

Government officials can't be made SECs

March 13, 2021

In news: Recently, the Apex Court of the country ruled that a government official cannot be appointed State Election Commissioner.

What was the issue?

State government of Goa had given its Law Secretary the additional charge of State Election Commissioner.

And the Bombay High Court, which had set aside the election notification issued by the Goa State Election Commission in the municipalities of Margao, Mapusa, Mormugao, Sanguem and Quepem.

Because the reservation of wards for women, SC and ST was not carried out in accordance with provisions of the Goa Municipalities Act.

What did the Supreme Court say?

- A bench headed by Justice R F Nariman said that Independence of election commissions cannot be compromised in a democracy, and entrusting additional charge of state election commissioner to a government official is a “mockery of the Constitution”
- The court disapproved the decision of the Goa government to give its Law Secretary the additional charge of State Election Commissioner for conducting municipal council polls.
- It also pointed out that as per constitutional mandate, it is the duty of the State to not interfere with the functioning of the State Election Commission
- The bench, exercising powers under Article 142 of the

constitution, which empower the court to exercise its power to do complete justice, directed all states and Union Territories to henceforth ensure that they have independent election commissioners as mandated by Article 243 of the Constitution.

- It said government employees holding the post of State Election Commissioners as additional charge should give up the post.
- It also asked the Goa poll body to issue notification for the panchayat polls within 10 days and complete the poll process by April 30.

Article 142 of the constitution

According to Art 142, the Supreme Court in the exercise of its jurisdiction may pass such decree or make such order as is necessary for doing complete justice in any cause or matter pending before it, and any decree so passed or orders so made shall be enforceable throughout the territory of India in such manner as may be prescribed by or under any law made by Parliament and, until provision in that behalf is so made, in such manner as the President may by order prescribe.

State Election Commission

It Is an independent organisation that conducts elections to three types of rural Local Bodies (RLBs) i.e Zilla, Taluka and Gram Panchayats, and four types of Urban Local Bodies (ULBs) i.e, Municipal Corporations, City Municipal Councils, Town Municipal Councils and Town Panchayats