

STAR STATUS: ON ELECTION COMMISSION'S POWERS

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

The [Supreme Court's stay](#) on the [revocation of the status of former Madhya Pradesh Chief Minister Kamal Nath](#) as a 'star campaigner' for the Congress brings to the fore the power of the Election Commission of India and its role in ensuring a clean campaign. Chief Justice S.A. Bobde appeared convinced that the ECI has no such power, and ordered a stay on its order. Mr. Nath earned the ECI's rebuke after a [distasteful personal remark about a BJP woman candidate](#) while campaigning for a by-election to the Madhya Pradesh Assembly recently. The Commission's order dated October 30 said it was revoking his status as a leader of a political party (star campaigner). Section 77 of the Representation of the People Act, 1951, which relates to a candidate's election expenditure, does leave it to the political party itself to decide who its "leaders" are and allows every party to submit a list of such 'star campaigners' to the election authorities. However, it should be noted that the 'star campaigner' status comes with a clear privilege: the expenditure incurred on the campaign done by those from the list of star campaigners is not included in the expenditure of the candidate concerned. In effect, an order of the ECI revoking the star status is actually a withdrawal of the right to campaign without incurring electoral expenditure on the candidates' account.

It stands to reason that the ECI, in exercise of its general and plenary power of control and direction over elections, ought to have the power to revoke the status of a campaigner, if there is an apparent breach of campaign norms or the Model Code of Conduct. After all, the star status ensures that some leaders can charter helicopters and travel extensively to cover more territory and constituencies without breaching any individual candidate's spending limit. The ECI has cited the clause in the MCC that bars candidates from resorting to "criticism of all aspects of the private life, not connected with the public activities" of other leaders and party workers. Even though the model code is not statutory, it has been generally recognised that the election watchdog 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 an infinite variety of situations that cannot be foreseen by lawmakers. It is indeed debatable whether the ECI has been exercising its powers in an even-handed way in recent years. However, it is equally important that the ECI's power to enforce poll norms and clean campaigns is not unduly abridged.

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