

Assessing the Integrity of India's 2024 Lok Sabha Elections

Milan Vaishnav

Senior Fellow and Director, South Asia Program

Carnegie Endowment for International Peace, Washington, D.C.

mvaishnav@ceip.org

ABSTRACT

Compared to its peers in South Asia and across the developing world, India has an enviable track record of electoral democracy dating back more than seven decades. However, in recent years, there is growing concern that the integrity of electoral processes in India has atrophied. This article reviews emerging threats to electoral integrity, drawing on evidence from the 2024 general election. It focuses on three dimensions of the electoral process: the actions of the Election Commission of India (ECI); the structure of political finance; and the activities of central investigative agencies and how those actions have shaped the electoral playing field. While these issues do not necessarily vitiate the entirety of the election process, they fuel the perception that elections are not as fair as they ought to be.

Keywords: India, elections, Election Commission of India, election integrity, political competition

Evaluación de la integridad de las elecciones Lok Sabha de la India de 2024

RESUMEN

En comparación con sus pares del sur de Asia y del mundo en desarrollo, India cuenta con un envidiable historial de democracia electoral que se remonta a más de siete décadas. Sin embargo, en los últimos años, existe una creciente preocupación por el deterioro de la integridad de los procesos electorales en India. Este artículo analiza las amenazas emergentes a la integridad electoral, basándose en la evidencia de las elecciones generales de 2024. Se centra en tres dimensiones del proceso electoral: las acciones de la Comisión

Electoral de la India (ECI); la estructura del financiamiento político; y las actividades de los organismos centrales de investigación y cómo estas acciones han configurado el campo de juego electoral. Si bien estos problemas no necesariamente vician la totalidad del proceso electoral, alimentan la percepción de que las elecciones no son tan justas como deberían ser.

Palabras clave: India, elecciones, Comisión Electoral de la India, integridad electoral, competencia política

评估印度2024年人民院的选举诚信

摘要

与南亚和整个发展中国家的其他国家相比，印度七十多年来选举民主的记录令人羡慕。然而，近年来，人们越来越担心印度选举过程的诚信已经萎缩。本文根据2024年大选的证据，述评了选举诚信遭遇的新兴威胁。本文聚焦于选举过程的三个方面：印度选举委员会 (ECI) 的行动；印度的政治财政结构；中央调查机构的活动以及这些行动如何影响选举环境。虽然这些问题不一定会损害整个选举过程，但它们加剧了选举不够公平的感知。

关键词：印度，选举，印度选举委员会，选举诚信，政治竞争

Introduction

The 2024 Indian general election was expected to unfold in predictable fashion. Pre-election surveys suggested that the ruling Bharatiya Janata Party (BJP) was on track to secure a third consecutive majority in the Lok Sabha (lower house of parliament). The BJP's own rhetoric—*Ab Ki Baar Char Sau Paar* (“this time, 400 seats”) was an early campaign slogan—reinforced these lofty expectations.

Although exit polls published on the final day of voting echoed this

consensus, the BJP underperformed expectations, winning 240 seats and falling short of a single-party majority. Although the BJP formed the government with the help of its National Democratic Alliance (NDA) partners, the result was perceived as a setback to the Narendra Modi-led BJP and a fillip for the opposition Indian National Developmental Inclusive Alliance (INDIA), a grand coalition comprised of more than two dozen opposition parties.

Beyond the electoral surprise itself, India's 18th general election has also been seen as a tonic for Indian de-

