

Regulation for irrational freebies & hollow promises during elections

■ ADV VARUN CHUGH



On January 25, the Supreme Court of India issued notice to Union of India and the Election Commission of India on plea, seeking directions to the ECI not to permit political parties to promise or distribute irrational freebies from the public fund before elections and de-register political parties or seize election symbol of the parties. This is the serious issue brought up again before this country's Apex Court. There have been no guidelines or mechanisms that could stop the arbitrary promises on distribution of irrational freebies by the Political parties.

The Political parties, through freebies, try to induce an elector to vote in their favor without thinking that monies out of the Consolidated Fund of the State can only be appropriated for the execution of laws made by the State any other 'Public Purpose' not for private assets.

A Bench comprising the Chief Justice of India, N V Ramana, Justice A S Bopanna and Justice Hima Kohli observed that it is

undoubtedly a serious issue, but 'We want to know how to control this. It's a serious issue, no doubt. The Freebie budget is going beyond the regular budget, and sometimes as observed by SC it's not a level playing field for some parties etc. In a limited scope, what we can do is, we had directed ECI to form guidelines,' observed CJI Ramana. The Court has shown the concern over the freebie budget that is going overboard the regular budget and the Supreme Court, in a different issue, had directed election commission to frame guidelines on the matter. Earlier also in 2013, the same issue was brought before the Supreme Court in S Subramaniam Balaji vs State of Tamil Nadu, (2013), 9 SCC 659, by an advocate, in which the Supreme Court directed the Election Commission to take up this task as early as possible owing its utmost importance and concluded by saying that promises in a manifesto under the present law cannot be declared corrupt practice.

The irrational freebie distribution,, that political parties are promising, are from the public funds, the Supreme Court of India should direct ECI to regulate such promises. The constitution of 17 States of the US explicitly prohibits the making of the private gifts by the Government. Even elsewhere in the US, it is recognized that public funds cannot be used to make gifts to private people.

Further, the Supreme Court should direct the ECI to frame guidelines in such a way that the spending on free distribution must be weighed against the public benefits that ensue from it and only if the public benefits outweighs the same.

The Court should direct ECI to have some committee or authority that could regulate the promises made by Political parties in their manifesto because the Constitution of India does not permit free distribution of goods such as Colour television, Smart-phones, Grinders, Scooters, laptops, since these are consumer goods and only benefits persons to whom they are distributed and not the public at large. Furthermore, this distribution leads to the violation of Article 14 of Constitution of India by not providing the intelligible differential having a nexus with such distribution. Post COVID-19, this is imperative that such political manifestos should come under the scanner of the ECI as the pandemic has dented our economy, and in most of the cases, such illegal promises are made just to implore the voters to vote for a particular party not for the betterment of the society. Therefore, there is no enactment that directly governs the contents of the election manifesto. The Representative of People Act 1950 is the only legislation that remotely deals with the election process. Also, the promises in the election manifesto cannot be construed as 'Corrupt Practice' under the Section 123 of Representative of people Act, 1950.

Therefore, my appeal is that there should be separate legislation passed by the lawmakers through which the Election Commission can regulate the promises made in Election manifesto. Now this matter will be listed after 4 weeks before the Supreme Court.

(The author is an Advocate in Supreme Court of India).



Several MCs of Jammu Division meet conditions for ODF+ certification

Objections, feedback sought within 15 days

■ STATE TIMES NEWS

JAMMU: Several Municipal Councils and Municipal Committees of Jammu Division have met conditions for ODF+ certification.

As per the concerned authorities, Municipal Council Reasi, Municipal Committee Batote, MC Arnia; MC Khour; MC Bishnah, MC Sunderbani, MC Jorian, MC Vijaypur; MC Akhnor and MC Bari Brahmana have met all the necessary conditions for ODF+ certification. The MCs have completed the construction of all Community Toilets and Public Toilets.

The Toilets available are also on Google Toilet Locator app for the convenience of the public.

The MCs have been working towards the up gradation of toilets so as to achieve the certification of ODF+ for the respective towns. Accordingly, these Civic Bodies have developed Service Level Benchmarks for toilets which are available in Municipal Council offices and on the official website of DULJ (www. http://www.ulb-jammu.org). The Concerned authorities have asked for objection and feedback which can be submitted within 15 days from the release of the notification either in the office of MCs or in the Grievance Section of the official website of DULBJ. The MCs would declare the towns ODF+ post completion of this period.

