



# "Guardians Of Good Behavior: The Evolution Of Code Of Conduct Models"

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## **Abstract:**

In contemporary democracies, the conduct of political parties plays a pivotal role in shaping the political landscape and influencing public perception. However, the absence of a unified framework guiding the behavior of political parties often leads to ethical ambiguities, fostering distrust among citizens and undermining the democratic process. This research paper proposes a comprehensive model code of conduct tailored specifically for political parties, aiming to instill ethical standards, transparency, and accountability within their operations.

The model code of conduct delineates a set of principles and guidelines designed to govern the behavior of political parties across various aspects of their functioning, including campaign finance, candidate selection, party leadership, and inter-party relations. Drawing upon insights from comparative political systems and existing codes of conduct, the framework integrates best practices and addresses common challenges encountered in contemporary political contexts.

Central to the proposed model is the emphasis on transparency and integrity in political financing, advocating for strict regulations to prevent the undue influence of money in electoral processes. Furthermore, the code promotes inclusivity and fairness in candidate selection procedures, fostering diversity and representation within political parties.

Moreover, the model code of conduct underscores the importance of intra-party democracy, urging parties to adopt democratic decision-making processes and ensure the participation of members in key organizational decisions. Additionally, the framework advocates for ethical leadership within parties, promoting accountability mechanisms to hold leaders accountable for their actions and decisions.

By establishing clear standards of behavior and promoting a culture of ethical governance, the proposed model code of conduct aims to enhance public trust in political parties, strengthen democratic institutions, and ultimately contribute to a more robust and inclusive political system. Implementation of such a framework requires collaboration among political stakeholders, civil society organizations, and governmental bodies to ensure its effectiveness and enforceability.

Through empirical research and case studies, this paper evaluates the feasibility and impact of implementing the model code of conduct in diverse political contexts, offering insights into its potential challenges and opportunities for adaptation. Ultimately, the proposed framework serves as a roadmap for fostering ethical conduct and promoting democratic values within political parties, thereby advancing the principles of good governance and citizen engagement in democratic societies.

## **History**

The genesis of the Model Code of Conduct (MCC) can be traced back to the electoral landscape of India, originating in Kerala. Initially conceived during the 1960 Assembly elections in Kerala as a 'Code of Conduct' for political leaders by the State Administration, it later evolved into what is now known as the MCC.

Following its inception, the Election Commission of India (ECI) disseminated this code to all recognized political parties and State governments during the 1962 Lok Sabha elections, establishing a standard for conduct during electoral processes. However, recognizing the need to combat corrupt electoral practices such as the use of muscle power and financial influence from 1962 to 1991, the ECI enhanced the code, including provisions to regulate the conduct of the 'party in power' to prevent unfair advantages during elections.

This revised and more stringent code was officially renamed the Model Code of Conduct (MCC). Despite calls for its incorporation into legislation, it remained separate from statutory law. Post-1991, the ECI enforced the MCC using new mechanisms. In instances of violation, the Chief Election Commissioner, notably T.N. Seshan, wielded constitutional authority under Article 324 to postpone elections.

The Supreme Court's decision in the 2001 case *Union of India Vs. Harbans Singh Jalal and Others* established that the Model Code of Conduct (MCC) becomes effective as soon as the Election Commission releases a press statement. This ruling resolved any debate surrounding the commencement date of the MCC.

## **What is the Model Code of Conduct**

The Election Commission of India issues guidelines aimed at ensuring the integrity of elections nationwide. These guidelines serve as a roadmap for political parties and candidates, outlining permissible and prohibited actions prior to and during elections. Essentially, the Model Code of Conduct delineates a framework of rules to govern the behavior of candidates and political entities throughout the electoral process. It covers various aspects

such as campaigning, conduct during public meetings, and overall ethical standards. The Model Code of Conduct remains in force until the conclusion of the entire electoral process.

### **Applicability**

Lok Sabha Elections - The code applies nationwide during General Elections to the House of People (Lok Sabha).

