Changing dynamics of voting pattern affecting the psyche of Voters by offering freebies

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Abstract

We extend the research on the distribution of freebies and its impact on the psyche of the voters during elections by first investigating the determinants of manifestoes released by political parties, and then by establishing the association between voting patterns and offering freebies. We take advantage of novel and uniquely reliable data on levels of votes secured by parties within the General elections of 2014 and 2019 to test three hypotheses: first, we expect to see a higher level of voting in favour of parties offering freebies. Second, we hypothesize that there is no significant difference between the groups of the second factor Party in relation to the dependent variable. Third, we argue that because freebies distort institutional incentives, we should observe no association between freebies and the performance of political parties in elections. Our analysis does not ultimately show a meaningful relationship between the supply of economic opportunities and the penetration of relative networks in public institutions. However, our research does support the idea that healthy political rivalry boosts responsibility and lowers levels of state exploitation. We also establish a link between the psyche of voters and its reflection on the results of the election: the penetration of offering freebies goes hand in hand with higher levels of voting in favour of political parties.

Through this article, the researchers are trying to investigate all the plausible prospects of offering freebies like economic, social, and legal and also the stand of all stakeholders such as the Supreme Court, the Election Commission, the Central Government, political parties, and the voters and submit their findings supplementing the results with repeating Anova Test for validation of hypotheses.

Keywords: freebies, laws, voters, election, constitution.

INTRODUCTION

Recently, a plea challenging the practices of offering freebies in the election manifestoes was filed before the Supreme Court of India which led to the constitution of three judge’s bench. In an earlier case of Subramaniam Balaji vs State of Tamil Nadu (2013) (Subramaniam Balaji vs State of Tamil Nadu, 2013) relating to freebies, the Hon’ble Supreme Court held that promising freebies in Election manifestoes are not corrupt practices under section 123 of Representation of People’s Act 1951 (The Representation of The People Act, 1951).

However, it is a matter of concern and without any law framed that could govern the election manifestoes offered by the political parties, the court has directed the Election Commission to frame guidelines for the political parties to curb such promises of freebies in election manifesto.

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Even the ‘Direct Cash Benefit Transfer Scheme’ (Pradhan Mantri Kisan Samman Nidhi 2019) implemented by the central government since 2019 to tackle corruption - which declared that the amount given to farmers will be directly credited to their bank accounts and not be given through any third party – was also challenged before Supreme Court as freebies. In the said case, the Election Commission responded that it has plenary powers defined under article 324 of the Indian Constitution (The Constitution of India, Article 324) which are limited in nature. But to repeal the existing Statutory enactments, Appropriation acts must be brought in place which will give a budgetary sanction, from the Consolidated Fund of India (Ministry of Commerce and Industry, DPIIT). However, the Election Commission has also some limitations in this regard of Direct cash transfer schemes.

(1) It can only regulate the way the cash could be distributed as a subsidy.

(2) It can only formulate and uniformly enforce the instructions which create constitutionally permissible checks on cash disbursal schemes.

The response of the Central Government in the said case is still awaited. In the same case, it was also pleaded that on the basis of Balaji Case, all such Ponzi schemes such as AP Government Schemes as Pasupa Kumkana etc., Jharkhand’s CM Krishi Yojna should be declared unconstitutional (Subramaniam Balaji vs State of Tamil Nadu, 2013). The reason behind this argument was that it is just a political gimmick as no new budgetary allocation was given in 2019-2020 for them.

As a response to it, Election Commission of India submitted its argument as follows:

(1) Part VII of the Model Code of Conduct incorporates guidelines for the election manifests are binding in nature (The Election Commission of India, 2019).

(2) It also issues “instructions” regarding the implementation of ongoing government schemes when the Model code of Conduct is in operation.

Now, the question arises that whether promises made under manifests are corrupt practices under the electoral laws (Subramaniam Balaji vs State of Tamil Nadu, 2013).

