

Right to Distributive Justice in Focus: Weighing Freebies Against Development

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Introduction

In India, election seasons are frequently marked by lavish gifts and alluring promises, and politicians suddenly exhibit a heartfelt care for the everyday suffering of the average people. Usually on the menu are bicycles, phones, computers, free water and electricity, less-expensive food and gas etc. Freebie culture has risen to such dangerous heights that most political parties' carefully considered election agendas are solely focused on offering freebies, with the explicit promise that voters will receive an abundance of freebies if the party comes in power. Politicians have long been known to distribute freebies. However, it gained more notoriety in the end of 1990's and beginning of 2000's when a number of states, most notably Tamil Nadu, Andhra Pradesh, and Karnataka, began providing free energy, low-cost food, and other necessities to the underprivileged.¹ The intention of these programs was to ensure that people's basic needs were satisfied and to end poverty. Political parties sometimes find success in presenting presents to people, particularly when attempting to win over voters below poverty line. "Freebies, sometimes referred to as welfare schemes or populist measures, are political parties' or governments' attempts to win over the voters by offering them cash rewards, commodities, or services in exchange for their support."²

"Anything that is provided to you without charge, especially to pique your interest in or support for something" is the definition of a freebie according to the Cambridge Dictionary.³ So, things that are presented or given out without charge are known as freebies. Women, people with disabilities, Below Poverty Lines members, Scheduled Castes and Tribes, Other Backward Classes, were among the groups for which these vows were made.

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¹ Deepak Kumar Dinkar, Political and Economic Aspects of Freebies Politics in India: An Analysis, 5 Int'l J. Soc. & Pol. Sci, 43-47 (2023).

² Saksham Vashishtha, The Role of Freebies in Indian Politics, 10 J. Emerging Tech. & Innovative Res. (JETIR) j551-j562 (2023) (ISSN 2349-5162).

³ Rohit Kumar & Sumanpreet Kaur, Freebies Politics in India and Its Political, Economic, and Psychological Impact on Voters, 27 IOSR J. Human. & Soc. Sci, (2022) (e-ISSN 2279-0837).

All political parties use gifts these days to win over voters.⁴ So freebies have developed into a vote-bank tactic over time.

The trend which started with the intention of assuring that basic needs of the voters will be fulfilled, has been converted into the tactics of enticing the voters. What is more disheartening is that even the current scenario every political party is making an effort to win over people by providing them with freebies. Unfortunately, political parties continue to entice voters with freebies even after 75 years of independence, instead of announcing development policies that would ensure all round development including quality of education, health, promotion of employment opportunities, standard of living safeguard women, and grow the economy while also providing their citizens with a level playing field with those of developed nations.⁵ Political parties are not able to understand their constitutional duty in promoting welfare of the society by implementing welfare schemes and freebies and its consequences. Be it Delhi Government which promises free electricity and water or U.P govt. which distributes mobile phones to Under-graduates or central government which promises free monthly allowances to women or waiving off loan or 15 lakh in bank account, Telangana Government providing free bus rides to Women domiciled of Telangana. These days, freebie politics rule Indian politics. It might lessen poverty and enhance living standards, but is for sure detrimental to the economy of the country. As a result, political parties ought to strike a balance between maintaining budgetary restraint and offering these free services. Additionally, people ought to be conscious of the long-term effects of freebies and back political parties that promote ecologically beneficial modes of government.

Freebies vis-à-vis welfare scheme

Distributive justice and access to justice are intimately related. Twelve To guarantee that everyone has access to the tools and chances necessary to seek justice, distributive justice is crucial. For instance, a person might not be able to properly seek justice if they lack access to necessities like food, housing, and medical care. In a similar vein, someone who lacks access to education and training could find it difficult to get legal counsel or successfully negotiate the legal system.⁶

⁴ id

⁵ id

⁶ Singh, A. (2023). *Distributive justice as a gateway for access to justice*. International Journal of Research in Engineering and Science, 11(3), 607-612. <https://www.ijres.org>

Incentives to vote before or after are lawful in India. Governments also offer assistance programs to their populace in an effort to improve their socioeconomic standing. People have been given free or heavily discounted accommodation, gas cylinders, toilets, and sanitary services by central government. Other parties across the nation follow this. The government of the state of Bihar offers monetary rewards to female students who finish their education. The government of Tamil Nadu operates canteens where the general public receives discounted meals.

