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Doctrine of Legitimate Expectation and Electoral Promises: A Critical Study with Special Reference to the Jal Jeevan Mission

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Abstract

This paper looks closely at how legal rules, votes, and how people make free work have come to be one in the frame of a rule of fair hope. It looks as if well-known promises by leaders that have become part of how the State works can be used to make law in India. The rule of fair hope has grown out of the ideas of justice, sense, and fair use of power, and has been set out by the courts in its formal and real forms. It has only been used for the way the State makes rules for people. This paper says that the rule might also be used for promises made to voters that have been made part of the way the State does its work. Using how the JJM works, it looks at what should happen in law when promises to help people are not kept and when people have depended on these promises.

Against the backdrop of problem of governance, the paper uses a doctrinal and comparative legal method to examine the changing contours of the doctrine by turning to key Indian and foreign judicial rulings. It points out glaring flaws in the enforcement of judicial decisions and calls for reform of pre-existing mechanisms to make responsible rule more. The paper finally seeks a better rule of governance where clear what is promised by government to win votes in many ways is taken not as empty words but a part of a trust between the state and the people.

Keywords: Electoral Promises, Legitimate Expectation, Jal Jeevan Mission, Good Governance, Promissory Accountability, Public Trust Doctrine.

Introduction:

Electoral promises in a constitutional democracy form the basis of the practice of political choice as well as legitimacy of governance. Candidates running to maintain office publish manifestos of the agendas to be followed in development, welfare, and policies. Such statements are not political statements of kindness rather they are used as weapons of political persuasion; directing the conversation in society and influencing the choice of voters. Such promises, often in the form of all-embracing schemes that cover the needs in areas like drinking water, shelter, power and schooling take place quite often in the Indian situation where socio-economic imbalance increases the prominence of welfare politics. But in as much as such undertakings are not fulfilled, the question that comes to mind is whether such obligations, especially those touching on vital services can be enforced legally.

A good example is the Jal Jeevan Mission (JJM) that was launched in 2019. Being a centrally sponsored program, the purpose of which is to provide every rural household with a functional tap water connection (Har Ghar Jal) as early as possible by 2024¹, JJM was centrally pegged in the Bhartiya Janata Party election manifesto 2019. It was heavily popularized, and popularised, by speeches, advertisements and bureaucratic propaganda, which raised great expectations in the countryside². However, external and official audit and review showed major gaps in executions, misallocation of funds as well as regional imbalances. This breach of expectations inspires a critical legal issue³. Can people use the doctrine of legitimate expectation to force the state to keep electoral promises that are operationalised in policy?

The doctrine of legitimate expectation has its foundation in common law and is used to restrain arbitrary action practice by the state by elevating reasonable expectations held on the basis of past practice, policy, or actual statements made by public decision-maker⁴. Once limited in its application to mere procedures, Indian courts have interpreted the doctrine as sometimes giving substantive protections. It has also been an important tool in ensuring that

there are values of reasonableness and arbitrariness in the actions of the administration⁵. However, very little development has occurred as to its applicability to promises that are made in the electoral realm in Indian jurisprudence. This article undertakes a doctrinal and case law analysis to assess whether the doctrine can be extended to cover electoral promises that have crystallised into public welfare schemes. It interrogates the normative and legal character of such promises and evaluates whether they can give rise to enforceable claims when backed by legislative sanction, financial allocation, and bureaucratic execution. The analysis draws on constitutional provisions—particularly Articles 14 (equality before law), 21 (right to life), and 19 (freedom of expression)—which offer a normative framework to challenge arbitrary or inconsistent state action⁶. Comparative insights from jurisdictions like the UK, South Africa, and Canada, where the doctrine has seen broader application, further inform the discussion.

The central question this paper seeks to explore is whether the doctrine of legitimate expectation can encompass electoral assurances that, once embedded in formal state policy, generate justiciable claims of performance. The analysis is confined to welfare-centric commitments, such as those under JJM, which have direct implications for access to essential services and are anchored in institutional mechanisms. The objective is not to judicialize political speech, but to examine the legal plausibility of holding the government accountable where institutionalised promises create public reliance and constitutional trust.

By exploring this normative interface between political populism and constitutional obligation, the article advocates for a contextual rethinking of public law doctrines. It contends that political commitments, once translated into administrative programmes, should not be dismissed as electoral rhetoric but viewed as part of the broader social contract binding the state to its citizens.

