

**MAINS iMPACT 2025****07-10-2025**

MODEL CODE OF CONDUCT (MCC)

SYLLABUS:

GS 2 > Polity > Election > Election Commission

REFERENCE NEWS:

- Recently, the Bihar government **launched the Mukhyamantri Mahila Rojgar Yojana** just days before the election schedule was announced, enabling ₹10,000 direct cash transfers to nearly 75 lakh women.
- The **scheme was announced just before the Model Code of Conduct (MCC)** kicked in, allowing the government to **comply with the code in letter**, but the continued **disbursal of cash benefits during the MCC period** amounted to a **clear violation in spirit**.
- Critics noted that although the government labelled it an **“ongoing welfare scheme,”** the timing and scale of the cash transfers risked **influencing voters and undermining the level playing field** that the Model Code of Conduct seeks to ensure.

MODEL CODE OF CONDUCT (MCC):

- The Model Code of Conduct (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.
- The MCC is **operational from the date that the election schedule is announced till the date that results are announced**.
- The Election Commission ensures that the political parties adhere to the Model Code of Conduct to carry out free and fair polls under **Article-324 of the Constitution**.
- 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.
- **cVIGIL** mobile application is made to register the voter’s complaints regarding violation of the guidelines or any kind of offences in an election.

HISTORY:

- A form of the MCC was first introduced in the **state assembly elections in Kerala in 1960**.
- In the 1962 general elections to the Lok Sabha, the MCC was circulated to recognized parties, and state governments sought feedback from the parties. It 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 2014, the Election Commission included guidelines regarding election manifestos in the MCC.
- The ECI in 2019 had decided to keep social media posts by the political parties and leaders under its vigil for detecting any MCC violation.

KEY PROVISIONS:

- **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.
- **Polling day:** All authorised party workers at polling booths should be given identity badges. These should not contain the party name, symbol or name of the candidate.
- **Polling booths:** Only voters, and those with a valid pass from the Election Commission, will be allowed to enter polling booths.
- **Observers:** The Election Commission will appoint observers to whom any candidates may report problems regarding the conduct of the election.
- **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. 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.

Effect of violation of MCC:

If a person violates the MCC rules, they cannot be punished, except in certain cases where the MCC violation is also a crime under the Indian Penal Code, 1860 and the Representation of the People Act, 1951. For the violation of those crimes, one might even go to jail. As for violations of MCC alone, a warning will be issued by ECI, but if the person repeats them, the complaint will be forwarded to the election authorities who will take necessary actions, which might even be removal of their candidature. The most important role the Election Commission plays during the period MCC is in force, is the immediate actions it takes in stopping violations of MCC.

- The Election Commission can stop government advertisements endorsing the ruling party.
- Stop the ruling party from using their political influence and endorsing their agenda through television or cinema.
- Stop a candidate or a party from indulging in any activity which may create mutual hatred or cause tension between castes and communities.

- The District Election Officers can order an FIR against a person for making remarks which can lead communal tension.

SIGNIFICANCE OF MCC:

- **Ensures fair and peaceful elections:**
 - The codes act as a guideline for all parties to follow. It also lays down **procedures to be followed for peaceful campaigning in a constituency**. This ensures equality and peaceful conduct of the election process.
- **Prevents misuse of power:**
 - By laying down **specific guidelines for the party in power**, the MCC prevents any form of misuse of government machinery or public exchequer for elections that could create an unfair advantage to them.
- **Protects voters:**
 - The codes **prohibit bribing or intimidation of voters**. It also prohibits parties from making promises that exert an undue influence on voters. Thus, the codes **ensure that voters are not misled and they execute their vote with full freedom**.
- **Protects private life:**
 - MCC prohibits parties and candidates from **criticism of all aspects of private life**, not connected with the public activities of the leaders or workers of other parties.
- **Protection from false claims:**
 - Criticism of other parties or their workers based on unverified allegations or distortion are not permitted under the MCC. This provision helps prevent a political squabble to a great extent.
- **Ensures secularism in elections:**
 - MCC **prohibits places of worship** like Temple, Mosque or **Gurudwara from being used as forum for election propaganda**. Further, the code prohibits appeal to caste or communal feelings for securing votes.
- **Aligns with changing trends:**
 - Over the years, the MCC has adjusted to the changing nature of elections and campaigning. **Inclusion of social media and AI-generated content** under the monitoring ambit of MCC to counter manipulated videos and deepfakes. For instance, EC recently mandated **“disclosure tags” on AI-generated campaign videos**.
- **Flexibility:**
 - For tackling emergencies or unforeseen calamities like providing relief to people suffering from natural calamities, government may do so after obtaining prior approval of the Commission. But the code also prevents any ostentatious functions or impressions that create an unfair advantage to the Government in office.
- **Acts as a moral restraint even without legal backing:**
 - MCC is not legally enforceable, but its **moral authority** works as a behavioural check on political actors.

