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IJLAR
INDIAN JOURNAL

INDIAN JOURNAL OF LEGAL AFFAIRS AND RESEARCH

VOLUME 3 ISSUE 1

Peer-reviewed, open-access, refereed journal

IJLAR

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www.ijlar.com

 ISSN: 3049-043X

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Introduction

Welcome to the Indian Journal of Legal Affairs and Research (IJLAR), a distinguished platform dedicated to the dissemination of comprehensive legal scholarship and academic research. Our mission is to foster an environment where legal professionals, academics, and students can collaborate and contribute to the evolving discourse in the field of law. We strive to publish high-quality, peer-reviewed articles that provide insightful analysis, innovative perspectives, and practical solutions to contemporary legal challenges. The IJLAR is committed to advancing legal knowledge and practice by bridging the gap between theory and practice.

 ISSN: 3049-043X

Preface

The Indian Journal of Legal Affairs and Research is a testament to our unwavering commitment to excellence in legal scholarship. This volume presents a curated selection of articles that reflect the diverse and dynamic nature of legal studies today. Our contributors, ranging from esteemed legal scholars to emerging academics, bring forward a rich tapestry of insights that address critical legal issues and offer novel contributions to the field. We are grateful to our editorial board, reviewers, and authors for their dedication and hard work, which have made this publication possible. It is our hope that this journal will serve as a valuable resource for researchers, practitioners, and policymakers, and will inspire further inquiry and debate within the legal community.

Description

The Indian Journal of Legal Affairs and Research is an academic journal that publishes peer-reviewed articles on a wide range of legal topics. Each issue is designed to provide a platform for legal scholars, practitioners, and students to share their research findings, theoretical explorations, and practical insights. Our journal covers various branches of law, including but not limited to constitutional law, international law, criminal law, commercial law, human rights, and environmental law. We are dedicated to ensuring that the articles published in our journal adhere to the highest standards of academic rigor and contribute meaningfully to the understanding and development of legal theories and practices.

ELECTORAL POPULISM VS. SUSTAINABLE GOVERNANCE: THE LEGAL, FISCAL, AND DEMOCRATIC COSTS OF INDIA'S PRE-ELECTION FREEBIES"

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1. Abstract

The electoral politics in India has significantly been dominated by short-term populist measures, where pre-election freebies and last-minute welfare schemes overshadow the advantages of sustainable governance. This blog post critically examines the short-comings of "revdi-culture" and its implications on various state governments, its main disadvantages on sustainable development, law and democracy. It focuses on government's hypocrisy on announcing cash transfers, subsidies and welfare schemes in the weeks preceding elections, thereby undermining the fiscal development and long-term planning.

The analysis starts with the legal framework, highlighting the loopholes in the Representation of People's Act, 1951 and the Model Code of Conduct (MCC). While the MCC prohibits welfare announcements once results are declared the political parties use the window just before its implementation, legally bypassing the rules. Several judicial scrutinies have been mentioned in the blog post.

Economically, the paper demonstrates how states borrow heavily to fund these schemes, pushing debt-to- GDP ratios beyond the recommending limits and diverting resources from real development (infrastructure, education and healthcare). Case studies from states like Bihar, Maharashtra and Madhya Pradesh also suggest the same leaving states with heavy burden.

Finally, the paper proposes reforms: a statutory pre-election spending freeze, clearer definitions of electoral inducement, and debt-based caps on freebies. These measures would strengthen fiscal responsibility, ensure judicial review and restore democratic fairness.

Key Words- Policy, Law, Governance, Hypocrisy, Long-Term Planning

2. Introduction

Development in India has become a seasonal spectacle. Long forgotten roads are suddenly paved, welfare schemes spring up overnight, cash transfers pour in like monsoon rains. But behind the glitter of last-minute generosity is a deeper hypocrisy: the refusal by the state to make long-term plans that secure the nation's future. States in India have developed a notion that development comes in the last few months or years before the next elections. The five-year promise has turned into a 60-day scramble. This practice is becoming very common in India, the roads which were ignored for years miraculously start building in a week when elections are deemed to be announced, many governments start to give welfare schemes to women, freebies for youth and the state suddenly becomes a welfare state but that is appeasement in the name of welfare schemes. These practices undermine the concept of development, and these schemes fail to provide long-term plans to safeguard the nation. In a country like India where over 1.47 billion people reside long-term plans should be the motive of the state.

