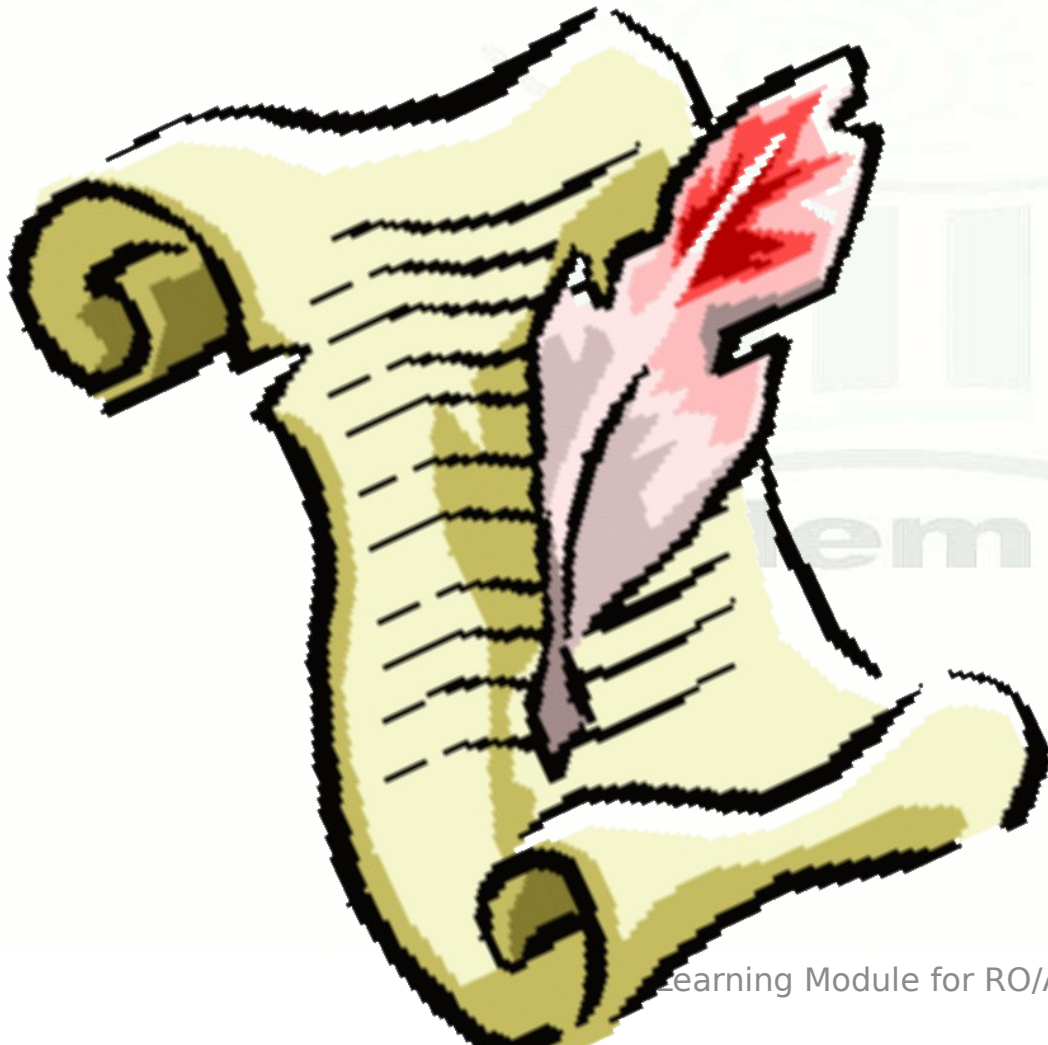


The Model Code of Conduct



What is the Model Code of Conduct ?

- The MCC is a set of guidelines issued by the Election Commission to regulate political parties and candidates prior to elections, to ensure free and fair elections.
- This is in keeping with Article 324 of the Constitution, which gives the Election Commission the power to supervise elections to the Parliament and state legislatures.
- The MCC is operational from the date that the election schedule is announced till the date that results are announced.

1: Objective of MCC

- MCC comes into operation from the day ECI announces the program for election in your constituency and will be in force till the completion of the election
- Developed for maintaining a healthy and peaceful atmosphere conducive to the conduct of smooth elections
- Also, provides level playing field for all parties.



How Model Code of Conduct evolved over time?

- MCC was first introduced in the state assembly elections in Kerala in 1960. It was a set of instructions to political parties regarding election meetings, speeches, slogans, etc.
- In the 1962 general elections to the Lok Sabha, the MCC was circulated to recognised parties, and state governments sought feedback from the parties. The MCC was largely followed by all parties in the 1962 elections and continued to be followed in subsequent general elections.
- In 1979, the Election Commission added a section to regulate the 'party in power' and prevent it from gaining an unfair advantage at the time of elections. In 2013, the Supreme Court directed the Election Commission to include guidelines regarding election manifestos, which it has included in the MCC for the 2014 general elections.