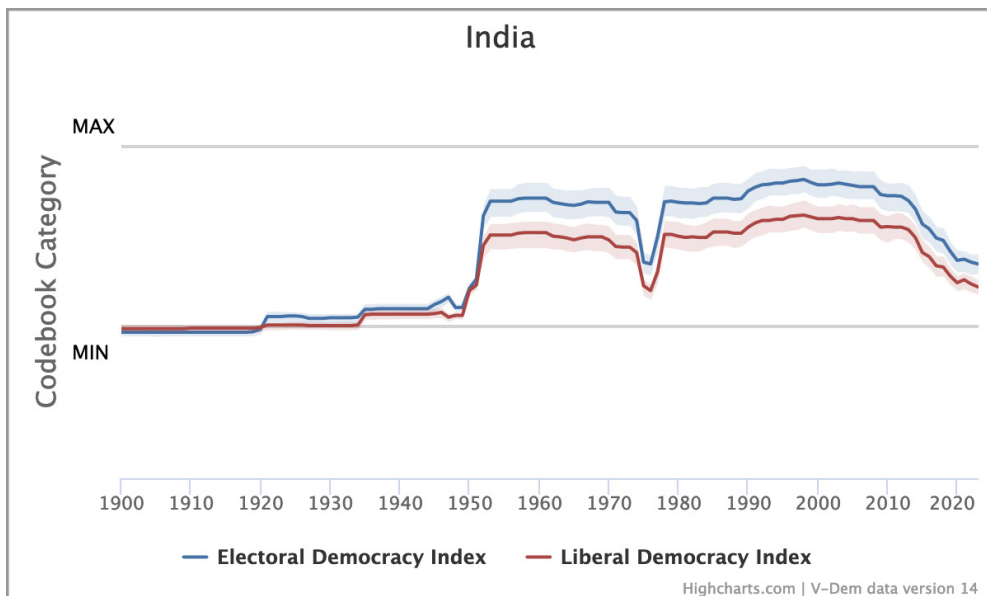
mocracy more generally. After a decade of BJP single-party rule, scholars and critics had lamented the weakening of India's liberal commitments, evidenced by a growing concentration of power in the hands of the executive, rising intolerance of dissent, and creeping Hindu majoritarianism (Vaishnav 2025a). In some ways, the surprising election outcome seemed to confirm scholarly assessments that the core infirmities of Indian democracy relate to the period between elections, rather than the electoral processes and procedures themselves (Varshney 2019). According to this view, it is when the electoral spotlight is off that Indian democracy's blemishes appear.

India's commitment to electoral democracy, virtually unbroken since Independence (with the notable exception of the twenty-one-month period

of Emergency Rule imposed by former prime minister Indira Gandhi between 1975–77), has distinguished it from many of its postcolonial peers (Varshney 2013). Compared to its neighbors, the quality of India's electoral democracy has been far superior to that of either Bangladesh or Pakistan over the past 75 years.

Furthermore, India's commitment to electoral democracy has consistently outperformed the quality of its liberal democracy, according to the V-Dem Institute's liberal democracy index, which captures perceptions regarding the rule of law, checks and balances, and other institutional guardrails (Coppedge et al. 2024). Figure 1 graphically compares India's score on V-Dem's indices for liberal and electoral democracy over time.

Figure 1. Electoral Democracy and Liberal Democracy in India



Source: Author

However, Figure 1 also demonstrates a visible decline in the quality of India's electoral democracy over the past decade. This erosion is also discernible in a widely cited global dataset on perceptions of electoral integrity, where India's score on an aggregate index of 47 indicators declined from 60 to 55 (on a 0-100 scale) between 2014 and 2019 (Garnett, James, and Caal-Lam 2024). This quantitative decline matches recent qualitative assessments that elections in India have conspicuous flaws, with many of these shortcomings on display in the recently concluded Lok Sabha elections (Yadav 2024a).

This article reviews some of the most serious concerns regarding electoral integrity as seen through the prism of the 2024 general elections. It embraces Dahl's (1972) belief that no large system in the real world is fully democratized; established democracies are "polyarchies," or relatively democratized regimes that provide both political participation and contestation, but which regularly face shortcomings on both. The challenge in all polyarchies is to consistently improve the levels of political participation and contestation.

The article focuses on three dimensions of the electoral process in India. First, it reviews the actions of the Election Commission of India (ECI), India's apex elections management body. Second, it examines the structure of political finance in India, including recent legal and regulatory changes. Third, it examines the activities of central investigative agencies and how those actions have shaped the playing field of electoral politics. It concludes

by highlighting other emerging areas of concern—including the delimitation process and the proliferation of candidate eligibility requirements—that are unrelated to the 2024 general election, but which merit careful attention going forward.

