

## **PARTY MANIFESTOS AND CONSTITUTIONAL ACCOUNTABILITY: CAN POLITICAL PROMISES CREATE CONSTITUTIONAL OBLIGATIONS?**

*by*

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### **ABSTRACT**

Election manifestos occupy an important but legally uncertain position within a constitutional democracy. They communicate the policies, programmes and proposed measures of political parties to the electorate and may substantially influence electoral choice. In India, manifestos frequently contain promises concerning employment, education, healthcare, subsidies, social welfare, taxation, infrastructure, institutional reform and distribution of public resources. The constitutional question is whether such promises, particularly after an electoral victory, can create obligations enforceable against the government. This article examines that question from the perspective of Constitutional Law and jurisprudence. It argues that a political promise contained in an election manifesto does not ordinarily become a constitutional obligation merely because the political party making the promise obtains an electoral mandate. The constitutional source of governmental authority is the Constitution and the laws made under it, rather than the manifesto itself. Electoral victory creates political authority within the constitutional framework, but it does not transform every political commitment into a justiciable legal right. At the same time, manifesto promises cannot be treated as entirely irrelevant to constitutional governance. They operate within an electoral process regulated by constitutional institutions, particularly the Election Commission of India under Article 324. The Supreme Court's decision in *S. Subramaniam Balaji v. State of Tamil Nadu* recognised the electoral significance of manifesto promises and directed the Election Commission to frame guidelines concerning their contents. The Election Commission subsequently incorporated manifesto guidelines into the Model Code of Conduct, requiring, among other things, consistency with constitutional ideals and transparency regarding the rationale and financial means of promises. The article further examines whether Articles 14 and 21, the Directive Principles of State Policy, constitutional morality, legitimate expectation and judicial review can convert political promises into constitutional obligations. It argues that these provisions and

doctrines may make the implementation of a manifesto promise constitutionally reviewable, but they do not ordinarily make the original promise itself enforceable. A promise may acquire legal force where it is subsequently incorporated into legislation, statutory rules, governmental orders, binding policy instruments or another recognised source of law. Similarly, governmental action taken pursuant to a manifesto may be invalidated if it violates fundamental rights, constitutional limitations, statutory requirements or principles of non-arbitrariness. The article therefore distinguishes between political accountability and constitutional accountability. Failure to fulfil a manifesto promise may ordinarily be a matter of electoral and parliamentary accountability; unlawful implementation of the promise is a matter of legal and constitutional accountability. The central thesis is that an electoral mandate cannot override constitutional supremacy, but neither should constitutional adjudication automatically convert political programmes into judicially enforceable commands. The constitutional position requires a principled boundary between political commitment and legal obligation, while ensuring that governmental power exercised in pursuit of electoral promises remains subject to constitutional review.

**Keywords:** Election Manifestos; Constitutional Accountability; Electoral Mandate; Constitutional Obligations; Article 324; Article 14; Article 21; Directive Principles; Judicial Review; Legitimate Expectation; Separation of Powers; Constitutional Supremacy.

## INTRODUCTION

Election manifestos occupy a distinctive position in representative constitutional democracy because they stand at the intersection of politics and public law. A manifesto is generally a public declaration of the intentions, policies and programmes of a political party. It allows political parties to present their proposed direction of governance and provides electors with information upon which electoral choices may be based. The Election Commission of India itself describes an election manifesto as a published declaration of a political party's ideology, intentions, policies and programmes and recognises its function as a reference point through which electors may compare political programmes.<sup>1</sup> In contemporary electoral politics, manifestos may contain hundreds of promises concerning economic development, welfare distribution, employment

generation, education, healthcare, agricultural support, taxation, infrastructure, social security and institutional reform. Some promises are broad statements of political intention; others are specific and measurable commitments. Some concern legislative action, while others concern executive policy or expenditure of public funds. This diversity creates a fundamental constitutional question: what is the legal status of such promises after the election? If a political party makes a promise before an election and subsequently obtains a majority and forms the government, does the promise become a constitutional obligation? Can a citizen approach the Supreme Court or a High Court under Articles 32 or 226 and seek a writ directing the government to fulfil the promise? Can failure to implement the manifesto be challenged as a violation of Articles 14 or 21? Does an electoral mandate create a form of constitutional trust that legally binds the government to its declared programme? Or does the fulfilment of a manifesto remain primarily a matter of political responsibility, leaving the electorate to judge the government at the next election? These questions cannot be answered merely by observing that manifestos are politically important. Constitutional Law distinguishes between political authority and legal authority, between democratic legitimacy and constitutional validity, and between political accountability and judicial enforceability. The fact that a party receives votes on the basis of a programme does not necessarily mean that every programme contained in that document becomes a legal norm. The Constitution establishes the institutions through which political power is converted into governmental authority. In a parliamentary system, electoral representation ultimately operates through the legislature and the executive, and governmental power must be exercised according to constitutional procedures. Article 75(3), for example, provides that the Council of Ministers is collectively responsible to the House of the People.<sup>2</sup> This constitutional arrangement suggests that the principal mechanism through which an elected government is politically accountable is parliamentary and electoral responsibility rather than automatic judicial enforcement of its manifesto. Yet the opposite proposition would also be incomplete. Manifestos cannot simply be dismissed as constitutionally irrelevant. Article 324 entrusts the Election Commission with the superintendence, direction and control of elections, and the Supreme Court has recognised that manifesto promises can affect the fairness and level playing field of the electoral process. In *S. Subramaniam Balaji v. State of Tamil Nadu*, the Court held that manifesto promises could not, under the law then applicable, be construed as corrupt practice under Section 123 of the Representation of the People Act, 1951, but nevertheless directed the Election Commission to frame guidelines governing election manifestos.<sup>3</sup>

The Election Commission subsequently adopted manifesto guidelines as part of the Model Code of Conduct, including requirements that manifestos remain consistent with constitutional ideals and that parties indicate the rationale for promises and broadly identify the means by which their financial requirements are proposed to be met.<sup>4</sup> The constitutional problem is therefore not simply whether a promise is “binding” or “non-binding”. It is necessary to identify the precise point at which a political commitment may enter the domain of constitutional accountability. This article argues that the manifesto itself ordinarily does not create a constitutional obligation. However, the implementation of a manifesto promise can become constitutionally reviewable when governmental action affects fundamental rights, violates constitutional limitations, breaches statutory requirements, infringes principles of non-arbitrariness, or exceeds the legal authority of the executive. Similarly, a promise may acquire legal significance when subsequently incorporated into legislation, statutory rules, executive orders or other legally recognised instruments. The Constitution therefore neither converts electoral promises automatically into enforceable rights nor permits governments to treat constitutional limitations as irrelevant merely because an action was promised during an election. The constitutional relationship is more nuanced: the manifesto may create political expectations, the election may create political authority, and subsequent governmental action may create legal obligations. The task of Constitutional Law is to determine where the transition from one category to another occurs.

