whom any candidates may report problems regarding the conduct of the election.
- **Party in power:** The MCC incorporated certain restrictions in 1979, regulating the conduct of the party in power. Ministers must not combine official visits with election work or use official machinery for the same. The party must avoid advertising at the cost of the public exchequer or using official mass media for publicity on achievements to improve chances of victory in the elections. Ministers and other authorities must not announce any financial grants, or promise any construction of roads, provision of drinking water, etc. Other parties must be allowed to use public spaces and rest houses and these must not be monopolised by the party in power.
- **Election manifestos:** Added in 2013, these guidelines prohibit parties from making promises that exert an undue influence on voters, and suggest that manifestos also indicate the means to achieve promises.

Evolving Challenges

Electoral malpractice has appeared in newer forms in recent times. Voter bribery and manipulation through the media have become the techniques of unethically influencing voters in place of voter intimidation and booth capturing.

These malpractices are harder to stem as previous practice of booth-capturing was an identifiable event, taking place at a particular time and place. Voter bribery is spread over time and space. The misuse of the media is difficult to trace to specific political parties and candidates.

The ECI's response to the new challenges has also been inadequate. It has appointed expenditure observers, evolved a code for social media, and, very recently, after a spate of criticism, stopped the release of biographical pictures that could influence voters. But there is little evidence that it has got to the core of the problem. At the same time, the misuse of money and media power has intensified since the last two elections.

ECI's capacity to respond to the older types of violations of the MCC has also weakened. Its response to inappropriate statements made by powerful political actors has become weak, or delayed.

As the ECI's capacity to secure a level playing field has dipped, attacks on it have increased. They now encompass its processes such as the use of electronic voting machines, which had become acceptable when the ECI was stronger.

Way Forward

The MCC in many ways can be called weathervane of our democracy. It shows where our democracy is headed. The initial idea of free and fair elections was embraced by the political elite voluntarily, and the MCC emerged. Over time, the commitment of the political class to free and fair elections has declined, which has seen the increased violation of MCC.

Challenges related to corruption in electoral practice have increased and so has the desire to remain in power for long, therefore making it necessary to reconsider the proposal made by the **Standing Committee on Personnel, Public Grievances, Law and Justice** which recommended making the MCC legally binding.

It is time for MCC to transform from mere voluntary guidelines to a more enforceable and statutorily backed regimen thereby giving ECI real teeth for asking times.

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