However, which of these offers are freebies and which are genuine welfare measures is a question?⁷ Although it's not always easy to distinguish welfare programs from freebies, one approach to tell the two apart is often based on how each will affect recipients and society over time. Giving out bicycles, as a few state governments and political associations have done, could seem like an election tactic. Nonetheless, it could provide a means of transit to college or school for the millions of young women who reside in India's vast rural hinterland, where public transportation is severely limited. Similarly, the middle class in Delhi may not be particularly affected by the AAP's vow to provide free power. However, it might change the lives of millions of people who work in the unorganized sector. "A shaving kit for a barber, a bicycle for a student, equipment for a toddy tapper, or an iron for a washerman, can change their lifestyle and uplift," said then Chief Justice of Supreme Court of India, NV Ramana during the Supreme Court hearing.⁸

Welfare programs are beneficial, but freebies can lead to dependency or other problems.

The distinction can be drawn between the freebies and welfare schemes looking at or considering its objective. If the objective of a particular scheme is to strengthen the ability of a person promotes and increase productivity and help in the promotion of GDP then it may be called as welfare scheme otherwise can be considered as freebies and quid pro quo.

Freebies' ability to reduce inequality and poverty has been the subject of recent discussions. Freebies may provide the impoverished with short-term aid, but they do not address the root causes of inequality and poverty. When opportunities for work, healthcare, and education are included, long-term initiatives to fight poverty and inequality have a higher chance of success. Freebies have the potential to widen socioeconomic divides and disparities as well. It's possible that not everyone can get freebies, and those who can't can feel left out or treated unfairly.

⁷ <https://www.bbc.com/news/world-asia-india-62722592>

⁸ id

Resentment and social unrest may result from this. Governments need to focus on finding long-term answers to the problems the country is currently facing.⁹

Impact of freebies on Economy

Offering freebies might seem like a simple approach to win over voters, but They frequently hurt the economy in negative ways. “Freebies cost money and use public funds, which results in public debt growth and budget shortfalls.”¹⁰ Giving out free things as freebies can have a significant effect on the economy, especially when you take into account the costs and the pressure it puts on the system. “Freebies may seem good to the recipients, but implementing them frequently costs a lot of money, which puts a pressure on the government’s budget and the nation’s economy as a whole. The effect on the fiscal deficit is one of the main worries.”¹¹ The term “The term “fiscal deficit” refers to the difference that appears when government outlays exceed revenue.

Putting giveaways into action usually requires more government expenditure, which might raise the fiscal shortfall. “This could be dangerous because a large budget deficit can result in a number of problems, such as decreased investor confidence and inflationary pressures.”¹² This could also lead to higher borrowing rates, less investment, and inflation. They would all be harmful to the country’s overall economic growth. Freebies have the potential to promote corruption as well because officials may misappropriate funds meant for their distribution. The goal of welfare programs for the impoverished and disenfranchised is to include them into the mainstream of the economy. But unrestricted giveaways, like free power or transportation, put a pressure on public coffers and fuel inflation and unstable economies.¹³

The Reserve Bank of India released a report on June 16, 2022, outlining how the Russia-Ukraine war and COVID-19 are causing a financial crisis in several states. The report emphasized that an increase in freebies provided by State governments was exacerbating a growing variation between state revenue and expenditure. Only in the fiscal year 2021–2022, state governments increased their spending on subsidies by 11.2%. In heavily indebted states

⁹ Deepak Kumar Dinkar, Political and Economic Aspects of Freebies Politics in India: An Analysis, 5 Int’l J. Soc. & Pol. Sci, 43–47 (2023).