Legislative Assembly Elections - The code is applicable statewide during General Elections to the Legislative Assembly (Vidhan Sabha). Bye-Elections - The code applies to the entire district or districts where the constituency is located during bye-elections.

### **Importance & Objective**

A model code of conduct for political parties serves as a crucial framework to ensure fairness, transparency, and ethical behavior in political activities. Here's why it's important:

**Fair Elections:** It helps maintain a level playing field during elections by ensuring that all political parties adhere to the same set of rules and standards. This prevents any party from gaining an unfair advantage through unethical or illegal means.

**Ethical Behavior:** A code of conduct outlines ethical guidelines for political parties, such as refraining from making false promises, indulging in hate speech, or resorting to bribery. This promotes integrity and trustworthiness in the political process.

**Public Confidence:** When political parties commit to following a code of conduct, it enhances public confidence in the electoral process. Citizens are more likely to trust the fairness of elections and the legitimacy of elected representatives when they believe that parties are held accountable to ethical standards.

**Preventing Corruption:** By prohibiting practices such as bribery and misuse of public resources, a code of conduct helps prevent corruption within political parties. This fosters a healthier political environment where decisions are made in the public interest rather than for personal gain.

**Maintaining Social Harmony:** Political campaigns can sometimes become heated and divisive, leading to social unrest. A code of conduct can include provisions that promote respectful discourse and discourage activities that incite violence or hatred based on factors like religion, caste, or ethnicity.

**Accountability and Enforcement:** A model code of conduct typically includes mechanisms for monitoring compliance and enforcing penalties for violations. This holds political parties accountable for their actions and deters them from engaging in unethical behavior.

**International Standards:** Many countries adopt model codes of conduct based on international standards set by organizations like the United Nations or regional bodies. Aligning with these standards helps demonstrate a commitment to democratic principles and human rights on the global stage.

Overall, a model code of conduct for political parties plays a vital role in upholding the integrity of the democratic process, promoting responsible governance, and safeguarding the interests of citizens.

## **MODEL CODE OF CONDUCT FOR THE GUIDANCE OF POLITICAL PARTIES AND CANDIDATES**

### **I. General Conduct**

1. Parties and candidates must refrain from engaging in activities that exacerbate existing divisions or foster animosity among different castes, communities, religions, or languages.
2. When critiquing other political entities, parties and candidates should limit their remarks to policies, track records, and official duties, avoiding any discussion of private matters unrelated to public roles. Criticism based on unverified claims or misrepresentation should be avoided.
3. Appeals to caste or communal sentiments to secure votes are prohibited. Additionally, places of worship such as mosques, churches, temples, etc., should not be utilized for election campaigning.
4. All parties and candidates must strictly abstain from any actions considered "corrupt practices" or offenses under election laws. This includes bribery, voter intimidation, impersonation, campaigning near polling stations, holding public gatherings within 48 hours of polls, and providing transportation to voters.
5. The privacy and tranquility of individuals' homes must be respected, regardless of political differences. Organizing protests or picketing at individuals' residences due to their political beliefs or activities is strictly prohibited.
6. Political parties and candidates are prohibited from allowing their supporters to utilize private property for displaying flags, banners, notices, or slogans without explicit permission.
7. Political parties and candidates are responsible for ensuring that their supporters do not disrupt meetings or processions organized by other parties. Workers or sympathizers should refrain from causing disturbances or distributing their party's materials at events held by opposing parties. Processions should not pass through locations where another party is conducting a meeting, and posters belonging to one party should not be removed by workers of another party.

## II. Meetings

1. The party or candidate must promptly notify local law enforcement of the venue and timing of any planned gathering to facilitate traffic management and ensure peacekeeping measures can be implemented effectively.
2. Before organizing a meeting, the party or candidate must confirm whether any restrictive orders are in place for the intended location. If such orders exist, they must be strictly adhered to, and any necessary exemptions should be sought well in advance.
3. If the use of loudspeakers or other facilities requires permission or licensing for a proposed meeting, the party or candidate must apply to the relevant authority well ahead of time and obtain the necessary approvals.
4. It is the responsibility of the meeting organizers to request assistance from on-duty police officers in handling individuals who disrupt the gathering or attempt to incite disorder. The organizers themselves should refrain from taking direct action against such individuals.

