



# INNOVATIONS FOR SUCCESSFUL SOCIETIES

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## IMPLEMENTING STANDARDS WITHOUT THE FORCE OF LAW: INDIA'S ELECTORAL CONDUCT CODE, 1990 - 2001

### SYNOPSIS

T.N. Seshan took over as head of the Election Commission of India in 1990, when negative campaigning was on the increase. Candidates appealed to voters on caste and communal lines, sometimes provoking violence. A voluntary Model Code of Conduct, designed to help moderate the excesses of political parties during elections, had lain dormant since its creation 30 years earlier. During the next 11 years, Seshan and his successor, M.S. Gill, worked to elevate the code's norms and to elicit compliance. Although some campaign excesses persisted, by 2010 the code had become an effective tool for shaping electoral tactics and the behavior of political parties in India. This case offers insights into how to build acceptance of standards that have no force of law.

*Rushda Majeed drafted this case on the basis of interviews conducted in New Delhi in November 2010.*

### INTRODUCTION

Seated in his New Delhi office in 2010, M.S. Gill advised, "Remember that the politicians are in mortal combat for the power of India and the country needs a very firm, steady and unified command from the election commission." Gill, who served as India's chief election commissioner from 1996 to 2001, knew the challenges of conducting free and fair elections in the

world's most populous democracy, where loyalties often were measured in terms of religion, language, caste or region. Election-linked violence was a constant risk.

In the 30 years after India's partition and independence in 1947, one political party, the Indian National Congress, popularly known as Congress, dominated the political scene. The Election Commission of India (ECI), set up in 1950 to

supervise and control elections, concerned itself mainly with ballot design, management of poll workers and the conduct of vote counts.

In 1960, an official in the state of Kerala drafted a Model Code of Conduct for the Guidance of Political Parties and Candidates, to set rules for candidates during a close electoral race. Among other aims, the code, in its final form, restricted the use of inflammatory language that could divide India's diverse electorate on the basis of caste, religion or region. It warned against "corrupt practices" such as coercing or bribing voters. The code contained guidelines for holding meetings and processions, and it outlined how candidates and political parties should behave on Election Day. It also included a section to prevent incumbent candidates from misusing the powers of their offices during elections. The code gave the state election commission a tool to help reduce the risk of violence and to level the playing field, although compliance was voluntary.

With the agreement of political parties, which largely viewed the code as a paper tiger, the ECI in 1962 adopted the Kerala document for national use, made a few changes, and circulated it during every election from that year onward. The commission further revised the code in later years, making major changes in 1974 and 1979. Political parties and candidates at first largely ignored the code, aware that the document had no statutory backing. However, the code's provisions gained importance as the period of relative political calm faded in the late 1970s and 1980s.

More intense party competition and coalition politics ushered in a new and abrasive phase in the country's political life. Political parties appealed to ethnic, religious and caste differences to assemble voting blocs. Violence often followed, as regional, religious and caste-based parties challenged Congress' dominance.

Two experienced civil servants, first Seshan and later his successor Gill, faced these challenges between 1990 and 2001 during their successive terms as head of the ECI.

In December 1990, President R. Venkataraman appointed Seshan, 58 years old at the time, as chief of the ECI. A career civil servant, Seshan had held high-level positions in Tamil Nadu state before going abroad to earn his master's degree in public administration from Harvard University in 1968. Upon his return, Seshan was assigned to senior-level positions at the ministries of defense and internal security. In 1989, Seshan became cabinet secretary, a post that was considered the pinnacle of the civil service hierarchy. Shortly after that, he served on the Planning Commission of India, an agency responsible for India's five-year economic plans, before taking the reins at the ECI.

Gill took over as chief election commissioner in 1996, after Seshan had completed his term. The 60-year old Gill had already been a commission member for 2 1/2 years. An accomplished civil servant, he had risen through the ranks in the western states of Punjab and Haryana. With degrees in agriculture and developmental studies, Gill had gone on to

serve in the central ministries of chemicals and fertilizers and agriculture and cooperatives before becoming an election commissioner in 1993.

