



REFORMS IN MCC - GS II MAINS

Q. The Model Code of Conduct (MCC) represents a vital safeguard against electoral malpractice, but its efficacy is contingent on robust enforcement and continuous adaptation to changing circumstances. Discuss (15 marks, 250 words)

News: *Mind the Gap: EC's Model Code Needs Reform and India Needs Model Leadership*

What's in the news?

- The Model Code of Conduct (MCC), a cornerstone of India's electoral process, has undergone a significant evolution since its inception.

Key takeaways:

- Initially designed to ensure fair conduct during elections, it has encountered challenges in recent years due to the changing political landscape.

Backdrop of the Model Code of Conduct (MCC):

- The MCC originated in the 1960s as a modest set of guidelines for election conduct, primarily focused on Kerala's Assembly elections.
- Over the years, under different Chief Election Commissioners (CECs), it expanded in scope and applicability.
- Notably, in 1979, under S L Shakhdar's tenure, the MCC was circulated before every General Election, reflecting its growing importance.
- Subsequent revisions, particularly under T N Seshan, instilled the MCC with greater potency, making it a vital tool for ensuring electoral integrity.

Challenges in Model Code of Conduct (MCC):

1. Escalating Violations:

- Political parties and candidates frequently flout the MCC's provisions with impunity, engaging in activities such as hate speech, vote-buying, and misinformation campaigns.
- The prevalence of such violations erodes public trust in the electoral process and undermines the principles of fairness and transparency.

2. Exploitation of Loopholes:

- In the contemporary political landscape, there is a visible trend of political actors exploiting loopholes in the MCC to circumvent its regulations.
- With the advent of technology and social media, parties have found new avenues to disseminate propaganda and target voters, often skirting the MCC's traditional constraints.
- This exploitation of loopholes diminishes the MCC's effectiveness and necessitates revisions to address emerging challenges.



3. Inadequate Deterrents:

- While the MCC outlines ethical guidelines and principles, it often fails to prescribe meaningful consequences for violations.
- As a result, politicians perceive little risk in flouting the MCC, emboldening them to prioritise electoral gains over ethical conduct.
- Strengthening the MCC requires the imposition of clear and proportional penalties for infringements, thereby instilling a culture of accountability.

4. Complexity of Enforcement:

- The vast and diverse nature of India's electoral landscape, coupled with the sheer volume of violations reported, strains the EC's enforcement capabilities.
- Moreover, the process of adjudicating MCC violations can be protracted and resource-intensive, leading to delays in accountability.
- Streamlining enforcement procedures and enhancing the EC's capacity are essential for ensuring the timely and effective implementation of the MCC.

5. Erosion of Public Trust:

- When citizens witness widespread disregard for ethical norms and regulations, they may become disillusioned with the democratic system, leading to voter apathy and disenchantment.
- Restoring public trust in elections requires robust measures to strengthen the MCC and demonstrate the EC's commitment to upholding electoral integrity.

Proposed Reforms to Strengthen the Enforcement of MCC:

1. Clear and Comprehensive Guidelines:

- It involves establishing clear and comprehensive guidelines outlining permissible and impermissible conduct during electoral campaigns.
- These guidelines should be updated regularly to adapt to evolving challenges and technological advancements.
- By providing clarity on expected behaviour, political parties and candidates will be better equipped to adhere to ethical standards and avoid inadvertent violations.

2. Strict Enforcement Mechanisms:

- This includes the imposition of proportional penalties for infringements, such as fines, bans on campaigning, and withdrawal of electoral symbols.
- Additionally, the Election Commission (EC) should streamline enforcement procedures to ensure swift adjudication of cases, thereby enhancing the MCC's credibility and deterrent effect.

3. Indirect Liability for Political Parties:



- By imposing penalties on parties found guilty of MCC violations, regardless of individual culpability, the reform aims to incentivise parties to exercise greater oversight over their members' conduct.
- This measure not only enhances accountability but also nurtures a culture of collective responsibility within political organisations.

4. Transparency and Public Accountability:

- The EC should maintain a publicly accessible database documenting all reported MCC violations, along with their respective dispositions.
- This transparency enables citizens to monitor compliance with electoral regulations and hold political actors accountable for their actions, thereby bolstering public trust in the electoral process.

5. Timely and Credible Adjudication:

- Delays in addressing violations undermine the MCC's deterrent effect and erode public confidence in the EC's ability to enforce electoral regulations.
- By prioritising timely resolution of cases and ensuring impartiality in decision-making, the EC can demonstrate its commitment to upholding electoral integrity and fairness.

6. Continuous Evaluation and Revision:

- As new challenges emerge and electoral dynamics evolve, policymakers must remain vigilant in identifying areas for improvement and updating the MCC accordingly.
- This iterative approach ensures that the MCC remains relevant and effective in safeguarding the integrity of India's electoral process.

7. Role of Political Leadership:

- Political leaders play a pivotal role in upholding the integrity of elections by adhering to ethical standards and promoting responsible conduct within their parties.
- By setting an example of ethical leadership, politicians can cultivate a culture of integrity and accountability among their supporters and party members.
- Effective self-regulation within political parties is essential for minimising MCC violations and maintaining the integrity of electoral campaigns.
- By demonstrating a commitment to fairness, transparency, and respect for democratic principles, leaders can inspire confidence in the integrity of elections and foster civic engagement among voters.

8. Role of Election Commission:

- As the custodian of electoral integrity, the Election Commission plays a crucial role in impartially adjudicating MCC violations and enforcing electoral regulations.
- Prompt and decisive enforcement of the MCC is essential for deterring violations and maintaining the integrity of electoral campaigns.



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- The EC must uphold public accountability by maintaining transparency in its actions and decisions related to MCC enforcement.
- By providing regular updates on reported violations, adjudication outcomes, and enforcement measures, the EC creates public trust in its ability to safeguard the integrity of elections.
- Enhancing the EC's capacity for MCC enforcement is crucial for effectively addressing emerging challenges and ensuring the integrity of electoral processes. This includes
 - Investing in training programs.
 - Technological infrastructure.
 - Human resources to enable the EC to adapt to evolving electoral dynamics and enforce regulations effectively.

The MCC represents a vital safeguard against electoral malpractice, but its efficacy is contingent on robust enforcement and continuous adaptation to changing circumstances. By implementing the proposed reforms and fostering a culture of ethical leadership, India can reinforce the integrity of its democratic processes, ensuring free and fair elections for all citizens.