The appealing advocate however iterated that though EC has framed the guidelines, but they lacked teeth because some states had already gone to a longed debt due to these beneficiaries. Figures reveals that total burden on the exchequer is almost “3 Lakhs per person” but freebies were still being offered by the political parties. (Rautray, 2022)

**Research Methodology:**

The existing study is secondary, descriptive and analytical. The study made an attempt to quantitatively analyse through structured questionnaire and performing repeated Anova Test to check the hypotheses with the performance of parties in election. The data for the existing research has been strictly taken from the official documents of Election Commission of India as well as authentic sources such as Supreme Court Judgements available online. The Microsoft Excel was used for graphical tables. The data used for the study are actual figures and the stacitical representation has been done for political interpretation.


Let us analyze the statistical data of performance of the political parties and also changes in voting pattern of electors, and how significantly it changed between two assembly elections of 2015 & 2020 and also their consecutive performance in Lok Sabha elections in 2014 & 2019.

Taking a case of Delhi, the Delhi Government offered 4 freebies just six months before the poll

- June 3, 2020- Free ride for women. (India Today Web Desk, 2019)
- Aug 1, 2020- Free Electricity up to 200 units in domestic consumption (Economic Survey of Delhi 2019-2020, 2020, p. 192)
- Aug 27, 2020- Waiver on arrears of Water Bills
- Sept 3, 2020- Free Coaching scheme for SC students of Delhi
The above data shows that there has been an increment of nearly 3.5 lakh voters, but it came to be a win-win situation for both BJP and AAP. Where the declaration of freebies gave a retention of government for AAP in Delhi gaining about same number of vote percentage, the BJP also gained 5 seats in Delhi State assembly elections and increment of 6% vote percentage.

Fig 1. Statistical Data of 2015 and 2020 Delhi State Assembly Elections
Source: Election Commission of India

Fig 2. Seats won by AAP and BJP in Delhi State Assembly Elections 2015 & 2020
Source: Election Commission of India
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This has been a very crucial change for all the incumbent governments heading towards the election and contesting the polls by taking the same road to win the loyalty and allegiance of voters. Though AAP did not gain any significant position in Lok Sabha however, the populist policy of freebies gave a prominent position to AAP in Punjab forming government in 2022.

As a matter of fact, the General Assembly elections where situation was dicey and many political analysts were predicting a set back for BJP, ultimately, led to a gain of 21 seats strengthening the hold of BJP in Lok Sabha elections of 2019 as compared to 2014.

Table 1. Performance of AAP and BJP in 2014 General Elections

<table>
<thead>
<tr>
<th>Party</th>
<th>Contested</th>
<th>Won</th>
<th>Total Valid votes secured</th>
<th>Total valid votes polled in country</th>
<th>Votes secured %</th>
</tr>
</thead>
<tbody>
<tr>
<td>AAP</td>
<td>7</td>
<td>0</td>
<td>2722887</td>
<td>547800004</td>
<td>0.49</td>
</tr>
<tr>
<td>BJP</td>
<td>428</td>
<td>282</td>
<td>171660230</td>
<td>547800004</td>
<td>31.33</td>
</tr>
</tbody>
</table>

Source: Election Commission of India, General Elections, 2014 (16th LOK SABHA)

Table 2. Performance of AAP and BJP in 2019 General Elections

<table>
<thead>
<tr>
<th>Party</th>
<th>Contested</th>
<th>Won</th>
<th>Total Valid votes secured</th>
<th>Total valid votes polled in country</th>
<th>Votes secured %</th>
</tr>
</thead>
<tbody>
<tr>
<td>AAP</td>
<td>20</td>
<td>1</td>
<td>2587460</td>
<td>607650051</td>
<td>0.42</td>
</tr>
<tr>
<td>BJP</td>
<td>436</td>
<td>303</td>
<td>229076879</td>
<td>607650051</td>
<td>37.70</td>
</tr>
</tbody>
</table>

