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**DAILY EDITORIAL
ANALYSIS**

TOPIC

**EC's Model Code of Conduct
(MCC) Need Reforms**

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EC'S MODEL CODE OF CONDUCT (MCC) NEED REFORMS

In Context

- Election Commission of India (ECI) issued notices over Model Code of Conduct (MCC) violation complaints against top leaders of the country .

Model Code of Conduct (MCC).

- It is a set of **guidelines** published by **the Election Commission of India (EC)** for **political parties and candidates** to set standards of conduct during the election campaign and polling.
- It also explains **how parties can lodge complaints** to the EC observers in case of dispute and instructs how the **Ministers of the parties** in power must conduct themselves when the MCC is in force.
- **In 2019**, a new addition **regarding election manifestos** was added, instructing parties to not issue promises which were 'repugnant to the ideals of the Constitution'.
- The MCC is **not a statutory document – not enforceable by any laws** passed by the Parliament .
 - ♦ Violating many of its guidelines may not attract punitive action.
 - However ,several actions are listed as 'electoral offences' and 'corrupt practices' under the Indian Penal Code (now known as Bharatiya Nyaya Sanhita) and the Representation of the People Act, 1951.
 - These actions will attract appropriate punishment as per these laws.

How the Model Code evolved

- The MCC started as a small set of dos and don'ts for the Assembly election in Kerala.
- It covered the conduct of election meetings/processions, speeches, slogans, posters and placards in 1960 when K V K Sundaram was the Chief Election Commissioner (CEC).
- In 1968, under CEC S P Sen Verma, the EC consulted with political parties and circulated the Code to observe minimum standards of behaviour to ensure free and fair elections.
- It became a practice for the EC to circulate the Code before every General Election in 1979
- The EC in consultation with the political parties further amplified the code, adding a new section placing restrictions on the "party in power" to prevent abuse of position to get undue advantage over other parties and candidates.
- In 1991, the MCC was consolidated and re-issued

Features

- The MCC comes into **force immediately** when the election schedule is announced by the **Election Commission** and remains in **operation till the election process is complete**, i.e. results are announced.
- It is applicable to **all elections to the Lok Sabha, State Assemblies**. It is also applicable for **State Legislative Council elections** from Local Bodies, and Graduates' and Teachers' Constituencies.
- It is enforced throughout **India in case of General elections**, and **the State up for polls** in case of Legislative Assembly elections.
- **All organisations, committees, corporations, commissions** (for e.g. Transport authorities, Jal boards) funded wholly or partially by the Centre or State are bound by the MCC.
- While **listed political parties and candidates** are bound to follow the MCC, even **non-political organisations** which hold campaigns favouring a political party or candidate are bound to follow specific guidelines mentioned by the EC.

Concern

- The political environment in the country has sharpened, blunting the efficacy of the MCC.
- **Instances of violations are rising**, becoming rampant and rabid.
- Political leaders are deploying their prestige, firepower and demagoguery like never before and finding ingenious ways

to remain in the shadow zone between the letter and the spirit of MCC.

- **Money has replaced** muscle; technology has provided a shining armour.
- **MCC has not clearly spelt** out the **consequences** of defaults, thus diluting its deterrent effect.
 - ♦ Delayed responses dilute the impact of penalties and diminish public confidence in the credibility of the EC.

Conclusion and Way Forward

- The MCC draws its strength and sanctity from the strict, prompt and non-discriminatory enforcement by EC, there is a need to remodel it by imposing **more reasonable restrictions** in a non-discriminatory manner.
 - ♦ This is essential to restore a certain degree of decorum and discipline in public discourse.
- It is necessary to **specify punitive measures** in a fair, transparent and predictable manner, especially with respect to serious violations such as hate speech invoking communal and caste feelings to secure votes, offering inducements for garnering votes, using foul, filthy and abusive language against political opponents, indulging in political propaganda by invoking, praising, questioning or criticising the Indian armed forces, etc.
 - ♦ Such violations should attract severe consequences that could be graded and made known publicly.
- A list of all cases of reported violations should be compiled, a statement of their disposal/pendency should be displayed on the EC website and a database needs to be created for public information.
- The time has come for MCC to initiate punitive action against political parties if its functionaries or star campaigners are involved in proven cases of MCC violation.
 - ♦ This action could be a fine and/or action under The Election Symbols (Reservation and Allotment) Order, if warranted.

Source: **E**

Mains Practice Question

[Q] What is the Model Code of Conduct (MCC)? Is it time to update the Model Code of Conduct? Give reasons to support your arguments.