### **PARTY MANIFESTOS AND THE CONSTITUTIONAL IDEA OF THE ELECTORAL MANDATE**

The concept of an electoral mandate is central to representative democracy but is often misunderstood in constitutional discourse. A political party that secures sufficient legislative representation obtains the political authority necessary to participate in forming government. Yet an electoral mandate is not itself a constitutional provision. It is a political consequence produced through an electoral process regulated by law. The distinction is important because a mandate cannot possess a greater legal status than the constitutional system permits. The Constitution establishes the offices of the President, Council of Ministers, Parliament, State Legislatures, Governors and State Councils of Ministers and distributes powers among these institutions. It does not provide that the political programme of a victorious party automatically becomes law. A manifesto may explain why citizens voted for a particular party, but the constitutional authority

exercised by the resulting government derives from constitutional institutions rather than from the manifesto as an independent legal source. This distinction reflects the principle of constitutional supremacy. In a constitutional democracy, elections determine who exercises public power, but they do not determine the legal limits of that power. The electorate may choose a government, but the government remains subject to the Constitution. The majority principle is therefore mediated through constitutionalism. A government cannot claim that a policy is constitutionally valid merely because it was announced before the election and subsequently supported by voters. Electoral approval may confer democratic legitimacy in a political sense, but it does not suspend fundamental rights or constitutional limitations. Conversely, the existence of an electoral mandate does not necessarily impose a judicially enforceable duty to implement every policy statement contained in a manifesto. The distinction can be illustrated through a hypothetical promise to introduce a particular subsidy. The promise may have contributed to electoral support, but the implementation of the subsidy may require budgetary appropriation, administrative rules, statutory authority or other governmental action. The Constitution does not ordinarily require the government to implement the precise promise merely because it was made. The government may revise the programme, combine it with another scheme or abandon it for reasons of public interest, subject to applicable law. Such a decision may be politically controversial without necessarily being unconstitutional. The electoral mandate therefore operates as a political justification for pursuing a programme, not as an unlimited constitutional licence. This distinction is consistent with the constitutional principle that elected governments are temporary holders of public power and not owners of that power. Their authority is fiduciary and institutional. Public power must be exercised for constitutionally permissible purposes and through constitutionally authorised means. The idea of an electoral mandate becomes constitutionally problematic when it is treated as a form of popular sovereignty unrestricted by law. The Indian Constitution does not adopt a model in which electoral majorities may override constitutional rights merely through political endorsement. Fundamental rights, judicial review, federalism, separation of institutional functions and constitutional procedures impose limitations upon all governments, including governments possessing substantial electoral majorities. Thus, a manifesto cannot operate as a source of constitutional supremacy over the Constitution itself. At the same time, constitutional democracy would be incomplete if electoral programmes were regarded as entirely meaningless. The electorate must be capable of evaluating proposed governmental policies, and political parties must

be able to communicate their programmes. The Election Commission's recognition that manifestos function as reference documents for voters reflects this democratic role.<sup>5</sup> The constitutional problem is therefore one of classification. A manifesto is politically normative but not ordinarily legally normative in the same way as a statute or constitutional provision. It can generate political expectations, political accountability and public debate without creating a cause of action for judicial enforcement. Once this distinction is understood, the question becomes more precise: not whether manifestos are binding in some general sense, but whether a particular promise has subsequently acquired legal status through a constitutionally recognised process.

### **CONSTITUTIONAL SUPREMACY AND THE LIMITS OF AN ELECTORAL MANDATE**

Constitutional supremacy constitutes the first major limitation upon the legal effect of political promises. The Constitution is the fundamental legal framework within which legislative and executive authority operates. The government cannot rely upon electoral support as a defence to action that violates fundamental rights or exceeds constitutional power. This principle is particularly important where manifesto promises involve distribution of public resources, classification of beneficiaries, restrictions upon liberty, taxation, regulation of property or exercise of administrative discretion. The political origin of a policy does not determine its constitutional validity. If a government implements a manifesto promise through executive action, that action remains subject to judicial review on ordinary constitutional grounds. Article 14 may require the classification adopted by the government to satisfy constitutional standards; Article 19 may restrict measures affecting protected freedoms; Article 21 may apply where governmental action affects life or personal liberty; and other constitutional provisions may impose structural or institutional limitations. The manifesto itself cannot immunise the resulting action from review. The principle is especially significant in relation to majoritarian democracy. Constitutionalism distinguishes the authority of the majority from the supremacy of the Constitution. A majority may select a government, but the government must govern within constitutional boundaries. The Supreme Court's constitutional jurisprudence has repeatedly emphasised that fundamental rights cannot be defeated merely by majoritarian preference. The principle of constitutional supremacy therefore establishes an asymmetrical relationship between manifesto and Constitution: the manifesto must operate within the Constitution, not the Constitution within the manifesto. This also means that a

promise contrary to the Constitution cannot acquire validity merely through electoral success. If a political party promises a measure that would discriminate arbitrarily against a protected class, restrict a fundamental freedom without constitutional justification or undermine an essential constitutional structure, the resulting government cannot rely upon the electoral mandate to avoid judicial scrutiny. The promise may remain a political statement, but its implementation must satisfy constitutional standards. Conversely, the Constitution may authorise a government to pursue a particular policy without requiring that policy as a constitutional duty. This distinction is crucial in relation to welfare promises. A political party may promise a specific form of subsidy or benefit that is consistent with the Directive Principles. The constitutional compatibility of the policy does not automatically make the policy constitutionally mandatory. The Constitution may encourage or authorise a policy while leaving the specific choice to democratic institutions. The Directive Principles illustrate this distinction particularly clearly. Articles 38, 39, 41, 43 and 47 establish important constitutional objectives relating to social and economic justice, livelihood, education, public assistance, working conditions and public health. These provisions form part of the constitutional vision of governance, but their presence does not mean that every manifesto promise corresponding to one of these objectives becomes directly enforceable. The constitutional structure preserves a distinction between directive constitutional goals and judicially enforceable fundamental rights. This does not render the Directive Principles legally irrelevant. The Supreme Court has repeatedly recognised their importance in constitutional interpretation and in understanding the relationship between fundamental rights and social justice. But the existence of a constitutional objective cannot by itself identify the particular policy instrument that the government must adopt. If several lawful policies can advance the same constitutional objective, courts ordinarily cannot select one simply because it appeared in an electoral manifesto. Such selection would involve a transfer of policy-making authority from elected institutions to the judiciary. Constitutional supremacy therefore operates in both directions: it prevents governments from using electoral mandates to override constitutional limitations, while also preventing courts from treating every electoral promise as if it were a constitutional command. The constitutional order requires both limits upon government and limits upon judicial intervention.

