

The Model Code of Conduct

April 11, 2019

Manifest Pedagogy

Electoral reforms is a highly relevant topic this year owing to Lok Sabha elections. There is a high probability of asking questions on this topic this year. So it makes sense to prepare this both from static and current aspects. It will be useful for aspirants if they cover the topic since Independence.

In news

Lok Sabha Elections 2019

Placing it in the syllabus

Constitutional bodies

Static dimensions

- What is MCC?
- Brief history
- Provisions of MCC

Current dimensions

- Changes made to MCC in 2013 and 2015

Content

What is MCC?

The model code of conduct is referred to a set of guidelines issued by the Election Commission to regulate political parties and candidates prior to elections, to ensure free and

fair elections.

Article 324 of the constitution empowers the Election Commission of India to issue these guidelines and it also gives ECI the power to supervise elections to the Parliament and state legislatures. The MCC is operational from the date of announcement of the election schedule to the date of announcement of results.

Brief history

- A form of the MCC was first introduced in the **state assembly elections in Kerala in 1960**. It was a set of instructions to political parties regarding election meetings, speeches, slogans, etc.
- The MCC was **circulated to recognized parties in the 1962 general election to the Lok Sabha**, and state governments sought feedback from the parties.
- **All parties in the 1962 elections largely followed the MCC** and continued to be followed in subsequent general elections.
- The Election Commission **added a section in 1979 to regulate the 'party in power'** and prevent it from gaining an unfair advantage at election time.
- The Election Commission **first effectively put to use the MCC in the year 1991** to ensure fair elections and a level playing field.
- In 2013, the Supreme Court instructed the Election Commission to include **guidelines on election manifestos** that it had included in the MCC for the 2014 general elections.

Provisions

The MCC contains eight provisions on general conduct, meetings, processions, polling day, polling booths, observers, the party in power, and election manifestos. The MCC's major provisions are described below:

General Conduct: According to MCC the Political parties' criticism must be limited to their policies and programs, past records and work. **Following activities are prohibited under the**

1. Using caste and community feelings to secure votes.
2. Criticizing candidates on the basis of unverified reports.
3. Bribing or bullying voters.
4. Using an individual's land, building, compound wall.
5. Creating obstructions in meetings and processions organized by other parties
6. Organizing demonstrations or picketing outside people's homes to protest against their views, etc.

- **Meetings:** Parties must inform local police authorities of the location and time of any meeting in a timely manner to enable police to make appropriate security arrangements. Meeting organizers shall invariably seek police assistance on duty to deal with persons who disturb a meeting or otherwise attempt to create disorder. Organizers are not to take action against such persons themselves.
- **Processions:** If two or more candidates are planning processions along the same route, organizers need to make contact in advance to ensure the processions do not clash. It is not permitted to carry and burn effigies representing members of other political parties.
- **Polling day:** All authorized party workers should receive identity badges at polling booths. These should not include the candidate's party name, symbol or name. And All political parties and candidates should cooperate with the officers on election duty to ensure peaceful and orderly polling and complete freedom to voters to exercise

their franchise.

- **Polling booths:** Only voters, and those with a valid pass from the Election Commission, will be allowed to enter polling booths.
- **Observers:** Candidates may report problems regarding the conduct of the election to observers appointed by the Election Commission.
- **Party in power:**
 - In 1979, the MCC incorporated some restrictions regulating the conduct of the party in power. Accordingly, ministers are not allowed to combine official visits with election work or use official machinery to do 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 road construction, drinking water supply, etc.
 - Other parties must be permitted to use public spaces and rest houses, and the party in power must not monopolize them.

Election Manifesto: Added in 2013, these guidelines prohibit parties from making promises that exert undue influence on voters and suggest that manifestations also indicate the means by which promises can be achieved.

Changes made to MCC in 2015: In 2015, in its report on Electoral Reforms, the Law Commission noted that during the election period the MCC prohibits the issue of advertising at the cost of public exchange in newspapers/media. However, it observed that since the MCC only comes into operation from the date the Commission announces elections, the government can release advertisements prior to the election announcement. It

noted that this gives the ruling party an advantage in issuing government-sponsored advertisements that highlight its accomplishments, giving it an undue advantage over other parties and candidates. The Commission, therefore, recommended that

- Government – sponsored advertisements be subject to a restriction for up to six months prior to the House / Assembly expiry date.
- However, it stated that for advertisements highlighting the poverty alleviation programs of the government or any health-related schemes, an exception could be made.