Source: Election Commission of India, Elections, 2019 (17th Lok Sabha)

Descriptive Analysis of the data

Tests for normal distribution of AAP

<table>
<thead>
<tr>
<th>Statistics</th>
<th>p</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kolmogorov-Smirnov</td>
<td>0.37</td>
</tr>
<tr>
<td>Kolmogorov-Smirnov (Lilliefors Corr.)</td>
<td>0.37</td>
</tr>
<tr>
<td>Shapiro-Wilk</td>
<td>NaN</td>
</tr>
<tr>
<td>Anderson-Darling</td>
<td>0.66</td>
</tr>
</tbody>
</table>
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Fig 4. Histogram and Quantile-Quantile plot of performance by AAP in General Elections

<table>
<thead>
<tr>
<th>Tests for normal distribution of BJP</th>
<th>Statistics</th>
<th>p</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kolmogorov-Smirnov</td>
<td>0.29</td>
<td>.906</td>
</tr>
<tr>
<td>Kolmogorov-Smirnov (Lilliefors Corr.)</td>
<td>0.29</td>
<td>.703</td>
</tr>
<tr>
<td>Shapiro-Wilk</td>
<td>NaN</td>
<td>NaN</td>
</tr>
<tr>
<td>Anderson-Darling</td>
<td>0.41</td>
<td>.335</td>
</tr>
</tbody>
</table>

Fig 5. Histogram and Quantile-Quantile plot of performance by BJP in General Elections
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### Descriptive Statistics

<table>
<thead>
<tr>
<th></th>
<th>AAP</th>
<th>BJP</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Votes secured, 2014</td>
<td>2,587,460</td>
<td>171,660,230</td>
<td>87,123,845</td>
</tr>
<tr>
<td>Votes secured, 2019</td>
<td>2,722,887</td>
<td>229,076,879</td>
<td>115,899,883</td>
</tr>
<tr>
<td>Total Votes</td>
<td>5,310,347</td>
<td>400,737,109</td>
<td>203,023,728</td>
</tr>
<tr>
<td>Total</td>
<td>3,540,231.33</td>
<td>267,158,072.67</td>
<td>135,349,152</td>
</tr>
</tbody>
</table>

### Level of Significance

0.05

### Metric Variables

AAP, BJP

### Nominal Variables

Party

### Calculated

Repeated Anova

### ANOVA

<table>
<thead>
<tr>
<th>Source</th>
<th>Sum of squares</th>
<th>df</th>
<th>Mean Squares</th>
<th>F</th>
<th>p</th>
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</thead>
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<td>104,241,549,403,869,760</td>
<td>NaN</td>
<td>NaN</td>
</tr>
<tr>
<td>Party</td>
<td>14,567,605,073,316,772</td>
<td>2</td>
<td>7,283,802,536,658,386</td>
<td>NaN</td>
<td>NaN</td>
</tr>
<tr>
<td>A x B</td>
<td>13,850,478,273,937,044</td>
<td>2</td>
<td>6,925,239,136,968,522</td>
<td>NaN</td>
<td>NaN</td>
</tr>
<tr>
<td>Between</td>
<td>14,567,605,073,316,772</td>
<td>2</td>
<td>7,283,802,536,658,386</td>
<td>NaN</td>
<td>NaN</td>
</tr>
<tr>
<td>Within the</td>
<td>0</td>
<td>0</td>
<td>NaN</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Fig 6. Plot Diagram with Standard Deviation