3. The Legal and Constitutional Hook

Though the rules of The Representation of the People Act,1951 and the Model Code of Conduct (MCC) are strict in nature there are several loopholes in the implementations which the ministers take wrong advantage of and start to appease the public instead. MCC was designed to ensure a level playing field, to observe that the ruling party does not use its power and implement the schemes at the time of elections. But the loophole is that the political parties have weaponized the window just before the MCC kicks in. This is a failure of statutory foresight, where these 11th hour promises just before the implementation of MCC should be classified as "corrupt practices" under Section 123 of the Representation of the People Act,1951.

The MCC is the rulebook of the Election Commission; it explicitly prohibits ministers from announcing any welfare schemes, financial grants, laying foundation stones of projects and making ad-hoc appointments once the code is in effect. But since the MCC is implemented only once the Election Commission announces election dates politicians use this time as a loophole, they tend to implement schemes before the announcement of election dates, this helps them to legally bypass the rules. Also, MCC is not a law or a statute it doesn't have a law which backs it, it isn't a part of any legislation like the Representation of the People Act, 1951, It derives its powers from Article 324 of the Indian Constitution, which gives the commission authority to conduct free and fair elections. In short, MCC is a set of guidelines not a law. In Tamil Nadu, between the 2006 and 2011 elections, Dravida Munnetra Kazhagam (DMK) during the 2006 assembly election in their election manifesto announced massive distribution of free colour TV's, laptops, mixers-grinders, and even gold[1]. Parties defended it as "recreational and educational welfare". In Bihar, the state government of the Janata Dal (United) led by Chief Minister Nitish Kumar in coalition with Bhartiya Janata Party (BJP) just before the election schedule was announced, launched the Mukhyamantri Mahila Rozgar Yojana, directly transferring 10,000 rupees to 2 Crore women. As it was announced before the MCC was implemented, the cash disbursement at the time of elections became technically legal.

4. RECENT JUDICIAL SCRUTINY

In recent times the judiciary has been flooded with petitions based on giving freebies to people and not planning long-term welfare schemes instead, they try to appease the people. During 2022, In S. Subramaniam Balaji vs. The Government of Tamil Nadu and Ors.[2] the two-judge bench ruled that promises made during any election manifesto don't constitute "corrupt-practice" under section 123 of the Representation of the People Act,1951[3] just because the law penalizes individuals not political parties. But significantly in Ashwini Kumar Upadhyay vs. Union of India (UOI) and Ors.[4] bench noted 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. In the

[1] The Hindu, 'DMK promises free colour TVs' (Chennai, 4 April 2006) https://www.thehindu.com/todays-paper/dmk-promises-free-colour-tvs/article3164930.ece (thehindu.com in Bing) accessed 9 June 2026.
[2] S Subramaniam Balaji v Government of Tamil Nadu (2011) SCC OnLine SC 50.
[3] Representation of the People Act 1951, s 123.
[4] Ashwini Kumar Upadhyay v Union of India (2022) SCC OnLine SC 1098; (2023) 14 SCC 611.

same breath, we should remember that such freebies are extended utilizing tax payer's money only for increasing the popularity of the party and electoral prospects." In 1968, the Hon'ble Supreme Court of India ruled that[5], "to arrange to spend money on the eve of elections in different constituencies although for general public good, is when all is said and done an evil practice, even if it may not be corrupt practices." In this case Ghasi Ram, the defeated candidate in the state of Haryana filed an election petition challenging that Dal Singh the incumbent Minister of Irrigation and Power were using his power just prior to elections to divert state funds to his constituency (Julana). He distributed money to Gram Panchayats in the name of public utility works. Ghasi Ram challenged him under Section 123 of the Representation of the People Act (RPA),1951 which describes the use of "corrupt practices" and "bribery" under sub-clause 1 of the same section. The Supreme Court ruled in favour of Dal Singh, holding that his actions did not amount to a corrupt practice under law, even though the timings were suspicious. It was observed that the money was given to Gram Panchayats, not in the hands of individual voters. But, the usage of public funds in the last hour of elections is an "evil practice" that gives the ruling party an unfair advantage. This case explains how politicians can get away with these unfair practices as no statutory law is present in this regard.