Both men believed that the code of conduct could be developed into an effective tool for dealing with fierce electoral competition in multicultural and multireligious India. The question was: How?

### THE CHALLENGE

From the outset Seshan knew that the ECI had to reduce inflammatory rhetoric and ensure that incumbents did not misuse their powers. The president had appointed him soon after the 1989 elections, when two long-simmering and divisive issues resurfaced and threatened violence.

Caste-based discrimination had long afflicted politics in India. In 1979, the government had appointed the Mandal Commission to study the problem. Named after the parliamentarian who headed it, the commission had proposed a sharp increase in the number of government jobs and public university positions reserved for disadvantaged citizens classified as “other backward classes.” In 1989, when the newly elected government, seeking to consolidate alliances with caste-based political parties, tried to enforce the affirmative-action recommendations, violence erupted as students and political groups protested.

A second source of tension, centered on the status of the Babri Masjid, a 16th-century mosque in the town of Ayodhya in north India, intensified at the same time. Many Hindus believed that the mosque

stood on the birthplace of a prominent Hindu god and wanted to build a temple, or mandir, on the site. For Muslims, however, the mosque was equally important, as it was one of the oldest and largest in the country. The “mandir issue” had been tied up in the courts since 1950, when, in 1984, right-wing religious organizations, along with the Bharatiya Janata Party (BJP), a rising power in national politics, started a movement to reclaim the site. In 1989, the BJP, making the mandir issue an important part of its election campaigning, won 85 seats compared with just two in the 1984 elections. In September 1990, prominent BJP leaders launched religious processions across many Indian states to whip up support for leveling the mosque. Rioting broke out in the wake of the processions, leading to the collapse of the central government and the National Front and Samajwadi Janata Party coalitions in the space of just four months.

As the political environment deteriorated, Prime Minister Chandra Shekhar Singh appointed a committee to consider electoral reforms. The Goswami Committee on Electoral Reform, set up in January 1990 under Law Minister Dinesh Goswami, issued its findings five months later. Among other recommendations, the report endorsed 1) the disqualification of candidates who campaigned on caste or religious lines, or instigated communal animosities during elections, and 2) the investigation, special trial or prosecution of candidates who intimidated or coerced voters. In addition, the report recommended that the election commission

should void results and arrange fresh elections in cases where misconduct reported by electoral officers turned out to be true.

In short order, the ECI learned it would have to act even more quickly than first imagined. The 1989 elections to the Lok Sabha, the legislature, had brought a loose coalition of opposition parties to power, ousting Rajiv Gandhi, the Congress party candidate. However, the coalition soon unraveled. A new election would have to take place in 1991, only 16 months after the opposition government had formed. Seshan and the commission had little time to develop and implement a strategy for dampening division.

#### FRAMING A RESPONSE

The election commission had few tools at its disposal to dampen violence in future elections. Seshan, and later Gill, recognized that reviving the code as an effective policy tool would require the ECI to build broad support for the code and its goals, and to induce politicians and parties to abide by the code's recommended campaign practices. Compliance monitoring would be crucial, and the commission would need significant numbers of election-time personnel to identify and deal with violations.

Before 1990, the commission had taken few steps to monitor violations or win compliance. Because the code was a voluntary document, agreed to and accepted by political parties and based on the parties' good will, the commission had left it to the parties to regulate the behavior

of their candidates within the parameters set by the code. Without fear of opprobrium or sanctions, candidates flouted the code's standards. Indeed, S. K. Mendiratta, who joined the commission in 1964 and was its legal adviser in 2010, described the code as having been "more of a sermon on paper" before Seshan's arrival. "We were not watching its actual implementation," he said.

During their respective terms in office, both Seshan and Gill knew that the commission and the code had to acquire legitimacy in the eyes of both the electorate and politicians. Building credibility would require cultivating a core of support, starting either with the public, the political parties, or both. Seshan chose to woo the voters and to use their support to prod politicians into line, a strategy that proved effective but alienated many of those in the political sphere. When Gill became ECI chief, he shifted to a cooperative approach designed to create and sustain a working relationship between the parties and the commission.