¹⁰ id

¹¹ Saksham Vashishtha, The Role of Freebies in Indian Politics, 10 J. Emerging Tech. & Innovative Res. (JETIR) j551–j562 (2023) (ISSN 2349-5162).

¹² ibid

¹³ CMA Hrishikesh R. Nampoothiri, Impact of Freebies on Indian Economy, Metro Vaartha (Sept. 6, 2023), <https://english.metrovaartha.com/economy/policy/impact-of-freebies-on-indian-economy>.

like Andhra Pradesh and Punjab, the number of freebies has exceeded two percent of the GDP.¹⁴

“The truth is that the prevalence of “freebie politics” is really an indictment of our economic policy and the abject failure to build a welfare state that invests in human capital.”¹⁵ Deep disparities, according to Ms. Aiyar, are the result of the government’s underfunding of sectors like health and education. To make up for that, it has been offering a wide range of complimentary services.¹⁶ The government receives taxes from the populace to fund public services, healthcare, infrastructure, development, and national advancement. Nonetheless, giveaways are paid for with tax payers’ money when elections are held. It deters the law-abiding taxpayer whose funds are utilized to fund the benefit. Compared to the central government, the state government has fewer funding streams. They are always in debt and depend on the federal government for funding for other facilities and essential services. The state's finances are under stress as a result of this culture of giveaways.¹⁷

The Indian Supreme Court ruled in 2013 that the funds allocated for giveaways are larger than regular budgets, which threatens fairness in the marketplace and seriously jeopardizes the foundation of “free and fair elections.” Not all political parties but party which is in power will have access to public funds. This is counter to Article 324 of the Constitution, which states that the Election Commission is in charge of organizing free and fair elections. This raises questions regarding the morality of the practice of giving things away for free because some people believe that doing so is the same as bribing your voters.¹⁸ Freebies can also harm the environment also by promoting the excessive use and waste of natural resources like fuel, electricity, and water. Freebies, for instance, can lower the incentives for efficiency and conservation while raising the carbon footprint and pollution levels. Examples of these include free gas cylinders, free power, and free water. In Punjab, free electricity for farmers resulted in excessive power consumption and waste, low tax compliance, and subpar service performance by the state power company, according to a study by the Comptroller and Auditor General.¹⁹

¹⁴ Freebies: The Row Over Handouts and Welfare Schemes in India, BBC News (Aug. 30, 2022), <https://www.bbc.com/news/world-asia-india-62722592>.

¹⁵ Ambar Kumar Ghosh, Freebies and Welfare Schemes: Setting a Framework for the Debate in India, Observer Research Foundation (June 10, 2024), <https://www.orfonline.org/research/-freebies-and-welfare-schemes-setting-a-framework-for-the-debate-in-india>

¹⁶ id

¹⁷ Supra note 3

¹⁸ id

¹⁹ Comptroller & Auditor General of India, Report No. 3 of 2016 – Public Sector Undertakings, Government of Punjab (2016), https://cag.gov.in/webroot/uploads/download_audit_report/2017/Report_No_3_of_2016_Punjab_PSUs.pdf.

Take of Judiciary on Freebies

In a July 16, 2022, public speech, Prime Minister Narendra Modi stated, “There are efforts underway to gather votes through the distribution of “free revdis”. He was making a statement on the habit of political parties offering freebies and subsidies in exchange for votes during election campaigns, saying that “this revdi culture” is very dangerous for the development of the country.²⁰ A Public Interest Litigation (PIL)²¹ opposing the practice of providing “irrational freebies” before the Supreme Court gained momentum as a result of Mr. Modi’s remarks.²² In the PIL, Mr. Upadhyay contended that, in accordance with *Bhartiya Nyaya Sanhita*²³, offering freebies to voters unfairly sways their decisions and constitutes bribery. In addition, he contended that it is against Articles 162, 266(3), and 282 of the Indian Constitution of 1950 to use public monies for gifts that do not further a public purpose.” Article 162 establishes the scope of the State’s administrative authority. The theft of money from the Consolidated Fund of India is prohibited by Article 26 of Indian Constitution.²⁴

