



# Electoral Promises, Freebies, and Political Fraud: A Legal and Constitutional Analysis of Accountability in Indian Democracy

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ARTICLE DETAILS	ABSTRACT
<b>Research Paper</b>	
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Democracy, Electoral Promise, Freebies, Accountability, Political Fraud.	The increasing trend of political parties offering pre-election freebies and making unrealistic electoral promises has raised serious concerns about fiscal sustainability, democratic ethics, and voter deception. This paper explores the legal and constitutional validity of such promises, examining whether unfulfilled manifestos amount to political fraud. It critically analyzes Supreme Court rulings, the role of the Election Commission of India (ECI), and the impact of freebies on economic governance. A comparative study of international frameworks highlights the absence of strict enforcement mechanisms in India, leading to voter manipulation. The paper concludes with proposed legal reforms to enhance political accountability and ensure that electoral promises align with sustainable governance and constitutional principles.

## Introduction

Electoral democracy thrives on political promises, but when these promises turn into uncontrolled pre-election freebies and deceptive manifestos, they distort democratic integrity.

The term "democracy" originates from the Greek word *dēmokratía*, which is a combination of:

- *Dēmos*– meaning "people"
- *Kratos*– meaning "power" or "rule"

Thus, *dēmokratía* translates to "rule by the people." This term was first used in 5th century BCE Athens, where citizens directly participated in decision-making.

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Democracy is a system of government in which power is vested in the people, either directly or through elected representatives. It emphasizes popular sovereignty, political equality, and citizen participation in governance.

### Definitions of Democracy

1. **Abraham Lincoln (1863)** – "Government of the people, by the people, for the people."
2. **Oxford Dictionary** – "A system of government by the whole population or all the eligible members of a state, typically through elected representatives."
3. **Joseph Schumpeter (1942)** – "Democracy is that institutional arrangement in which individuals acquire the power to decide by means of a competitive struggle for the people's *vote*."
4. **International IDEA (2020)** – "Democracy is a political system that guarantees fundamental rights, fair elections, and accountability of government to the people."

### Types of Democracy

1. **Direct Democracy** – Citizens directly participate in law-making (e.g., Ancient Athens, Swiss referendums).
2. **Representative Democracy** – Citizens elect representatives to make decisions on their behalf (e.g., India, USA).
3. **Constitutional Democracy** – A democracy governed by a constitution that limits government power (e.g., Germany, Japan).
4. **Liberal Democracy** – A democracy with protections for civil liberties and rule of law (e.g., UK, Canada).

Electoral democracy is a form of representative democracy where political leaders and policies are chosen through periodic, free, and fair elections. It ensures political participation, competitive elections, and government accountability. However, it does not always guarantee broader democratic values such as civil liberties, rule of law, or equal representation unless supported by strong institutions.

Robert Dahl (1971) defines electoral democracy as a system in which government officials are chosen through regular and competitive elections that allow for political contestation and public participation. According to Freedom House (2023), it is a governance system where elections determine leadership, but broader democratic principles such as political rights, civil liberties, and judicial independence may not always be fully upheld. International IDEA (2021) describes it as a democracy that ensures electoral integrity through universal suffrage, secret balloting, independent election commissions, and free political competition. The United Nations Development Programme (UNDP, 2019) states that electoral democracy

enables citizens to select their representatives through periodic elections, ensuring a degree of government accountability.

Key features of electoral democracy include periodic elections, political pluralism, universal suffrage, electoral integrity, and government accountability. Elections must be free, fair, and transparent, allowing multiple political parties to compete while ensuring that all eligible citizens have the right to vote. However, electoral democracy has limitations. It may lead to electoral autocracy if elections are manipulated, lack substantive democracy when civil liberties are weak, and be influenced by money, media bias, and populism.

The Supreme Court of India has recently criticized the rampant culture of freebies, arguing that it promotes a parasitic economy rather than empowering citizens. Moreover, when parties fail to fulfill their manifestos without valid justification, it amounts to political fraud, misleading the electorate for electoral gains.

This paper addresses the legal, economic, and governance challenges posed by unregulated electoral promises and freebies. It also examines whether the current constitutional and electoral frameworks adequately prevent political parties from engaging in voter deception.