Performance of the Election Commission of India

The ECI is one of the world's most powerful elections management bodies.¹ It derives its authority from Article 324 of the Constitution, which gives it the power to supervise, direct, and conduct state and national elections. The ECI's constitutional foundation, coupled with foundational legislative statutes, provide it with a relatively sparse framework for carrying out its mandate (Sridharan and Vaishnav 2017).

However, over the years, the ECI's regulatory footprint has expanded. This expansion has been widely attributed to a series of powerful chief election commissioners (CECs), beginning with the tenure of T.N. Seshan in the early 1990s (Gilmartin 2009). However, the powers of the ECI have arguably been more significantly shaped by changes in the political balance of power. During the era of Congress Party dominance in the first three decades after Independence, the ECI had a reputation for conducting serious elections, but its reach was circumscribed by an overbearing dominant party.

Beginning in the late 1980s, the era of Congress Party dominance gave way to a quarter-century of coalition

politics, with no single party powerful enough to form the government on its own. When coalitions controlled Delhi, political uncertainty grew along with partisan competition at the ballot box. Therefore, it was in everyone's interest to ensure that the electoral playing field was level (Ahuja and Ostermann 2021), a task entrusted to the ECI. In sum, referee institutions could exert greater influence than during the previous era of one-party rule.

With the return of single-party dominance in 2014—this time with the BJP at the helm—questions about the ECI's independence from the executive have again come to the fore (Vaishnav 2025b). In 2024 (and in other recent elections), the timing of elections, the enforcement of the Model Code of Conduct (MCC), and the appointments process for election commissioners have all attracted controversy. In addition, the ECI has often stumbled in its public communications, inadvertently deepening concern about the body's neutrality.

As one observer warned: “The EC's independence is as much of a fiction as that of the Speaker of Lok Sabha and Vidhan Sabhas. The EC is not an election management body, merely an administrator of elections, as it used to be before Seshan” (Yadav 2024a).

Timing of elections

Prior to the 2024 Lok Sabha elections, some veteran election observers—including former chief election commissioners—questioned the ECI's use of discretion when announcing the timing of state assembly and parliamentary

elections. By tradition, the ECI issues a single election announcement when there are multiple state assemblies concluding their term around the same time. This announcement, in turn, triggers the enactment of the MCC, which is intended to place incumbents and challengers on an even playing field by ensuring adherence to an accepted set of electoral norms.

The onset of the MCC is an important milestone because incumbent governments are prohibited from announcing new projects or schemes once the code is in force, preventing any unfair advantage in wooing voters with lucrative promises. The period during which the MCC is operative has come to be known as special “election time” during which the ECI's writ is supreme, and both the executive and the judiciary must defer to it until after elections are completed (Singh and Roy 2019).

In 2017, the ECI broke from established convention by announcing election dates in Himachal Pradesh while staying silent on the polling calendar in Gujarat, even though voting in both states was to take place around the same time. The ECI's stated reason was that the Gujarat government was preoccupied by providing relief to those affected by heavy flooding in the state. However, the delay in Gujarat allowed the BJP-controlled state government to announce several big-ticket welfare schemes without running afoul of the MCC.

In the 2019 Lok Sabha election, the ECI announced the dates for that year's poll later than they had in 2014.

Critics noted that the extra time had allowed the Union Cabinet to make as many as thirty decisions on electorally crucial projects before the MCC kicked in. The central government also took advantage of this window to promulgate several ordinances in the two weeks leading up to the election announcement (Kumar 2022).²

In 2024, similar concerns were expressed. This time, however, questions swirled around the phase-wise breakup rather than the timing of the polls. Elections to India's parliament (and to state assemblies in several states) proceed in phases to ensure the safety, sanctity, and security of the vote. But some observers and members of the political opposition felt that the phase-wise timetabling of the 2024 elections had as much, if not more, to do with the incumbent BJP's political preferences.