## III. Procession

1. Before commencing a procession, a Party or candidate must determine the time, starting point, route, and end point, with no deviations expected from the plan.
2. Prior notification of the procession's details must be provided to local law enforcement authorities to facilitate necessary arrangements.
3. Organizers must confirm if any local restrictions are in place along the procession route and adhere to them, unless specifically exempted by the appropriate authority. Traffic regulations must also be strictly followed.
4. Arrangements should be made beforehand to ensure the smooth passage of the procession without obstructing traffic flow. Long processions should be divided into manageable segments to allow traffic to pass through junctions smoothly.
5. Processions must keep to the right side of the road as much as possible, following the guidance and instructions of on-duty police officers.
6. If multiple political entities plan processions along the same route simultaneously, organizers must establish communication early on to prevent clashes and traffic disruptions. Cooperation with local law enforcement is necessary for reaching satisfactory arrangements.
7. Political parties or candidates should exercise maximum control over procession participants to prevent the carrying of items that could be misused, especially during moments of heightened emotions.

8. Activities like carrying effigies or publicly burning representations of members of other political parties or leaders should not be tolerated by any political entity or candidate.

#### **IV. Polling Day**

All political parties and candidates must:

1. Collaborate with election officials to guarantee peaceful and orderly voting, ensuring voters have full freedom to cast their ballots without harassment or obstruction.
2. Provide appropriate badges or identity cards to their authorized workers.
3. Ensure that the identity slips given to voters are printed on plain white paper and contain no symbols, candidate names, or party names.
4. Abstain from serving or distributing alcohol on election day and during the forty-eight hours leading up to it.
5. Prevent unnecessary crowds from gathering near their party or candidate camps at polling stations to avoid potential conflicts and tensions among supporters.
6. Maintain simplicity at candidate camps, refraining from displaying posters, flags, symbols, or any other propaganda materials. No food should be served, and crowds should not be allowed at the camps.
7. Cooperate with authorities regarding vehicle restrictions on polling day and obtain permits for vehicles, prominently displaying them when necessary.

#### **V. Polling Booth**

Polling stations are being overseen by appointed Election Commission Observers. Should candidates or their representatives encounter any issues or grievances regarding the election proceedings, they are encouraged to report them to the designated Observer for resolution.

#### **VII. Party in Power**

The governing party, whether at the national or state level, must ensure that it refrains from using its official position to benefit its election campaign. This includes:

1. Ministers are prohibited from combining official visits with electioneering activities and from utilizing government resources for campaign purposes, such as official transport and personnel.
2. Public spaces for election gatherings and transportation facilities like helipads must be accessible to all parties and candidates, without monopolization by the ruling party.

3. Government accommodations like rest houses and bungalows should be fairly available to all candidates and parties, without being utilized as campaign offices or for election propaganda.
4. The use of public funds for advertisements or biased coverage in media outlets to promote the ruling party's agenda during elections is strictly prohibited.
5. Discretionary funds should not be allocated by ministers or authorities once elections are announced.
6. Ministers and authorities are restricted from making promises or announcements related to financial grants, projects, or appointments that could influence voters in favor of the ruling party after elections are announced.
7. Ministers from the central or state government are not allowed to enter polling stations or counting places unless they are there as candidates, voters, or authorized agents.

## VII. Guidelines on Election Manifestos

The Supreme Court, in its ruling dated July 5, 2013, on SLP(C) No. 21455 of 2008 (S. Subramaniam Balaji Vs Govt. of Tamil Nadu and Others), instructed the Election Commission to collaborate with recognized political parties in framing guidelines concerning the content of election manifestos. The essence of the guiding principles outlined in the judgment is as follows:

1. Acknowledging that while electoral manifestos are not considered 'corrupt practice' under Section 123 of the RP Act, the Court emphasized the undeniable influence of freebies on voters, which compromises the integrity of elections.
2. Recognizing the Election Commission's authority under Article 324 of the Constitution to ensure fair elections, the Court underscored the need for regulations to maintain a level playing field among parties and candidates.
3. Despite the usual release of manifestos before election dates, the Court highlighted the association of manifestos with the election process, allowing for exceptions in regulatory authority.