After noting that “freebies may create a situation wherein the State Government cannot provide basic amenities due to lack of funds and the State is pushed towards imminent bankruptcy,” the three-judge bench of Supreme Court has referred the matter pertaining to political parties’ promises of freebies to a larger bench. The bench also highlighted that it should be kept in mind that these giveaways are provided with tax payer funds just to boost the party’s standing and chances for election success.²⁵ The court also highlighted that “the electorate ultimately possesses the true power in an elected democracy like ours, there is no doubt about it. The people who vote determine which party or candidate wins the majority and, in the subsequent election cycle, how well that party or candidate performs at the conclusion of the legislative session.” The Court emphasized that it was important to take into account the petitioners’ concern that financial responsibility is being abandoned in the name of election pledges.²⁶

Certain political parties opposed to the petitions’ very maintainability, citing the fact that the issues they highlighted had to do with state policy or budgetary decisions, which are manifestly outside the purview of the Court. “It is unimaginable that any Government or Court can

²⁰ <https://www.scobserver.in/cases/freebies-in-electoral-democracy-and-welfare-state/>

²¹ Ashwini Kumar Upadhyay v. Union of India, W.P. (C) No. 63 of 2022, 2022 SCC OnLine SC 1596 (India).

²² W.P.(C) No. 43/2022

²³ Section 170 & 171 BNS 2023

²⁴ Freebies in Electoral Democracy and Welfare State, Supreme Court Observer (Aug. 21, 2024), <https://www.scobserver.in/cases/freebies-in-electoral-democracy-and-welfare-state/>.

²⁵ Prachi Bhardwaj, “*Promise of freebies by political parties may push State towards bankruptcy*”, says Supreme Court: Read the 4 issues referred to a larger Bench, **SCC Online Blog** (Aug. 29, 2022),

²⁶ *id*

prescribe or curtail the rights of political parties to make such promises or announcement of schemes,” the argument went, submitting that the matter should be open to the political parties. The political parties in charge of governing the nation are cognizant of and aware of the issues facing the populace. Thus, the people opposing the PIL argued that the matter should be left up to the political parties.²⁷

In this case, it was also argued that S. Subramaniam Balaji's ruling that preelection promises do not constitute corrupt practices as defined by Section 123 of the Representation of the People Act, 1951 and further directed the Election Commission of India to develop guidelines for this area in the absence of any relevant legislative enactments was flawed because it failed to consider several provisions of the Representation of the People Act, 1951. Additionally, it incorrectly implied that the Directive Principles of State Policy could supersede the fundamental rights guaranteed by Part III of the Constitution, which is against the ruling established in *Minerva Mills v. Union of India*.²⁸

In *Subramaniam Balaji Case*²⁹ with respect to freebies, it was further declared that a number of articles, including directive principles and fundamental rights, had been inserted in order to meet the objectives specified in the preamble. Constitutional provisions pertaining to the withdrawal and appropriation of funds for public purposes states Grants may be made by the Union or the States for “any public purpose” in accordance with Article 282. Wealth must first be produced or created in order to be distributed. Investing wealth is the first step towards producing or generating wealth. To put it succinctly, wealth may be generated, invested in, and distributed. Money from the Consolidated Fund of India or the Consolidated Fund of the State may only be appropriated in line with the law, for the purposes specified, and in the manner stipulated under Article 266(3) of the Constitution.³⁰ A “public purpose” cannot be one that gives rise to private property. Distributions that meet a basic need such as food, clothes, shelter, health care, or education can be an exception to this general rule.