Electoral Promises and the Architecture of Public Governance:

In democratic systems, voting promises are rhetoric techniques and pointers of governmental priorities. Manifestos, statements of purpose and party rhetoric mention a party ideological vision, images outlook

¹ Ministry of Jal Shakti, Government of India, *Jal Jeevan Mission: Har Ghar Jal* (2019) <https://jaljeevan.gov.in> accessed 10 July 2025.

² Bhartiya Janata Party, *Sankalp Patra – Lok Sabha Elections Manifesto* (2019) <https://www.bjp.org> accessed 10 July 2025.

³ Comptroller and Auditor General of India (CAG), *Performance Audit Report on Jal Jeevan Mission* (2023).

⁴ *Council of Civil Service Unions v Minister for the Civil Service* [1985] AC 374 (HL).

⁵ *Union of India v Hindustan Development Corporation* (1993) 3 SCC 499; *Navjyoti Coop. Group Housing Society v Union of India* (1992) 4 SCC 477.

⁶ Constitution of India 1950, arts 14, 19, 21.

and planned program of policies. However, there is always a gap between the promising nature of such promises as compared to their legal accountability. As they promote involvement and influence voting decisions, the choice of them is tight and is based on political will, financial solvency, and administrative effectiveness.

Indian courts have previously classified electoral promises as political utterance and thus, they were excluded under the system of judicial enforcement. The judgment by the Supreme Court in *S. Subramaniam Balaji v. State of Tamil Nadu* (2013)⁷, which held that pre-election promises which might eventually lead to giving out of goods after the election is not a contravention of the principles contained in the constitution provided, they are given statutory backing. Despite the Court recognising the significance of manifestos in defining narrative in elections, it was not willing to implement the manifestos on legal standards and left the Election Commission of India the responsibility of regulation⁸.

This standpoint, which is informed by appreciation of institutional separation, has elicited a lot of academic controversy. Those who oppose this claim that in their attempt to deprive the judiciary of a chance to review the promises against such promises, the judicial branches allow such a culture of unaccountable populism⁹. However, the advocates, on the other hand, are careful of doing so since they believe that the political process should be subjected to the limitations of electoral and legislative oversight and not judicial activism.

Another twist to the debate arises when promises on election come into government programmes. Other programs such as the Jal Jeevan Mission, whose implementation is resourced by the monetary allocations, institutional framework, and staff structure, are more than ideal. Under such conditions the expectations propagated among citizens are based upon state-approved promises and develop a grey period in which political promises turn into quasi-legal rights.

In constitutional terms, Constitution in article 14, 21, and 19 can give substantial grounds to question such executive actions. Article 14 outlaw's arbitrary governance to be interpreted by the judges and

includes fairness and reasonableness¹⁰. Through broad interpretation of Article 21 by the judges, it covers the right to clean water, health as well as dignified living¹¹. Article 19 (1) (a) safeguards the right of citizens to access information which is vital to informed participation and accountability of the democracies¹². As such, breach of promises such as JJM can be a violation of fundamental rights and judicial review of the same may be done in case of failure to deliver the promised.

Within this context, manifestos become quasi-legal in nature. They have no contractual meaning in the agreements, nonetheless, but are equated with public representations that trigger reliance and political trust. When they cause quantifiable change in behaviour, i.e. voting choice or community action then the expectations acquire a place within the system of governance, which should be acknowledged and examined at a legal level.

Legitimate Expectation: Doctrinal Evolution and Constitutional Context:

The principles of the legitimate expectation are one of the legal actions that can be used to detract arbitrary departures of consistent administrative behaviour. In some cases it does not entitle persons to enforceable rights, but it requires fairness where persons have reasonably grounded the expectation that a government will act in certain ways or give certain assurances. It has a background in the British jurisprudence, in which it has been considerably refined, both procedurally and substantively.

The doctrine was adopted by the UK courts in *Schmidt v Secretary of State for Home Affairs* (1969)¹³, which acknowledged that the individual with no written regulatory power can make valid claims of being treated fairly. This dualistic character of the doctrine procedural and substantive was concretised in the *Council of Civil Service Unions v Minister for the Civil Service* (1985)¹⁴. Later case law, such as *R (Bibi) v Newham LBC* and *ex parte*

⁷ *S. Subramaniam Balaji v State of Tamil Nadu* (2013) 9 SCC 659.