Following these directives, the Election Commission engaged in consultations with national and state political parties, observing conflicting opinions. While some parties supported guideline issuance, others defended their right to offer promises in manifestos as essential in a democratic system. While acknowledging parties' right to frame manifestos, the Commission underscored the necessity of mitigating adverse effects on elections and ensuring fairness.

In compliance with Article 324 and after consultations, the Commission has directed political parties and candidates to adhere to the following manifesto guidelines:

Manifestos must align with constitutional ideals and the Model Code of Conduct, avoiding content contradictory to these principles.

While welfare promises are permissible, parties should refrain from pledges that compromise election integrity or unduly influence voters.

Manifestos should transparently outline promises, their rationale, and financing plans, only seeking voter trust in realistically fulfillable pledges.

Additionally, regarding manifesto release during elections:

Manifestos are prohibited from release during the proscribed period under Section 126 of the Representation of the People Act, 1951, for both single-phase and multi-phase elections.

### **Legal enforceability:**

Since the Code lacks statutory authority, it lacks legal enforcement. Despite efforts by the Election Commission to incorporate its provisions into law, no legislation was passed. The Commission recognized that subjecting the Code to judicial oversight would hinder its effectiveness due to the lengthy legal processes involved, contrary to its emphasis on prompt actions. Consequently, the proposal was abandoned. Nonetheless, specific aspects of the Code are categorized as "corrupt practices" and "electoral offences" under Section 123(1) of the Representation of People Act, 1951 existing laws such as the Representation of People's Act 1951 and Section 171 B of the Indian Penal Code. Breaching these provisions results in punitive measures. For instance, actions like voter bribery are considered electoral offences and corrupt practices under relevant sections of these statutes. Other activities like voter intimidation and communal manipulation are similarly criminalized under the Indian Penal Code and the Representation of People Act, 1951.

### **Conclusion:**

The Model Code of Conduct plays a crucial role in upholding the integrity of democratic elections by promoting ethical behavior and maintaining a level playing field for all political parties and candidates. It helps prevent the misuse of power, bribery, corruption, and other unethical practices that can undermine the electoral process. Additionally, it fosters public confidence in the electoral system and ensures that voters can make informed decisions based on the merits of the candidates and their policies rather than on unfair advantages or manipulative tactics.

### **Suggestions:**

Periodic Review and Update: The MCC should be periodically reviewed and updated to address emerging challenges and loopholes. With the evolving landscape of technology and communication, there is a need to



adapt the code to tackle issues such as online misinformation, social media manipulation, and digital campaigning.

**Strict Enforcement Mechanisms:** Effective enforcement mechanisms should be put in place to ensure compliance with the MCC. This may include penalties for violations such as fines, disqualification, or other punitive measures. Moreover, there should be swift action against those who flout the code to deter others from engaging in similar misconduct.

**Transparency and Accountability:** Transparency in the enforcement of the MCC is essential to maintain public trust. The Election Commission should provide regular updates on complaints received, actions taken, and outcomes of investigations related to violations of the code. This transparency will hold political parties and candidates accountable for their actions and help build confidence in the electoral process.

**Awareness and Education Campaigns:** There should be extensive awareness and education campaigns to familiarize political parties, candidates, and the general public with the provisions of the MCC. This will ensure that all stakeholders understand their rights and responsibilities, thereby reducing inadvertent violations and promoting a culture of compliance.

**Inclusivity and Consultation:** The process of formulating or amending the MCC should involve consultation with various stakeholders, including political parties, civil society organizations, legal experts, and electoral observers. Inclusivity in decision-making will enhance the legitimacy and acceptance of the code, leading to greater adherence by all parties involved.

By implementing these suggestions, the Model Code of Conduct can continue to serve as an effective tool for promoting fair and transparent elections, safeguarding democracy, and upholding the principles of good governance.

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