



## Freebies, Electoral Promises, and Electoral Reforms in India: A Constitutional and Legal Analysis

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### ABSTRACT

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*The practice of offering electoral promises, subsidies, welfare schemes, and so-called “freebies” has become a significant feature of democratic politics in India. Political parties frequently promise free electricity, loan waivers, cash transfers, subsidized goods, or welfare benefits during election campaigns as part of their political manifestos. While such promises may be presented as instruments of social justice and welfare governance, they also raise constitutional, legal, fiscal, and ethical concerns regarding democratic accountability, equality, public finance, and electoral integrity. The increasing debate over “freebie culture” has generated serious questions about whether such promises represent legitimate welfare measures under a social welfare Constitution or whether they distort free and fair elections by influencing voters through populist inducements. This issue lies at the intersection of constitutional values, electoral law, governance ethics, and public policy. The Constitution of India envisions a welfare state committed to social and economic justice through Directive Principles of State Policy, yet it also demands fiscal responsibility, democratic fairness, and constitutional morality. The judiciary, Election Commission of India, Law Commission, and policy experts have increasingly examined whether unregulated electoral freebies undermine democratic equality, burden public resources, and weaken informed political participation. This paper critically analyzes the*

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*constitutional foundations, legal dimensions, judicial perspectives, economic implications, and reform debates surrounding freebies and electoral promises in India. It evaluates the distinction between welfare-oriented governance and electorally motivated populism while exploring possible electoral reforms to preserve democratic integrity. The paper argues that while welfare promises are constitutionally legitimate when grounded in public interest and social justice, unchecked freebie politics may threaten constitutional morality, fiscal discipline, and electoral fairness, thereby necessitating legal and institutional reforms.*

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## **Introduction**

Democracy functions most effectively when electoral choices are informed by constitutional values, governance performance, and public welfare rather than manipulative inducements. In India, electoral politics has increasingly witnessed the expansion of “freebies” and extensive promises by political parties offering material benefits to citizens in exchange for political support. These promises range from free electricity, water, transportation, and consumer goods to farm loan waivers, direct cash transfers, and various forms of subsidies. Such promises are often defended as welfare commitments aimed at socio-economic justice, poverty alleviation, and redistribution. However, critics argue that they may also represent fiscally irresponsible populism capable of distorting democratic choice.

The constitutional challenge lies in distinguishing between legitimate welfare policies and electoral inducements that compromise free and fair elections. India’s Constitution envisions a welfare state through Directive Principles such as Articles 38, 39, 41, and 47, which encourage the state to promote social justice, reduce inequality, and improve living conditions. Welfare schemes are therefore not inherently unconstitutional. Indeed, many social welfare programs are essential for substantive equality.

Yet electoral promises made solely for immediate political gain raise broader concerns. If political competition becomes centered on short-term material inducements without sustainable fiscal planning, democratic governance may shift from constitutional policy-making to populist bargaining. This may burden state finances, distort voter autonomy, and undermine governance priorities.

The Supreme Court of India, in *S. Subramaniam Balaji v. State of Tamil Nadu* (2013), acknowledged the complexity of this issue by distinguishing electoral promises from corrupt practices under existing law



while recognizing the need for policy regulation. The Election Commission has also sought greater scrutiny of manifestos under the Model Code of Conduct.

This debate therefore raises fundamental constitutional questions: Are freebies a legitimate tool of welfare governance or a form of electoral manipulation? Can electoral democracy permit unrestricted promises without fiscal accountability? Should legal reforms regulate manifesto commitments?

This paper examines these issues by analyzing constitutional philosophy, judicial interpretation, legal frameworks, and contemporary reform proposals.

### **Conceptual Understanding: Freebies, Welfare, and Electoral Promises**

The term “freebies” lacks a precise constitutional or statutory definition, which itself contributes to the complexity of legal regulation. Broadly, freebies refer to promises or distribution of goods, services, or financial benefits by political actors, often during election campaigns, aimed at attracting voter support.