⁸ Ibid, para 83; see also Election Commission of India, *Model Code of Conduct Guidelines* (2019) <https://eci.gov.in> accessed 10 July 2025.

⁹ V Sudhish Pai, 'Freebies and Electoral Promises: A Constitutional Conundrum' (2014) 3(1) *Journal of Indian Law and Society* 17.

¹⁰ *EP Royappa v State of Tamil Nadu* (1974) 4 SCC 3; *Maneka Gandhi v Union of India* (1978) 1 SCC 248.

¹¹ *Francis Coralie Mullin v Administrator, Union Territory of Delhi* (1981) 1 SCC 608; *Subhash Kumar v State of Bihar* (1991) 1 SCC 598 (right to clean water under Art 21).

¹² *Secretary, Ministry of Information & Broadcasting v. Cricket Association of Bengal*, (1995) 2 SCC 161: AIR 1995 SC 1236.

¹³ *Schmidt v Secretary of State for Home Affairs* [1969] 2 Ch 149 (CA).

¹⁴ *Council of Civil Service Unions v Minister for the Civil Service* [1985] AC 374 (HL).

Coughlan added to the doctrine to provide substantive entitlements in exceptional circumstances¹⁵.

The doctrine has increasingly been entrenched by the Indian judiciary in the constitutional law. In *Navjyoti Co-operative Group Housing Society v Union of India* (1992)¹⁶, it was held by the Supreme Court that where there is a pattern by the state action, citizens have the right to expect the action to be followed and the exception must be of constitutional fairness. The Court clearly identified in *Union of India v Hindustan Development Corporation* (1993) the rule of law as the normative basis of the doctrine and distinguished between procedural and substantive versions of the rule of law¹⁷.

In respects of the latter, further clarification was provided in the *Union of India case (Wells Fargo Bank)* (1998), when the Court, albeit carefully, accepted that fair play and public confidence are factors that affect the interpretation of the doctrine, even in commercial dealings¹⁸. Indian jurisprudence therefore does not dispute that expectations having their source in formal assurances, continuous practice, or legislative fare, acquire normative force behind the rule of Article 14 against arbitrariness.

In spite of these changes, courts are cautious towards applying the doctrine in instances where the courts are likely to intrude into policy. Legitimate expectation is not a license to bring down all administrative anomalies. But when there is a situation where the party has given electoral pledges which are made law by statutory schemes and cultivate dependency then the doctrine offers possible legal linkage between the citizenary reliance and accountability manifesting to the constitution.

The Jal Jeevan Mission: Between Promise and Performance

The Jal Jeevan Mission (JJM), launched in August 2019 by the Indian government is one of the most extensive rural infrastructural and welfare initiatives in recent decades. The primary goal of the mission is to provide drinkable water at all homes in rural India through Functional Household Tap Connections (FHTCs) by 2024 that would ensure the supply of

stable and adequate amount of drinking water¹⁹. JJM is a centrally sponsored program and operated by the Ministry of Jal Shakti. Financial contribution between the Union government and the state governments is shared by states and various states and ratio of North Eastern and Himalayan states is 90: 10, other states is 50:50 and Union Territories share is 100%²⁰.

The mission is achieved through multi-dimensional objectives such like enhancement of the living conditions, alleviating drudgery of women and girls, delivering health benefits in terms of clean water and institutionalizing Village Action Plans by use of local governance institutions like Gram Panchayats²¹. JJM is further conceived to be participatory, bottom-up programme, attended by community-based decision making, water quality monitoring and cyber-security by real-time dashboards and geo-spatial mapping of infrastructure.

Since inception, the mission was not just another bureaucratic policy; it was top of the pile in the 2019 Lok Sabha election manifesto of the governing Bharatiya Janata Party (BJP). The slogan Har Ghar Jal became a common chanting in political speeches, campaign stories, and state-level election manifesto in many states of India such as in Uttar Pradesh, Gujarat, and Madhya Pradesh to name a few launch and roll-out of the mission has been given a strategic time that depicts that the Centre is serious in delivery of the basic services, hence, electoral attraction, especially in the rural constituencies²².

