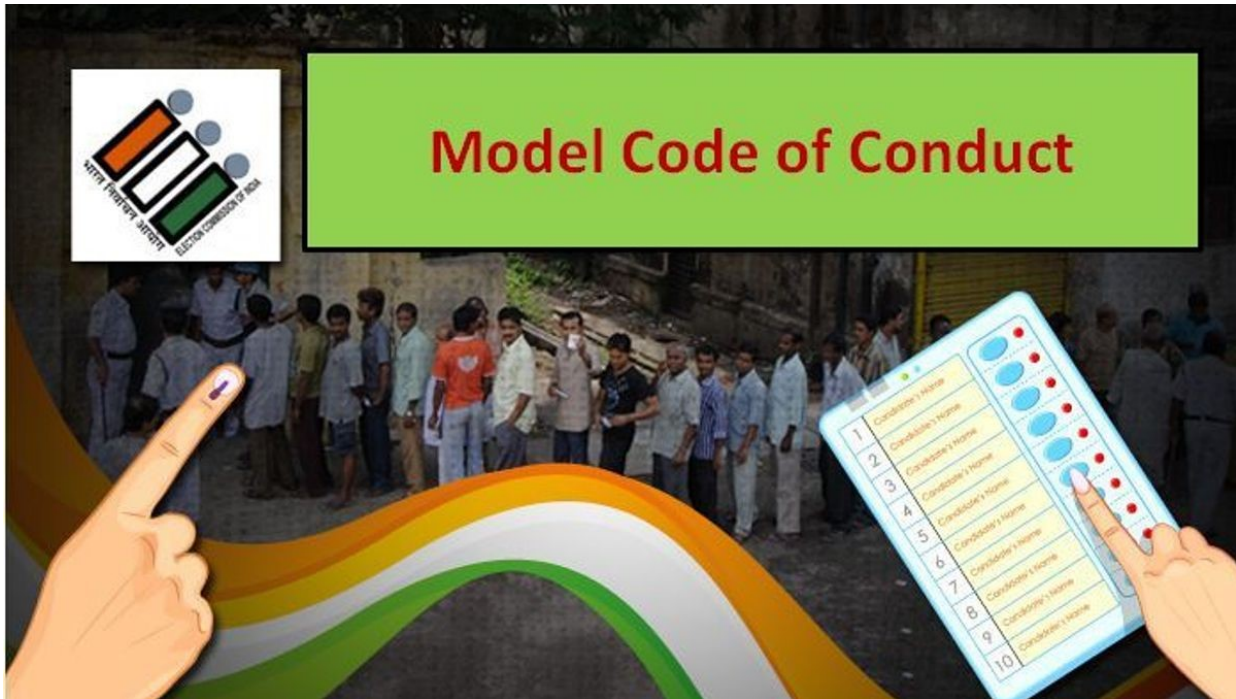


## 2. Model Code of Conduct

**Prelims Level:** Election & Electoral Reforms

**Mains Level:** GS-II Salient features of the Representation of People's Act.



### Why in News?

- With the announcement of the Karnataka Assembly elections, the Model Code of Conduct (MCC) has come into force with immediate effect.

### About MCC:

- The MCC is a set of guidelines issued by the EC to regulate political parties and candidates prior to elections.
- It helps 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 result announcement.

### Historical Background:

- 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 and it was wholeheartedly followed.

- It was in 1991 after repeated flouting of the election norms and continued corruption, the EC decided to enforce the MCC more strictly.

### **What are the main provisions of MCC?**

- **General Conduct:** Criticism of political parties must be limited to their policies and programmes, past record and work. Activities such as using caste and communal feelings to secure votes, criticising candidates on the basis of unverified reports, bribing or intimidation of voters, etc. 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 a 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 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.
- **Polling Booths:** Only voters, and those with a valid pass from the EC are allowed to enter polling booths.
- **Observers:** 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.
  - ✓ 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.

### **Legal Enforcement:**

- Though 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 through invoking corresponding provisions in other statutes such as the Indian Penal Code 1860, Code of Criminal Procedure 1973, and Representation of the People Act 1951.
- In 2013, the Standing Committee on Personnel, Public Grievances, Law and Justice, recommended making the MCC legally binding and recommended that the MCC be made a part of the RPA 1951. However, the EC argues against making it legally binding.
  - ✓ According to it, elections must be completed within a relatively short time or close to 45 days and judicial proceedings typically take longer, therefore it is not feasible to make it enforceable by law.