#### **ARTICLE 14 AND THE CONSTITUTIONAL REVIEW OF MANIFESTO IMPLEMENTATION**

Article 14 provides one of the most significant constitutional routes through which manifesto-based governmental action may become subject to judicial review. The crucial distinction is between challenging the promise and challenging its implementation. A political party may promise a benefit for a particular group without that promise itself constituting a legally enforceable classification. Once the government implements the promise through legislation, executive action or administrative policy, however, the resulting classification may be examined under Article 14. The constitutional question then concerns not whether the government was elected on the basis of the promise, but whether the governmental action satisfies constitutional standards of equality and non-arbitrariness. This distinction is important because a political promise can become constitutionally relevant without becoming constitutionally binding. Suppose, for example, that a government promises financial assistance to a particular category of citizens and, after taking office, issues an executive order implementing the scheme. A person excluded from the scheme cannot necessarily demand inclusion merely by pointing to the manifesto. However, if the exclusion is based on an arbitrary classification, lacks a rational connection with the purpose of the scheme or otherwise violates Article 14, judicial review may become available. The legal claim arises from Article 14 and the governmental action, not from the manifesto itself. The experience of Karnataka's Gruha Lakshmi scheme illustrates the point. The monthly assistance promised by the Congress before the 2023 Assembly elections took legal shape only through an executive order of the Department of Women and Child Development, which confined the benefit to the woman head of a household and excluded households in which she or her husband pays income tax or files GST returns.<sup>6</sup> It is conditions of this kind, and not the original promise, that would be examined under Article 14. This distinction preserves the proper function of constitutional adjudication. Courts are not required to decide whether a political party should fulfil its programme; they determine whether the State has exercised power consistently with constitutional equality. The doctrine against arbitrariness further reinforces this principle. The Supreme Court's jurisprudence under Article 14 has progressively developed the proposition that State action cannot be arbitrary. The constitutional validity of a governmental policy may therefore depend upon the rationality, fairness and relevance of the criteria adopted. A manifesto promise does not eliminate these requirements. Indeed, the political origin of the policy may sometimes provide useful context in understanding its purpose, but purpose alone cannot cure an unconstitutional classification. The distinction is particularly important when political promises

involve targeted benefits. Targeted welfare is not inherently unconstitutional merely because it benefits a particular group. The Constitution permits the State to pursue social and economic objectives and may require attention to disadvantaged groups. The constitutional issue is whether the classification is legally defensible. Article 14 therefore provides a mechanism through which manifesto-based governance can be scrutinised without making the manifesto itself enforceable. This is a broader principle of constitutional law: governmental discretion may be politically motivated without being legally unrestricted. The source of the political motivation may be an election manifesto, but the source of the constitutional limitation is Article 14. The relationship between the two is therefore sequential rather than identical. The manifesto supplies political purpose; the government translates that purpose into legal action; Article 14 then evaluates the legality of that action. This model also prevents the judiciary from becoming an enforcement mechanism for electoral programmes. If every promise were directly enforceable, courts would have to determine what constitutes adequate implementation. Under Article 14, by contrast, the judicial question remains a familiar one: whether State action is constitutionally permissible. The court does not need to decide whether the policy was politically wise. It needs to decide whether the policy falls within constitutional boundaries. This distinction is fundamental to maintaining separation of powers. The legislature and executive retain authority to formulate policy, while courts retain authority to review legality. The constitutional law of manifestos therefore becomes clearer when the manifesto is treated as context rather than source. A manifesto may explain why a policy exists, but it does not determine whether the policy is constitutional. The Constitution remains the controlling legal standard.

## **ARTICLE 21, WELFARE PROMISES AND CONSTITUTIONAL ENTITLEMENT**

The relationship between manifesto promises and Article 21 presents a more difficult question because the Supreme Court has interpreted the right to life and personal liberty broadly to include several dimensions of dignity and meaningful existence. Political parties frequently promise measures concerning healthcare, education, livelihood, food security, housing and social protection. If such a promise corresponds to an aspect of Article 21 jurisprudence, can a citizen claim that the promise itself creates a constitutional obligation? The answer should ordinarily remain negative, although the promise may reinforce an independently existing constitutional claim. Article 21 is a constitutional provision, not an electoral programme. Where the Supreme

Court has recognised a particular right or protection as flowing from Article 21, the State must comply with that constitutional requirement irrespective of whether a political party promised to do so. The manifesto is therefore not the source of the obligation. The Constitution is. This distinction is important because otherwise the scope of fundamental rights would fluctuate according to electoral manifestos. A right cannot become constitutionally enforceable merely because one party promises it, nor should a right cease to exist because a party does not include it in its manifesto. Fundamental rights possess an independent constitutional status. At the same time, manifesto promises may become relevant when a government claims that its policy advances a constitutional right. If the government introduces a health scheme after promising it in the manifesto, the constitutional validity of the scheme may still be assessed according to Article 21 and other applicable provisions. If the government withdraws an existing scheme, the question may involve statutory rights, administrative law, legitimate expectation, equality or other constitutional principles depending upon the circumstances. But the fact that the scheme was promised during the election is not sufficient by itself to determine the legal result. This distinction also protects the judiciary from being converted into a policy implementation authority. Article 21 can require the State to protect constitutionally recognised interests, but courts must still distinguish between a constitutional minimum and a particular policy design. If several methods are available to advance the same constitutional objective, choosing one method may involve policy expertise, budgetary considerations and institutional judgment. A manifesto may reveal the political choice of the elected government, but it does not automatically make that choice constitutionally mandatory. The relationship between Article 21 and manifesto promises can therefore be conceptualised through the distinction between constitutional ends and political means. The Constitution may establish an end, such as protection of life, dignity or personal liberty. A political party may propose a particular means of advancing that end. The constitutional obligation attaches to the constitutional end where recognised by law; the political promise concerns the selected means. Courts can review whether the State has met its constitutional obligations but ordinarily cannot compel the exact political mechanism simply because it was promised. This distinction is particularly important in socio-economic policy, where constitutional values may require progressive governmental action while leaving substantial discretion concerning implementation. The manifesto can therefore operate as evidence of governmental intention, but intention is not equivalent to constitutional obligation. If a government has

independently violated Article 21, judicial intervention may be justified; if the only complaint is that the government failed to implement a particular programme mentioned in its manifesto, the constitutional basis for judicial relief is considerably weaker. The constitutional law position thus avoids both extremes: it does not deny the constitutional significance of welfare, but it does not constitutionalise every welfare promise.

