



Model Code of Conduct

For Prelims: [MCC](#), [Representation of People Act.1951](#) , [Electoral Bonds](#),

For Mains: Evolution of MCC, Importance and criticisms of MCC in elections. Electoral Practices, Electoral reforms, Ensuring democracy through MCC, Electoral Funding

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Why in News?

Recently, the [Model Code of Conduct \(MCC\)](#) has come into force with the announcement of voting dates for the Lok Sabha elections 2024 by the [Election Commission of India \(ECI\)](#), marking a significant aspect of electoral governance.

What is MCC and its Evolution?

▪ About:

- The MCC is a **consensus document**. The political parties have themselves agreed to keep their conduct during elections in check and to work within the Code.
- It helps the EC in keeping with the mandate it has been given under **Article 324 of the Constitution**, which gives it the **power to supervise** and **conduct [free and fair elections](#)** to the Parliament and State Legislatures.
- The MCC is operational from the date on **which the election schedule is announced until the date of the result announcement**.
- The government **cannot announce any financial grants**, promise construction of roads or other facilities, and make any *ad hoc* appointments in government or public undertaking during the time the Code is in force.

▪ Enforceability of MCC:

- Though the **MCC does not have any statutory backing**, it has come to acquire strength in the past decade because of its strict enforcement by the EC.
 - Certain provisions of the MCC may be enforced by invoking corresponding provisions in other statutes such as the [Indian Penal Code \(IPC\) 1860](#), [Code of Criminal Procedure \(CrPC\) 1973](#), and [Representation of Peoples's Act \(RPA\) 1951](#).

▪ Evolution of MCC:

- **Kerala** was the **first state to adopt a code of conduct for elections**. In 1960, before the Assembly elections in the state, the administration prepared a draft code covering important aspects of electioneering such as processions, political rallies, and speeches.
- **In 1974, the [ECI](#) released a formal MCC**. It also set up bureaucratic bodies at the district level to oversee its implementation. **Before 1977, MCC guided only political parties and candidates**.
- In 1979, the Election Commission learned of **ruling parties misusing power** like monopolising public spaces and using public money for advertisement. The **Election Commission revised MCC to include ruling political parties**.

- The revised MCC had seven parts, **with one for the ruling parties' behaviour** after the election announcement.
 - Part I: General good behaviour for candidates and parties.
 - Parts II and III: Rules for public meetings and processions.
 - Parts IV and V: Guidelines for behaviour on polling day and at polling booths.
- The MCC has been revised on several occasions since 1979, with the last time being in the year 2014.
- **Key Provisions of MCC:**
 - **General Conduct:**
 - No party or candidate shall include in any activity that may aggravate existing differences or **cause tension between different castes and communities, religious or linguistic.**
 - Similarly, [Section 123\(3\) of the Representation of the People Act, 1951](#), disallows the usage of religion, race, caste, community, or language to promote enmity or hatred among the people and use of it as a political tool.
 - **Criticisms directed towards other political parties** should be restricted to an evaluation of their policies, historical performance, and initiatives, **refraining from personal attacks.**
 - **Meetings and Processions:**
 - Parties must **inform the local police authorities of the venue and time** of any meeting to enable the police to make adequate security arrangements.
 - If **two or more candidates plan processions** along the **same route**, the political parties 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:**
 - Only voters and those with a valid pass from the EC are allowed to enter polling booths.
 - All authorised party workers at **polling booths should be given suitable badges or identity cards.**
 - Identity slips supplied by them to voters **shall be on plain (white) paper** and **shall not contain any symbol, name of the candidate or the name of the party.**
 - The **EC 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.**

What are the Issues Associated with MCC?

- **Enforcement Challenges:** Enforcement of the MCC can be inconsistent or inadequate, leading to violations that may go unpunished **due to lack of statutory backing.**
 - The **ECI opposes the legalisation of the MCC**, citing the need for swift **completion of elections within approximately 45 days**, making legal enforcement impractical due to lengthy judicial processes.
- **Ambiguity:** Certain provisions of the MCC may be vague or open to interpretation, leading to confusion among political parties and candidates.
- **Limited Scope:** Critics argue that the MCC's scope should be expanded to cover a wider range of issues, including [electoral funding](#), **social media usage, and hate speech.**
- **Timing Issues:** The MCC comes into effect **only during election periods**, leaving room for misconduct outside of these periods.
- **Impact on Governance:** Some argue that the MCC's restrictions on government announcements and activities during election periods may hinder the functioning of governance.
- **Need for Reform:** There are calls for reforming the MCC to address its shortcomings and make it more effective in ensuring fair and transparent elections.

Way Forward

- **Strengthen Enforcement:** Enhance mechanisms for enforcing MCC guidelines to **ensure compliance** by all political parties.
- **Clarify Provisions:** Improve clarity and specificity of MCC rules **to minimise ambiguity** and facilitate better understanding and adherence. Thus, **need for a codified and comprehensive MCC.**
- **Expanding Scope as per New-age Needs:** Consider broadening the MCC's coverage to address emerging issues such as **digital campaigning and electoral funding transparency.**
- **Legalising MCC:** Evaluate proposals to legally institutionalise the MCC, providing it with statutory backing for enhanced effectiveness and enforceability.
 - In **2013, the Standing Committee on Personnel, Public Grievances, Law, and Justice proposed legally binding the MCC** and integrating it into the RPA 1951.
 - **Dinesh Goswami Committee on Electoral Reforms (1990)** suggested that the weakness of the MCC could be overcome by **giving it statutory backing** and making it enforceable through law
- **Public Awareness:** Launch campaigns to educate voters, political parties, and candidates about the importance of MCC compliance and its role in fostering fair elections.
- **Continuous Review:** Establish a framework for regular evaluation and adaptation of the MCC to address evolving electoral dynamics and challenges.

Conclusion

- The Model Code of Conduct (MCC) serves as a **compass for democracy** but faces challenges with declining commitment and increasing violations. Legalising it could empower the Election Commission to address corruption and ensure fair elections, essential for upholding the **integrity and credibility of democratic processes.**

Read More- [Transparency in Election Commission of India](#)

UPSC Civil Services Examination, Previous Year Question (PYQ)

Prelims

Q. Consider the following statements: (2017)

1. The Election Commission of India is a five-member body.
2. Union Ministry of Home Affairs decides the election schedule for the conduct of both general elections and bye-elections.
3. The Election Commission resolves the disputes relating to splits/mergers of recognised political parties.

Which of the statements given above is/are correct?

- (a) 1 and 2 only
- (b) 2 only
- (c) 2 and 3 only
- (d) 3 only

Ans: (d)

Mains:

Q. Discuss the role of the Election Commission of India in the light of the evolution of the Model Code of Conduct. (2022)

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