However, not all freebies are constitutionally or ethically identical. A crucial distinction exists between welfare measures and electorally motivated inducements.

Welfare measures are state policies designed to fulfill constitutional obligations relating to socio-economic justice. Public education, food security, healthcare, social security, and poverty alleviation often fall within this category because they are linked to Directive Principles and constitutional commitments.

Electoral inducements, by contrast, may involve promises lacking long-term policy rationale, fiscal sustainability, or broader public interest. These may prioritize electoral advantage over governance prudence.

The challenge is that many electoral promises occupy a grey area. For instance, free electricity may be framed as social welfare for vulnerable populations or criticized as fiscally unsustainable populism depending on context.

Thus, constitutional analysis requires examining intent, impact, fiscal responsibility, and policy design rather than relying solely on labels.

### **Constitutional Framework: Welfare State and Democratic Integrity**

India’s constitutional structure simultaneously supports welfare governance and democratic fairness. This duality is central to understanding the freebies debate.

The Directive Principles of State Policy establish the state’s obligation to reduce inequality, secure social and economic justice, provide assistance in cases of unemployment and poverty, and improve public



welfare. Articles 38 and 39 encourage distributive justice, while Article 41 promotes assistance in cases of need.

These provisions support welfare-oriented policies and justify redistributive governance. Therefore, public subsidies or social benefits are not inherently inconsistent with constitutionalism.

At the same time, constitutional democracy is also founded on free and fair elections, equality, and rule of law. Article 14 mandates equality before law, while the Representation of the People Act seeks to regulate corrupt electoral practices. Democratic legitimacy requires that voters exercise free choice based on informed consent rather than undue influence.

Fiscal responsibility is another constitutional concern. Public funds are held in trust for collective welfare, and indiscriminate promises without sustainable financing may undermine governance obligations.

Thus, constitutional morality demands balance: welfare must advance justice, but electoral practices must preserve democratic integrity and fiscal prudence.

### **Judicial Perspective on Electoral Freebies**

The judiciary has played an important role in shaping the legal discourse on electoral promises, though it has also recognized institutional limits.

In *S. Subramaniam Balaji v. State of Tamil Nadu* (2013), the Supreme Court examined whether distribution of goods pursuant to electoral promises constituted corrupt practice under the Representation of the People Act, 1951. The Court held that such promises, under existing law, did not automatically amount to corrupt practice because political manifestos were not specifically covered by statutory prohibitions.

However, the Court expressed concern regarding the potential impact of freebies on electoral fairness and directed the Election Commission to formulate guidelines concerning election manifestos.

This judgment was significant because it highlighted a legislative gap rather than granting unrestricted legitimacy to freebies. The Court acknowledged the need for democratic regulation while respecting separation of powers.

Subsequent public debates and petitions have continued to question whether unregulated freebies distort electoral democracy, burden state finances, and create unsustainable governance practices.



The judiciary's approach reflects constitutional caution: while courts recognize the seriousness of the issue, comprehensive reform may require legislative and policy intervention rather than purely judicial prohibition.

### **Election Commission and Model Code of Conduct**

Following judicial observations, the Election Commission incorporated guidelines requiring political parties to avoid manifestos that exert undue influence on voters and to explain the rationale and financial implications of promises.

While these guidelines represent a step toward accountability, they remain largely advisory under the Model Code of Conduct and lack strong enforceability.

This creates a structural limitation. Political parties may continue expansive promises without robust legal consequences unless statutory reforms strengthen disclosure obligations.

A stronger regulatory framework could require transparent fiscal disclosures, policy justifications, and sustainability assessments for major electoral promises. Such reforms would not prohibit welfare politics but would enhance informed democratic choice.

### **Economic and Fiscal Dimensions**

The constitutional debate on freebies cannot be separated from fiscal governance. Public finance is a constitutional trust, and governments must balance welfare obligations with long-term economic sustainability.

Unchecked populist spending may create debt burdens, reduce developmental investment, and distort budgetary priorities. Excessive subsidies without productive planning may affect infrastructure, healthcare, education, or institutional capacity.

