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A DETERMINABLE ANATOMY OF ELECTION MANIFESTO

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Abstract

Election is the method of choosing right choice of preference. The choice of preference is the best selection made by the people. India is an democratic country. In India election are conducted once in five years. The system of Universal Adult Franchise is followed in India. The 61st Amendment Act of 1989 reduced the minimum age to cast vote from 21 to 18. The etymology of the word democracy derives its origin from Greek “demos” means the people and “kratos” means the rule . Therefore Democracy means the power of the people. Election Manifesto plays a pivotal role in the election. This paper analyses a detailed study of election manifesto. "absoluta sententia expositore non indiget" which means an absolute judgement needs no expositor. Likewise elections are considered as absoluta sententia expositore non indigent. Democracy traces its destiny to humanity. India is an democratic country . The preamble of India declares India to be sovereign socialist secular and democratic republic. The double-edged nature of election manifesto is continuously balancing itself to accountability and freebies concerning the welfare of the people through the Intellectual exercise. Manifesto is considered to be an useful instrument in the implementation of electoral ideology of the political parties. Election Manifesto is the nucleus which craves the public opinion .

Keywords:Manifesto,election,democracy,preamble

INTRODUCTION

Article 21 of the Indian Constitution envisages the notion of “personal liberty”. The electoral process in India follows the principle of free and fair elections. Election is the act of choosing an individual for holding the public office through the free will of the people in a representative democracy. The backbone of the democratic form of state lies in the approach of free and fair election. An individual while casting his vote is given the free choice of preference not under the bondage of another. The legal maxim “sublato fundamento cadit opus” which means the foundation being removed the structure falls. The base of the political parties to accomplish in

election is the framework of the election manifesto. The Sui Generis policies and programs of political parties in the election manifesto play a significant role. The political parties even more effectively gear up during the time of general election. Each one of the political parties issues their own manifesto. The Election manifesto contains the aim and objectives of the political parties. The word Manifesto germinates from the Latin term “manifestum” which means a list of facts.

According to shorter Oxford English Dictionary, “A Manifesto is a public declaration by Sovereign prince or state or by an individual or body of individuals whose proceedings are of Public Importance making known past actions and explaining the motives for actions announced as forthcoming¹. Political parties are one of the eloquent and substantive institution in any democracy”. Hence election can be considered as festivals of democracy and the real celebration of such festivals comes during the campaign period.

Niche of the Manifesto

Ahead of the election each political party will frame election manifesto based on the various factors prevailing in the society which in turn form basis of the electoral campaign².

On the basis of various functional aspects of election manifestos the niche of the election manifestos can be categorically analyzed as:

a) Explanation

Pro hac vice for this occasion of election according to the principle in pro rata and pro tanto policies addressed and need to be addressed are framed and an explanation is given in the election manifesto to attract voters a list of policies and programs are framed by the political parties taking into the consideration of various factors and an explanation is given in a meaningful and understandable manner. As in the evolution of present day scenario the various progressive schemes has been highlighted by the political parties. A literacy rate of 74 % is present in India Manifesto are framed in such a manner that is understandable and meets the contemporary challenges.

“A good explanation clears the fog”

¹ The Shorter Oxford English Dictionary, Vol. 1 (1985) p. 1272.

² Meenu Roy, electoral politics in India, Deep & Deep Publication Pvt., Ltd., New Delhi (2000) p.274.

The idem of same issue is not addressed the in the election manifestos of the political parties. The contemporary social issues considering under different sub categories such as socio economic problems ,environment, protection, health, welfare, jobs ,education and sustainable development are analyzed and results are driven out in order to win the election.

b) Branding

In nexus with the present day election tactics branding is used as a technique by the political parties. Branding is done by the way of title, song and themes. Through the policy may be in lengthy to explain branding is done in order to grasp the voters. Branding is done by the way of icon, badge, and pictograph.

c) Pledges

The Election Manifestos are the charter of political parties which reflect their goals to be accomplished in their long term mission. This long term objectives are pledged by the politicians in the form of promises. At the time Elections political parties make serious promises to the public which are highlighted in their manifestos and the manifestos are drafted in such way that legally political parties cannot be held responsible.

During election political parties frame the election manifestos publish election manifestos. During electoral campaign political parties procreate their policies and programs. Election Manifestos are considered as decorations made by the political parties in order to fascinate the people.

The legal maxim “ omnis innovation plus novitate perturbat quam utilitate prodeat” which means every innovation disturbs more by its novelty than its benefits by its utility is best suited for election manifestos. The prima facie promise which is made in the election manifesto is that to improve the standard of living which is considered “pro tempore”.

Many people in quid pro quo of the consideration for freebies in the election cast their votes without analyzation.