The commission needed adequate staffing in order to assure fair and peaceful elections. Seshan reached to the Representation of the People acts of 1950 and 1951, which allowed the commission to recruit significant numbers of personnel from the state and central governments during elections. Citing the commission's powers under the constitution and the acts, he insisted that the central government grant him additional civil servants for the 1991 elections. He continued to mobilize millions of personnel for subsequent

elections, many of whom he put to work in far-flung areas of the country.

Seshan decided to appoint special election observers to look out for incendiary campaign speeches, voter intimidation, vote-stealing and other tactics often associated with electoral violence. These observers also were needed to keep a close watch on electoral officers recruited from elsewhere in the government, to make sure the officers applied electoral rules evenly and justly.

As more workers fell under the commission's temporary jurisdiction, management became an issue. Gill said that when he took over in 1996, he recognized the need for more operational rules, with checks and balances. "I had a clear view that men pass on, but systems remain," Gill said. "In my six years, I tried to stabilize and strengthen systems, and set directions. ... A whole series of instructions were issued, and put in regular commission circulars, for more effective management of elections, and to ensure greater fairness."

### GETTING DOWN TO WORK

Although Seshan and Gill headed the ECI at different times, they addressed similar challenges in building support for the commission and the election code, recruiting and managing personnel, and deploying observers to monitor compliance.

#### *Building support and relationships*

Not long after Seshan took office at the ECI in 1990, he found that the commission would have to plan for national elections in mid-1991 while dampening the risk of

violence in an electorate divided on the twin issues of affirmative action and the Babri Masjid controversy. Recognizing that he needed to exert the commission's independence and create a level playing field for all political parties, Seshan took his case to the public.

Seshan was well aware of the importance of the media. As secretary of the Ministry of Environment from 1985 to 1988, Seshan had held press conferences regularly and briefed journalists on development projects that were in the pipeline. In one instance, on the recommendation of expert committees, he had opposed two important hydroelectric dam projects that had government support.<sup>1</sup> Seshan found allies in the media as he laid out the environmental impact of the projects. Though the projects ultimately moved ahead, Seshan, with the public watching closely, was able to wrest major concessions from the government. Sankarshan Thakur, a prominent journalist and roving editor for *The Telegraph*, said, "A lot of people forget about his contribution as secretary of environment. He brought attention to an office that had languished as an appendix to the party in power."

With this experience behind him, Seshan set about burnishing the image of the election commission and building public support. Early in his tenure, he implemented popular measures that drew public notice. For example, he banned election graffiti, campaign loudspeakers and posters on private property. Candidates, eager to outdo their rivals, had made these common campaign practices in

the past.

Seshan ensured that his initiatives were well publicized. He was outspoken in the media, projecting a tough image toward politicians. He spoke often at public events, and comments such as “I eat politicians for breakfast” brought him widespread recognition and support.<sup>2</sup> While the strategy endeared Seshan with the populace, it also made him “the man most Indian politicians loved to hate.”<sup>3</sup> In a 1995 *Times of India* public poll, 94% of the respondents were in favor of Seshan’s interpretation of the code of conduct and supported his orders to disqualify candidates engaging in disruptive practices.<sup>4</sup>

Using the commission’s increased clout, Seshan insisted that candidates and parties follow the code to the letter. He threatened to postpone or even cancel elections if candidates broke the commission’s rules. Resentful of Seshan’s tough line but mindful of his popularity among the populace, politicians began to craft their campaign speeches and slogans with greater care and less theater. Newspapers, including international ones, documented the change in their behavior. A 1996 article in *The Independent*, a leading British newspaper, noted that Seshan “stopped politicians from making speeches which might stir up hatred between Hindus and Muslims and within Hinduism’s hierarchy of castes.”<sup>5</sup>

When Gill took over as chief commissioner in 1996, the strong public support cultivated by his predecessor gave him the clout to approach political leaders in a more cordial manner that stressed

mutual goals. He aimed to build understanding of the code and its requirements, and to emphasize the importance of responsible campaigning for parties and candidates as well as for the voters. He also wanted to promote transparency in the commission’s functioning.