Nevertheless, there is an ambivalent picture on the implementation track of JJM. On the one hand, the state reports great success saying that more than 74 percent of rural households are now serviced by tap water by mid-2025²³. In some states (Goa, Telangana, and Haryana) 100% household tap water access has been declared with a large degree of political will and administrative planning, participation, and coordination²⁴.

¹⁵ *R (Bibi) v Newham London Borough Council* [2001] EWCA Civ 607; *R v North and East Devon Health Authority, ex parte Coughlan* [2001] QB 213.

¹⁶ *Navjyoti Co-operative Group Housing Society v Union of India* (1992) 4 SCC 477.

¹⁷ *Union of India v Hindustan Development Corporation* (1993) 3 SCC 499.

¹⁸ *Union of India v Wells Fargo Bank* (1998) 4 SCC 383.

¹⁹ Ministry of Jal Shakti, Government of India, *Jal Jeevan Mission: Operational Guidelines* (2019) <https://jaljeevan.gov.in> accessed 10 July 2025.

²⁰ Ibid, ch 2 (Funding Pattern).

²¹ Ibid, ch 3 (Implementation Framework).

²² Bharatiya Janata Party, *Sankalp Patra – Lok Sabha Elections Manifesto* (2019) <https://www.bjp.org> accessed 10 July 2025.

²³ Ministry of Jal Shakti, 'Dashboard: Tap Water Coverage' (2025) <https://ejalshakti.gov.in> accessed 10 July 2025.

²⁴ Government of Haryana, Department of Public Health Engineering, 'Press Release on 100% FHTC Achievement' (2024).

Conversely, the mission has been tainted with several setbacks and challenges towards the well-balanced realisation of the mission. Some of the issues raised in a Performance Audit Report of the Comptroller and Auditor General (CAG) published in 2023 concerned:

- Under-utilisation of allocated budgets and disbursal of funds;
- Over reporting of coverage statistics by states without checking ground level situation;
- The lack of long-term sources of water, or plans of maintaining infrastructure;
- Poor grievance dispute bases and low community action²⁵.

Additionally, the differences in inter implementation are vivid between provinces. Whereas the southern and western states have fair development, a number of states in the eastern and central states have yet to complete their journey of household coverage as well as the construction of infrastructure completely, including Jharkhand, Bihar, Odisha and Chhattisgarh²⁶. As per the digital dashboard monitored by the Ministry of Jal Shakti, there exists a discrepancy between formal statistics and third-party ground evaluation by non-governmental organisations (NGO) and other independent researchers²⁷.

The Union government has very good fiscal prioritisation as the budgetary allocations show in the past years. During FY 2021-22, the Centre earmarked 50,011 crores to JJM, a phenomenal increase compared to FY 2020-21 of 11,000 crore²⁸. Nevertheless, slow disbursement, the bottlenecks at the state institutions, and under-capacity implementation agencies have to a great extent drained the sharpness and annoying red tapes of the scheme.

The gap that exists between political pledge and reality in JJM throws into question the possible practical value of the doctrine of legitimate expectation. Considering the magnitude of representations advanced, administrative formalisation of the scheme, and the state-induced

dependence of the rural communities, a question does come to our mind whether the government can be essentially subjected to constitutional and legal responsibility of breaching such promises particularly in the light of Article 21 guaranteeing right to water²⁹.

Reconsidering Legitimate Expectation in the Context of Electoral Promises: A Critical Appraisal:

Whether electoral pledges, especially ones formalised as welfare schemes such as the Jal Jeevan Mission (JJM) can create enforceable legitimate expectations, is an important question, but one that is poorly developed as an issue in Indian administrative and constitutional law. Fundamentally, the doctrine of legitimate expectation is used to guard against arbitrary departure of the state in existing policies or publicly enforceable promises. The expectations created after the electoral promises have been institutionalised in subsequent legislature, budgetary and administrative frameworks, thus when the expectations are shared the line between the fields of political hope and legal focus becomes blended.

A good example of this change can be seen in JJM. It was not just a proposal to be adopted in an electoral democratic context; it somehow became a full-blown state-sponsored program involving budget funding, institutional procedures and publicly enumerated schedules of the implementation process. Villagers were not mere spectators of the game and they were active in producing Village Action Plans, in organizing of local resources and in changing socio-political behaviour based on promises such as Har Ghar Jal³⁰. The promise was further entrenched by the introduction of digital dashboards and performance measures that became an internalized characteristic of state accountability. The combination of administrative action and reliance by the people increases the reason of making valid expectation.