While the operation of the election manifesto does not come to an end at the time of election these election manifesto help to make a comparative study of the party during their power for five years. This can be seen in three phases as:

- a) Pre-election phase- At this stage election manifestos are analyzed from the perspective of the policies and programs in relation to the factors, objectives and principles.
- b) During the election phase- In this stage manifestos are viewed in the perspective of eloquent and communication skills.
- c) Post election phase- In this stage political parties achievement are calculated towards their promises and performances made during the holding of the power³.

During the post independence stage election was held and there was no high level of competition and election manifestos had a lesser role in its application. In the current scenario there exists a lot of political parties each one of the party compete with another to gain the power. Election Manifesto in the present situation contain many policies and programs which are in tangible form. The policies and programs which are in the form of gifts are termed as “freebies”. The Oxford Dictionary defines freebies as something provided or given free of charge.

In the case of S.Subramian Balaji Vs The Government of Tamil Nadu and Others⁴ the Supreme Court of India issued the directions for election manifesto they are: (i) Promises in the election manifesto does not come under the purview of Section 123 of the Representation of People Act and hence promises in the election manifesto should be not termed as corrupt practice under the Representation of People Act.

(ii) Secondly the schemes formulated by the political parties comes within the ambit of Directive Principles of State Policy and schemes are for serving the public purpose

³ V S Rama Devi and S K Mendiratta, How India Votes, LexisNexis, third edition, pg.666

⁴ Decided on 5th July 2013

(iii)Judicial intereference is only permissible when the actions of the Government contradict the statutory provision and not when the action is wise or that the expenditure is good for the State

Manifesto operates as an instrument and acts as a tool to the wholesome democratic country. Hence it becomes important for an individual to make an in-depth analysis of a political party election manifesto to cast vote.

ELEMENTS OF ELECTION MANIFESTO: SCHEME TO THE VOTERS

- The elements of a manifesto cover various issues from international security, national policy, interstate co-operation to community specific needs.
- Another contradictory nature of election manifesto is political parties focus policies and programs towards a particular community and tribes which can be termed as temporary benefits in return of the votes.
- The elements, programs, schemes, policies of political parties must be in adherence with the Fundamental rights and Directive Principles of State Policy and other provisions of the Constitution of India.
- Structure of the party regarding the composition, authority helps in the recognition of decision making analyzes of an individual.
- Principles of political parties are laid down as the basic pillars, ideology, aims and goals in their manifestos.
- International situations such as environment and sustainable development are to be considered while framing of the election manifesto. Globalization and liberalization has opened the gates of trade in every nook and corner of the world. This will enhance the standard of living in the country. International scenario is important for the political parties while framing the election manifesto.

In the present period coalition of parties play a significant role. In India there exists the system of multiparty system. Many political parties make alliances with other political parties to remain in power and contest the elections.

CATEGORIES OF ELECTION MANIFESTOS

1. **Election Manifesto issued at the time of general election**-These manifestos are published by the national political parties in connection with their issue of national and international significance.
2. **Election Manifesto issued at the time of bye election**- Manifestos in relation to the local aspects are issued in this aspect.
3. **Election Manifesto are issued at the time of State Assemble election**- These manifestos are issued by the regional political parties together with national political party. Issues concerning the particular region are highlighted in this type of manifesto.

DIRECTION ON ELECTION MANIFESTOS: THE MODEL CODE OF CONDUCT

Historically Model Code of Conduct was first evolved in the State of Kerala in the year 1960. A draft code regarding the model code of conduct was prepared, discussed and was approved by the administrative authorities of Kerala. Later the Election Commission of India implemented the Model Code of Conduct throughout India..

According to the Part VIII of the Model Code of Conduct, the Election Commission of India lays down the guidelines to all the political parties to adhere to the guidelines while publishing their Election Manifesto, they are:

- The election Manifesto shall not contain any policies and programs and shall not contradict with the Constitution of India. Manifesto shall be in accordance with the rules laid down under the Model Code of Conduct.
- The Directive Principles of State Policy as enshrined under the Constitution enjoin upon the State to frame various welfare measures
- Prohibitory Period: According to Section 126 of the Representation of People Act, 1951 in the circumstance of single phase election and multiple phase election the

election manifesto shall not be released during the prohibitory period. The prohibitory period laid down under Section 126 of the Representation of People Act, 1951 is forty eight hours ending with the hour fixed for the conclusion of poll of any election in that area.

- Under Section 127A of the Representation of the People Act, 1951 specifies the rules pertaining for the regulation of Election Manifesto. Under sub section 3(b) limitation are imposed to the issuance of pamphlets, brochures or posters which can be interrupted to include election manifesto. Though the curtailment is limited only to the level of mentioning the name of printer, publisher and compulsory declaration by printer and publisher and does not include the contents of the election Manifesto under the ambit.
- The Election Commission of India caution the Political Parties whenever political parties are crossing beyond the boundaries of guidelines of election manifesto.

