



MODEL CODE OF CONDUCT (MCC) - POLITY (MAINS)

Q. The Model Code of Conduct (MCC) is a set of norms and principles to guide the political parties and candidates during elections. Does it's the time to legalise the Model Code of Conduct? Also throw a light on significance of MCC in the present context. (15 marks, 250 words)

News: *As Model Code of Conduct Comes into Effect, All Depts Are Informed of Rules*

What's in the news?

- As the model code of conduct (MCC) for the upcoming assembly polls in Rajasthan came into effect, the state's chief electoral officer Praveen Gupta said that no new individual beneficiaries can be identified or finalised even if orders have been issued for implementation of a government scheme.

Model Code of Conduct:

- The Model Code of Conduct (MCC) is a set of **norms and principles to guide the political parties and candidates during elections**, evolved with the consensus of political parties to abide by the principles embodied in the said code and also binds them to respect and observe it in its letter and spirit.

Constitutional Base:

- The **Election Commission** ensures observance of the MCC by a political party in power and contesting candidates for conducting free and fair elections under Article 324 of the Constitution of India.

Need of MCC:

- MCC also ensures that official machinery for electoral purposes is not misused. Further, it is also ensured that electoral offenses, malpractices, and corrupt practices are prevented by all means.

Applicable from:

- The Model Code of Conduct is enforced **from the date of announcement of the election schedule** by the Election Commission and is **operational till the process of elections is completed**.
- During **general elections to the Lok Sabha**, the code is applicable throughout the country. During general elections to the Legislative Assembly of the state, the code is applicable in the entire State.
- During **bye-elections**, the Model Code of Conduct would be applicable in the area of the concerned Constituency only.



Important Provisions:

1. General conduct:

- No party or candidate shall include itself in any activity which may aggravate existing differences or create mutual hatred or cause tension between different castes and communities, religions, or linguistic groups.
- Criticism of other political parties shall be confined to their policies and programs, past record, and work.
- Places of worship such as temples, mosques, and churches should not be utilized for election propaganda.
- The right of every citizen to a peaceful and undisturbed home life should be respected, and campaigning in any area should only be conducted with permission from the concerned individual or organization.

2. Meetings:

- The party or candidate must notify the local police authorities about the proposed venue and time of a meeting well in advance to ensure that the police can maintain law & order, and peace.

3. Procession:

- It is necessary to inform the local police or relevant authorities about the time, venue, and route of a procession well in advance so that the necessary arrangements can be made.

4. Polling Day:

- The party or candidate should collaborate with the authorities at the polling booths to ensure peaceful elections. There should be no distribution of food or alcohol outside the polling stations.

5. Polling booth:

- Only individuals with a valid pass from the Election Commission are allowed to enter the polling booths, aside from the voters.

6. Observers:

- The Election Commission appoints observers, who can be notified by candidates or their agents if they have any particular complaints or issues regarding the conduct of the elections.

7. Party in power:

- The ruling party, whether at the central or state level, must ensure that there is no cause for complaint that it has exploited its official position for its election campaign.

8. Election manifesto:

- The election manifesto shall not contain anything repugnant to the ideals and principles enshrined in the Constitution, and further that it shall be consistent with the letter and spirit of other provisions of the Model Code of Conduct.

Issues in MCC:

1. Enforcement:



- The MCC is not enforceable by law and the lack of legal backing for the MCC raises questions about its effectiveness and the ability of the Election Commission to ensure a level playing field for all candidates.

2. New forms of electoral malpractice:

- With the development of technology and social media, new forms of electoral malpractice have emerged, including using these tools for voter bribery and manipulation.

3. Weak response and delayed action:

- ECI's capacity for response to inappropriate statements by powerful political actors has been weak or delayed. Hence, political actors are regaining the confidence to flout the MCC without facing the consequences.

4. Lack of power to disqualify candidates:

- The Election Commission does not have the power to disqualify candidates who commit electoral malpractices. At best, it may direct the registration of a case.

5. Inability to de-register political parties:

- The ECI does not have the power to deregister any political party for electoral violations. This raises concerns about the accountability of political parties and the lack of consequences for their actions.

Reforms needed in MCC:

1. Legal enforcement:

- The Standing Committee on Personnel, Public Grievances, Law and Justice recommended in 2013 that the Model Code of Conduct be made legally binding and be included as a component of the Representation of the People Act, 1951.

2. Enforcement through other measures:

- The MCC cannot be enforced by law directly, but its certain provisions can be implemented by invoking other legal provisions like the Indian Penal Code of 1860, Code of Criminal Procedure of 1973, and Representation of the People Act of 1951.

3. Law Commission recommendation (2015):

- The ruling party generally releases government-sponsored advertisements highlighting its achievements before the announcement of MCC, which gives it an unfair advantage over other parties and candidates.
- The Law Commission thus suggested imposing a ban on such advertisements for up to six months before the expiry of the House/Assembly to ensure a level playing field for all.

4. Use of technology:

- Technology-based resources, such as AI-based systems, can be utilized to prevent violations of MCC through social media platforms.

5. Independence of ECI:

- The Election Commission should be granted greater independence similar to the Comptroller and Auditor General (CAG) to enable it to take more stringent actions for the implementation of MCC.