Nevertheless, the Indian courts have been conservative in the expansion of the doctrine to the political field of promises. The first problem of jurisprudence is to draw the line between political speech, which is necessarily aspirational, and administrative act that expresses definite promises of allocation of state funds. In the case of *S. Subramaniam Balaji v. State of Tamil Nadu* (2013)³¹,

²⁵ Comptroller and Auditor General of India (CAG), *Performance Audit Report on Jal Jeevan Mission*, Report No. 5 of 2023.

²⁶ PRS Legislative Research, 'Review of Government Data on Rural Water Access' (2024) <https://prsindia.org> accessed 10 July 2025.

²⁷ India Water Portal, 'Independent Assessment of JJM Progress' (2024) <https://www.indiawaterportal.org> accessed 10 July 2025.

²⁸ Union Budget 2021–22, Ministry of Finance, Government of India.

²⁹ *Subhash Kumar v State of Bihar* (1991) 1 SCC 598; see also *Narmada Bachao Andolan v Union of India* (2000) 10 SCC 664.

³⁰ Ministry of Jal Shakti, *Operational Guidelines for Jal Jeevan Mission* (2019) ch 4 <https://jaljeevan.gov.in> accessed 10 July 2025.

³¹ *S. Subramaniam Balaji v State of Tamil Nadu* (2013) 9 SCC 659.

the Supreme Court presented an idea that although manifestos form part and parcel of electoral discourse, any court action on promises in the manifesto would impinge upon the constitutional scheme of separation of powers. This stand, however, becomes less secure when the promises made in politics are reflected in post-election policies that have some material impact in the citizen expectations and rights.

That, when an electoral pledge has been converted into a written formal policy of the government, it has passed the boundary of moral cajolery into possible legal binding, a persuasive argument may be presented on legal grounds. The doctrine of promissory estoppel, although traditionally restricted to the context of the private law, has latterly been applied to the state in a situation where the state had given assurances which had caused dependence or led to changed behaviour. In this situation, especially when the citizens have made promises through elections and are acting in good faith, those promises will be hard to rescind by the state haphazardly³².

Also, the concept of the public trust doctrine, which is applicable in India, mainly in the environmental jurisprudence, indicates that India has accepted that, some of its assets and obligations are in a fiduciary trust to its people. Insurance of such basic rights as the right to water whose non-fulfilment is not justified by any reason can also be interpreted as a breach of such fiduciary responsibility³³.

Moreover, the Constitutional Article 14 requires fairness and ban of arbitrary acts of the state. The article has been stretched upon judicial interpretations to quote the concept of non-arbitrariness being a part of equality³⁴. It is thus possible to challenge the decisions of selective or inconsistent application of schemes such as JJM particularly in cases where there is pervasive dependence and the decisions are made on the basis that it negates the constitutional imperative of rational, predictable administration of the government.

The process of Judicial review provides a constitutional mandate of reviewing the omissions of the executive which amounts to denying the rights of

the citizens. Case between *Maneka Gandhi v. Union of India and E.P Royappa*³⁵.

The scope of judicial review in State of Tamil Nadu has been widened so as to encompass any exercise of power that is arbitrary. It is in this context that courts do not have to indulge in political decision-making but can test the institutionalised schemes based on political pledges against the yardstick of constitutional reasonableness.

Comparative Jurisprudence on Legitimate Expectation: Insights for India

Each common law jurisdiction has developed doctrine of legitimate expectation in a uniquely way, and these jurisdictions have a lot to teach India about their development of expectation-based accountability in governance. A comparative perspective is useful to explain how the various legal orders have to balance between political judgments and the normative power of the expectations that are created by the state.

United Kingdom Procedural Assurance to Substantive Protection: -

In the United Kingdom it has become a foundation doctrine in *Council of Civil Service Unions v. Minister for the Civil Service* (1985) the House of Lords confirmed that a representation or consistent practice by a public authority could be enforced against it³⁶. Lord Fraser drew a line between procedural legitimate expectations, e.g. the right to a hearing, and substantive expectations which might arise in connection with the continuation of a policy. Subsequent instances, in particular, in *R v North and East Devon Health Authority, ex parte Coughlan* (2001) in which an assertion of refusal would have been an outlery unfairness or exercise of authority³⁷.