## **DIRECTIVE PRINCIPLES AND THE CONSTITUTIONAL STATUS OF WELFARE PROMISES**

The Directive Principles of State Policy create perhaps the strongest constitutional connection between election manifestos and governmental programmes. Political parties routinely promise measures that correspond to the constitutional objectives contained in Part IV, including social justice, reduction of inequality, adequate livelihood, education, public health and protection of weaker sections. Article 37 declares that the provisions contained in Part IV are not enforceable by any court but are nevertheless fundamental in the governance of the country and it is the duty of the State to apply these principles in making laws. The constitutional position therefore creates a paradox of sorts: the Directive Principles possess substantial normative importance but do not ordinarily operate as directly enforceable individual rights. This distinction is crucial for manifesto analysis. A party may promise a programme that advances Article 39 or Article 41, but the correspondence between the promise and the Directive Principle does not make the promise judicially enforceable. The Constitution imposes a broad duty upon the State to apply Directive Principles in governance, but it does not prescribe one particular manifesto or policy as the constitutionally required method of implementation. The Election Commission's manifesto guidelines expressly recognise this point. The guidelines state that the Directive Principles enjoin the State to frame welfare measures and therefore there can be no objection to promises of such welfare measures in election manifestos. At the same time, the guidelines caution against promises likely to vitiate the purity of the electoral process or exert undue influence upon voters and expect parties to provide the rationale and broad financial means for promises.<sup>7</sup> The constitutional significance of this approach is substantial. It recognises that welfare promises are legitimate subjects of democratic competition while also acknowledging that the electoral process must remain fair and transparent. The Directive Principles therefore support the constitutional legitimacy of welfare-oriented manifestos without transforming them into individual constitutional

claims. This distinction also demonstrates the importance of constitutional interpretation after the development of the relationship between Fundamental Rights and Directive Principles. The Supreme Court has recognised that the two parts should, where possible, be read harmoniously. The constitutional commitment to social justice can therefore inform the interpretation of rights, reasonableness and State policy. Yet harmony does not mean that every political promise corresponding to a Directive Principle becomes enforceable. The political branches retain considerable discretion regarding the form, timing and financial design of welfare programmes. This discretion is not unlimited. Governmental action must still comply with fundamental rights, statutory requirements and constitutional principles. But the existence of a Directive Principle does not permit the judiciary to design an entire welfare programme simply because a political party has promised it. The distinction between constitutional aspiration and constitutional command is therefore central. Part IV establishes objectives that guide governance; election manifestos translate political preferences into proposed programmes; legislation and executive action determine implementation. These three stages should not be collapsed. If a manifesto promise is subsequently enacted through legislation, the legal status of the promise changes because the legislature has exercised its constitutional law-making power. If it is implemented through an executive scheme within statutory authority, the scheme becomes subject to administrative and constitutional law. If it remains only a political declaration, it ordinarily remains politically accountable rather than judicially enforceable. The Directive Principles thus provide a constitutional background against which manifestos can be evaluated, but they do not ordinarily constitute a direct legal bridge from political promise to constitutional obligation.

### **ARTICLE 324 AND THE CONSTITUTIONAL REGULATION OF MANIFESTOS**

Article 324 occupies a distinctive position because it gives the Election Commission constitutional responsibility for the superintendence, direction and control of elections. The relationship between Article 324 and political manifestos became particularly important in *S. Subramaniam Balaji v. State of Tamil Nadu*. The case concerned promises relating to distribution of goods and welfare measures and the argument that such promises should be treated as corrupt practices under the Representation of the People Act. The Supreme Court held that promises in election manifestos could not be construed as corrupt practice under Section 123 of the Representation of the People Act under the statutory framework then existing. At the same time, the Court acknowledged that

promises of freebies could influence voters and could affect the purity and level playing field of elections. It therefore directed the Election Commission to frame appropriate guidelines concerning election manifestos in consultation with recognised political parties.<sup>8</sup> The constitutional reasoning is important because the Court did not convert political promises into constitutional obligations. Instead, it addressed the electoral process surrounding those promises. The Election Commission subsequently incorporated manifesto guidelines into the Model Code of Conduct. The guidelines provide that election manifestos should not contain anything repugnant to constitutional ideals and should be consistent with the constitutional framework. They also recognise the legitimacy of welfare measures grounded in the Directive Principles while requiring political parties to consider the effect of promises upon the purity of elections and to provide information concerning their rationale and financial means.<sup>9</sup> Article 324 therefore establishes an important intermediate category between political speech and legal obligation. A manifesto may not be a law, but the electoral process in which it operates is constitutionally regulated. This distinction has considerable jurisprudential significance. The Constitution does not require the Election Commission to determine which political programme is substantively desirable. Instead, Article 324 enables the Commission to protect the fairness and integrity of elections. The Commission's regulation of manifestos must therefore remain connected with the electoral process. It cannot become an unrestricted power to control political ideology or policy choice. The Commission has taken the same view before the Supreme Court, stating in 2022 that it cannot regulate the policies and decisions of a winning party once it forms the government and that the financial viability of such policies is a question for voters to decide. It described any attempt to do otherwise, without enabling provisions in the law, as an overreach of its powers.<sup>10</sup> The constitutional authority is procedural and institutional rather than a general licence to supervise governance. The Model Code's manifesto guidelines reflect this limited approach. They do not say that every promise must be fulfilled. They seek to regulate the conditions under which promises are presented to the electorate. The Commission's directions for the 2026 Assembly elections in Puducherry show how procedural these obligations are: parties were asked to file copies of their manifestos within three days of release, to submit a declaration that the promises comply with the Model Code of Conduct, and to indicate the rationale, the financial resources required and the plan for implementation. Each of these duties attaches to the presentation of the manifesto before the election, and none creates a duty to deliver the programme afterwards.<sup>11</sup> This distinction is crucial

to the central question of constitutional obligations. If Article 324 were interpreted as converting every regulated manifesto promise into a binding governmental duty, the Election Commission would indirectly become an institution supervising governmental policy after the election. Such an interpretation would extend the electoral regulatory function into the ordinary domain of governance. The constitutional structure does not support such an automatic transition. Article 324 concerns elections; executive and legislative governance are governed by other constitutional provisions. The constitutional significance of manifestos therefore exists at two separate stages. Before and during elections, manifestos may be subject to electoral regulation designed to preserve free and fair elections. After elections, the government's implementation of policies is primarily subject to legislative, executive, statutory and constitutional controls. The two stages should not be confused. The Election Commission's current materials continue to identify manifesto guidelines as part of the Model Code and expressly connect them with the Supreme Court's decision in *S. Subramaniam Balaji*.<sup>12</sup> This regulatory framework demonstrates that the Constitution can recognise manifesto-related concerns without treating the manifesto itself as a source of constitutional obligations.