The **Parliamentary Standing Committee (2013)** recommended giving the MCC statutory backing, but the Election Commission opposed the move, arguing that legal enforcement would lead to court challenges and delays, which is impractical given that elections must be completed within a tight 45-day window.

- **Builds public trust in democracy:**

- Public perception of neutrality is essential.
- When MCC is enforced strictly (e.g., transferring officials, restraining ministers from campaigning using government platforms), people perceive the election process as fair.
- **Encourages accountability & transparency:**
 - EC publishes compendium of MCC violations and actions taken.
 - Parties are compelled to justify decisions on schemes and announcements after MCC is in force.

cVIGIL :

- cVIGIL is an innovative mobile application launched by the Election Commission of India for citizens to **report Model Code of Conduct and expenditure violations** during the elections. ‘cVIGIL’ stands for Vigilant Citizen and emphasises the proactive and responsible role citizens can play in the conduct of free and fair elections.
- The cVIGIL operating model will operate as follows:



ISSUES WITH MCC:

- **No legal backing:**
 - Since the MCC itself does not have the force of law, it is enforced through executive decision-making. It remains, therefore, ambiguous and uneven as far as the modality of implementation and certainty of execution, are concerned.
- **Restriction on development:**
 - Enforcement of MCC is often cited as a roadblock to developmental process that are already being executed.
- **Efficiency of Election commission:**
 - In a country with 968 million voters sprawled over 3.2 million square kilometers, the Election Commission lacks the resources and legal expertise to take decisions on cases of MCC violations effectively.
- **Difficult to quantify:**
 - The MCC is based on assumption that political parties and candidates would accord importance to issue of propriety, ethics and morality. However, they are subjective and open to varying interpretations.
- **Difficult to monitor social media:**
 - Social media has a far and wide reach and it is difficult to keep track of all the campaigning activities through it.
- **Advantage to ruling party exists:**

- The MCC prohibits advertisement at the cost of public exchequer in newspapers/media during the election period. However, 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. This gives an advantage to the ruling party to issue government sponsored advertisements, which gives it an undue advantage over other parties and candidates.
- **Loophole allows “compliance in letter, violation in spirit”:**
 - Governments announce schemes or financial benefits *just before* MCC to escape technical violation.
 - For instance, **the Mukhyamantri Mahila Rojgar Yojana (Bihar) was announced just before the Model Code of Conduct (MCC) kicked in**, allowing the government to **comply with the code in letter**, but the continued disbursement of cash benefits during the MCC period amounted to a **clear violation in spirit**.
- **MCC lacks punitive consequence:**
 - Since MCC is not legally enforceable, most violations result only in warnings or temporary bans from campaigning — **there is no deterrent effect**.
- **Difficulty in regulating AI-generated deepfakes & misinformation:**
 - Even though the EC now mandates **disclosure tags on AI-generated campaign videos**, detecting manipulated content across thousands of pages and messaging apps remains difficult.
- **Legal impracticality of making MCC statutory:**
 - The Parliamentary Standing Committee (2013) recommended making MCC legally binding, but the EC opposed it because court challenges could delay elections, which must be concluded within a **narrow 45-day window**.

SHOULD MCC BE GIVEN STATUTORY RECOGNITION?