Budget 2022: FM targets infrastructure spending in growth budget

■ MALU SHARMA

The Finance Minister, Nirmala Sitharaman on Tuesday presented the Union Budget in "paperless form". The entire budget document was released on a mobile application named 'Union Budget Mobile App', for lawmakers and the general public after it was presented in the Parliament on February 1. Finance minister Nirmala Sitharaman unveiled budget for fiscal year 2022-23 with an aim to boost growth amid continued disruption from COVID-19 and rising inflation. Taxpayers can now file an updated return within 2 years from relevant assessment year. However, there has been no change in personal income tax slabs. Income from transfer of any virtual digital asset shall be taxed at the rate of 30 per cent. Besides, corporate surcharge has been reduced from 12 per cent to 7 per cent.

Let's see what people say about this year's budget:

 <p>Ravinder Sharma, JKPC Chief Spokesperson has termed budget as disappointing and hopeless for poor and middle class as well as unemployed youth who are worst sufferers of unprecedented price hike and record unemployment during BJP regime. Sharma said that budget has disappointed common man, unemployed youth, womenfolk, salaried and pensioners as well, as there are no measures to address rising unemployment and unprecedented prices of essential items.</p>	 <p>Y.V Sharma, Spokesperson BJP J&K UT, while giving his reaction on Union Budget 2022-23, termed it as highly balanced, development-oriented, progressive and futuristic revealing a road map for next 25 years. It has attended to every sector viz poor and labour class, business sector, education, healthcare, defense, farmers, urban & rural population and women etc, he added. "Finance Minister has made ample provision for funds to implement these schemes by indicating early IPO of LIC, PPP mode in various sectors and encouraging private investments in various ventures," he added.</p> <p>Calling the Budget as visionary, innovative and bold, Sharma said that Union Budget will lay a strong foundation for a self-sufficient, strong, sustainable and prosperous India in 100th year of independence.</p>	 <p>Terming Union Budget 2022 as insignificant for business community, Arun Gupta, President Chamber for Commerce and Industry (CCI) Jammu expressed disappointment over ignoring of COVID-hit business community in the Union budget 2022-23. The traders, hoteliers, transporters and tourism stakeholders were worst hit by COVID-19 pandemic. We are mostly dependent on tourism including pilgrimage and have suffered huge losses over the past two years, Gupta said. He said they had been expecting some sort of relief from the budget but were left disappointed.</p> <p>Gupta, however, welcomed the budget increase in defence, agriculture, and startups, and good steps like announcements of housing for poor and focus on development of infrastructure. Gupta said the government should have announced a special package for the business community, transporters, and tourism sector, and increased tax slab for the salaried class as a relief from high inflation. There is some gaffe on part of the government which needs to be addressed. We hope the Lt Governor administration will provide to us some relief by announcing some relaxation, he said.</p>
 <p>Priya Sethi, senior BJP leader, HQ Incharge BJP J&K and former Minister, lauded Finance Minister Nirmala Sitharaman for coming-up with a futuristic and far-sighted budget for fiscal 2022-23, which according to top experts will lead nation to new heights of progress. In a statement issued here, she congratulated Prime Minister Narendra Modi and Finance Minister Nirmala Sitharaman for bringing a pioneering budget document before the country which will steer the country to Atmanirbharta and achieve new milestones in infrastructure development, job-avenues besides becoming a hub of digital education.</p>	 <p>Rahul Sahai, Chairman PHDCCI Jammu hailed Union Budget 2022-23 and termed it as well-managed budget with-in available resources.</p> <p>Highlighting some best points and some caution points, he said that ECLGS extension upto March 2023 with an expanded cover of Rs 5 lakh crore will give some relief to MSMEs. "Start-ups given chance to grow with Government, to develop Dron-Shakti for agriculture activity is a boost to start-ups.</p> <p>Introduction of digital currency, giving Bit-coin some direction and taxing at 30 per cent will provide some relief to people investing in Bit-coins," said Sahai, adding that robust strategy on dependence on imports from other countries be corrected and should be given some focused attention.</p>	 <p>Lalit Mahajan, President BBIA termed the Union Budget 2022-23 as Industrial-friendly and beneficial for all sections of society of Union Territory of Jammu & Kashmir under Atmanirbhar Bharat. He welcomed the budget and its provision for creation of infrastructure in industrial sector. He further requested Prime Minister Narendra Modi and Union Finance Minister Nirmala Sitharaman to provide adequate funds for development of industrial infrastructure including completion of Industrial Estates in a time-bound manner in Union Territory of Jammu & Kashmir on priority basis enabling prospective entrepreneurs to start their units. He said there is a need to complete the Industrial estates in a time-bound manner in the union territory, enabling prospective entrepreneurs to start production on the basis of Rs 28,400 crore industrial Package approved by the government for the Industrial Sector last year.</p>