Key provisions of the Model Code of Conduct

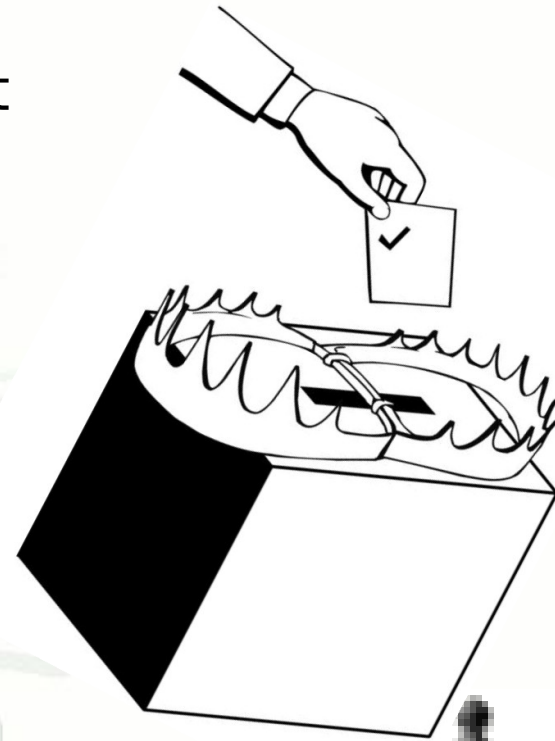
- The MCC contains eight provisions dealing with general conduct, meetings, processions, polling day, polling booths, observers, party in power, and election manifestos. Major provisions of the MCC are -
- **General Conduct: Criticism of political parties must be limited to their policies and programmes, past record and work. Activities such as: (a) using caste and communal feelings to secure votes, (b) criticising candidates on the basis of unverified reports, (c) bribing or intimidation of voters, and (d) organising demonstrations or picketing outside houses of persons to protest against their opinions, 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 contact in advance to ensure that the processions do not clash. Carrying and burning effigies representing members of other political parties is not allowed.
- **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

Is the Model Code of Conduct legally binding?

- The MCC is not enforceable by law. However, 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.
- The ECI has argued against making the MCC legally binding; stating that elections must be completed within a relatively short time (close to 45 days), and judicial proceedings typically take longer, therefore it is not feasible to make it enforceable by law.

2: Rationale behind MCC

- A visible and rigorous enforcement of Model Code of Conduct enhances the credibility of the elections and gives confidence to the stakeholders/voters.
- It ensures that official machinery for the electoral purposes is not misused.
- It ensures that electoral offences, malpractices and corrupt practices such as impersonation, bribing and inducement of voters, threat and intimidation to the voters, is prevented by all means.



3: Broad areas of Application

1. Execution of welfare schemes and Government work.
2. Publicity / campaign on welfare schemes and Government work.
3. Appointment/transfer/posting of Government officials.
4. Use of Rest House, Dak Bungalow and other Government accommodation by political functionary.
5. Provisions regarding tour of Ministers /political functionaries.
6. Use of official aircrafts/vehicles/flags etc.
7. Use of loudspeaker.
8. Printing of pamphlet, posters & other media activities.

NOTE- The Commission has exempted all matters pertaining directly to defence forces from the per view of model code letter number 437/6/CG/2014-CC &BE dated 29 -03 -2015

Conduct for Officials



Model Code of Conduct for Officials

No video conferencing should take place between the Chief Ministers of the States, Ministers and other political functionaries of the Union and State Governments and the officials individually or collectively, after the announcement of elections and from the date from which Model Code of Conduct comes into force in a state or the constituency.
(Instruction Sl. No.73 [p.121] of compendium ECI letter dt.30.12.

2004)

However, in the immediate aftermath of any calamity of significant scale/ magnitude, if video- conferencing is considered essential, CM/ Minister concerned may hold video conferencing with officials concerned subject to conditions as laid in ECI letter No. 437/6/INST/2014-CC&BE dated 18/03/2014. S.No.74 p. 122

Tour/leave of Officials during election

There are restrictions on tours / leave of the officers whose spouses are active in Political arena. In such cases, the concerned officers should not leave their HQs either on leave or on tour till the elections are complete

(Instruction SL. No. 102 p.171, EC letter dated 23.01.1998)

Ban on Transfer



Ban on Transfer of police officers



Ban on Transfer of other officers connected with election



Transfer/postings



Model Code of Conduct on Transfer/posting



Exception relating to transfer/posting during MCC

- Commission has decided that Sector officers are not covered by these transfer orders as their knowledge of the terrain of the area in which they are deployed is essential for effective performance of their duty as sector officers.

