

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

MCC objectives

- The broad objectives of the code of conduct are to **ensure a level playing field for all political parties, prevent conflicts between parties, and ensure law and order in the heat of election season.**
- But the primary purpose is to ensure that the **ruling party does not misuse or use to its advantage the government machinery for its election campaign purpose.** This function of the code is the major reason for **its indisputable legitimacy across all parties.**

Authority of ECI in regard of MCC

- **Article 324:**
 - says the **superintendence, direction, and control of all elections to Parliament, the State legislatures, and the offices of the President and Vice-President shall be vested in the EC.**
 - The Article has been interpreted by courts and by orders of the EC from time to time to mean that the power vested in it is plenary in nature (full in all respects).
 - In other words, the EC can **take any action it deems fit to ensure that elections and the election process are free and fair.**
- The **EC monitors the adherence** of political parties and candidates to the 'Model Code of Conduct'.
- **If the violations are also offences under election law and the criminal law of the land = the EC can recommend registration of cases against the offenders.**
- However, for some violations such as canvassing for votes during a period when electioneering is barred, making official announcements while the MCC is in force, and making an appeal to voters on sectarian grounds = **the EC can advise or censure candidates,** in addition to directing registration of cases.
- In some cases, the **EC may prohibit campaigning of candidates or leaders** for specified periods.
- **Asking individuals to leave or barring entry** into certain areas/constituencies are other powers that the EC may exercise.

- These powers are not necessarily traceable to any provision in the law, but are generally considered inherent because of the sweeping and plenary nature of the EC's responsibility under the Constitution to ensure free and fair elections.
- Its powers also include postponing elections to any constituency, canceling an election already notified, and even to abrogate or annul an election already held.

Enforcing provision of other laws may give legal backing to MCC enforcement

- Some provisions of the MCC may be enforced by enforcing related provisions in other laws like the Indian Penal Code, 1860, Code of Criminal Procedure, 1973, and Representation of the People Act, 1951.

For example,

- Inciting hatred through political speeches,
- Appealing to caste and community feelings of voters,
- Intimidating or bribing voters and
- distributing liquor or holding public meetings in the 48 hours preceding the close of polling,
- are all such offences for which candidates can be tried under the Indian Penal Code or the representation of the People Act 1951.

• MCC limitation

- **Disqualifying candidates:** The EC does not have the power to disqualify candidates who commit electoral malpractices. At best, it may direct the registration of a case.
- However, the Constitution empowers the EC to decide whether a candidate has incurred disqualification by holding an office of profit under the appropriate government, or has been declared an insolvent, or acquired the citizenship of a foreign state.
- **De-registering political parties:** The EC does not have the power to deregister any political party for electoral violations.

What need to be done to make MCC more relevant in current scenario?

Statutory Backing: MCC should be provided with statutory backing. It should be made a part of the Representation of the People Act, 1951. Because the legal provisions will make the MCC more powerful.

Special courts: Establishment of special fast track courts could solve the election MCC violation cases at a faster rate.

Govt advertisements: In 2015, the Law Commission in its report on Electoral Reforms observed that since the MCC comes into operation only from the date on which the Commission announces elections, the government can release advertisements prior to the announcement of elections = giving an advantage to the ruling party.

- Therefore, the Commission recommended that a restriction should be imposed on government-sponsored advertisements for up to six months prior to the date of expiry of the House/Assembly.
- However, it stated that an exception may be carved out for advertisements highlighting the government's poverty alleviation programmes or any health-related schemes.

Awareness: Public need to be made more aware of the MCC, so they could punish those parties and candidates who do not adhere to it through their votes.

Self-responsibility: The parties and candidates should themselves practice free and fair election campaign without the need of code enforcement body i.e. the Election Commission.

Challenges

- ① Criminalizati^on of politics ← 2014 - 170/0
- ② role of mass media should be fair and unscrupulously, ← 2018 - 460/0
- ③ min^m Educat^on qualifi^{ca}ti^on must be there.

