

PIB NEWS ANALYSIS

ECI states position on enforcement of MCC during first month

In a first of its kind exercise for which the Commission is by no means obliged, but for the larger sake of its promised transparency, ECI has decided to place in public domain its enforcement of the Model Code of Conduct (MCC) during first month of its operation, along with certain details of action taken, so that misgivings and insinuations at times coming from certain quarters, however small or limited, are addressed and stopped.

The position as follows, also apply for the remaining period of the Code.

1. With a month completed since the Model Code of Conduct (MCC) came into effect, the Election Commission of India is broadly satisfied with the compliance of the code by political parties and that campaign by various parties and candidates has remained largely clutter free.
2. At the same time, Commission has decided to keep under strict watch some disturbing trends and to keep special track of certain deviant candidates, leaders, and practices more than ever before.
3. The Commission has specifically taken a firm stand in the matter of dignity and honour of women by issuing notices to leaders of parties who made derogatory and offensive remarks against women. The Commission went a step ahead in placing accountability on party chiefs/presidents for ensuring that their party leaders and campaigners do not resort to such disrespectful and derogatory comments. The MCC enforcement has been in line with responsiveness, transparency and firmness as promised by CEC Shri Rajiv Kumar earlier.
4. Commission was guided by constitutional wisdom when presented with live situations involving political persons which have been under active consideration and orders of the Courts based on criminal investigations. While the Commission remained unwaveringly committed to protection of level playing field and campaign entitlement of political parties and candidates, it has not found it correct to take any step that could overlap or overrun the legal judicial process.
5. In enforcing the Model Code, Commission has been guided by its mandated responsibility, legal premises, institutional wisdom, equality, and transparency in dealings and irrespective of status and influence of persons concerned and irrespective of political affiliations.

6. The Model Code came into effect on 16th March, 2024 with the announcement of the general elections to the Lok Sabha. The Election Commission has since then taken swift and salutary action to ensure that the level playing field is not disturbed and the discourse in campaigns does not plummet to unacceptable levels.
7. During the one-month period, 16 delegations from 07 political parties met the Commission to lodge their complaints on alleged violations of Model code and related matters. Many delegations met in the States at level of Chief Electoral Officer.
8. All political parties have been treated at par, time given to all even at short notice and their grievances patiently heard.
9. The Commission led by CEC Shri Rajiv Kumar along with ECs Shri Gyanesh Kumar and Shri Sukhbir Singh Sandhu monitors countrywide pending cases of alleged violations of MCC daily at 12 noon.

Prior to announcement of polls, all DMs/ Collectors/ DEOs and SPs were specifically and directly sensitised by the Commission to enforce the model code without any compromise whatsoever. CEC Shri Rajiv Kumar had personally trained over 800 DMs/DEOs in 10 batches at ECI training institute, IIIDEM at Delhi. The officers in the field have largely acquitted themselves well in this task.

Some of the decisions of ECI for maintaining a level playing field during the past one-month period of Model Code are as follows:

1. Approximately 200 complaints have been filed by various political parties and candidates at the level of ECI and across States. Of these, action has been taken in 169 cases.
2. The breakup of complaints is: total complaints received from BJP were 51, out of which action has been taken in 38 cases; complaints from INC were 59, with action taken in 51 cases; complaints received from other parties were 90, out of which action has been taken in 80 cases.
3. Suo motu removal of officers holding dual charges as Principal Secretaries to Chief Ministers in six states namely Gujarat, Uttar Pradesh, Bihar, Jharkhand, Himachal Pradesh, and Uttarakhand, as they were holding charge of Home / General Administration department also. This was to distance election related senior officers with control over, DMs/DEOs/ROs and SPs, from Chief Minister's offices.
4. Suo motu removal of DGP West Bengal as he was barred from election duty in previous elections also.
5. Suo motu transfer of non-cadre officers who were posted at leadership positions as District Magistrate (DM) and Superintendent of Police (SP) in four states namely Gujarat, Punjab, Odisha and West Bengal.
6. Suo motu transfer of officers in Punjab, Haryana and Assam because of their kinship or familial association with the elected political representatives.
7. On complaint from INC and AAP, directive to MeitY to stop transmission of Government of India's Viksit Bharat Message on Whatsapp post announcement of elections.
8. On complaint from INC and AAP, directive to all States/UTs for compliance of ECI instructions on removing of defacement from Government/public premises with immediate effect.
9. On complaint from DMK, FIR was registered against a BJP Minister Ms. Shobha Karandlaje for her unverified allegations on Rameshwar Blast Café.

10. On complaint from INC, directions to cabinet secretary for compliance of ECI instructions on removing of defacement from Government/public premises including hoardings, photos, and messages from DMRC trains and petrol pump, highways, etc.
11. On complaint from INC, directions to CBDT for verification of any mismatch in assets declaration by Union Minister Mr Chandrasekharan in his affidavit.
12. On complaint from AITMC, notice to BJP leader Mr. Dilip Ghosh for objectionable and disrespectful remarks towards Ms. Mamta Banerjee.
13. On complaint from BJP, notice to Ms Supriya Shrinate and Mr. Surjewala, both from INC for their derogatory remarks against Ms. Kangana Ranaut and Ms. Hema Malini respectively.
14. FIR was lodged against remarks made by Shri Anitha R Radhakrishnan, DMK leader towards Mr. Narendra Modi.
15. The guidelines plugging gap in law has been has been issued, on complaint from AAP against anonymous advertisements in hoardings cum billboards in Delhi Municipal Commission area without giving names of publisher. Giving wider amplitude to the meaning of 'Pamphlet and poster' in the existing law by including hoardings, guidelines have been issued to Chief Secretaries of all States and UTs mandating the clear identification of printer and publisher on printed election-related material including hoardings, ensuring accountability and transparency in campaign communications.
16. On INC complaint, directions have been issued to Municipal authorities in Delhi to remove cut outs of star campaigners from various colleges.
17. A total of 2,68,080 complaints have been filed on c vigil, Commission's portal on violations for citizens. Of these, action has been taken in 2,67,762 cases and 92% were resolved in average less than 100 minutes. Because of the efficacy of cVigil, there is substantial reduction in illegal hoardings, defacement of property, campaigning beyond permissible time, deployment of vehicles beyond permitted ones.

Background:

The Model Code of Conduct is a regulatory framework though without legal backing in strict sense, designed to ensure a level playing field and uphold the principles of ethical campaigning. The Commission has navigated through the complex dynamics of keeping a balance between level playing field and freedom of election campaigning. By addressing violations promptly and decisively, the Election Commission of India reinforces the democratic ideals of transparency, fairness, accountability, and level playing field. Upholding the sanctity of the electoral process remains paramount.