Gill used several tactics to win the cooperation of political leaders. First, he invited all 50 recognized political parties to a series of meetings with the commission. “In my view, often expressed, the recognized political parties and the Election Commission are linked by an umbilical cord,” Gill said. “Neither can exist without the other. Therefore, I started regular half-yearly meetings with the parties for a comprehensive dialogue on an agenda issued in advance, and included items put in by parties.” In the meetings, he asked politicians to air their grievances and shared news about the commission’s work. Second, he asked electoral officers to meet with political parties in their constituencies and go through all aspects of the election, including the stipulations of the code. Political parties responded well to Gill’s conciliatory approach. They adopted the code voluntarily in the years that followed, and many started appointing their own staff members to ensure compliance. For instance, in 2010, the Bharatiya Janata Party employed legal experts to issue guidelines on the code and advise its candidates.

Third, Gill sought to rebuild alliances with another constituency that had a potentially significant impact on the commission’s work: the judiciary. Seshan,

when challenged in court, had grappled with the judiciary over the chief election commissioner's powers. Gill said he had a different view: "When I took over, I was very clear that constitutions work only so long as all high constitutional authorities stay within their given constitutional parameters. I think we very quickly came to a clear understanding, with respect on either side, and the courts supported me. ... After all, we were only human beings, and the political parties were giants, with power and muscle. It made a lot of difference when these people challenged me and the courts supported me."

#### *Recruiting and managing personnel*

Early in his tenure at the ECI, Seshan started recruiting larger numbers of election workers from central and state governments under the Representation of the People acts to monitor candidates and perform other election duties. Seshan had not anticipated that a tragic political event would further his reform efforts during this time. While campaigning during the 1991 elections, Rajiv Gandhi, leader of the Congress party and a former prime minister, was assassinated. Gandhi's slaying shocked the country and raised new worries about political violence. Seshan delayed the election by a month and succeeded in pushing through many of his personnel requests.

But recruiting greater numbers of civil servants was just the first step. Now Seshan confronted the knottier problem of keeping track of his workers and what they were doing on an immense electoral stage. In the

1991 elections, for instance, the commission deployed 600,000 voting booths and some 3.5 million personnel to manage an electorate of nearly half a billion people.

Seshan insisted on keeping election officers strictly under the control of the commission, on the belief that personnel actions and decisions affected the commission's credibility and effectiveness. He argued that, during elections, civil servants who were assigned to work with the commission were under ECI jurisdiction, as laid out in the Representation of the People acts. He asked these civil servants to report directly to him, insisting that the ECI alone would discipline, suspend or transfer transgressors. The central or state governments could not remove or transfer civil servants elsewhere after they were put on election duty. Seshan claimed that these steps were critical in maintaining independence of the ECI and ensuring free and fair elections.

The ruling parties disagreed. In a 1993 court petition, they challenged the commission's jurisdiction over civil servants. The case dragged on for seven years as it made its way to the Supreme Court. Seshan, in the meantime, continued to take action against corrupt or derelict officials until his term ended in 1996. The Supreme Court finally dismissed the case in 2000, after Gill negotiated a settlement in favor of the commission.

When Gill became the chief election commissioner in 1996, he expanded and tightened many of Seshan's policies. He was especially judicious in vetting chief

electoral officers, who were the highest-ranking electoral officials within states. “The chief electoral officers of the states were chosen by the commission with great care, to ensure neutrality and firmness,” he said. “After all, their careers are in the states, where they have to coexist with high political figures.”

Soon after becoming chief election commissioner, Gill set a firm benchmark aimed at eliminating potential favoritism by senior officials who may have developed political ties in their locales. He made sure that chief electoral officers and returning officers responsible for overseeing elections in constituencies were not posted in their home states. Nor were they assigned to states where they had worked four years or longer. These policies became standard procedure under subsequent commissioners.