Regarding the query, “To whom is Section 123 of the RP Act applicable?” The court declared It is evident from Section 123 Subsections 1 through 8 that this section solely addresses a candidate, his agent, or any other individual. No mention of political parties is made. While political parties' election manifestos do not contain similar prohibitions, individual candidates are prohibited from making pledges that amount to corrupt acts under Section 123

²⁷ *id*

²⁸ *Minerva Mills Ltd. v. Union of India*, (1980) 3 SCC 625 (India)

²⁹ *S. Subramaniam Balaji v. State of Tamil Nadu*, (2013) 9 SCC 659 (India).

³⁰ *id*

of the RP Act. As a result, while individual candidates are barred from making specific pledges, political parties are not subject to the same restrictions.³¹

Therefore, when an act is committed by a single person, it is considered criminal, but not when it is committed by a group of people.³² Court further stated Giving away free things can impede progress, so it's important to inform and raise awareness of the possible drawbacks of this approach. Even though the court determined that election manifestos and party promises are not covered by "Section 123 of the Representation of the People Act (RPA)", it acknowledged that parties' distribution of freebies or benefits has the potential to influence voters and jeopardize the integrity of elections. Despite the fact that such pledges are not considered corrupt by the law, there is no denying their significant and unmistakable impact on the election process.³³

Through its legal representative, the Election Commission has voiced concerns about how offering such incentives at public expense would distort the voting process and level the playing field. These pledges, according to the Supreme Court and the Election Commission, have the potential to distort the results and compromise election integrity.³⁴

The current case of Ashwani Dubey was hence referred to the larger bench and the main questions raised by the current PIL, which is pending before the Court, are³⁵:

- Does offering gifts equate to buying votes?
- Do all freebies waste money, or are some of them comparable to social assistance programs?
- What kind of election pledges are ineffective uses of tax dollars?
- Who determines if money is being used for a "public purpose" by a party?

The petitioner primarily requests that the Court order the Election Commission of India to amend the Election Symbols Order, 1968 so that it forbids political parties from making illogical promises or giving out "irrational freebies from public funds before elections". Parties that distribute these freebies will likewise be deregistered under the proposed clause.³⁶

In response to this and on Court's order, the Election Commission of India filed an affidavit in the case on April 10, 2022 wherein it declined to control the custom of offering freebies during political campaigns by arguing that giving out freebies was a policy choice and that regulating

³¹ id

³² id

³³ id

³⁴ id

³⁵ W.P.(C) No. 43/2022

³⁶ Supra note 7 and 10

the practice would be going beyond the Election Commission's authority. They said that it was the voters' responsibility to evaluate the economic impact and budgetary sustainability of the giveaways.³⁷

"Chief Justice N.V. Ramana", Justices Krishna Murari" and "Hima Kohli" proposed on August 3, 2022, that a team of specialists be formed to "dispassionately" examine the problem of giveaways. They said that representatives from the RBI, the Law Commission, the Finance Commission, Niti Aayog, and political parties will make up the committee. All parties were instructed by the Bench to submit recommendations for the makeup of the expert committee.³⁸ The case raises two important issues. First, what kinds of freebies or welfare programs fall under the category of illegal spending, and what constitutes "public purpose" spending as defined by Article 282? Secondly, even while it is evident that the legislature has the authority to enact such laws, can the SC establish rules on the use of public funds to deliver the freebies that have been promised?³⁹

The Need for a Fiscal and Constitutional Doctrine on Populist Promises

The Indian Constitution establishes firm guidelines regarding the appropriation of public funds. Article 266(3) states that "no money out of the Consolidated Fund of India or the Consolidated Fund of a State shall be appropriated except in accordance with law and for the purposes and in the manner provided in the Constitution." Likewise, Article 282 enables both the Union and State governments to grant money for any public purpose, not being included within the legislative competence of the Union or of a State. But the concept of "public purpose", to which these provisions are in essence addressed, has itself never been defined and is very much an elastic term. That it is so has enabled successive governments and administrations and political parties to qualify as "welfare expenditure" every manner of pre-election promise and populist handout, even when the schemes in question are of dubious sustainability or may confer little concrete long-term benefit on the public.

