

THE HINDU EXPLAINS

Relevant for: Indian Polity | Topic: Elections, Election Commission and the Electoral Reforms in India Incl. Political Parties

A view of Election Commission of India in New Delhi. | Photo Credit: [Sushil Kumar Verma](#)

The model code refers to a set of norms laid down by the Election Commission of India, with the consensus of political parties. It is not statutory. It spells out the dos and don'ts for elections. Political parties, candidates and polling agents are expected to observe the norms, on matters ranging from the content of election manifestos, speeches and processions, to general conduct, so that free and fair elections take place.

The EC traces its introduction to the 1960 Assembly elections in Kerala. During simultaneous polls to the Lok Sabha and Assemblies in several States in 1962, the EC circulated the code to all recognised parties, which followed it "by and large". In October 1979, the EC came up with a comprehensive code that saw further changes after consultations with parties.

The code comes into force on the announcement of the poll schedule and remains operational till the process is concluded, as provided in the notification. It is also applicable to a "caretaker" government on premature dissolution of a State Assembly, as was the case in Telangana.

The EC ensures that ruling parties at the Centre and in States adhere to the code, as part of its mandate to conduct free and fair elections under Article 324 of the Constitution. In case of electoral offences, malpractices and corrupt practices like inducements to voters, bribery, intimidation or any undue influence, the EC takes action against violators. Anyone can report the violations to the EC or approach the court. The EC has devised several mechanisms to take note of the offences, which include joint task forces of enforcement agencies and flying squads. The latest is the introduction of the cVIGIL mobile app through which audio-visual evidence of malpractices can be reported.

Any activity aggravating existing differences or creating mutual hatred or causing tension between different castes and communities, religious or linguistic, is a corrupt practice under the Representation of the People Act. Making an appeal to caste or communal feelings to secure votes and using places of worship for campaigning are offences under the Act. Bribery to voters is both a corrupt practice and an electoral offence under the Act and Section 171B of the Indian Penal Code. Intimidation of voters is also an electoral offence, while impersonating them is punishable under the IPC. Serving or distributing liquor on election day and during the 48 hours preceding it is an electoral offence. Holding public meetings during the 48-hour period ending with the hour fixed for the closing of the poll is also an offence.

According to the EC, the code states that the party in power — whether at the Centre or in the States — should ensure that it does not use its official position for campaigning. Ministers and other government authorities cannot announce financial grants in any form. No project or scheme which may have the effect of influencing the voter in favour of the party in power can be announced, and Ministers cannot use official machinery for campaign purposes.

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