5. Deficit Economics: Funding 11th-Hour Populism with Borrowed Billions

The Fiscal Responsibility and Budget Management (FRBM) Act[6] recommends that a state's Debt to Gross State Domestic Product (GSDP) shouldn't exceed 20% and ideally the fiscal deficit should be 3% but the parody is that the total outstanding liabilities have hit nearly 28.1% with combined gross fiscal deficit being 3.2%. The states are in a power struggle that they aren't using their capital to fund infrastructure, schools and hospitals; instead, they borrow money to fund sudden, pre-election cash transfers and schemes. Like in Maharashtra the Mahayuti government launched the Mukhya Mantri Majhi Ladki Bahin Yojana right before the 2024 assembly elections. Maharashtra has a projected debt of around 9.3 lakh crore rupees for 2025-26[7], The debt burden calculates around 82000 rupees per citizen of Maharashtra. The State Election Commission

[5] Ghasi Ram v Dal Singh [1968] AIR SC 1191, (1968) 3 SCR 102, (1969) 2 SCJ 558, 1968 SCC OnLine SC 111.
[6] Government of India, Fiscal Responsibility and Budget Management Act 2003 (Ministry of Finance, New Delhi) https://legislative.gov.in/sites/default/files/A2003-39.pdf (legislative.gov.in in Bing) accessed 9 June 2026.
[7] Government of Maharashtra, Medium Term Fiscal Policy and Fiscal Strategy Statement 2025–26 (Finance Department, Mumbai, 2025) https://mahakosh.gov.in accessed 11 June 2026.

stepped in and legally barred the state government from releasing advance instalments of the scheme one day before municipal corporation elections. In Madhya Pradesh the BJP government on 28 January 2023 announced the Mukhyamantri Ladli Behna Yojana to secure the female vote bank and the elections were in the month of November. This scheme guaranted 1000 rupees monthly to women across Madhya Pradesh. The scheme costed around 23000 crore rupees annually. Despite a fiscal deficit of 78000 crore. Bihar is one of the most heavily indebted states of India. The Mukhyamantri Mahila Rozgar Yojana[8] transferred 10000 rupees to every woman just before the Model Code of Conduct came into effect. This scheme costed Bihar 15600 crore rupees which is roughly 4% of Bihar's entire economy. The total debt of Bihar is projected to reach 3.48 lakh crores by the end of the year. There were no prior budget allocations to this scheme as it was a last-minute decision to appease the people and not in the intention of developing the state. Economically, these practices are doing nothing but burden the state just to win elections and be in power if these practices persist than it is a challenge to free and fair elections. The ruling government uses their unfair advantage to win elections by making 11th-hour schemes bypassing the rules and laws.

6. Suggestions to Improve the Conditions of Electoral Populism and Maintaining Sustainable Growth

The way forward observing the nature of politics in the nation I put forward few suggestions to decline the appeasement of public through the "revdi culture". States must replace the last-minute freebies with legally binding rules, ensure a stronger Election Commission and most importantly judicial clarity to remove the incentives for revdi culture.

There must be a statutory pre-election spending freeze to ban new welfare schemes and transfers within minimum 6 months of election unless the spending is pre budgeted, this will help to remove the timing loophole of the Model Code of Conduct; though it will not be easy as statutory provisions are made by the parliament and the sitting MPs will not aspire it. Secondly, the term "electoral inducement" must be defined by the Election Commission and must include last-minute

[8] Government of Maharashtra, Mukhyamantri Mahila Rozgar Yojana Government Resolution (Women and Child Development Department, Mumbai, 2024) https://ladakibahin.maharashtra.gov.in/MMLBY_GR_dt.28.06.2024.pdf accessed 11 June 2026.

schemes in the term, significantly the Election Commission should tighten the Representation of People Act to close legal loopholes and make it judicially reviewable; this may require parliamentary action and would face political resistance.

Also, there can be caps on the state governments based on their GDSP and debt, through which there would be a limit on freebies given instead, the government can target on merit-based programs like education, health this would help to protect finances of the state for long-term which would give higher development returns for the state.

Conclusion

If development is being reduced to a pre-election spectacle, the state governments will tend to focus more on short-term popularity rather than long-term prosperity. The persistence of “revdi-culture” would erode the fiscal discipline and would divert the resources of a state away from the long-term investments in the fields of education, health and many other fields which give long-lasting returns. To break this cycle India needs statutory reforms like legal-freeze on new welfare schemes before 6 months of election and caps on the state governments spending on freebies based on the GSDP and debt are practical in nature and must be put forth. If reforms are adopted, we can hope for development in real-sense and not appeasement of the public in the name of development. The Election Commission, Judiciary, Parliament and the state itself must think in this context to make the country developed. The institutions should understand that real sustainable governance comes through legally enforceable safeguards and a real commitment to long-term public good. Last minute freebies may win votes to the parties, but they erode the concept of growth and even hurt the democratic fairness by appeasing the public. The states should make development continuous not conditional to the calendar.