## **1. Conceptual Framework**

### **1.1 Definition and Scope of Election Freebies**

The Reserve Bank of India (RBI) defines freebies as "a public welfare measure provided free of charge." However, there is no legal consensus on what constitutes a freebie. The Election Commission of India (ECI) has not clearly defined freebies, making regulation difficult. Common examples include:

- Free electricity and water
- Free public transportation
- Loan waivers and cash transfers
- Free gadgets (laptops, TVs, etc.)

### **1.2 Legal Status of Electoral Promises and Manifestos**

Election manifestos serve as a blueprint for governance but lack legal binding. Section 123 of the Representation of the People Act, 1951 deals with corrupt electoral practices but does not categorize false manifestos as fraudulent. The Supreme Court has noted that unfulfilled promises do not constitute a legal offense unless proven fraudulent. A manifesto is a public declaration of a party's or individual's intentions, motives, or views, often issued before elections to outline policies and promises. It serves as a roadmap for governance, informing voters about proposed policies on economic, social, and political issues.



The Oxford Dictionary defines a manifesto as "a public declaration of policy and aims, especially one issued before an election by a political party or candidate." According to Collins Dictionary, it is "a written statement in which a group of people, especially a political party, explains their beliefs and intentions." The Cambridge Dictionary describes it as "a written document that states the policies, goals, and plans of a political party or government."

In a democratic system, a manifesto plays a crucial role in ensuring transparency and accountability. It allows voters to assess and compare the commitments of different parties, helping them make informed electoral choices. However, the failure to fulfill manifesto promises without valid justification can lead to political distrust and accusations of electoral fraud. The legality of an election manifesto varies across jurisdictions, with no uniform legal framework governing its enforceability. In India, election manifestos are not legally binding, but they are subject to scrutiny under the Model Code of Conduct (MCC) issued by the Election Commission of India (ECI). The Supreme Court of India, in *S. Subramaniam Balaji v. State of Tamil Nadu* (2013), held that promises made in manifestos do not constitute a "corrupt practice" under election laws but emphasized the need for financial prudence in pre-election promises.

The Representation of the People Act, 1951, which governs electoral conduct in India, does not contain explicit provisions making the fulfillment of manifesto promises mandatory. However, unfulfilled promises can lead to allegations of misleading the electorate, though there is no penal consequence for non-compliance. The ECI, in its 2015 guidelines, urged political parties to provide a rationale for their promises and clarify their funding sources to ensure fiscal responsibility.

Internationally, countries like the UK and the US also do not legally bind political parties to their manifestos. However, in some nations, electoral fraud laws can apply if manifestos are proven to be deliberately deceptive. In democratic systems, the primary accountability mechanism for unfulfilled manifesto commitments remains political rather than legal, with voters holding parties accountable in subsequent elections.

## **2. Judicial and Constitutional Perspectives**

### **2.1 Supreme Court's Stand on Freebies**

In *S. Subramaniam Balaji v. State of Tamil Nadu* (2013), the Supreme Court observed that political parties have the right to make welfare promises, but excessive freebies could disrupt economic governance. The Court suggested that the ECI frame guidelines but did not impose legal restrictions.

In February 2025, the Supreme Court slammed pre-election freebies, arguing that they:

- Encourage a parasitic mindset, reducing economic productivity.

- Divert resources from infrastructure, job creation, and long-term growth.
- Create fiscal instability, as seen in Punjab's debt crisis.

## **2.2 Freebies vs. Directive Principles of State Policy (DPSPs)**

While Article 38, 39, and 41 of the DPSPs support welfare schemes, excessive freebies often lack economic sustainability. The challenge lies in distinguishing genuine welfare schemes (health, education, food security) from populist, vote-bank freebies.

## **2.3 Whether Unfulfilled Manifestos Amount to Fraud**

The legal principle of fraudulent misrepresentation (under the Indian Contract Act, 1872) could apply if a party makes false electoral claims with no intention of fulfilling them. However, election promises are not contractual obligations, making legal enforcement difficult.

# **3. Impact on Governance & Economy**

## **3.1 Fiscal Burden and Economic Instability**

Excessive freebies burden state finances, leading to:

- High fiscal deficits (Punjab, Tamil Nadu).
- Crowding out of productive investments (infrastructure, education, healthcare).
- Debt dependency, weakening the economy.

## **3.2 Misuse of Public Funds for Electoral Gains**

Political parties often divert taxpayers' money for short-term electoral benefits rather than long-term development. This raises ethical concerns about:

- Accountability in public spending.
- Violation of financial discipline.
- Encouraging a culture of dependency rather than economic empowerment.

