

**GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA**

STARRED QUESTION NO:123

ANSWERED ON:14.08.2013

FREE GIFTS BY POLITICAL PARTIES

Lagadapati Shri Rajagopal;Ray Shri Rudramadhab

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether the Government is aware that free gifts are being offered by political parties in their election manifestos;
- (b) if so, the details thereof including the existing guidelines/law in this regard;
- (c) whether the Supreme Court has recently directed the Election Commission to frame guidelines to discourage political parties from promising free gifts in their election manifestos; and
- (d) if so, the details thereof and the action taken/being taken by the Election Commission in this regard?

Answer

MINISTER OF LAW AND JUSTICE AND COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI KAPIL SIBAL)

(a) to (d): A Statement is laid on the Table of the House.

Statement referred to in replies to parts (a) to (d) Lok Sabha Starred Question No. 123 for answering on the 14th August, 2013.

(a) and (b): The political parties generally before every general election declare their manifestos, which is a declaration of the intentions, motives of the policies, programmes and ideology. There are many programmes and policies declared in election manifestos of political parties often perceived as offering free gifts to electors. Since, the election manifestos are the declarations of individual political parties and have no legal sanctity, no law exists to deal with it. However, each political party, under section 29A of the Representation of the People Act, 1951, is bound down to bear true faith and allegiance to the Constitution of India as by law established, and to the principles of socialism, secularism and democracy, and to uphold the sovereignty, unity and integrity of India.

(c): Yes, Madam.

(d): The Supreme Court in its judgement dated July 05, 2013 in the case of S. Subramaniam Balaji Vs. Government of Tamil Nadu & Others has directed the Election Commission to frame guidelines regarding promising of freebies in election manifestos of the political parties. The Supreme Court has further directed the Election Commission to frame guidelines in consultation with the recognized political parties to be included as part of the Model Code of Conduct. The Election Commission has since called a meeting of all the National and State (recognized) political parties for consultation for the purpose of framing appropriate guidelines as directed by the Supreme Court.