

Without adhering to codes can we expect credibility of our electoral democracy?

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If Model Code of Conduct (MCC) becomes blatantly irrelevant, then what is left to claim "free and fair" of elections as provided for in the Constitution? The way they are becoming from one election to another recently, for sure MCC is going to be only an alibi for India to claim continuing as an electoral democracy! No wonder the Election Commission of India encounters continued flake including with reappearance now of booth capturing, bogus voting and as if liquor and money distribution are no longer concerns now. As if the ECI is helpless of accusations, the Model Code of Conduct itself is at stake with doles and lures, communal centric campaign becoming blatant and incumbency factor becoming over riding.

Just concluding round of assembly polls witnessed unprecedented campaigns. The fact that the Prime Minister and Home Minister of the country campaigned days together over weeks in state after state with whirl wind visits to constituencies, apart from a host of Union Ministers who camped there all through signals where electoral politics are heading. They continued campaigning next door constituency when polling was on! The PM even went to next door Bangladesh for two-day official visit and visit temples there as he did earlier by visiting Nepal when UP Assembly poll campaign was on. Leaders of neither party or the candidates cared for the implications of the campaigns to the representativeness of the Republic, inclusive governance or for equitable development. Nor they were aware of what MCC is all about and what it stands for. And that MCC was even endorsed by the Supreme Court of India for enforceability. And yet we see recently election after election leaders seeking vote on communal lines, provocative and intemperate rhetoric and make ECI take a visibly passive or compromising stand as if it is no longer an Independent Commission.

This round of Assembly elections in 2021 remind that incumbency is no longer a potential threat to electoral democracy but a threatening reality. As if incumbency guarantees return to power, the incumbent goes to the extent of denting and denigrating independent institutions of the country, depriving checks and balances provision and unconcern of their credibility. Realising the extent an incumbent could go about in that pursuit, a initiative Prime Minister Morarji Desai took in 1978 was to suggest ECI to expand the MCC to include caution and concern about incumbents' inroads. This round of assembly polls witnessed the extent of damage that a double-incumbency could cause to the basic premise of electoral route. That is where party in power at the Union and in the State is different and bitterly opposing to the extent of personalising polls going to any extent of the fundamentals of free and fair election.

MCC is an ingenious way of our nation builders to ensure elections remain credible. For that they empowered the ECI to enforce MCC. The credit should go to all leaders of the country to whom the "country-first" mattered more for adopting the codes as a part of electoral architecture. Can we imagine 17 general elections and several rounds of Assembly elections with such unprecedented peaceful transition of power from one political regime to another---seven times! If we cannot restore sanctity of MCC, it is not just the electoral outcomes that will be at stake but the Republic will get into a loop-line. Should we allow that? Cannot our leaders today come together and come up with an MCC which ensures free, fair and transparent elections in the country. This is far more urgent than we seem to realise and more durable than going by a loop for simultaneous polls for the country. Now that we have new chief for the Supreme Court of India and Election Commission of India can we expect some new initiatives in a coordinated way to put an end to this dilemma on poll time codes!

The MCC as we have now on book is full of ambiguities. Given the kind of political divides we are confronted, MCC cannot be expected to serve the purpose without reviving and reposition it as an obligatory provision, including on the part of the incumbents. Some examples of codes are presented here in this regard which need to be re looked into by not just the party leaders but by different stakeholders in the electoral democracy.

MCC now includes...

General Conduct: Criticism of political parties must be limited to their policies and programmes, past record and work. Activities specifically prohibited include: (a) using caste and communal 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.

Processions: If two or more candidates plan processions, rallies and road shows, 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. 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. The ruling **party should not use its seat of power for the campaign purposes.**

Election manifestos: Added in 2013, these guidelines prohibit parties from making promises that exert an undue influence on voters. Also, manifesto is expected to indicate the means to achieve the promises.

No political party can use pictures of defence and military personnels in any advertisements, poster, or for any other campaign related activities.

Government bodies are not to participate in any recruitment process during the electoral process should not even adhoc appointment of officials.

The contesting candidates and their campaigners must **respect the home life** of their rivals and should **not disturb them by holding road shows** or demonstrations **in front of their houses**.

The election campaign rallies and road shows must not hinder the road traffic.

Candidates are asked to refrain from **distributing liquor to voters**. It is a widely known fact in India that during election campaigning liquor may be distributed to the voters.

The election code in force restrains the government or ruling party leaders **from launching new welfare programs** like construction of roads, provision of drinking water facilities etc. or **any ribbon-cutting ceremonies**.

A preferred way forward is to aim at "no-campaign elections" eventually for the country at all levels. This is not possible without enforcing election codes precisely as a precondition and obligation. Which in turn is not possible without rejigging the very scope and process of representation which is least cost based and focus on individual candidates than on symbols, manifesto specific instead of continuing frivolous rhetoric. If candidate is local and known for public service, why one need to campaign the way we know now and violate codes? This is more sustainable way of unleashing real strength of India's democratic traditions. Debunking global agencies' assessment of democracies which have been showing democracy in India as flawed or on decline, is only an unconcern or short sighted view for the future of the country.

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