The UK judicial response has tended over time to shift away so far as the substantive expectations are concerned toward the limited enforcement of substantive expectations with three main thrusts in this direction coming in the three main directions on the social welfare grounds. Nevertheless, the courts do not want to overstep the political or executive prerogatives and maintain institutional balance.

³² *Union of India v Anglo Afghan Agencies* (1968) 2 SCR 366; *Motilal Padampat Sugar Mills Co. Ltd. v State of UP* (1979) 2 SCC 409.

³³ *MC Mehta v Kamal Nath* (1997) 1 SCC 388.

³⁴ *EP Royappa v State of Tamil Nadu* (1974) 4 SCC 3; *Ramana Dayaram Shetty v International Airport Authority* (1979) 3 SCC 489

³⁵ *Maneka Gandhi v Union of India* (1978) 1 SCC 248.

³⁶ *Council of Civil Service Unions v Minister for the Civil Service* [1985] AC 374 (HL).

³⁷ *R v North and East Devon Health Authority, ex parte Coughlan* [2001] QB 213 (CA).

South Africa: Constitutionalism of Rights and State commitments: -

The transformative Constitution has given the South African jurisprudence the impetus of injecting expectation-based reasoning in how socio-economic rights are enforced. However, although the concept of legitimate expectation has not been overtly visible, the constitutionalizing of various rights, including housing, water and health amongst others, has allowed courts to hold government actions under a bathe of reasonableness, equity and progressive realisation³⁸. In *Government of the Republic of South Africa v. Grootboom* (2000), the Constitutional Court stated that, the failure to adopt a reasonable housing policy infringed the constitutional rights³⁹. On the same note is *Mazibuko v. City of Johannesburg* (2009) focused its attention at the legal responsibility of the water-related promises⁴⁰. The policy was not overturned by the Court, but the Court did recognise that state duty based on the constitutional rights to a citizen might lead to expectations.

Canada and Australia: Procedural Fairness as the Focal Point: -

The doctrine is interpreted in Canadian courts in the context of the administrative fairness. Although they are shy to insist on substantive results, they insist that there are procedural duties which must be followed, when the government creates expectation, e.g. consultation and notice have to be observed⁴¹. In the case of the *Mount Sinai Hospital Center v Quebec (Minister of Health and Social Services)* (2001), the implication of a promise to the citizenry leads to procedural obligations without necessarily having any legal rights⁴². Australia has taken much the same cautious course. In the case of *Attorney-General (NSW) v.*, the signatures of the authors of the constitutionally applicable law may not be the same, and the authors may not be specifically stated. As held by the High Court (Quin 1990), the doctrine was recognised but the court insisted that it should not extend to the expense of legislative intent or the executive discretion⁴³. However, the Australian courts

demand transparency and the rationality and consideration when the public authorities forego their previous assurances.

Lessons in India: -

These cross-jurisdictional lessons are several:

- Substantive expectations can be considered worthy of protection when they have particular institutionalised state programmes and a high dependence by citizens.
- Other courts have identified that expectation-based accountability is also in line with the rule of law and democratic governance.
- The Indian jurisprudence can also do with new parameters to assess under which circumstances electoral promises, which are formalised, turn out to be legally binding.
- A mode of interpretation, similar to that of South Africa, based on rights would reinforce the doctrine in application in elements of welfare, such as water, health and education.

Policy and Doctrinal Reforms: Bridging Electoral Promises and Legal Accountability:

The case study of the Jal Jeevan Mission sheds light on one such key, policy vacuum, which is a lack of structures that govern such promises and are enforceable by governments who end up laying these promises down in welfare schemes. The current design of this accountability gap requires normative innovation and institutional strengthening.

1. Strengthening the role of Oversight of the Election Commission

Election is partially regulated by the Election Commission of India (ECI) which is granted regulatory authority by the Model Code of Conduct (MCC). In the footsteps of S. Subramaniam Balaji, ECI issued guidelines asking political parties to reveal the reasoning and the funding behind the welfare ideas. Nevertheless, these guidelines are not very effective on account of being non-binding.