## SEPARATION OF POWERS AND THE JUSTICIABILITY OF MANIFESTO PROMISES

The doctrine of separation of powers provides perhaps the strongest institutional reason against treating every manifesto promise as judicially enforceable. Constitutional courts have authority to interpret the Constitution, protect fundamental rights and review governmental action. They do not ordinarily possess a general mandate to administer government programmes or determine the policy priorities of elected governments. A manifesto may contain hundreds of commitments, many of which require complex administrative choices and allocation of public resources. If courts were to treat these commitments as constitutional obligations, they would inevitably have to supervise the substance and timing of governmental policy. The judicial task would shift from reviewing legality to determining whether the government had adequately implemented its political programme. Such a transformation would raise serious separation-of-powers concerns. The issue can be illustrated through the difference between a promise to “improve healthcare” and a promise to establish a specific number of hospitals. The first is broad and evaluative; the second

is more concrete, but even the second may involve questions of land acquisition, budget allocation, recruitment, procurement and administrative feasibility. What constitutes sufficient implementation? Is a partial implementation a breach? Can the government postpone implementation because of fiscal constraints? Can it substitute another programme that pursues the same objective? These are not necessarily questions that constitutional courts are institutionally equipped to answer. The Constitution entrusts policy-making primarily to elected institutions. Judicial review becomes appropriate when those institutions act unlawfully, not merely because their policy choices disappoint political expectations. This does not mean that courts are powerless where a manifesto is involved. If the government implements a promise through legislation that violates a fundamental right, the legislation may be challenged. If executive action is arbitrary, courts may intervene. If public funds are spent without legal authority, the action may be invalid. If a governmental scheme violates statutory provisions, judicial review remains available. The constitutional focus should therefore be upon the legal act implementing the promise rather than the political promise itself. This approach preserves judicial review while respecting institutional competence. It also recognises that political programmes may legitimately change. A government may discover that an economic assumption underlying a manifesto promise was incorrect or that circumstances have changed. Democratic government requires a degree of flexibility to respond to new conditions. If every promise became constitutionally immutable, elections would produce a rigid governmental programme that could not reasonably respond to unforeseen developments. Constitutional democracy does not ordinarily require such rigidity. The principle of separation of powers therefore supports a limited judicial role. Courts may determine whether the government has complied with constitutional and statutory requirements, but they should ordinarily avoid ordering the government to fulfil a political promise merely because the promise was made. This distinction does not diminish the democratic importance of manifestos. Political accountability remains available through legislatures, opposition parties, civil society, media scrutiny and elections. Indeed, preserving the distinction may strengthen democratic accountability by ensuring that political questions remain within the political process while legal questions remain within the judicial process. The Constitution does not make courts the arbiters of political credibility. It makes them guardians of constitutional legality. Consequently, a government's failure to implement a manifesto promise may be politically significant without necessarily being constitutionally

justiciable. The legal question begins when the government's conduct engages an independently enforceable constitutional or statutory norm.

## LEGITIMATE EXPECTATION AND THE ELECTORAL PROMISE

The doctrine of legitimate expectation presents a more subtle possibility because it directly addresses expectations arising from governmental representations and practices. At first sight, an election manifesto appears capable of generating a strong public expectation. Political parties make promises precisely to persuade voters that a particular course of governmental action will follow if they are elected. Yet the constitutional and administrative law doctrine of legitimate expectation cannot automatically be applied to every manifesto promise. The Supreme Court has consistently distinguished a legitimate expectation from a mere hope or desire. In *Union of India v. Hindustan Development Corporation*, the Court explained that an expectation is not equivalent to a wish, desire or hope and that its legitimacy must be founded upon legal sanction, custom or an established procedure.<sup>13</sup> More recent Supreme Court jurisprudence has similarly clarified that legitimate expectation is not itself an independent legal right and that judicial review remains grounded in established principles such as equality and non-arbitrariness.<sup>14</sup> These principles create significant difficulty for treating manifestos as direct sources of legitimate expectation. A manifesto is ordinarily issued by a political party rather than by a governmental authority exercising statutory power. Before the election, the party does not necessarily possess governmental authority to implement the promised programme. After the election, the government may adopt the programme, but the legal status of the promise then depends upon the governmental instrument through which it is adopted. The distinction between a party manifesto and a governmental representation is therefore crucial. A political party may say, "if elected, we will introduce a particular scheme." That statement is political. A government may subsequently issue a notification stating, "the government hereby introduces the scheme under the following statutory authority." That notification is governmental and may create legal consequences. If the government later withdraws the scheme, the issue of legitimate expectation may arise depending upon the circumstances. The expectation in such a case is connected with the government's subsequent conduct rather than merely with the manifesto. This distinction is essential to prevent legitimate expectation from becoming a general doctrine of electoral contract. If every manifesto promise generated legitimate expectation enforceable by courts, voters could potentially litigate

any unfulfilled commitment. Such an approach would radically transform the relationship between citizens and political parties. Elections would begin to resemble contractual transactions, with courts determining whether governments had performed their campaign promises. The constitutional structure does not ordinarily contemplate such a transformation. Legitimate expectation is principally concerned with fairness in public administration, not with judicial enforcement of political programmes. Nevertheless, the doctrine may become relevant where a manifesto promise has been followed by consistent governmental practice, formal policy adoption or a specific representation made by a competent public authority. The growing practice of issuing signed “guarantee cards” to voters shows why this qualification matters. In April 2024 the Congress launched a door-to-door campaign that aimed to place such cards in some eight crore households,<sup>15</sup> and the cards carried the signatures of two of its senior leaders.<sup>16</sup> A card of this kind resembles a formal assurance, yet it is issued by a party and not by a public authority, and it therefore remains a political representation. Even then, the doctrine does not automatically compel fulfilment. Public interest, statutory requirements and changes in circumstances may justify departure from an expectation. The Supreme Court has emphasised that legitimate expectation does not eliminate governmental discretion where the law confers discretion and the decision is taken fairly and objectively.<sup>17</sup> The constitutional significance of legitimate expectation in the manifesto context is therefore indirect. It may help explain how political commitments become legally relevant once incorporated into governmental conduct, but it does not establish that the original manifesto is itself a constitutional source of obligation. The doctrine thus reinforces rather than undermines the central distinction of this article: political expectation can become legally significant through subsequent governmental action, but political expectation and constitutional obligation remain conceptually distinct.

### **MANIFESTOS, FUNDAMENTAL RIGHTS AND CONSTITUTIONAL MORALITY**

Constitutional morality provides another possible framework for evaluating manifesto promises, particularly where political commitments concern vulnerable groups, equality, liberty or social transformation. Constitutional morality refers broadly to fidelity to constitutional values and institutional principles rather than merely to the preferences of a temporary political majority. The concept becomes relevant because an electoral mandate cannot legitimise measures that undermine the constitutional commitments to equality, dignity, liberty, secularism, democratic government