Two-factor ANOVA with repeated measures

Null hypothesis (H₀)  | Alternative hypothesis (Hₐ)
----------------------|----------------------
There is no significant difference between the groups of the first factor AAP and BJP (measurement repetition) in relation to the dependent variable. | There is a significant difference between the groups of the first factor AAP and BJP (measurement repetition) in relation to the dependent variable.
There is no significant difference between the groups of the second factor Party in relation to the dependent variable. | There is a significant difference between the groups of the second factor Party in relation to the dependent variable.
There is no interaction effect between the factor AAP and BJP and Party | There is a interaction effect between the factor AAP and BJP and Party
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<table>
<thead>
<tr>
<th></th>
<th>Sum of squares</th>
<th>df</th>
<th>Mean Squares</th>
<th>F</th>
<th>p</th>
</tr>
</thead>
<tbody>
<tr>
<td>sample</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residuum</td>
<td>0</td>
<td>0</td>
<td>NaN</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Within</td>
<td>118,092,027,677,806,800</td>
<td>3</td>
<td>39,364,009,225,935,600</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>132,659,632,751,123,580</td>
<td>5</td>
<td>26,531,926,550,224,716</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Effect Size: Calculation of the effect size partial Eta squared: $\eta_{p}^2 = 0.89$. According to Cohen (1988), the limits for the size of the effect are .01 (small effect), .06 (medium effect), and .14 (large effect). (Cohen, 1997)

**Result:**

A two-factor analysis of variance with measurement repetition was performed to test whether there was

- a significant difference between the groups of the first factor "AAP and BJP" (repeated measures) with respect to the dependent variable.
- a significant difference between the groups of the second factor Party in relation to the dependent variable.
- there is an interaction between the two factors "AAP and BJP" and Party in relation to the dependent variable.

The two-factor analysis of variance with repeated measures showed that there is

- significant difference between the groups of the first factor "AAP and BJP" in relation to the dependent variable, $p=\alpha N$,
- significant difference between the groups of the first factor Party in relation to the dependent variable, $p=\alpha N$,
- interaction between the two variables Party and "AAP and BJP" in relation to the dependent variable, $p=\alpha N$.

Now, apart from the calculated analysis of the data, we will go to the descriptive and historical methods to check the viability of offering freebies and the stance of all stakeholders.

The Supreme Court of India agreed to examine the issue given its long-term ramification. The Chief Justice of India also initiated that all the political parties to be made parties to the case. (Parashar Narayan Sharma and Anr. vs Union of India and Ors., 2022)

The appellants asked in the petition in Supreme Court Symbols to seize the election symbol or deregister a political party that promises "irrational freebies from public funds before the elections, however, in response to this The Election Commission stated that no such provisions are available in the existing provisions of law quoting to the Election Symbols.

(Election Symbols (Reservation and Allotment) Order, 1968)

However, in an affidavit submitted by the ECI in the Supreme Court, it has been skeptical that if a party wins the elections and comes to power there is no proper mechanism to check on the state policies and regulation which may also offer freebies. For the same, new provisions should be amended in the law and then only it will fall in the ambit of ECI to check the practices of offering freebies by the parties that come to power even. The affidavit stated that any such action without the amendments would fall under overreach of powers of ECI. The issues of announcing freebies and its implementation in actuality after winning an election by any political party has to undergo many crosschecks.

Looking into the major concerns that deal the question of freebies on socio-economic, legal, and political parameters and their findings are as follows:

1. Do the promises make in election manifesto amount to a corrupt practice under Section 123 of RP Act 1951? (Parashar Narayan Sharma and Anr. vs Union of India and Ors., 2022)

Ans. The above question follows two different questions in itself. As per the directions of Apex court, not every promise in an election manifesto can be termed to be flawed. Such construe would be misleading that all promises would amount to corrupt practices.

The second inclusive question which lies here that whether issuing a manifesto by any political party falls under the category of a corrupt practice?

Ans. The Apex court of India agreed to the fact that the manifesto of a political party is statement of its policy. And also, that the promises will only be implemented when the party comes into power after winning the elections. So, the promises of freebies until a party comes to power is only a projection of plausible resort which legally can’t be put to question. In an additional statement, the apex court also admitted that to legislate on what kind of promises can or cannot be projected in an election manifesto does not fall under the domain and jurisdiction of the court.