At the same time, constitutional economics must not become a tool to delegitimize welfare itself. Social welfare spending is often necessary for substantive equality and social justice.

Therefore, the constitutional issue is not welfare versus austerity but responsible governance versus unsustainable populism.

A fiscally responsible constitutional democracy must ensure that welfare commitments are transparent, equitable, and sustainable.



## **Freebies, Electoral Equality, and Democratic Choice**

One of the most critical constitutional concerns regarding electoral freebies is their potential impact on voter autonomy and democratic equality. Elections in a constitutional democracy are expected to reflect informed political choice grounded in governance, policy vision, constitutional commitments, and public accountability. When electoral competition increasingly centers on immediate material inducements, questions arise regarding whether such practices strengthen welfare democracy or reduce electoral choice to transactional politics.

Democratic equality under the Constitution requires that citizens exercise political choice freely and meaningfully. If voters are disproportionately influenced by short-term promises that may not be fiscally sustainable or policy-oriented, electoral discourse may shift away from structural issues such as education, employment, healthcare, constitutional governance, and institutional reform. This could weaken substantive democratic deliberation.

However, the constitutional analysis must remain nuanced. Socio-economically marginalized communities may legitimately prioritize immediate welfare needs because structural inequality shapes democratic participation. Therefore, promises of welfare cannot automatically be equated with electoral corruption. The constitutional problem arises when promises are disconnected from policy planning, public finance, or genuine social justice and become tools of opportunistic vote mobilization.

Thus, constitutional morality demands that electoral promises empower citizens through welfare and justice, not merely influence them through unsustainable populism.

### **Distinguishing Welfare Governance from Populist Freebie Culture**

A central legal and constitutional challenge lies in distinguishing legitimate welfare measures from populist freebie culture. This distinction is essential because India's constitutional framework strongly supports social welfare but does not endorse fiscal irresponsibility or electoral manipulation.

Welfare governance generally possesses certain constitutional characteristics: it addresses structural inequality, serves broader public interest, aligns with Directive Principles, promotes social justice, and is supported by policy planning and budgetary sustainability. Examples may include food security, education schemes, public healthcare, and targeted social assistance.

Populist freebie culture, by contrast, may prioritize electoral immediacy over governance rationality. It may involve promises designed primarily for electoral gain without long-term developmental objectives, transparent funding mechanisms, or equitable policy frameworks.



The legal challenge is that statutory law currently lacks a comprehensive framework to define or regulate this distinction effectively. Consequently, constitutional institutions must rely on broader principles of accountability, transparency, and fiscal prudence.

A possible reform approach is not outright prohibition but structured constitutional scrutiny through disclosure requirements, financial transparency, and public policy evaluation.

### **Electoral Reforms: Need for Legal and Institutional Framework**

The debate over freebies has intensified calls for electoral reform. Since democracy must balance political freedom with constitutional accountability, reform proposals seek to preserve manifesto freedom while strengthening transparency and public trust.

One possible reform is statutory regulation of election manifestos. Political parties could be legally required to disclose the financial implications, funding sources, and implementation framework for major promises. This would allow voters to assess whether commitments are realistic, equitable, and sustainable.

Second, the Election Commission's role may be strengthened through clearer legislative backing. Rather than relying solely on advisory guidelines, reforms could provide enforceable standards regarding fiscal transparency in manifestos.

Third, independent fiscal institutions or public finance review bodies could evaluate large-scale electoral promises for sustainability, thereby improving informed democratic debate.

Fourth, voter awareness and constitutional literacy are essential. Democratic reform is not solely institutional; citizens must also critically assess electoral promises within broader constitutional and governance frameworks.

Importantly, reforms must preserve political pluralism. Electoral competition requires policy diversity, and overregulation could risk judicializing or bureaucratizing democratic politics. Therefore, reform should focus on transparency and accountability rather than ideological restriction.

