



CURRENT AFFAIRS



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MODEL CODE OF CONDUCT

THIS ARTICLE COVERS 'DAILY CURRENT AFFAIRS' AND THE TOPIC DETAILS OF "MODEL CODE OF CONDUCT". THIS TOPIC IS RELEVANT IN THE "POLITY AND GOVERNANCE" SECTION OF THE UPSC CSE EXAM.

WHY IN THE NEWS?

The implementation of the Model Code of Conduct (MCC) has commenced following the Election Commission of India's (ECI) declaration of voting dates for the 2024 Lok Sabha elections. This marks a notable milestone in electoral administration.

ABOUT MCC

- The **Model Code of Conduct (MCC)** stands as a collective agreement among political parties, wherein they commit to regulating their behaviour during elections according to its provisions.
- This collaborative effort aids the Election Commission (EC) in fulfilling its **constitutional mandate under Article 324, empowering it to oversee and ensure the conduct of free and fair elections** for both the Parliament and State Legislatures.
- Operative from the announcement of the election schedule until the declaration of results, the **MCC imposes restrictions on governmental actions such as announcing financial grants, promising infrastructure development, or making ad hoc appointments in government or public enterprises.**
- While lacking statutory authority, the MCC has gained significance over the past decade due to its stringent enforcement by the EC. In instances where specific MCC provisions are breached, corresponding legal statutes such as the **Indian Penal Code (IPC) of 1860, Code of Criminal Procedure (CrPC) of 1973, and Representation of the People Act (RPA) of 1951** can be invoked for enforcement.

HISTORY AND EVOLUTION OF MCC

- The inception of the Model Code of Conduct (MCC) **traces back to Kerala, where, in 1960, ahead of the state's Assembly elections, the administration formulated a preliminary code** addressing crucial facets of electoral activities such as processions, political gatherings, and speeches.
- Formally **introduced** by the Election Commission of India (ECI) **in 1974**, the MCC underwent institutionalisation with the establishment of bureaucratic entities at the district level to supervise its adherence. Initially, up **until 1977, the MCC primarily regulated the conduct of political parties and candidates.**

- In response to instances of incumbent parties abusing their authority by **monopolising public spaces and utilising public funds** for promotional activities, the **Election Commission expanded the MCC in 1979** to incorporate guidelines specifically targeting ruling political parties.
- The revised MCC comprised seven segments, including provisions dedicated to governing the behaviour of ruling parties subsequent to the announcement of elections:
 1. **Part I:** General conduct guidelines for candidates and political entities.
 2. **Parts II and III:** Regulations concerning public assemblies and processions.
 3. **Parts IV and V:** Directives for conduct on polling day and within polling stations. Since its revision in **1979**, the MCC has undergone multiple amendments, with the most recent update occurring in 2014.

SIGNIFICANT PROVISIONS OF THE MODEL CODE OF CONDUCT (MCC)

The MCC outlines guidelines for ethical conduct during elections in India. Here's a breakdown of its main provisions:

PROMOTING HARMONY

- Parties and candidates should avoid actions that could worsen existing divisions between castes, communities, religions, or language groups.
- Similar to **Section 123(3) of the Representation of the People Act, 1951**, the MCC prohibits using religion, race, caste, community, or language to spread hatred or manipulate voters.
- Criticism of opposing parties should focus on their policies, past performance, and plans, not personal attacks.

ORGANISING EVENTS

- Parties must **notify local police about the time and location of public meetings to allow for proper security arrangements.**
- If multiple candidates plan processions on the same route, communication beforehand is crucial to avoid clashes.
- Displaying or **burning effigies of political figures** from other parties is **not permitted.**

POLLING DAY PROCEDURES

- Only eligible voters and individuals with official Election Commission (EC) authorisation can enter polling booths.
- Authorised party representatives at polling stations must **wear clear identification badges or cards.**
- Any information slips they provide to voters must be on plain white paper with no symbols, candidate names, or party affiliations.
- The **EC will appoint observers to monitor the election** and address any concerns raised by candidates regarding the conduct of the polls.

RESTRICTIONS ON THE RULING PARTY

- Introduced in 1979, the **MCC imposes limitations on the ruling party's behaviour**. It prohibits ministers from combining official visits with election campaigning or using government resources for political purposes.

CHALLENGES WITH THE MODEL CODE OF CONDUCT (MCC)

The MCC, while promoting fair elections, faces some limitations:

- **Limited Enforcement:** The MCC lacks legal teeth. This raises questions about its effectiveness and the Election Commission's ability to ensure a fair playing field.
- **New Threats:** Technological advancements and social media have given rise to new forms of electoral malpractice, like using them to influence voters illegally. The MCC might not fully address these emerging challenges.
- **Uneven Response:** Sometimes, the Election Commission's response to violations by powerful politicians has been slow or weak. This weakens the MCC and emboldens them to disregard the rules.
- **Limited Power:** The Commission can't directly disqualify candidates for misconduct. It can only recommend legal action, which can be a lengthy process.
- **Party Accountability Gap:** The ECI lacks the authority to deregister parties for electoral violations. This creates a situation where parties might face no real consequences for breaking the rules.

WAY FORWARD

- **Legal Force:** A key proposal involves giving the MCC legal teeth. The Standing Committee on Personnel, Public Grievances, Law, and Justice (2013) recommended integrating it into the Representation of the People Act (1951) to make it legally enforceable.
- **Leveraging Existing Laws:** While not currently a legal code itself, some MCC provisions can be enforced through existing legal frameworks like the Indian Penal Code, Code of Criminal Procedure, and Representation of the People Act.
- **Addressing Pre-MCC Advantage:** The Law Commission (2015) identified a potential advantage enjoyed by incumbent parties. They highlighted the use of government-funded advertisements to showcase achievements before the official implementation of the MCC. To ensure a level playing field, the Commission suggested a ban on such advertisements in the months leading up to elections.
- **Monitoring Digital Channels:** Utilising technology, including AI-powered systems, can offer valuable support in monitoring and preventing MCC violations on social media and other digital platforms. This can enhance the effectiveness of the code in the digital age.

PRELIMS PRACTISE QUESTION

Q1. Consider the following statements

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.

How many of the statements above are correct?

- (a) Only one

- (b) only two
- (c) All three
- (d) None

ANSWER: A

MAINS PRACTISE QUESTION

Q1. How does the Model Code of Conduct impact the level playing field for political parties and candidates during elections?

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