## **3.3 Erosion of Voter Trust and Institutional Weakening**

Erosion of voter trust refers to the gradual decline in public confidence in the electoral process, political institutions, and elected representatives. When voters perceive that elections are unfair, manipulated, or influenced by corruption, they may lose faith in the democratic system. This erosion can lead to lower voter turnout, increased political apathy, and greater susceptibility to authoritarian tendencies.

Several factors contribute to the decline in voter trust. Electoral fraud, such as vote buying, rigging, and tampering with results, undermines confidence in the fairness of elections. The unfulfilled promises of political parties create a sense of betrayal among voters, reinforcing the belief that manifestos are mere political tools rather than genuine commitments. Misinformation and fake news spread through social

media distort public perception, making it difficult for voters to make informed decisions. Additionally, excessive political polarization deepens divisions within society, causing voters to distrust not only politicians but also the entire electoral system.

Weak electoral institutions also play a crucial role in the erosion of trust. If election commissions lack independence or are perceived as biased, the legitimacy of elections is questioned. The influence of money in politics, where wealthy individuals and corporations fund campaigns in exchange for favorable policies, leads to the perception that elections serve elite interests rather than the public good. Similarly, repeated instances of political parties offering freebies and populist measures without long-term governance strategies make voters skeptical about their true intentions.

The consequences of declining voter trust are significant. A disengaged electorate weakens democracy by reducing public participation and accountability. When citizens lose faith in democratic processes, they may turn to non-democratic alternatives, such as authoritarian leaders or undemocratic protests, which can destabilize governance. The legitimacy of elected governments is also challenged, making it difficult to implement policies effectively.

Restoring voter trust requires institutional and electoral reforms. Strengthening independent election commissions, ensuring transparency in campaign financing, and enforcing strict action against electoral malpractices are essential steps. Political parties must also be held accountable for their promises, with mechanisms to track and evaluate their manifesto commitments. Educating voters about misinformation and promoting civic engagement can further empower citizens to make informed choices. A healthy democracy depends on the trust of its voters, and safeguarding that trust is crucial for the stability and progress of any nation.

When parties fail to fulfill their manifestos, voters lose trust in the democratic process. Additionally, institutions like:

- Banks (due to loan waivers),
- DISCOMs (power distribution companies) (due to free electricity),
- Agriculture sector (due to unsustainable subsidies), suffer financial stress, weakening governance.

## **4. Comparative Analysis: Global Approaches to Electoral Promises**

### **4.1 United States**

In the U.S., political fact-checking organizations scrutinize campaign promises, but there are no legal penalties for failing to fulfill them. The Federal Election Commission (FEC) ensures transparency in political spending but does not regulate freebies.

## 4.2 United Kingdom

The UK has stricter political accountability. Parties must publish costed manifestos, and failure to implement key promises affects their credibility and re-election chances.

## 4.3 Lessons for India

- Need for costed manifestos to ensure fiscal discipline.
- Strengthening political transparency laws.
- Establishing manifesto audit mechanisms to track progress.

## 5. The Way Forward: Legal and Institutional Reforms

### 5.1 Strengthening the Role of the Election Commission of India (ECI)

- Mandating costed election manifestos to assess fiscal impact.
- Enforcing pre-election audits of promises.
- Regulating populist and deceptive promises.

### 5.2 Introducing Legal Frameworks for Accountability

- Amendment to the Representation of the People Act, 1951 to include false election promises as corrupt practices.
- Parliamentary oversight on freebie schemes.
- Right to Public Scrutiny of manifestos.

### 5.3 Voter Awareness and Media Responsibility

- Strengthening fact-checking mechanisms.
- Promoting public discourse on realistic governance.
- Encouraging judicial activism in scrutinizing unrealistic promises.

## 6. Conclusion

The practice of unrestrained freebies and unfulfilled electoral manifestos poses a serious threat to democratic integrity, fiscal sustainability, and governance efficiency. While welfare policies are essential, reckless populism undermines economic growth and institutional stability. India urgently needs legal reforms, electoral accountability, and voter awareness to distinguish between genuine welfare and political deception.

### Key Recommendations:

- Election manifestos should be costed and legally scrutinized.
- The ECI should be empowered to regulate deceptive electoral promises.



- A parliamentary committee should oversee manifesto implementation.
- Voters must be educated about the economic impact of freebies.

India's democratic health depends on realistic, accountable governance rather than short-term populism. Addressing this issue is critical for sustained development and a responsible political culture.

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