This fiscal and legal looseness constitutes a loophole in democratic government. Although constitutionally intended to be used for communal welfare, public funds are increasingly directed towards electoral inducements in the name of public interest. Without an explicit

³⁷ <https://www.scobserver.in/cases/freebies-in-electoral-democracy-and-welfare-state/>

³⁸ id

³⁹ Krishnadas Rajagopal, Supreme Court Proposes Expert Body to Examine Freebies Issue, The Hindu (Aug. 3, 2022), <https://www.thehindu.com/news/national/supreme-court-proposes-expert-body-to-examine-freebies-issue/article65717263.ece>.

constitutional or legislative provision to evaluate the economic sense and legitimacy of such programmes, the demarcation between welfare of necessity and politically oriented freebies becomes indistinct. Thus, there exists a strong necessity to develop a doctrine of fiscal constitutionalism, either by way of judicial interpretation or legislative modification, to delineate the boundaries of “public purpose,” impose fiscal responsibility, and curb arbitrary and politically convenient abuse of taxpayer dollars.

Such a doctrine might borrow from norms of accountability, transparency, and efficiency in public finance, harmonizing state spending with long-term developmental objectives and constitutional principles. As has been noted by former Chief Economic Adviser Dr. Arvind Subramanian, India’s growth and democratic resilience require that political incentives be rooted in sustainable economics rather than short-term populism.

Conclusion and Suggestion

India’s economic trajectory is characterized by notable accomplishments; nonetheless, the abundance of freebies in electoral politics poses a threat to the country’s economic stability. Welfare programs that actually help people and giveaways that are solely intended to win votes must be distinguished from one another. In order to provide a bright and resilient future for all Indians, sustainable economic growth ought to continue to be the country's primary goal. The people in our nation are not even beginning to understand that nothing in this harsh world is free and that everything has a cost. Sadly, we have demonstrated that people tend to prioritize their own interests over larger ones, forgetting that no interest can be greater than the interest of the nation.

In order to tackle the ongoing issue related to freebies, firstly It must be understood from an economic standpoint and have to be related to public funds. Secondly, before declaring any freebies, political parties must be compelled to tell the electorate and the ECI about their funding and any associated trade-offs. This would entail outlining the revenue streams, the effect on the budgetary balance, the opportunity cost of government expenditure, and the long-term viability of giveaways. Thirdly there is a need of putting an emphasis on inclusive development since it would deal with the underlying issues that lead to poverty, inequality, and exclusion and make individuals more susceptible to benefits. Long-term benefits for inclusive development would accrue to all facets of society by fostering an atmosphere more favorable to social advancement and economic expansion. As a result, inclusive development may be a preferable and more successful option than giveaways. The distributive law is significant not only in the Indian legal system but also in Indian society at large. For instance, a number of social and political initiatives in India, such as those for social welfare, education reform, and

land reform, are based on the distributive justice principle. These movements aim to make sure that everyone in society shares in the advantages of society more equally.⁴⁰

All things considered, the distributive law is an essential idea that is vital to maintaining justice, equality, and fairness in the Indian legal system and society. The Indian legal system and society may guarantee the protection of everyone's rights and interests as well as the equitable distribution of social, economic, and political possibilities by adhering to this principle.