### **Comparative Democratic Perspectives**

Comparative democracies also confront questions relating to welfare promises, campaign financing, and electoral fairness. While many welfare democracies permit expansive social commitments, stronger institutional checks often exist regarding fiscal disclosures, legislative budgeting, and campaign finance regulation.



In several jurisdictions, political manifestos are treated as political commitments rather than legal contracts, similar to India. However, public finance scrutiny, parliamentary accountability, and independent budget institutions often provide greater transparency.

India's challenge is unique because of its socio-economic diversity, constitutional commitment to welfare, and scale of electoral politics. Therefore, simplistic comparisons are inadequate. Nonetheless, comparative perspectives suggest that democratic legitimacy is strengthened when electoral promises are transparent, fiscally reasoned, and publicly accountable.

### **Constitutional Morality and Political Accountability**

Constitutional morality provides a crucial framework for evaluating freebies and electoral promises. Constitutional morality requires political actors to act not merely within technical legality but in accordance with constitutional values such as justice, equality, accountability, and democratic integrity.

Political parties are essential democratic institutions, but their conduct also shapes constitutional culture. If electoral politics becomes dominated by unsustainable competitive populism, constitutional governance may gradually weaken. Public resources may be redirected from structural development to short-term electoral incentives, thereby affecting intergenerational justice and governance quality. At the same time, constitutional morality also requires that welfare commitments not be dismissed merely because they involve redistribution. Social justice remains a core constitutional objective. Thus, constitutional morality demands a middle path: welfare politics must remain constitutionally legitimate, but electoral promises must also respect fiscal responsibility, transparency, and democratic ethics.

### **Role of Judiciary, Legislature, and Election Commission**

Addressing the issue of freebies requires coordinated constitutional action rather than isolated institutional intervention.

The judiciary can interpret constitutional boundaries, encourage reform, and preserve democratic principles but may be limited in directly regulating political policy choices absent legislative standards.

The legislature holds primary responsibility for creating statutory frameworks governing electoral finance, manifesto disclosures, and public accountability.

The Election Commission, as guardian of electoral fairness, can operationalize standards through monitoring, guidance, and enforcement, particularly if supported by stronger statutory powers. Thus, constitutional reform in this area requires institutional collaboration grounded in democratic legitimacy.



## Critical Analysis

The freebie debate often risks polarization between two extremes: one framing all welfare promises as irresponsible populism, and another treating all electoral promises as democratic entitlement. Both extremes oversimplify constitutional reality.

India's constitutional design clearly supports welfare governance, social justice, and redistributive policies. Therefore, welfare-oriented commitments cannot be categorically condemned. However, unchecked electoral competition based on fiscally unsustainable inducements may weaken governance quality and democratic accountability.

The true constitutional challenge lies not in welfare itself but in ensuring responsible welfare. Electoral promises should be assessed through principles of public interest, sustainability, transparency, and constitutional justice.

This balanced approach avoids both anti-welfare elitism and fiscally reckless populism.

## Conclusion

The issue of freebies, electoral promises, and electoral reforms in India represents one of the most significant contemporary intersections of constitutional law, democratic ethics, public finance, and political accountability. India's Constitution envisions both a welfare state committed to social justice and a democratic order grounded in free and fair elections. Therefore, the constitutional challenge is not whether welfare commitments should exist, but how they should be structured within the framework of responsible governance.

Electoral promises that genuinely advance social justice, reduce inequality, and fulfill Directive Principles may align with constitutional values. However, promises that prioritize electoral gain without fiscal sustainability, transparency, or broader public welfare may threaten constitutional morality and democratic integrity.

Judicial interventions, Election Commission guidelines, and public discourse have highlighted the seriousness of this issue, but durable reform likely requires legislative and institutional innovation. Transparent manifesto disclosures, fiscal accountability, and enhanced voter awareness may offer constitutionally balanced solutions.

Ultimately, democracy is strengthened when electoral politics moves beyond short-term inducement toward informed governance choices rooted in constitutional values. India's future electoral reforms must



therefore seek not to suppress welfare politics, but to ensure that welfare remains constitutionally responsible, economically sustainable, and democratically ethical.

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