and the rule of law. A political party may obtain a majority after promising a particular policy, but the policy must still operate within the constitutional order. This is particularly significant when a manifesto promise concerns differential treatment of social groups. The fact that a promise was publicly announced does not answer whether its implementation is compatible with Article 14 or other constitutional guarantees. Similarly, a promise affecting freedom of speech, religious liberty, personal autonomy or privacy must be tested against the relevant constitutional standards. Constitutional morality therefore operates as a substantive limitation upon electoral majoritarianism. However, constitutional morality should not be used to create obligations that are otherwise absent from the Constitution. It cannot simply transform every morally attractive manifesto promise into a constitutional command. Its function is primarily constraining: it can invalidate or limit governmental action that conflicts with constitutional principles. The distinction is therefore again between positive and negative constitutional effects. A manifesto cannot ordinarily create a constitutional right merely by promising one, but constitutional principles may invalidate the implementation of a promise that violates constitutional rights. This asymmetry is important. Suppose a political party promises expanded protection for a vulnerable group and later fails to implement the promise. The failure may be politically significant, but a court cannot necessarily order implementation unless an independent constitutional or statutory right requires the action. Conversely, suppose a party promises a policy that discriminates arbitrarily against a vulnerable group and the government implements it. The constitutional violation can be challenged even though the policy had electoral support. Constitutional morality therefore places a constitutional floor beneath political choice. It ensures that political programmes operate within the boundaries of constitutional values. The doctrine also reinforces the distinction between constitutional legitimacy and electoral popularity. A policy may be popular and still unconstitutional; another policy may be unpopular and still constitutionally protected. The role of constitutional adjudication is not to measure popularity but to apply constitutional standards. Manifestos may therefore be relevant evidence of political intention, but they cannot determine constitutional validity. This is particularly important in a constitutional democracy because the Constitution is intended to protect certain principles against temporary political majorities. Fundamental rights would have limited meaning if they could be overridden simply because a political party included contrary action in its manifesto and obtained electoral support. The constitutional order instead establishes a hierarchy in which elections determine political

representation while constitutional law determines the permissible exercise of public power. Manifesto promises are therefore subordinate to constitutional morality and constitutional supremacy. At the same time, constitutional morality does not authorise courts to impose their preferred policy choices upon governments merely because those choices appear more consistent with constitutional values. Courts must identify an actual constitutional standard and apply it to governmental action. The discipline of constitutional adjudication requires reasons grounded in constitutional text, structure, precedent and principle. This maintains the distinction between constitutional review and political preference. The manifesto can be considered, but the Constitution remains the controlling norm.

### **THE FREEBIES DEBATE AND THE CONSTITUTIONAL QUESTION OF PUBLIC FINANCE**

The debate over welfare promises and “freebies” demonstrates the difficulty of determining the constitutional status of political commitments. In *S. Subramaniam Balaji*, the Supreme Court recognised that promises of freebies could influence voters and affect the level playing field, while holding that such promises could not be treated as corrupt practice under Section 123 of the Representation of the People Act under the existing statutory framework. The Court considered the absence of direct legislation governing manifesto contents and directed the Election Commission to frame guidelines.<sup>18</sup> The Election Commission subsequently recognised that welfare measures corresponding to Directive Principles cannot simply be prohibited merely because they are promised in manifestos.<sup>19</sup> The constitutional debate is therefore not whether every welfare promise is unconstitutional. It is whether promises involving public expenditure can be reconciled with electoral fairness, fiscal responsibility and constitutional governance. The scale of the question is now considerable. A study of State budgets by PRS Legislative Research records that the number of States running largely unconditional cash transfer schemes for women rose from two in 2022-23 to twelve in 2025-26, at an estimated cost of Rs 1,68,040 crore or about 0.5 per cent of GDP, and that six of those twelve States had budgeted for a revenue deficit.<sup>20</sup> Because these transfers reach the public through State budgets, their fiscal effect is governed by the budgetary process and not by any obligation arising from the manifesto. Public expenditure itself must operate through constitutional and statutory mechanisms. At the Union level, expenditure from the Consolidated Fund is subject to constitutional provisions governing parliamentary appropriation.

At the State level, corresponding constitutional requirements apply to State finances. A manifesto does not itself authorise expenditure. The political commitment must be translated into a lawful budgetary and administrative process. This distinction is particularly significant because it demonstrates that even where a government regards a manifesto promise as politically binding, the Constitution determines the legal means through which it can be implemented. A promise to distribute a benefit cannot bypass appropriation requirements, statutory limitations, procurement rules, equality principles or administrative law. The Constitution therefore mediates the transition from political commitment to governmental expenditure. The financial implications of promises also raise questions about intergenerational responsibility and public resources, but these concerns do not automatically establish a judicially enforceable rule against welfare commitments. Courts must distinguish between identifying constitutional limits and making policy judgments about fiscal prudence. The Election Commission's requirement that parties indicate broadly how financial requirements for promises are proposed to be met reflects an attempt to strengthen transparency rather than to constitutionalise fiscal policy.<sup>21</sup> The Commission's own assessment suggests that this transparency has been difficult to secure in practice. In a letter of October 2022 it observed that the declarations parties submit on the financial implications of their promises were routine, ambiguous and often filed late, and it circulated to recognised parties a proposal for a standardised proforma requiring them to set out those implications and the ways of financing them.<sup>22</sup> This is a significant constitutional design choice. It permits voters to evaluate the financial consequences of political programmes without transferring the final choice of fiscal policy from elected institutions to courts. The subsequent Supreme Court proceedings concerning freebies have demonstrated that the issue continues to raise questions concerning electoral democracy, economic policy and constitutional governance. In *Ashwini Kumar Upadhyay v. Union of India*, the Supreme Court considered challenges concerning promises of free goods and noted the competing constitutional and economic issues surrounding such promises.<sup>23</sup> That litigation has not concluded. In February 2026 the Chief Justice of India said that the petition on poll freebies must be heard by a three-judge Bench and indicated that it would be listed in March,<sup>24</sup> but in July 2026 a bench headed by him declined an early hearing on the ground of pressure of business, so the matter remains pending.<sup>25</sup> The Court's proceedings illustrate that the issue cannot be reduced to a simple proposition that freebies are either constitutionally permissible or constitutionally prohibited. The relevant questions may involve electoral fairness, public finance, statutory authority, federal

relations and the institutional competence of courts and the Election Commission. The jurisprudential point is that the constitutional status of a promise depends upon the legal stage at which the question arises. Before the election, the issue concerns electoral regulation. After the election, the issue may concern budgetary authority and governmental policy. If a specific scheme is implemented, the issue may concern administrative law and fundamental rights. If legislation is enacted, the legislation may be tested against constitutional limitations. The same political promise can therefore produce different legal questions at different stages. This reinforces the central argument that a manifesto should not be treated as a single source of constitutional obligation. Its significance changes as it moves through the constitutional system.

### **POLITICAL ACCOUNTABILITY VERSUS CONSTITUTIONAL ACCOUNTABILITY**

The distinction between political accountability and constitutional accountability is perhaps the central conceptual issue in determining the legal status of manifesto promises. Political accountability concerns whether elected representatives remain responsive to the electorate and whether governments fulfil the commitments on which they sought political support. Constitutional accountability concerns whether governmental institutions act within the legal limits imposed by the Constitution. These forms of accountability overlap but are not interchangeable. A government may fail to fulfil a manifesto promise without violating the Constitution. Conversely, a government may faithfully implement a manifesto promise in a manner that violates the Constitution. The first situation may involve political accountability; the second involves constitutional accountability. A recent illustration is the Ladki Bahin scheme in Maharashtra, where the ruling alliance's manifesto for the 2024 Assembly elections promised to raise the monthly payment from Rs 1,500 to Rs 2,100. The State Budget for 2025-26 allocated Rs 36,000 crore to the existing scheme without providing for that increase, and the omission was answered by public criticism from opposition leaders, which is a form of political accountability and not a constitutional claim.<sup>26</sup> This distinction protects the respective functions of democratic and judicial institutions. Political accountability operates primarily through elections, legislative