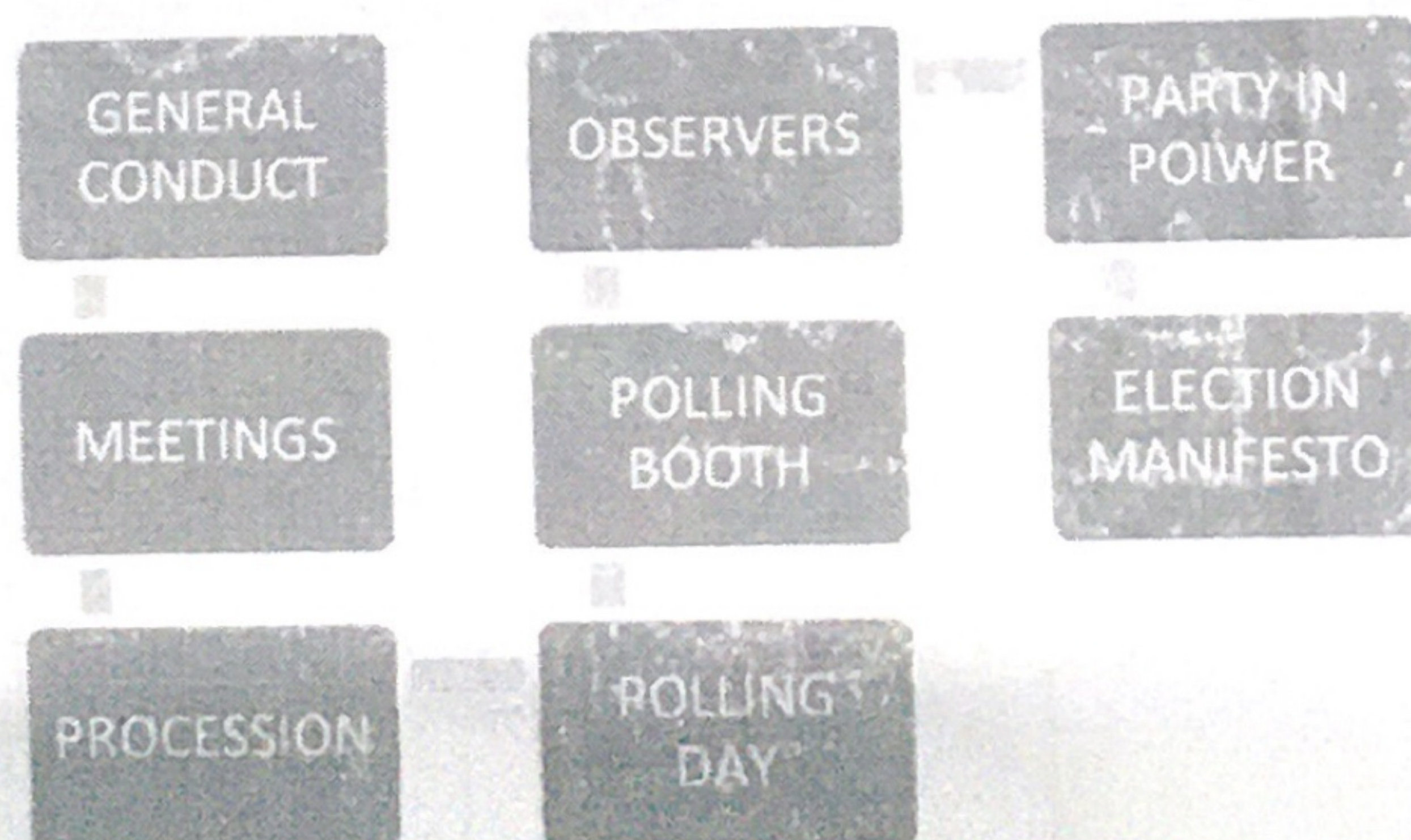
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The Model Code establishes broad guidelines for how political parties and candidates should conduct themselves during the election campaign. **Model Code of Conduct (MCC)** was developed by the **Election Commission** based on consensus among political parties. Its purpose is to keep the election campaign on track, to avoid clashes and conflicts between political parties or their supporters, and to maintain peace and order during the campaign and after the results are announced. The Model Code also prescribes guidelines for the ruling party, either at the Centre or in the State, to ensure that a level playing field is maintained and that no cause is given for any complaint that the ruling party has used its official position for the purposes of its election campaign.

MCC

- Model Code of Conduct (MCC) is the set of guidelines issued by the Election Commission of India (EC) for the conduct of political parties and candidates during elections especially with regards to speeches, polling day, polling booths, election manifestos, processions and general conduct.
- It is meant to ensure free and fair elections as per Article 324 of the Constitution.
- It comes into force
 - Immediately after the announcement of election schedule by the EC.
 - Immediately in states where legislative assemblies have been prematurely dissolved.
- It remains in force till the end of the electoral process.

Provision under MCC



Evolution

- The origins - the **Assembly elections of Kerala in 1960.**
- **In 1962, the ECI circulated the code** in Lok Sabha election to all recognised political parties and State governments and it was **wholeheartedly followed.**