Baijayant Panda, a member of Parliament from the Biju Janata Dal, a regional political party founded in the 1990s, said, “It [the system] basically depends upon ensuring that the people who run operations at the ground level are outsiders. So, for example, they take civil servants from Orissa and put them in Himachal Pradesh, and they take civil servants from Tamil Nadu and put them in Orissa. The basic reliance is on a principle that they have outsiders that make the final call. And the assumption is that since they have no connections to local politicians, they will be fair. By and large, they are.”

#### *Compliance: Deploying observers*

Early in his term, Seshan made it clear that the code of conduct was intended to

maintain and uphold the democratic tradition of campaigning on substantive issues rather than appeals to religious, linguistic, caste or regional preferences. He appealed to political candidates to adhere to the code and limit their campaign statements to the policies, programs and past records of opponents.

Seshan appointed special electoral officers to monitor compliance. With greater numbers of electoral workers at his disposal, he appointed senior civil-service officials to inspect publicity materials, monitor candidates’ speeches and report on other campaign and election-related problems. He also organized teams equipped with video cameras to support every observer in monitoring political rallies and other public events. For instance, with about 2,000 observers keeping a close eye on political developments in the 1991 elections,<sup>6</sup> Seshan had greater credibility when he called on candidates to adhere to the code and limit their campaigning to governance issues.

During the elections held under Seshan's direction, at the commission's headquarters in New Delhi, a small committee of deputy election commissioners and officers met daily to review complaints of violations of the code from observers and suggest next steps. Observers, tracking violations of the code during election campaigns, reported violations directly to the commission. Seshan reviewed all complaints carefully, sometimes dispatching commission staff to investigate violations or settle disputes. If the commission determined that a



candidate violated the code, it issued an advisory that asked the candidate to stop the action or behavior that was the cause of complaint.

Although the code of conduct itself was not legally enforceable, many of its prohibitions reflected Indian election and criminal laws. For example, a candidate whose campaign violated the model code's first provision by including activities that "cause tension between different castes or communities, religious or linguistic"<sup>7</sup> could be prosecuted under the Representation of the People acts and the Indian Penal Code and could be liable for fines or imprisonment. The ECI's monitors collected evidence that prosecutors could use to prove such criminal charges in court. Even though candidates knew that such a case could languish for years in the Indian judicial system, most complied with the code of conduct and ECI regulations.

In August 1996, Seshan and Gill, who was an ECI commissioner at the time, successfully oversaw an amendment to the Representation of the People acts of 1950 and 1951. The provision formalized the commission's authority to appoint observers and maintain disciplinary control over them. While the code of conduct itself was not backed by statute, the amendment was crucial to increasing the authority of observers. It gave observers the power to direct other polling personnel, to stop the counting of votes at any time, and to withhold results if anyone tampered with or stole ballot boxes. As statutory appointees, the observers reported directly to the ECI. Candidates and political parties could direct

their complaints to these observers.

Gill extended the practice of appointing observers when he became chief election commissioner, sending senior civil servants as observers to every constituency. During the 1998 parliamentary elections, for instance, three observers were deployed in each of 543 parliamentary constituencies. Gill said, "Starting from Seshan, we began to take senior officers of the government of India as election observers. I systemized and strengthened the work of election observers with detailed commission directions and training."

#### OVERCOMING OBSTACLES

Bent on rebuilding the legitimacy of the commission and the code of conduct, Seshan sometimes exceeded his authority. He threatened, for example, to postpone or cancel elections if candidates violated the code. Although he had public support, politicians and party stalwarts began referring to him as a "bull who carried around his own china shop" or, more often, "The Alsatian." "Indian politicians, so the joke goes, fear only God and T.N. Seshan," said a 1996 article in *The Independent*.<sup>8</sup>

It was not long before politicians openly challenged Seshan's authority on the code and other electoral decisions. Political parties, including the ruling Congress and the BJP and Janata Dal opposition, failed in 1991 and 1992 to get Parliament to remove Seshan by impeachment. Politicians from the Congress then tried another tactic: diluting his power. Although Seshan was the only election commissioner at the time, India's constitution allowed for more than

one. Seshan's opponents in Parliament pushed through a constitutional amendment in October 1993 that added two additional commissioners, each with the same authority as the chief commissioner. One of the two new commissioners was Gill. Seshan and Gill's relationship thus began on a difficult note.