 <p>Lauding Union Budget 2022-23, Ravinder Raina, President of Bharatiya Janata Party, Jammu & Kashmir, has termed it as pro-poor and development-oriented budget which is tailor made to boost economy and speed-up development process in nation. Raina said that 2022 budget presented by Prime Minister Narendra Modi led Union Government has been drafted with professional approach to all the burning issues. Raina said that in this Union Budget, Health and Education sectors have been allotted liberal funds. He said that this budget is amicably drafted for benefit to all the sections of the Society. He said that infrastructure development in entire Nation has also been stressed in this budget, which would speed-up development works. Raina further said that special package has been kept in this budget to assist the states for development projects and boosting economy in COVID marred period. He said that there has been a special emphasis on 'Make in India' policy for strengthening Defense system stressing that 'Swadeshi Movement' has been given a boost.</p>	 <p>Rakesh Wazir, President, Hotel and Restaurant Association Katra Vaishno Devi Yatra shared, " It's a mixed budget.</p> <p>It's good for overall development of Nation but it is sad that there is nothing for tourism industry in this budget. During this COVID pandemic, the most affected were the hotel industry, tourism industry but it is heart-breaking that there is nothing to revive the industry or to give boost to it."</p>	 <p>Yogesh Sawheny, Former Minister J&K and senior Congress leader, criticised Union Budget 2022 presented by Finance Minister, Nirmala Sitharaman.</p> <p>He lamented BJP Government for blatantly ignoring needs and necessities of common people in budget.</p> <p>"There is nothing in budget for middle class, working class, farmers and all other sections.</p> <p>The budget represents a capitalist Government whose economic goals are confined to upliftment and betterment of their rich corporate friends only," he asserted.</p>
 <p>Expressing his views on Union Budget, Col Dr Virendra K Sahi, VrC, Veteran Warrior and Defence Analyst has said that marginal increase barely covering inflation is a welcome step yet much more was expected from it. He further said that Border roads developments eat away significant Defence allocations and funds should be spent from National Road construction allocations. Lauding idea of Start-up for Defence productions, he said that need of the hour is to boost Defence export-oriented industrialisation.</p>	 <p>Terming Budget 2022 as anti-people, Manish Sahni, Shiv Sena's J&K unit President, said that poor & middle-class and traders were disappointed and no provision was made to double income of farmers. In a statement issued here, he said that farmers were expecting increase in subsidy on fertilizers, seeds, diesel and interest-free loans from Government in the budget, but nothing has been done, due to which they are disappointed and feel deceived.</p>	 <p>J&K BJP Executive Member Raman Suri welcomed the budget and said the ease of doing business' would create new entrepreneurs and bring more employment. The elimination of 75,000 compliances and repealing of 1,486 union laws itself is an indication that the country is heading towards a revolution that will make it surge economically in the coming years, Suri said. He said 5G spectrum will also escalate the pace of development and also give a fillip to the Digital India campaign. BJP-led government is taking initiatives that will help the country in long term and not only generate employment but also nail corruption to the core, he said.</p>
 <p>Imran Nabi Dar, Jammu & Kashmir National Conference Spokesperson said that budget 2022-23 is a blend of sophistry, wordplay saying it has left stakeholders in Jammu & Kashmir excluded and ignored.</p> <p>He said that budget left issues confronting working classes, traders, horticulturalists, artisans, small businesses, MSMEs untended. "It failed to satisfy all stakeholders as it was prepared with no public participation and consultation with stakeholders in J&K," said Imran, adding that the budget will only increase inequality and leave largest section of population including unemployed youth, Artisans, Agri-culturalists, Horticulturalists, marginal traders, tourism players, and transporters vulnerable than ever. Remarking on the failure of government to accelerate work on road and tunnel projects in Jammu and Kashmir, Imran said that the budget has overlooked to make budgetary allocations for the construction of Dessan-Kapran, Simthan and Sadhna pass tunnels and release of added allocations for CRF to facilitate improvement in road connectivity. He further said that the ruling government at New Delhi is only using Jammu and Kashmir as a vote minting entity to claw its way back to power in elections after elections.</p>	 <p>Manik Batra, Chairman, ASSOCHAM J&K Council, while talking about announcements of new National Highways, said, "Logistics is an essential part of economy in any country. The announcement of new national highways and logistic parks at four locations will make the supply chain more robust besides reducing cost of transportation."</p>	 <p>A S Mittal, Chairman ASSOCHAM Northern Council, while appreciating Union Budget, said, "The budget is focused on making India Atmanirbhar and 5 trillion economy in coming years.</p> <p>Finance Minister has covered all sectors of economy. We can call it a people-friendly budget."</p>