A need to make disclosure requirements enforceable may depend on empowering the ECI by making the required statutory amendments. Manifestos could be submitted to feasibility checks before they are published, and possibly delivered audited checks after a post-election period. There are possible ways that transparency in government could be increased by

³⁸ Constitution of the Republic of South Africa, 1996, s 26–27.

³⁹ *Government of the Republic of South Africa v Grootboom* 2001 (1) SA 46 (CC).

⁴⁰ *Mazibuko v City of Johannesburg* 2010 (4) SA 1 (CC).

⁴¹ *Old St Boniface Residents Association Inc v Winnipeg (City)* [1990] 3 SCR 1170.

⁴² *Mount Sinai Hospital Center v Quebec (Minister of Health and Social Services)* [2001] 2 SCR 281.

⁴³ *Attorney-General (NSW) v Quin* (1990) 170 CLR 1 (HCA).

way of public consultation and built up participatory democracy⁴⁴.

2. Institution of Grievance Redressal and regulatory Bodies

The problem is that failure with implementation of welfare programs, such as JJM, can be the result of a lack of control and monitoring of the processes, but not of failures in policymaking. The real-time resolution and monitoring of grievance can be established by institutionalising ombudsmen at the district and the state levels. The National Food Security Act can be used as a lesson which provides authorities in the redressal⁴⁵.

3. Substantive Legitimate Expectation Progressive Cases Using PILs

In India, Public Interest Litigations (PILs) have traditionally been used to go beyond the limitation of the socio-economic rights practice. PILs might be utilised to bring to life the legality of legitimate expectations in circumstances where:

- The promises in the elections are formalized into institutionalized policy;
- Citizens change their behaviour basing on such promises;
- Article 21 rights are compromised by the failures in the implementation.

PILs might therefore lead to an evolution of a legal philosophy by acknowledging entitlement on terms of expectation, referring to promissory estoppel, non-arbitrariness under Article 14, and the theory of the public trust⁴⁶.

Conclusion: -

This paper has discussed how the interface between electoral promises, policymaking, and the concept of legitimate expectation is shifting and how the Jal Jeevan Mission has exemplified it. Its legal and constitutional consequences on electoral pledges being translated to state sponsored welfare provisions

have presented emergency concerns on the state responsibility and dependency on citizens on democratic public administration.

The competing interests are redemptive in the revisitation of the aspiration nature of a political speech and the constitutional requirement of equity and arbitrariness in the way the administration is carried out. The problem is that when promises are concretised in institutional terms, with budget allocations, overhead plans, and citizen participation, promises become more than empty rhetoric of the normative and legal provisions.

Although Indian courts have long been resistant to applying legitimate expectation to electoral matters, the fact that such pledges are becoming increasingly institutionalised is reason to shift doctrinal position on this point. Comparative jurisprudence goes ahead to state that procedural as well as substantive expectations are to be given attention by the law particularly when associated with socio-economic rights.

The doctrine needs to evolve in a manner consistent with the constitutional requirements of non-arbitrariness (Article 14), the need to give governance a respectful dignity (Article 21), and proper transparency in administration (Article 19(1)(a)). Three-pronged strategy that aims at enhancing institutional accountability, strengthening grievance mechanisms of the citizenry, and transforming judicial doctrines, would help make democratic governance anchored, not so much on an ephemeral electoral promise, but based on binding and rights-based promises.

Future studies and monitoring of the empirical effects of electoral commitments on the field of law, administration, trust might lead to the elaboration of the normative debate on the issues of democratic accountability in India. Finally, the doctrine of legitimate expectation needs to develop in a way that aimed at making the transformative ambitions of the Indian constitutionalism real so citizens are not governed by illusion, but by the rule of the law, trust, and deliverable justice.

⁴⁴ *S. Subramaniam Balaji v State of Tamil Nadu* (2013) 9 SCC 659; see also Election Commission of India, *Guidelines on Election Manifestos* (2014) <https://eci.gov.in> accessed 10 July 2025.

⁴⁵ Ministry of Consumer Affairs, Government of India, *National Food Security Act, 2013*, s 14–16.

⁴⁶ *Motilal Padampat Sugar Mills Co Ltd v State of UP* (1979) 2 SCC 409; *EP Royappa v State of Tamil Nadu* (1974) 4 SCC 3; *MC Mehta v Kamal Nath* (1997) 1 SCC 388.

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