Seshan, true to form, fought back. He went to the Supreme Court, arguing that Parliament did not have the authority to put the two new election commissioners on equal footing with the chief commissioner. The court initially took Seshan's side and issued an interim order stating that his office had the final authority in deciding commission matters.

Two years later, in February 1996, a five-judge panel of the Supreme Court overturned the order, ruling unanimously that the three commissioners had equal votes. The decision meant that the two commissioners acting together could overturn any move by the chief election commissioner. To no one's surprise, the ruling displeased Seshan, who continued to clash with the other two election commissioners until he retired in December 1996.

Another obstacle dealt more directly with the code of conduct. Beginning in 1994, politicians from the states of Andhra Pradesh, Punjab and Haryana filed court challenges against the commission over the date the code would take effect in an election season. The date was especially important because it marked the official start of the code's rules; until that time, candidates and parties were relatively free

of campaign restrictions. The commission held that the code came into effect when the ECI announced an election, which might be as long as six months in advance (rather than when the governor, in keeping with election protocol, sent the formal notice several weeks later).

The dispute simmered for years, even though Gill tried to negotiate a settlement through the political parties when he became chief election commissioner in December 1996. Finally, in April 2001, with the issue still bogged down in the Supreme Court, Gill and senior politicians reached an agreement. The code would become effective after the commission publicly announced an election. In normal circumstances, however, the ECI would make the announcement no more than three weeks before the governor's formal notice.

Mendiratta, the commission's legal counsel in 2010, said the hard-won settlement actually bolstered the legitimacy of the code. "We presented the agreement to the Supreme Court, which agreed that the settlement was reasonable," Mendiratta said. "This is how some judicial stamp of approval was placed on the code."

## ASSESSING RESULTS

In January 2010, marking the ECI's 60th anniversary, President Pratibha D. Patil congratulated the election commission on its successes. She noted that the commission had made substantial progress in implementing the code of conduct and had earned a reputation for strict and impartial monitoring. She also praised the political parties: "Their remarkable

contribution to the Indian electoral system is their decision to voluntarily adopt and abide by the provisions of the Model Code of Conduct, a unique document which has evolved to serve indeed as a moral conduct of elections.”<sup>9</sup>

Seshan’s contribution to the process was significant. His adroit use of his civil service background and his forceful manner helped push the code into the public and political consciousness. He built a power base of public support and worked hard to consolidate that support through public appearances, speeches and media interviews. His efforts elevated the ECI’s profile and opened the door for the commission to become a force in Indian politics.

Gill’s role in the successful implementation of the code may have been less flamboyant but was equally significant. Building on Seshan’s work, he tried to institutionalize the code while keeping its voluntary nature intact. Focused on winning compliance through conciliation rather than force, he built alliances with politicians, engaging them in serious discussions about the code. He took pains to settle code-related disputes fairly while staying firm on the commission’s constitutional authority.

The commissioners who followed after Gill reinforced the electoral process by keeping the code of conduct alive and warning candidates about unacceptable campaign behavior during national and state elections. Mendiratta said ECI warnings gained importance among top politicians: “When we issued a notice to a

candidate on violating [the code], it got publicity. It was a big setback for the leader.”

During the decade following Seshan and Gill’s tenures, non-governmental organizations and media adopted more vigilant electoral roles. NGOs monitored cases against high-profile political leaders of Congress and the Bharatiya Janata Party for using inappropriate language during election speeches. Media channels reported on such events, in effect putting the candidates’ reputations on the line.

By 2010, politicians accepted the voluntary code as a legitimate part of elections. Some political parties went a step further. Bajjayant Panda of the Biju Janata Dal party said, “Our party headquarters gave instruction to every candidate that we will hang you out to dry if you are in violation [of the code]. The party gave written guidelines, sort of do’s and don’ts, to every candidate.”