However, on case-to-case basis it can definitely check the validity of any such freebies but when it will be put up before the court for it to examine.
Legal Findings:

The Supreme Court held that the functioning of government is a dynamic process, and it is a collective effort of Constitution, Laws of the Land, the Legislature, The Judiciary, and the concerned authorities and a number of checks and balances prevail before implementing any schemes that adheres with due process and is for public purpose. Any discrepancy if prevails then only the judicial interference is needed and that too the court has limited power to interfere in such schemes.

Result:

The promises in the election manifesto do not constitute as a corrupt practice under the prevailing provisions of Section 123 of RP Act, 1951.

(2) Whether the Comptroller and Auditor General of India has a duty to examine expenditures even before they are deployed? (Parashar Narayan Sharma and Anr. vs Union of India and Ors., 2022)

Ans. The functions of the CAG are explicitly given in the Indian constitution. The Comptroller and Auditor General is the sole authority entrusted for the audit of accounts including the receipts and expenditure of the Union and of the States. The audit reports of the CAG are then placed before the Parliament or the legislature of the State or the Union Territory, as the case may be. The rules laid down by the constitution and the regulations that followed thereafter, has also assigned to extend the duties of the Comptroller and Auditor General to audit of Government companies and corporations and bodies

Result: The duty of the CAG will only arise after the expenditure has incurred so there is no role to be played the CAG in purview of the promises made by any political party in election manifestoes.

(3) Whether the court has inherent powers to issue guidelines by application of Vishakha principle?

Ans. The Supreme Court was to delve into the serious concern of gender inequality in Indian society, which was very much evident from the cases of physical and sexual abuse to women at home and workplaces. The Supreme Court went for judicial activism and an welcome move in the form of willing to lay down elaborate guidelines to deal with the same came up to surface. The Apex court of India thus finally did come up with several guidelines to stop sexual harassment of women at workplaces, popularly called as Vishakha Guidelines. (Vishaka and ors. vs State of Rajasthan & ors, 1997)

- The Court ruled that sexual harassment dispossess the modesty of a woman. It is a heinous crime and is a gross violation of their dignified life hampering the fundamental rights as a citizen and violates Article 14, 19 and 21.
- The Court also concluded that a set of guidelines are necessary for the justifiable disposing of the cases of such kind. In the due process the Central government also gave its consent for framing of such guidelines through the Solicitor General, along-with showing its commitment to devise a women’s policy that would make sure that women’s rights are protected as it is very necessary to provide an environment that contributes to their dignified life. The apex Court explicitly defined sexual harassment as any physical touch or misconduct including taunt, misbehaviour, pornography and sexual favours.
  - Every act of harassment shall be dealt with proper compliance including criminal proceedings and disciplinary action. Such cases should be well informed, circulated and dealt with extreme care and concern.
  - The Parliament after having a long span of deep slumber woke and passed the Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

(The Sexual Harassment Of Women At Workplace (Prevention, Prohibition And Redressal) Act, 2013)

Result: The apex court finds that there is no legislative vacuum in the case on hand, hence, the scope of Vishakha, (1997) 6 SCC 241 : 1997 SCC (Cri) 932 principle does not arise.

(4) Whether the schemes under challenge are within the ambit of public purpose and if yes, is it violative of Article 14?

Ans. The concepts of livelihood and standard of living are bound to change in their content from time to time, that means previous luxury is now a compulsory. To take this into account, apart from food, clothing and shelter which were a necessity previously, but in present day context necessities also include basic medicines, preliminary education, transport, internet etc.

The state distrusting largesse in the form of distribution of colour TVs, laptops, etc to eligible and deserving people is directly related to the directive principles of State policy.

The apex court admitted the fact that when the Government in power adheres to the due processes while distributing these household items is an expense for public purpose and for a larger good fulfilling the present day necessities hence can't be considered to be violative of Article 14 of Indian Constitution.

