Moral Code of Conduct and its Violations

What's the news?

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The opposition parties questions the central government's decision to advance the Union Budget for fear that it might be used to influence voters in the five states going to Assembly elections in February-March, the Model Code of Conduct (MCC) is back in focus.

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What is Moral Code of Conduct?

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- The MCC, often described as a voluntary "Moral Code of Conduct", is a set of guidelines issued to parties, candidates and the government to ensure free and fair elections.
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- **There is no statute governing these guidelines.**
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- However major violations like attempts to create enmity between communities for votes can be dealt with under existing laws, including the Indian Penal Code.
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- A thin line often separates what is allowed or isn't under the MCC, and the **Election Commission (EC) or State Electoral Officer often acts as the arbiter.**
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Do MCC affect the development activity?

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- Governments have frequently claimed that elections and the MCC bring all development activity to a halt — this, however, may not always be true.
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- All that the EC wants to ensure is that the party in power doesn't use public money to improve its electoral prospects.
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- **Ongoing development projects are never stopped — however, no new projects can be announced**.
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- The MCC bars ministers from combining official visits with campaigning, and from using official machinery or personnel in electioneering.
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- But more importantly, once elections are announced, ministers are prohibited from announcing any financial grants in any form, laying foundation stones, etc. of projects or schemes of any kind —and making any promise to carry out any development activity like building roads, providing drinking water facilities, etc., in lieu of votes.
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So what about the Union Budget, the timing of which is in question in the current case?

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- The Budget is always allowed to be presented as scheduled, **except if it clashes with Lok Sabha elections**, in which case a vote on account is taken.
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- While there is always a possibility that voters may be swayed by Budget announcements, the EC expects the government to not include anything in the Finance Minister's speech that is aimed specifically at voters of states going to polls.
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- **However, if elections to a state Assembly clash with the state Budget, the EC routinely advises the state government to defer the Budget** and take a vote-on-account.
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How the Election Commission decides?

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- In the Union Budget, an announcement such as a revision in the minimum support price of farm produce is **allowed only after it has been cleared by**

the EC.
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- In such cases, the EC normally sees if the announcement can wait. It will also consider the dates on which the MSP was announced in previous years.
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- When the EC feels such announcements are aimed at luring the voters and can wait, it rejects the government's request.
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Examples:

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- In 2013, the EC allowed the Union Ministry of Agriculture to announce a new MSP for raw jute for the 2013-14 season even though elections in Karnataka were under way, since the state had "no share in jute production".
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- In May 2006, the EC came down heavily on then HRD Minister Arjun Singh after he announced a 27% quota for OBCs in central government-funded educational institutions like IIMs, IITs and central universities from the 2006-07 academic year.
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- The MCC was then in force due to Assembly elections in Assam, Kerala, Tamil Nadu, West Bengal and Pondicherry, and the EC issued notices to both Singh and the UPA government.
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- The Centre assured the EC that no such decision had been taken.
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- The EC let HRD minister off, but said: "In the upholding of the Model Code of Conduct the party and persons in power have, for obvious reasons, a higher responsibility and they are expected not only to uphold it but should also be perceived to be so doing. In the instant case, the Commission has come to the sad conclusion that they cannot be perceived to have done so."
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- **The Arjun Singh case is considered an important milestone in understanding violations of the MCC.**
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- Another case pertains to elections to five state Assemblies, in 2012, and involving then Union Law Minister Salman Khurshid.
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- Khurshid announced at an election rally at Farrukhabad, from where his wife was contesting, that Congress would provide 9% reservation to minorities

within the existing quota of 27% for OBCs.
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- The EC issued him a censure, and said it hoped “such violations of Model Code of Conduct would not be repeated by him in future”.
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Source: The Indian Express

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