debate, parliamentary opposition, public criticism, party competition, civil society and democratic deliberation. Constitutional accountability operates through courts, constitutional review, legislative scrutiny and other legal mechanisms. The electorate may conclude that a government has failed to honour its promises and remove it from office. A court, however, requires a legal basis for intervention. The mere fact that a promise was made does not necessarily supply that basis. This is not a weakness in constitutional democracy. It reflects the principle that legal remedies require legal wrongs. If courts could order implementation of any political promise, judicial review would become a general mechanism for enforcing political programmes. Such a system would undermine the distinction between political and legal institutions. At the same time, political accountability cannot substitute for constitutional accountability. A government cannot argue that unconstitutional action should be permitted because voters approved it. Fundamental rights and constitutional limitations are not dependent upon electoral renewal. This distinction can be described as the principle of limited mandate. An electoral mandate authorises government within the Constitution; it does not suspend the Constitution. The government may pursue its manifesto, but it must do so through lawful means. The constitutional role of the courts is therefore to ensure that the means and legal consequences of governance remain within constitutional boundaries. This approach also provides a principled answer to the argument that voters “consented” to a policy by voting for a party. Voting is not equivalent to individual legal consent to every governmental action. Electoral choice is collective and mediated through representative institutions. Citizens may vote for a party for many reasons and cannot be presumed to have individually consented to every statement in a manifesto. Treating the vote as a contractual acceptance of the manifesto would therefore mischaracterise representative democracy. The Constitution creates representation, not contractual government. This is another reason why manifesto promises should not automatically become enforceable obligations. The electorate delegates political authority through constitutional mechanisms; it does not enter into a private-law agreement with the government. Political promises remain relevant to democratic legitimacy, but legal obligations arise through constitutionally recognised sources. This distinction also allows governments to respond to changing circumstances. A political programme may require modification, but constitutional rights and legal duties cannot be altered merely through political explanation. The distinction therefore preserves flexibility where political choice is appropriate and firmness where constitutional law requires it.

## **CAN FAILURE TO FULFIL A MANIFESTO BE CHALLENGED UNDER ARTICLES 32 AND 226?**

Articles 32 and 226 provide powerful constitutional remedies, but their existence does not mean that every political grievance becomes a constitutional cause of action. Article 32 guarantees the right to move the Supreme Court for enforcement of fundamental rights, while Article 226 gives High Courts broad writ jurisdiction for enforcement of fundamental rights and “for any other purpose.” The difference is significant, but neither provision transforms political disappointment into a constitutional violation. A petitioner seeking enforcement of a manifesto promise must identify a legal or constitutional right that has been infringed. If the only allegation is that the government has failed to fulfil an electoral promise, the constitutional foundation for a writ may be absent. This does not mean that a manifesto can never be relevant in writ proceedings. It may provide background evidence concerning governmental purpose, policy continuity or representations. If a government has already implemented a promise through a legally binding instrument, the legality of subsequent withdrawal or alteration may be examined under Article 14, statutory provisions or administrative-law principles. If the implementation affects a fundamental right, Article 32 or Article 226 may become relevant. If the government’s action is arbitrary or discriminatory, constitutional review may be available. But the court would still be enforcing the independent constitutional or legal standard, not merely enforcing the manifesto. This distinction is important for maintaining the integrity of writ jurisdiction. Constitutional remedies are designed to protect legal rights and constitutional limitations. They are not designed to supervise the political performance of governments in general. The judiciary cannot reasonably evaluate whether a government has fulfilled thousands of promises across different sectors unless a specific legal duty is identified. Such supervision would also create practical problems. Political promises often contain aspirational language, targets, timelines and conditional commitments. Their implementation may depend upon legislative approval, financial availability or administrative feasibility. A court asked to enforce such promises would need to interpret political language as legal commands and determine compliance with standards that may not have been specified. This would create legal uncertainty and potentially encourage political litigation. The better constitutional approach is therefore to identify whether the promise has been transformed into law. If a statute creates a right, the court can enforce the statute. If a governmental order creates an

entitlement, the court can examine compliance with the order. If the Constitution itself imposes a duty, the court can enforce that duty. If none of these exists, the court ordinarily cannot manufacture a legal obligation from the political promise alone. Article 226's broader jurisdiction does not fundamentally alter this principle. The power to issue writs "for any other purpose" remains an exercise of judicial power under law; it does not grant a general power to enforce political commitments. The constitutional judiciary must therefore preserve the boundary between legal adjudication and political supervision. This is particularly important in relation to public interest litigation. PIL has expanded access to constitutional courts and has enabled judicial intervention in matters involving governance and public rights. Yet the expansion of standing does not eliminate the requirement of a legal or constitutional basis for relief. A public interest petitioner may challenge unconstitutional implementation of a manifesto promise, but cannot ordinarily obtain a mandamus merely by demonstrating that a political party promised a programme during an election. The constitutional remedy remains connected to a legal duty. Thus, Articles 32 and 226 strengthen constitutional accountability but do not automatically convert political accountability into judicially enforceable obligation.

### **WHEN A POLITICAL PROMISE BECOMES A LEGAL OBLIGATION**

Although a manifesto promise is ordinarily political, there are identifiable circumstances in which the promise may acquire legal significance. The first and clearest route is legislative incorporation. If an elected government introduces legislation to implement a manifesto promise and the legislature validly enacts that legislation, the resulting statutory right or duty derives from the statute rather than the manifesto. A court can then interpret and enforce the statute according to ordinary principles of statutory construction. The manifesto may be relevant as legislative history or political context, but the legal obligation comes from the enacted law. The second route is delegated legislation or valid executive action. Where the executive possesses statutory or constitutional authority to implement a promised policy and issues a valid rule, notification, scheme or order, the legal consequences arise from that instrument. The third route is the independent operation of a constitutional right. A manifesto may promise a policy that corresponds to a right already recognised by the Constitution. In that situation, the citizen's entitlement arises from the Constitution rather than the promise. The fourth route concerns legitimate expectation, but only where the requirements of the doctrine are satisfied through governmental representation