iiidem

Tour of Ministers etc. during MCC



Exception



Ministers' Visit for campaigning to be treated private



Combining of official visit with electioneering is not allowed



Republic Day function



No beacon light etc.



private visits for campaigning purpose



Visit in public interest



Visit in public interest



Meeting with officials



Use of official vehicle



Iftar party etc at the cost of exchequer



Security to political functionaries



Discretionary funds



Visit of Chairman of Commission for SC/ST etc



MCC for Political Parties and Candidates



MCC for Political Parties and Candidates



MCC for Political Parties and Candidates



MCC for Political Parties and Candidates



MCC for Political Parties and Candidates



MCC for Political Parties and Candidates



Advisory for Political Parties



Advisory for Political Parties



Advisory for Political Parties



Advisory for Political Parties-2/2



Sub Learning Objective 10. Dos & Don'ts



8/1. Do's



8/2. Do's



8/3. Do's



8/4. Do's



8/5. Do's



8/6. Do's



8/7. Do's



8/8. Don'ts



8/9. Don'ts



8/10. Don'ts



8/11. Don'ts



8/12. Don'ts



8/13. Don'ts



8/14. Don'ts



9/8: Model Code of Conduct for Use of Official Vehicles

During Electioneering



9/9: Model Code of Conduct for Use of Official Vehicles



9/10: Model Code of Conduct for Use of Official Vehicles



9/11: Model Code of Conduct for Use of Official Vehicles



9/12: Model Code of Conduct for Use of Official Vehicles



9/13: Model Code of Conduct for Use of Official Vehicles



9/14: Model Code of Conduct for Use of Official Vehicles

DURING POLL



9/16: Model Code of Conduct for Use of Official Vehicles



10/1: MCC for State/Central Government



10/2: MCC for State/Central Government



10/3: MCC for State/Central Government

Works can be continued by Government agencies



10/4: MCC for State/Central Government

Ex-gratia payments and gratuitous relief in the aftermath of a disaster can be given directly to the person affected

Payment directly to hospital from CM/PM relief fund will be permissible provided selection of beneficiaries/ participants are done by the concerned Govt. officials/ heads of the concerned private hospitals. [No. 437/6/INST/2014-CC&BE Dt. 14-03-2015]

10/4: MCC for State/Central Government



10/5: MCC for State/Central Government

**Activities require prior
permission of the
commission**



10/6: MCC for State/Central Government



10/7: MCC for State/Central Government



10/8: MCC for State/Central Government



10/9: MCC for State/Central Government



10/10: MCC for State/Central Government

- **Commission does not refuse approval for schemes for tackling**
 - Emergencies
 - Unforeseen calamities
 - Welfare measures for the aged, infirm etc.

In these matters, however, prior approval of the Commission should be taken.

- All ostentatious functions should be strictly avoided and no impression should be given or allowed to be created that such welfare measures or relief and rehabilitation works are being undertaken by the Government in office so as to influence the electors in favour of the party in power which at the same time will adversely affect the prospects of the other

10/11: MCC for State/Central Government



10/12: MCC for State/Central Government



10/13: MCC for State/Central Government



10/14: MCC for State/Central Government



10/14: MCC for State/Central Government



11.Election Manifestos

The Supreme court in its judgment dated 5th July, 2013 in SLP(C) No. 21455 of 2008 (S.

Subramaniam Balaji Vs Govt. of Tamil Nadu and Others) has directed the Election Commission to frame guidelines with regard to the contents of election manifestos in consultation with all the

The Constitution under article 324 mandates the

Election Commission, to conduct elections inter alia to the parliament and the State Legislatures.

Having due regard to the above directions of the

Supreme Court and after consultation with the political parties, the Commission, in the interest

of free and fair elections, hereby directs that political parties and candidates while releasing election manifestos for any election to the

parliament or State Legislature shall adhere to

the following guidelines:-

(i) The election manifestos 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.

(ii) The Directive Principles of State Policy enshrined in the Constitution enjoin upon the State to frame various welfare measures for the citizens and therefore there can be no objection to the promise of such welfare measures in election manifestos. However, political parties should avoid making those promise which are likely to vitiate the purity of the election process or exert undue influence on the voters in exercising their franchise

(iii) In the interest of transparency, level playing field and credibility of promises, it is expected that manifestos also reflect the rationale for the promises and broadly indicate the ways and means to meet the financial requirements for it. Trust of voters should be sought only on those promises which are possible to be fulfilled.

12/1. FAQ on MCC



12/3. FAQ on MCC



12/4. FAQ on MCC





THANKS