In recent years, India's distributive justice system has improved in terms of lowering inequality and poverty. India's poverty rate decreased from 21.6% in 2011 to 4.5% in 2019, according to the World Bank. Inequality is still a major problem, though, and some groups in society like women, underprivileged communities, and rural residents continue to experience notable differences in their access to opportunities and resources.⁴¹

To encourage distributive justice, the Indian government has put in place a number of laws and initiatives, such as the "Pradhan Mantri Jan Dhan Yojana (PMJDY)", "the National Food Security Act (NFSA)", and the "Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA)". These initiatives seek to give disadvantaged groups access to essential services and resources as well as social protection. In spite of the advancements, there are still many issues facing India's distributive justice system, including as poor policy implementation and oversight, corruption, and underprivileged populations' inability to access the legal system. To solve these issues and guarantee that everyone has fair access to resources and opportunities, ongoing efforts are required.⁴²

In order to counter the problem presented by the unbridled culture of giveaways in Indian electoral politics, the following multi-pronged recommendations are suggested:

1. Mandatory Pre-Disclosure and Fiscal Responsibility

Political parties should be required to make public the financial sustainability of any welfare scheme or freebie suggested in their manifestos. This would involve estimated cost, funding source, long-term effect on state finances, and trade-offs. This disclosure can be made mandatory by modifying the Election Symbols (Reservation and Allotment) Order, 1968, and

⁴⁰ Yamini Aiyar & Mekhala Krishnamurthy, *The Freebie Debate: Fiscal Responsibility or Political Populism?* Centre for Policy Research (2022), <https://www.cprindia.org/news/freebie-debate-fiscal-responsibility-or-political-populism>.

⁴¹ Sutirtha Sinha Roy & Roy van der Weide, *Estimating Poverty for India after 2011 Using Private-Sector Survey Data*, 156 J. Dev. Econ. 102839 (2022).

⁴² See About Pradhan Mantri Jan Dhan Yojana, Ministry of Finance, <https://pmjdy.gov.in>

could be overseen by the Election Commission of India (ECI) in association with the Comptroller and Auditor General (CAG).

“Political parties are required to elucidate the justification, cost and projected gains of every undertaking that has been promised in the manifestos”.

2. Legal Clarification through Legislative or Judicial Action

There is a legislative void on whether or not political promises of irrational goodies constitute “bribery” or “corrupt practice” under Section 123 of the Representation of the People Act, 1951. A constitutional bench of the Supreme Court or the Law Commission of India can be asked to draft binding guidelines in this context. That would end the uncertainty left by the Subramaniam Balaji judgment and provide accountability under the election laws.

“Without an act of legislation, the Supreme Court could even think of setting up an expert committee or adopting binding guidelines to avoid irrational allocation of public money”⁴³

3. Institutionalization of a Freebie Review Committee

A permanent Freebie Oversight Authority (with members from NITI Aayog, RBI, Finance Commission, CAG, and ECI) can be set up to categorize schemes as true welfare measures or vote-catching freebies on the basis of criteria like economic effect, coverage, sustainability, and congruence with constitutional objectives.

“Freebies need to be assessed objectively; not all promises are irrational. A Committee could assist in scrutiny and sifting schemes prior to implementation.”⁴⁴

4. Voter Education and Democratic Responsibility

Public campaigns should be organized by the ECI and civil society groups to make voters aware of the long-term economic cost of unsustainable giveaways and the need to vote in Favor of issue-based politics. The EC can exercise its powers provided under Indian Constitution⁴⁵ to advance such awareness during election periods. “Educated voters are at the heart of democratic integrity; voter literacy must evolve to grasp fiscal implications.”

5. Emphasis on Inclusive Development as an Alternative

⁴³Ashwini Kumar Upadhyay v. Union of India Writ Petition (Civil) No. 43 of 2022 (PIL)

⁴⁴Supreme Court of India, Hearing on Freebies Issue, Writ Petition (Civil) No. 43 of 2022, Ashwini Kumar Upadhyay v. Union of India (Aug. 3, 2022)

⁴⁵Indian Constitution art. 324 (vesting the superintendence, direction, and control of elections in the Election Commission of India).

Rather than providing consumption giveaways, governments ought to invest in human capital in terms of education, healthcare, job creation, and infrastructure. This Favors distributive justice, and it also adds to national productivity. “long-term investments in human capital especially health and education are more effective at reducing poverty and inequality than direct subsidies”.