Election Commission's Powers

Why in news?

The Supreme Court stayed the Election Commission's order to revoke the status of former Madhya Pradesh CM as a 'star campaigner' for a party.

What was the ECI order?

- The former CM made a distasteful personal remark about another party's woman candidate while campaigning for the Assembly by-election.
- This is why the Election Commission of India's (ECI's) revoked his status as a leader of a political party (star campaigner).

What did the Supreme Court say?

- The Supreme Court stayed the ECI's order saying that it has no such revoking power.
- The apex court's takedown of the poll regulator strikes a blow against the ECI's authority and its role in ensuring a clean campaign.

How are star campaigners selected?

- Section 77 of the Representation of the People Act, 1951 is related to a candidate's election expenditure.
- This Section lets the political party itself to decide who its leaders are.
- It also allows every party to submit a list of such 'star campaigners' to the election authorities.

What does having a star status mean?

- The expenditure incurred on the campaign done by those from the star campaigners' list is not included in the expenditure of the candidate.
- The star status ensures that some leaders can travel extensively to cover more territory and constituencies without breaching any individual candidate's spending limit.

What does revoking the star status mean?

- An order revoking the star status means that the withdrawal of the right to campaign without incurring electoral expenditure on the candidates'

account.
- As the poll regulator, the ECI must have the power to revoke the status of a campaigner, if there is a breach of campaign norms or the MCC.
- [MCC - The ECI's Model Code of Conduct lays down the standards of behaviour for political parties and their candidates contesting elections.]

What did the ECI say?

- It cited an MCC clause that bars candidates from resorting to criticism of all aspects of the private life of other leaders and party workers.
- Even though the MCC is not statutory, it has been generally recognised that the ECI should have some means of enforcing its norms.
- In past orders, the ECI has cited the Supreme Court's observation that when laws are absent, the ECI can invoke its residuary power to meet situations that cannot be foreseen by lawmarkers.

What is the problem?

- Without explicit powers to enforce the MCC with punitive measures, the ECI seems toothless.
- There are certain provisions under which the regulator has tried to empower itself, but these have been rarely exercised.

What is the solution?

- The political executive must first create the legislative framework to give the commission clear and explicit powers.
- To avoid the charge of the commission being politically aligned, commissioners are named by the government.
- A multi-partisan naming system, like that followed for the heads of various other Constitutional bodies needs to replace the current system.

Source: The Hindu

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