In the case of Kihoti Hollohan Vs Zachillhu and Ors the Supreme Court observed that election conducted at regular intervals is an essential feature of the democratic system envisaged in the Constitution. Hence it is the duty to protect and sustain the purity of the electoral process⁵.

Hence Election Manifesto remains as blunt weapon without a legal backing in India⁶.

A COMPARATIVE STUDY OF ELECTION MANIFESTO IN OTHER COUNTRIES

UNITED STATES OF AMERICA

⁵ AIR 1993 SC 412

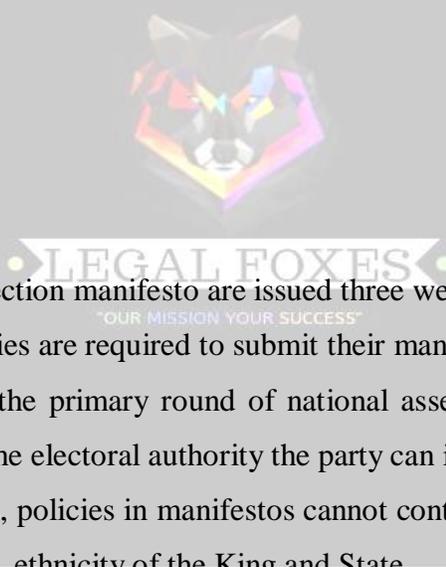
⁶ <https://eci.gov.in/>, Election Commission of India, last visited (15/03/2023)

- a) Manifestos must be issued two months prior to the election. Manifestos highlight the outlines of policy but electoral manifestos does not address the specific issues.
- b) In India we have Election Commission of India at the Union level but in the United States of America it is the State Electoral Management Body.
- c) It is the party authority which frames the guidelines on election manifestos but not the Electoral Management body.

UNITED KINGDOM

- a. In the United Kingdom the Electoral authority issues direction pertaining to campaign materials which also includes the Election Manifesto.
- b. The nature of the Manifesto contains more accurate and aggregate significance.

BHUTAN

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- a) In Bhutan election manifesto are issued three weeks prior to the election.
 - b) Political Parties are required to submit their manifesto to the electoral authority prior before the primary round of national assembly election. Only after the approval of the electoral authority the party can issue manifesto to the public.
 - c) The elements, policies in manifestos cannot contain anything pertaining to religion, race, ethnicity of the King and State.

MEXICO

- a. In Mexico manifesto is regulated by the electoral authority.
- b. Election Manifesto are issued five months prior to the date of election. The electoral authority is known as “Federal Electoral Institute” (FEI).
- c. The eligible candidate must submit the election manifesto beforehand to the FEI for registration and validation.

Thus it can be understood that manifesto are regulated Bhutan and Mexico.

Criticisms:

The Election Commission has made provisions regarding how an election manifesto should be created by the political party that is contesting the election. The model code of conduct has been established by the Commission, which is indeed composed of the political parties or the candidates. There are many such things, like the party should not criticize the other political parties or the candidates; there shall be no appeal to caste for securing votes; for forum election propaganda, the parties must not use temples, churches, mosques, or any other worship places; and many more. The Election Commission makes guidelines for the political parties or the candidates for making election manifestos, but there are no such provisions to make the winning party fulfill the manifestos that they have promised to the people.

A well-known political party had promised to the people that after the people voted and on winning the election, the party would provide a corruption-free administration in the state, conservation of public trusts and charities, employment opportunities for the unemployed, growth in industry, change the state into a place where everyone gets equal rights, provide a certain amount monthly for the ration card holder, and many more things. The party won the elections and had completed some of the manifestos but not the important ones, which are much needed by the people right now.

“Healthy citizen are the greatest asset any country can have”

Conclusion:

There are no provisions made for election manifesto. Even our Constitution of India has no laws regarding election manifesto. As we all know, the Executive among the three organs i.e., Parliament has got the authority to make laws. But there no such laws for election manifesto. It is the Election Commission under the Indian Constitution has the power to handle over the election manifesto. From the beginning like to say to allocate the desired symbol for the party, to recognize such party and many more are in the hands of Election Commission. If the Election Commission rejects a party for standing in election then no one can file in the court of law. It is not necessary for the Commission to state reasons for the same which is mentioned under the *Representation of the People's Act*. Likewise, the Election Commission has the authority to

make rules/ provisions for making election manifesto for the respective political parties. The political parties are misusing the election manifesto as once when they win the elections, they fail to fulfil that they promised. Thus, losing the credibility towards the people. Therefore, the Election Commission should provide accurate directions with regard to election manifesto so that the democracy is maintained well in our country as well as the people for whom they have voted had win those elections shall definitely do the people as whatever they had promised in the Election Manifesto.

“Credibility is the art of accepting responsibility”

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WEBSITE

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