or established practice. The fifth route may arise through contractual or statutory arrangements entered into after the promise, where the government assumes legal obligations under an enforceable instrument. These routes demonstrate that the political promise can act as a catalyst for legal action without itself becoming the source of law. The Karnataka experience after the 2023 elections shows the sequence in practice. The new Cabinet gave in-principle approval to the Congress party's five poll guarantees at its first meeting on 20 May 2023,<sup>27</sup> and on 2 June 2023 it decided to implement all five within the financial year.<sup>28</sup> The legal content of each guarantee was then supplied by the Cabinet decisions and governmental orders that followed, and not by the manifesto. This distinction is important because it identifies the precise point at which political accountability crosses into legal accountability. The transition occurs when a recognised legal institution translates the political commitment into a legally binding form. The legislature may transform the commitment into statute; the executive may transform it into a lawful administrative scheme; constitutional adjudication may recognise an independently existing right; or administrative practice may create a legitimate expectation under established doctrine. The manifesto therefore occupies the beginning of a normative chain rather than its legal conclusion. This model also provides a principled response to changing political circumstances. A government may modify an unimplemented promise without necessarily violating a legal right. But once the promise has been converted into a statutory entitlement, the government cannot simply disregard the statute because the political circumstances have changed. Once a lawful governmental order creates rights or obligations, ordinary administrative and constitutional law applies. Once a constitutional right is engaged, the government remains bound regardless of whether the promise remains politically convenient. The distinction therefore protects both governmental flexibility and legal certainty. Political commitments remain capable of modification before legal transformation; legal obligations become subject to the rule of law after transformation. This is a fundamental characteristic of constitutional government. It ensures that political authority is capable of responding to democratic and practical circumstances while preventing the government from disregarding legal commitments once they have acquired legal status. The constitutional law of manifestos should therefore focus less on whether promises are generally binding and more on whether a particular promise has crossed the institutional boundary into law. This approach is more precise and avoids both excessive judicialisation and excessive political immunity.

## CONCLUSION

Party manifestos occupy an important constitutional space because they connect political representation with governmental policy, yet their precise legal status must be determined carefully. The central constitutional question is not whether political promises matter. They plainly matter to democratic choice, political legitimacy and electoral accountability. The deeper question is whether the making and electoral acceptance of a promise transform it into a constitutional obligation. The constitutional structure of India indicates that they ordinarily do not. A manifesto is not itself a constitutional provision, statute, regulation or judicial order. An electoral victory does not automatically convert the political programme of the victorious party into enforceable law. The authority of the resulting government derives from the Constitution and the institutions established under it. The Council of Ministers remains constitutionally responsible to the legislature, and governmental power remains subject to constitutional supremacy, fundamental rights, statutory limitations and judicial review. The electoral mandate therefore creates political authority within constitutional boundaries rather than constitutional authority outside them. This distinction is essential to preserve the rule of law. If political promises automatically became constitutional obligations, courts would potentially be required to enforce and supervise the entire policy programme of elected governments. Such a development would substantially alter the constitutional distribution of institutional responsibility. Courts would be required to determine the meaning of political promises, evaluate the sufficiency of their implementation, resolve conflicts between competing commitments and assess whether changed economic or social circumstances justified deviation. Such functions would frequently involve political and administrative judgment rather than adjudication of legal rights. The principle of separation of powers therefore weighs against treating every manifesto promise as judicially enforceable. At the same time, the absence of direct enforceability does not make manifesto promises irrelevant to Constitutional Law. The Election Commission, acting under its constitutional responsibilities under Article 324, has a legitimate role in regulating the electoral environment in which manifestos operate. The Supreme Court in *S. Subramaniam Balaji* recognised the influence of manifesto promises upon voters and the potential effect of freebies upon the level playing field, while holding that such promises could not be treated as corrupt practices under Section 123 of the Representation of the People Act under the existing law.<sup>29</sup> The Court therefore directed the

Election Commission to frame manifesto guidelines, and the Commission subsequently incorporated guidelines requiring constitutional consistency, transparency concerning the rationale and financing of promises and attention to the purity of elections.<sup>30</sup> This framework demonstrates that the Constitution can regulate the conditions surrounding political promises without transforming the promises themselves into constitutional commands. The constitutional status of a manifesto therefore changes depending upon the stage of governmental action. Before the election, it is principally a political and electoral instrument. During the electoral process, it may be subject to constitutional and regulatory requirements designed to preserve free and fair elections. After electoral victory, it becomes a source of political policy direction but not automatically a source of legal obligation. When translated into legislation, governmental orders or statutory schemes, however, the resulting legal instruments become subject to ordinary constitutional and administrative review. If implementation violates Article 14, Article 19, Article 21 or another constitutional limitation, the courts may intervene. If a government action infringes a statutory right, judicial review may likewise be available. If an independently existing constitutional right corresponds with the substance of the manifesto promise, the citizen may enforce that constitutional right, but the source of enforcement remains the Constitution rather than the manifesto. The same principle applies to the Directive Principles. A political party may legitimately promise measures directed towards social and economic justice because the Constitution itself recognises these objectives. Yet the constitutional recognition of an objective does not ordinarily compel the government to adopt the exact policy mechanism promised by the party. The Directive Principles guide governance and constitutional interpretation but do not automatically transform each manifesto promise into an individual judicial remedy. Article 21 presents a similar distinction. Where the Constitution independently protects life, dignity or personal liberty, the State must respect those rights irrespective of manifesto commitments. But a particular welfare programme does not become constitutionally mandatory merely because it was promised before an election. Legitimate expectation provides another possible bridge between political commitment and legal accountability, but it also has limits. The Supreme Court has repeatedly held that legitimate expectation is not equivalent to a mere hope or desire and does not automatically constitute an enforceable legal right.<sup>31</sup> A manifesto issued by a political party is therefore not ordinarily equivalent to a governmental representation capable of generating an immediate legal entitlement. Where a government subsequently adopts a manifesto promise

through an official policy or established practice, legitimate expectation may become relevant according to ordinary public-law principles, but the legal consequence arises from the governmental conduct and the doctrine governing it, not simply from the electoral promise. The most coherent constitutional position is therefore to distinguish political commitment, electoral accountability, legal obligation and constitutional obligation. A manifesto ordinarily creates political commitments. Electoral institutions regulate aspects of the process through which those commitments are communicated. Political parties remain accountable to voters for their performance. Legal obligations arise when promises are translated into recognised legal instruments. Constitutional obligations arise where the Constitution independently imposes a duty or where governmental implementation engages constitutional rights and limitations. This approach preserves democratic choice while maintaining constitutional supremacy. It prevents an elected government from claiming that electoral success authorises unconstitutional action, but it also prevents courts from assuming that every political promise is a constitutional command. The constitutional mandate is therefore not identical to the electoral manifesto. An electoral mandate authorises a government to pursue policies within the constitutional order; it does not authorise departure from that order. At the same time, the constitutional order does not require every political commitment to become judicially enforceable. The proper constitutional balance is achieved when political accountability remains primarily within the democratic process while governmental action remains fully subject to constitutional accountability. The ultimate constitutional principle may therefore be stated in simple terms: an electoral promise does not ordinarily create a constitutional obligation merely because it was made or because the party making it won the election; but once the government acts upon that promise through legally recognised governmental power, the resulting action is subject to the full discipline of the Constitution. The distinction preserves the democratic function of manifestos without weakening constitutional supremacy. It also protects judicial review from becoming a mechanism for enforcing political programmes while ensuring that electoral mandates cannot become shields against constitutional scrutiny. Party manifestos may tell citizens what a political party intends to do; the Constitution determines what the government is legally permitted or required to do. The space between those two propositions is precisely where constitutional accountability operates.

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