NO:

- **Delays the election process:** The Election Commission has argued against making the MCC legally binding, stating that elections must be completed within a relatively short time and judicial proceedings typically take longer. Therefore, it is not feasible to make it enforceable by law.
- **Already enforceable:** Most provisions of the MCC are already enforceable through corresponding provisions in other statutes, such as the Indian Penal Code, 1860, Code of Criminal Procedure, 1973, and Representation of the People Act, 1951.
- **Requires flexibility:** The EC needs flexibility to deal with unprecedented situations that can arise at any time. Providing legal backing can take away this freedom and further complicate the election process.
- **Violates the spirit of MCC:** MCC is a document designed in consensus with political parties. Any attempt to bind it legally would affect the spirit of consensus arrived at.

YES:

- **Eliminates ambiguity:** Providing a legal backing to the code will eliminate the ambiguities that currently surround the MCC.

- **Empowers the Election Commission:** The EC of India has been repeatedly demanding the government for more powers to effectively manage elections. Eg: Explicit powers to postpone or cancel polls if incidents of bribery of voters are reported in any constituency. Providing legal backing to MCC can greatly help overcome this issue.
- **Supported by committees:** The Standing Committee on Personnel, Public Grievances, Law and Justice, in 2013, recommended making the MCC legally binding. Another Standing Committee recommended that the MCC be made a part of the Representation of the People Act, 1951.

WAY FORWARD:

- **Targeted legal backing:** Instead of making the entire MCC statutory, give legal backing only to recurring violations — misuse of welfare schemes, hate speech, and misuse of government advertisements.
- **Close the “in letter vs. in spirit” loophole:** Require EC approval for any new welfare scheme or financial benefit announced **within a defined pre-election window**.
- **Strengthen monitoring:** Expand cVIGIL and deploy AI tools to track deepfakes, online misinformation, and digital campaigning in real time.
- **Time-bound action:** Fix a **48-hour disposal mechanism** for MCC complaints and publish violation reports to increase transparency.
- **Empower the Election Commission:** Increase staffing, legal expertise, and financial autonomy.

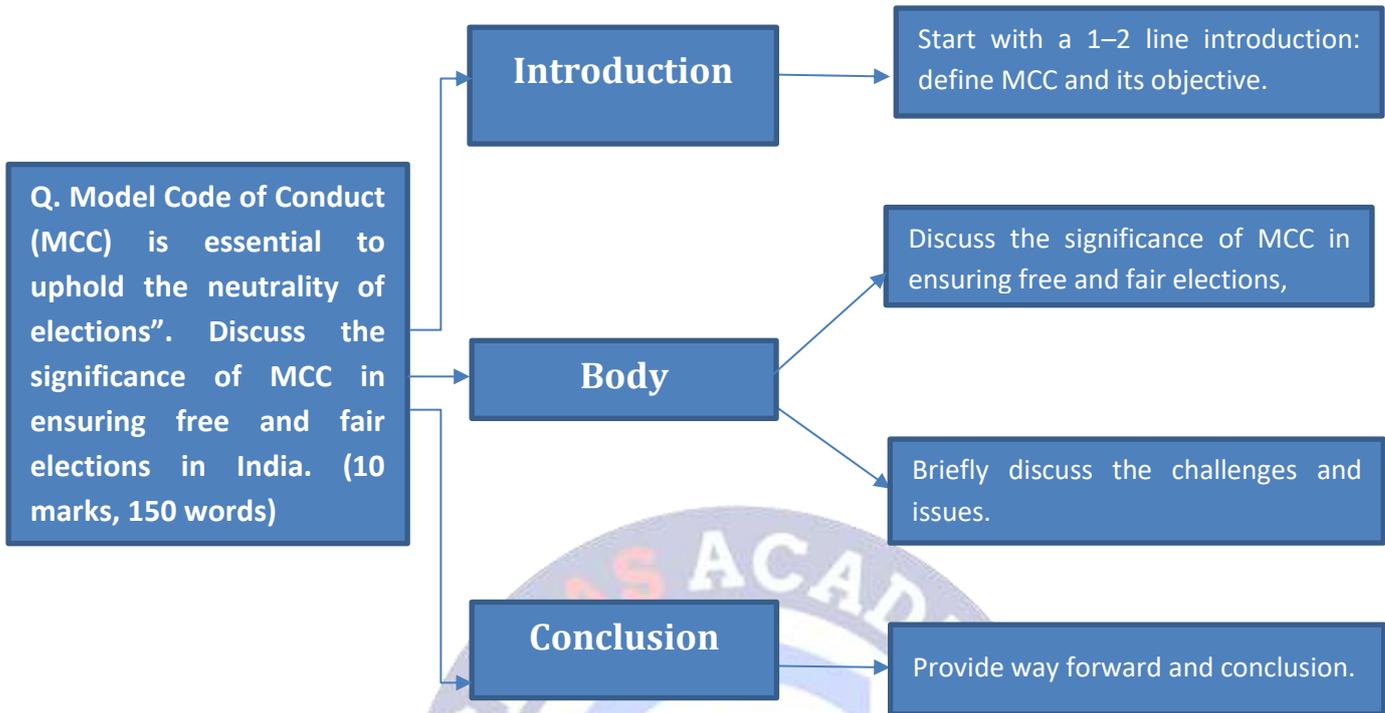
CONCLUSION:

- The MCC has preserved the fairness of Indian elections, but evolving challenges — digital manipulation and welfare populism — expose its limits. A balanced approach that retains MCC’s flexibility while strengthening enforcement and closing loopholes will protect the neutrality of elections and reinforce public trust in the democratic process.

PRACTICE QUESTION:

Q. “Model Code of Conduct (MCC) is essential to uphold the neutrality of elections”. Discuss the significance of MCC in ensuring free and fair elections in India. (10 marks, 150 words)

APPROACH:



MODEL ANSWER:

The **Model Code of Conduct (MCC)** is a set of guidelines issued by the Election Commission of India (ECI) under **Article 324** to regulate the behaviour of political parties and candidates from the announcement of the election schedule till polling concludes. Its objective is to ensure **free, fair, and level-playing-field elections**, preventing the misuse of power or public resources for electoral gains.

Significance of MCC in Ensuring Free and Fair Elections:

- 1. Ensures equality and peaceful electoral competition:** Provides common rules for campaigning, meetings, processions, and use of public spaces, preventing clashes and maintaining order.
- 2. Prevents misuse of state machinery by the ruling party:** Restricts announcement of new welfare schemes, advertisements, or use of official machinery during elections. Recent example: A scheme in Bihar was launched just before MCC began; cash disbursement continued during MCC — compliance in letter, violation in spirit.
- 3. Protects voters from inducement and coercion:** Prohibits bribing, intimidation, and undue influence over voters.
- 4. Preserves secularism and checks divisive politics:** Bans religious/caste appeals and prohibits use of religious places for campaign propaganda.
- 5. Ensures accountability and transparency:** EC observers, cVIGIL app, and pre-certification of digital ads enhance monitoring and empower citizens.

6. **Adapts to changing electoral realities:** MCC now regulates **social media** and **AI-generated campaign videos**, with ECI mandating **disclosure tags** on deepfakes.

Challenges and Issues:

- No legal backing → mostly moral persuasion.
- Difficult to monitor **social media, AI deepfakes, and misinformation**.
- Loophole allows ruling party to **announce schemes just before MCC**, gaining advantage.
- MCC violations largely result in warnings → **weak deterrence**.

Way Forward:

- **Targeted legal backing** for recurring violations such as misuse of welfare schemes and hate speech.
- Close the “**in letter vs. in spirit**” loophole — require EC approval for schemes announced shortly before elections.
- Enhance technology-based monitoring — expand use of **cvIGIL + AI tools** for spotting deepfakes and digital propaganda.
- Fix **48-hour disposal** mechanism for MCC complaints to increase transparency and deterrence.

The MCC has sustained India's reputation for **free, fair, and peaceful elections**, but the evolving challenges of digital manipulation and last-minute welfare populism expose its limitations. Strengthening enforcement — without diluting flexibility — will protect the neutrality of elections and deepen public trust in India's democratic process.

