



Election Freebies

For Prelims: Election Symbols (Reservation and Allotment) Order 1968

For Mains: Arguments in Favor of Freebies, Impact of freebies on economy.

Why in News

Recently, a petition has been filed in the Supreme Court seeking a direction to the [Election Commission of India \(ECI\)](#) to seize the [election symbol or deregister a political party](#) that promises or distributes “**irrational freebies**” from public funds before elections.

- The petition argued that the recent trend of political parties to influence voters by offering freebies with an eye on elections is not only the **greatest threat to the survival of democratic values** but also injures the **spirit of the Constitution**.

Key Points

- **About Freebies in Indian Politics:**
 - Political parties promise to offer free electricity/water supply, monthly allowance to unemployed, daily wage workers and women as well as gadgets like laptops, smartphones etc. in order to secure the vote of the people.
- **About the Petition:**
 - Petitioner submits that arbitrary promises of irrational freebies violate the **ECI's mandate for free and fair elections**.
 - **Distributing private goods-services**, which are not for public purposes, from public funds clearly violates **Articles 14 (equality before law), 162 (executive power of a State), 266(3) (expenditure from Consolidated Fund of India) and 282 (Discretionary grants) of the Constitution**.
 - The petition also sought the Supreme Court to give a direction to the Union **to enact a law in this regard**.
 - It sought a direction to the ECI to insert an additional condition in the relevant paragraphs of the [Election Symbols \(Reservation and Allotment\) Order 1968](#).
 - It deals with conditions for recognition as a state party, that a “**political party shall not promise/distribute irrational freebies from the public fund before the election**”.
- **Arguments in Favor of Freebies:**
 - **Essential for Fulfilling Expectations:** In a country like India where the states have (or don't have) a certain level of development, upon the emergence of the elections, there are **expectations from the part of people which are met by such promises of freebies**.
 - Moreover, there are also comparative expectations when the people of the adjoining/other states (with different ruling parties) get freebies.
 - **Helps Lesser Developed States:** With the states that have comparatively lower level of development with a larger share of the population suffering from poverty, such **kind of freebies become need/demand-based** and it becomes **essential to offer the people**

such subsidies for their own upliftment.

▪ **Associated Issues With ‘Freebies’:**

- **Economic Burden:** This places a huge economic burden on the exchequer of the state as well as centre.
- **Against Free and Fair Election:** The promise of irrational freebies from public funds before elections unduly influences the voters, disturbs the level playing field and vitiates the purity of the poll process.
 - It amounts to an unethical practice that is just like giving bribes to the electorate.
- **Against Equality Principle:** Distribution of private goods or services, which are not for public purposes, from public funds before the election violates several articles of the Constitution, including **Article 14 (equality before law)**.

▪ **SC Judgement:** The Supreme Court in **S Subramaniam Balaji vs Government of Tamil Nadu 2013** case held that unrealistic poll promises and freebies are a serious issue that disturbs the level-playing field in elections.

- The court also held that **promises in the election manifesto cannot be construed as “corrupt practice” under the Representation of People Act** or under any other prevailing law and hence, distribution of freebies can’t be stopped when the ruling party uses public funds for this purpose through passage of Appropriation Acts in state assembly.
- At the same time, the court noted that there is no enactment that directly governs the contents of the election manifesto, and **directed ECI to frame guidelines for the same in consultation with all the recognised political parties.**

Way Forward

- **Better Policy Reach:** The economic policies or development models that the parties plan to adopt have to be very clearly stated and implemented effectively.
 - Moreover, the parties should have (and provide) a proper understanding on the economics and expenditure of such policies.
- **Judicious Demand-Based Freebies:** India is a large country and there is still a huge set of people who are below the poverty line.
 - It is also important to have all the people accommodated in the development plan of the country.
 - The judicious and sensible offering of freebies or subsidies that can be easily accommodated in the states’ budget do not do much harm and can be leveraged.
- **Differentiating Subsidies and Freebies:** There is a need to understand the impacts of freebies from the economic sense and connect it with the taxpayers money.
 - It is also essential to distinguish between subsidy and freebies as subsidies are the justified and specifically targeted benefits that arise out of demands.
- **Awareness Among People:** The People should realize the wrong they do in selling their votes for freebies. If they do not resist, they cannot expect good leaders.

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