Result: The apex court reiterated that Judicial interference is only for the resolutions that are unconstitutional taken by the government but not if such decisions have become economic blunder and seem to be unwise. The final view of the supreme court was that such debates on how and what freebies should be distributed taking in cognizance of the economic parameters should be debated in the legislatures and not in the court rooms.

(5) Whether a writ jurisdiction will lie against a political party?

Ans. The petition in review under the apex court is fit for dismissal on various other grounds that may include...
pecuniary ground or subject matter but not on the ground of jurisdiction as that must not have been challenged in the petition. Therefore the grounds contended in the petition must have been proved and the petitioner must not have challenged the jurisdiction of the court so that is why the issue of jurisdiction is left open. (Finance, Property, Contracts And Suits)

Result: The apex court finally commented that the need for a separate legislation to be passed by the legislature in this regard for governing the political parties in our democratic society. It is similarly important to recognise that if the subject of the order of commission is covered by a legislative measure, the Election Commission cannot issue such orders.

Conclusion and recommendations:
The Supreme Court of India taking in cognizance of the PIL put forward for its consideration for the irrational distribution of freebies by the political parties termed it to be a “serious” issue as the conduct of free and fair elections is at question. The apex court also longed for a clear stand of the central government in this issue. The Election commission already submitted that it has very limited powers in this matter as the role of ECI only comes with the declaration of election from which the Model Code of conduct comes into force and as per the existing regulations the ECI becomes a watchdog of the political parties and their leaders contesting the election. But, they also affirmed that political parties long before announcement of the elections usually starts coming up with their election manifestoes to allure the voters and distorting the informed decisions of the voters. The ECI is awaiting for the Parliament to bring new legislation in this regard so that the ambit of modus operandi of ECI expands and it can be functional in the meantime of elections and announcement of any irrational freebies can be counter checked. The Finance commission should also be made a stakeholder in the concerns related to freebies so that the economic viability of these freebies can be checked upon. (Ashwini Kumar Upadhyay vs Union of India & anr. 2022)

The questionnaire above check all the modalities and legalities that was discussed in the apex court and also the various dissents that were discussed has been elaborately checked on all legal and political parameters. The apex court is sceptical about the central government to have any effective debate in this matter as no political party wants to get away from political freebies. The Supreme court is of the opinion that neither the Election commission, nor the finance commission or the central government can single-handedly take up and resolve this issue so the court suggested that a specialized body should be set up comprising of persons who can “dispassionately” examine the problem. According to the court, the government must participate in the process of brainstorming on the issue of freebies and come to positive conclusions. This includes organisations like Niti Aayog, the Finance Commission of India, the Law Commission, the Reserve Bank of India, and the Opposition, among others.

The final resolution is yet to be reached but the socio-economic parameters associated with these political freebies will be at stake as negative finances will always be a setback for the developing nations like India.

The prior focus of the political parties in making manifestoes and policy making should be on the following points:

1. Focus on long term policy making
2. Short term incentives before the elections are not a feasible way
3. The priority should be to maintain a check and balance on economic burden
4. These short-term promises affect the psyche of the voters effecting 2% - 3%.
5. There is also a contention of having backfire due to these Ponzi schemes.
6. There is no rational discussion in the issues involved.
7. These schemes also put an economic burden often on the next governments by the incumbents’ governments.
8. Populism traits often suffer lacking practicality.
9. Such prospects are dimming the spirit of the constitution.
10. Threat to survival of democratic values.

Compliance with Ethical Standards

Ethical Standards: All study procedures involving secondary data followed institutional and/or national research committee ethical standards and the 1964 Helsinki declaration and its later amendments or comparable ethical standards. It is an original work, has not been submitted or published elsewhere, and complies with all ethical standards established by the American Psychological Association.

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5. The priority should be to maintain a check and balance on economic burden
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