Challenges remained in 2010. Although the code succeeded in correcting some political misbehavior, creative candidates found ways around its requirements. Journalist Thakur said he knew of candidates who avoided ECI censure by having supporters from fringe political parties do the dirty work on their behalf.

In addition, the ECI still found it difficult to sever the links between its electoral officers and politicians, even though the commission kept performance records and tried to send officers to states far from their own. The electoral officers, after all, had to return to their posts in state

governments after each election, where their careers often depended on the politicians for whom they worked.

## REFLECTIONS

In an interview published in 1997, a year after he left his post as chief election commissioner, T.N. Seshan said, "I would say I have achieved good success. For we have appointed observers, we have ensured that the chief electoral officers are not pulled around or transferred by the state governments. I don't think the country ever saw the code of conduct so well imposed as it was in the last two or three years."<sup>10</sup>

The credibility that Seshan and his successor, M.S. Gill, built from 1990 to 2001 enabled the Election Commission of India to play a significant role in defusing a divisive and volatile political environment. "It has been difficult to bypass the standards set by Seshan," said journalist Sankarshan Thakur. "Where we have come after Seshan is his personal legacy, and India has also moved on. We have become less tribal in the way elections are conducted. There is a flurry a month before elections, that the Model Code of Conduct is coming. Leaders are worried about the Model Code of Conduct. It informs their activity in a way it did not

earlier."

Gill, who adopted a conciliatory strategy that contrasted with Seshan's aggressive style, acknowledged the role of political parties in improving the system. "The commission set a tradition of fairness, firmness and dialogue with the political parties for improvement in the system," he said. "In my time, we were willing to listen to their criticism, as no one is infallible. The political parties, on their part, listened to the commission and cooperated with us. This is the greatness of the Indian constitutional system and the general positive attitude of the parties."

India's case had a few signature elements that helped make the code of conduct work. Political parties voluntarily signed on to it. An independent institution had the will to fully and consistently monitor compliance. The fear of censure and unfavorable public opinion influenced political behavior.

Gill noted that the road to success was bumpy. "It was not easy to stand up and be a referee," he said. "It was not easy to sleep at night. You've got to have inner stability when you push the big players. After all, you are just a retired civil servant."

<sup>1</sup> Evangelista, Oscar L. "The Biography of Tirunellai N. Seshan." *The 1996 Ramon Magsaysay Award for Government Service*. Accessed 6 December 2010.

<http://www.rmaf.org.ph/Awardees/Biography/BiographySeshanTir.htm>.

<sup>2</sup> McGirk, Tim. "India's Scourge of money, muscles and ministers." *The Independent*. 28 April 1996.

<sup>3</sup> "Seshan - Redeemer and Saviour of Indian Democracy." *New Straits Times*. 19 January 2003.

<sup>4</sup> Evangelista.

<sup>5</sup> McGirk.

<sup>6</sup> "Election India." *Election Commission of India Library*. Accessed 7 February 2011.

[http://eci.nic.in/eci\\_main/Library&Publications/ECI\\_NL\\_FEBJUN\\_2004.pdf](http://eci.nic.in/eci_main/Library&Publications/ECI_NL_FEBJUN_2004.pdf).

<sup>7</sup>“Model Code of Conduct for the Guidance of Political Parties and Candidates.” *Election Commission of India*. Accessed 25 January 2011. [http://eci.nic.in/eci\\_main/faq/faq\\_mcc.pdf](http://eci.nic.in/eci_main/faq/faq_mcc.pdf).

<sup>8</sup> McGirk.

<sup>9</sup> “Address of Hon’ble President of India.” *Election Commission of India Library*. Accessed 25 January 2011. [http://eci.gov.in/eci\\_main/dj/Speeches.pdf](http://eci.gov.in/eci_main/dj/Speeches.pdf).

<sup>10</sup> Mazoomdar, Jay. “It’s when the disease is at its worst that you want the strongest.” *The Sunday Observer*. 17 May 1997.

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