Star Campaigners and Model Code of Conduct

drishtiias.com/printpdf/star-campaigners-and-model-code-of-conduct

Why in News

Recently, the **Election Commission of India (ECI)** delisted Ex-Telecom Minister A. Raja from the list of **star campaigners.**

> He has also been reprimanded for violation of the **Model Code of Conduct (MCC)** for making certain remarks during election times.

Key Points

- **Star Campaigners:**
  - A star campaigner is a **celebrity vote seeker in an election** for a party. This person can be anyone, a politician or even a film star.
    - There is **no law governing who can or cannot be made a star campaigner.**
    - They are **nominated by the concerned political parties** specifying their constituencies and duration of the status.
    - The **ECI issues guidelines under the Model Code of Conduct regulating poll campaigns.**
  - **Numbers of Star Campaigners:**
    - A **'recognised' National or State party** declared as such by the ECI can nominate a **maximum of 40 star campaigners.**
    - An **unrecognised political party** can nominate a maximum of **20 star campaigners.**
  - **Need For Star Campaigners:**
    - The **ECI keeps a tab on expenditure incurred by individual candidates** during campaign - Rs. 70 lakh for most states in one constituency by each candidate.
    - **Expenditure incurred on electioneering by the star campaigner is not added** to a **candidate's poll expenditure** giving him/her more scope for expenditure.
      - However, for an individual candidate to get relief from campaign expenditure, the star campaigner has to limit oneself to general campaigning for the party.
    - According to the **Representation of People's Act,** these **expenses will be borne by the political parties.**
  - **Prime Minister as Star Campaigner:**
    - The MCC guidelines say when a prime minister or a former prime minister is star campaigner, the **expenditure incurred on security** including on the bullet-proof vehicles will be **borne by the government** and will not be added to the election expenses of the party or the individual candidate.
    - However, **if another campaigner travels with the prime minister,** the individual candidate will have to bear 50% of the expenditure incurred on the security arrangements.

- **Challenge of Delisting from Star Campaigner List:**
    - **Section 77 of the Representation of the People Act, 1951,** which relates to a **candidate's election expenditure,** leaves 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.
    - As the expenditure on the star campaigners is not included in the expenditure of the candidate concerned, 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.
- **Model Code of Conduct (MCC):**
    - The MCC is a **set of guidelines** issued by the ECI to **regulate political parties and candidates** prior to elections.
    - It helps ECI in keeping with the mandate it has been given under **Article 324** of the Constitution, which gives it the **power to supervise and conduct free and fair elections** to the Parliament and State Legislatures.
    - **Duration of Enforcement:**
        The MCC is **operational from the date on which the election schedule** is announced **until the date of result** announcement.
    - **Legal Status:** MCC is **not statutory** but 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 etc.
        Certain provisions of the MCC may be enforced through invoking corresponding provisions in other statutes such as the **Indian Penal Code 1860**, **Code of Criminal Procedure 1973**, and **Representation of the People Act 1951.**
    - **Recommendations Related to MCC:**
        - In 2013, the **Standing Committee on Personnel, Public Grievances, Law and Justice,** recommended making the **MCC legally binding,** i.e. MCC shall be made a part of the RPA 1951.
        - In 2015, **Law Commission of India (LCI) Report 255** observed that since the MCC comes into operation only from the date on which the ECI announces elections, the government can release advertisements prior to the announcement of elections.
            The report recommended that a restriction should be imposed on government-sponsored advertisements for up to **six months prior to the date of expiry** of the House/Assembly.

Source:TH