Election Manifestos and the Voters’ Right to Know

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Abstract
Election manifestos play a pivotal role in the decision making process of the voters. Political parties put fore their vision to lead the nation in a particular manner while publicizing their manifestos. The general public of the nation cast their votes by relying upon such manifestos. One of such parties forms the majority by grabbing the votes, come in power, administers the Government for five years, and by the end of their tenure again publishes a fresh manifesto containing new promises for the voters. However, the voters do not have a clear picture as to what all promises were acted upon or what were the reasons for not implementing those promises or why the said unfulfilled promises are not carried forward in the next election manifesto apart from what is being portrayed by the opposition parties. If a status report is there with respect to the promises of quantitative nature made in the previous election manifestos of the candidates and political parties, at the disposal of every citizen before the ensuing elections, then it can strengthen the democratic process and also restore the confidence of the people in the democratic process of choosing elected representatives.

Keywords: Election Manifestos, Voters Right To Know, Election Commission of India, Political Parties, Candidates

Recognising the importance of the election manifestos, the Hon’ble Supreme Court directed the Election Commission of India to frame guidelines directly governing the contents of the election manifestos in the case of S. Subramaniam Balaji vs. State of Tamil Nadu & Others¹. Although the Election Commission of India issued certain guidelines on election manifestos, framed in consultation with the political parties, it failed to consider that the voters ought to have a right to know as to what happened to those promises made in the election manifestos. A failure on the part of the political party or for that matter a candidate in disclosing the status of the promises made in their election manifestos before the next elections deprive a voter his right to know and thereby denudes him from making an informed choice.

Election manifestos are generally drafted by the political parties and candidates keeping an eye on forthcoming elections and are typically published and well publicised. The political parties and candidates bag the votes by making promises in the polls, however, the voters are kept in the dark, when it comes to allowing them to know the correct status of all such promises made. It shall be

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difficult to hold the political parties and candidates responsible for non-fulfilment of every promise made in the election manifestos, however, what would be the harm caused to such political parties and candidates if a disclosure about the status of the promises is required to be made by them while filing nominations.

Till recently, the candidates used to propagate the manifestos published or released by the political parties to which such candidates are affiliated to. However, since last few elections, several candidates belonging to different political parties, taking into consideration the local issues, have been coming up with their manifestos giving an account of what would they do for their constituency if they are elected. The safeguards, although few, laid down by the Election Commission of India govern only the election manifestos issued by the political parties and not the individuals.

There is a statutory vacuum regarding the regulation of election manifestos to the extent of tracking the performance of the political parties and the candidates and accountability to the public thereof. The Representation of People Act, 1951 as well as the Conduct of Election Rules, 1961 have recognised the right of a voter to know; however, the same is insufficient. The information sought under Section 33A and Form No. 26 pertains more to the conduct of the candidates in their capacity. Still, it is more so important to call for information concerning their conduct as a representative of the nation. Voter’s right to know about the agenda of the political parties, their accountability and sincerity towards the promises made by it is much more fundamental for the survival of democracy.

The voter may think over before making his/her choice of electing law-breakers as law-makers. The vacuum regarding the information relating to the promises made in the election manifestos and their status has resulted into deprivation of the right to know of the voter as guaranteed under Article 19(1) (a) of the Constitution of India. Such disclosure would ensure that the voters make an informed choice while casting their votes which is very much essential for participatory democracy. If a Status Report is there at the disposal of every citizen, then it can strengthen the democratic process and also restore the confidence of the people in the democratic process of choosing elected representatives. Furthermore, such disclosure would also keep a check upon the political parties since all such parties and candidates shall publish their manifestos after thorough research, thereby restraining them from making false promises to fill their vote banks.

**Why is the provision of information as to the past performance of a candidate and political parties concerning the election manifestos essential?**

Article 19(1) (a) of the Indian Constitution includes right to know of the voters about their candidates and their performance in their tenure before any citizen exercise their franchise. The Hon’ble Supreme Court recognised the voter’s right to know for the first time in the case of State of Uttar Pradesh v. Raj Narain & Others and has widened the horizons of the right to know of a voter while reiterating that the said right is a fundamental right under Article 19 (1) (a) of the Constitution of India in the case of Lok Prahari vs. Union of India reported in (2018) 4 SCC 699. Further, in the case of Union of India v. The Association for Democratic Reforms, [(2002) 5 SCC 294] held in Para 22 that a voter has a right to elect or re-elect based on the antecedents and the past performance of the candidate. Article 19 of the International Covenant on Civil and Political Rights (ICCPR) also guarantees the right to freedom of speech and expression with regards to voting and this right shall include the freedom to seek, receive and impart information and ideas of all kind.
Any political party is not liable to disclose information under RTI. As such, the citizens of the country are left with no option to know as to what is the status of the fulfilment or otherwise of the election manifestos. For a participative form of democracy, the voters’ must be educated in the right manner. It is all the more important that people cast their votes after knowing their candidate and not for any other extraneous considerations.

Therefore, to make our democracy and our election process, transparent and to give the voters all the information they require about the political parties and the candidates so that the voters could exercise their right to vote wisely, parliament should amend the Rule 4A. Form 26 appended to the Conduct of Election Rules, 1961 thereby seeking information regarding the status report of the promises of quantitative nature made in the election manifestos of the candidates along with that of his/her political party from the candidates; as well as the Election Commission of India should also issue guidelines regarding submission of an affidavit containing a statement concerning the status of the promises of quantitative nature made in the election manifestos of the candidates along with that of his/her political party from the candidates by suitably modifying the Model Code of Conduct.

Endnotes
5https://www.thehindu.com/opinion/op-ed/for-cleaner-fairer-elections/article22809421.ece  