In 2019, the ruling Biju Janata Dal (BJD) of Odisha cried foul when the ECI announced simultaneous state and national elections would take place in four phases in the state, a longstanding target for BJP expansion (*The Hindu* 2019). In the past, elections in the state were held in two phases. Multiple phases allow star campaigners from the party, in this case the prime minister and other leading BJP luminaries, to campaign more intensely across the state. The 2024 elections in Odisha also proceeded in four phases. Similarly, the ECI announced seven-phase elections in West Bengal—another priority state for the BJP—both in 2019 and 2024, an increase from the five phases the state experienced in 2014.

The electorally crucial state of Maharashtra went to polls in five phases for the first time in 2024. Between 1962 and 2014, the state had gone to Lok Sabha polls in three phases. The state witnessed a four-phase election in 2019, growing to five in 2024. The opposition argued that the increased number of phases and gaps in between phases was a boon to the BJP, whose resources, organizational strength, and star power gave them an undue advantage (Khapre 2024).

Model code of conduct

The MCC is not a law but a framework of norms that is intended to guide the conduct of parties and candidates in the election fray. The code is a *mélange* that includes legislative mandates but also incorporates electoral best practices that give the ECI broad remit to enforce electoral ethics (Bhat 2021). The ECI is the sole arbiter of the MCC. If candidates or parties violate elements of the code that involve breaking the law, the ECI can refer those violations to law enforcement authorities. Where the violations are minor or do not imply a legal infraction, the ECI levies its own punishment, typically prohibiting the accused from campaigning for a fixed duration of time.

The ECI has been dogged by accusations of selectively enforcing the MCC. The controversy over its impartiality reached a crescendo in 2019. During that year's general election campaign, the political opposition and civil society observers lodged several formal complaints against Modi and BJP party president Amit Shah for engaging

in inflammatory and divisive rhetoric. After deliberating, the ECI exonerated Modi and Shah of any wrongdoing despite objections from a lone dissenting election commissioner, Ashok Lavasa. Lavasa, having been outvoted 2 to 1, requested that the CEC publicly release his dissenting opinions, a request which was denied.

Soon after the election, Lavasa was subject to thinly veiled retribution. Investigative agencies probed Lavasa for potential corrupt acts during his time in the power ministry and launched investigations into his wife, sister, and son. No wrongdoing was uncovered, and Lavasa was eventually transferred out of the ECI and assigned to a foreign posting (Vaishnav 2025b).

In 2024, multiple complaints were again levied against Modi. In a now infamous campaign rally in Banswara, Rajasthan, Modi made multiple controversial statements, claiming that the Congress Party manifesto pledged to both seize and redistribute the private wealth of Indians and snatch Hindu women's *mangalsutras* and redistribute them among "infiltrators"—a clear dog whistle referencing the minority Muslim community.

Curiously, the ECI did not directly engage Modi after the incident. Instead, it sent letters to the Congress and BJP party presidents reminding them that their campaigners must adhere to the MCC. After the election, chief election commissioner Rajiv Kumar justified the ECI's decision by saying: "We deliberately decided ... that the top two people in both the parties [presumably

Modi and the Congress leader Rahul Gandhi] we did not touch. Both party presidents we touched equally" (Tiwari 2024c).

Several civil society groups also highlighted the ECI's flatfooted response to a social media video posted by the BJP's Karnataka unit depicting the Congress as masterminding an anti-Hindu communal conspiracy. The video went viral, but the ECI failed to take any action against the BJP. Eventually, the ECI directed the Karnataka police to remove the video but only after it had been shared nearly 10 million times (Panjiar and Lanka 2024).

In the end, the ECI appears to selectively deploy the MCC to police small infractions of electoral norms and occasional violations of actual law while often ignoring larger issues of national scale. As Yogendra Yadav has noted, "the EC has reduced the MCC into a rule book ... full of legal minutiae [which] has led to the mindless pursuit of trivial details" (Yadav 2024b).

Appointments controversy

Article 324 of the Constitution states that the ECI "shall consist of a Chief Election Commissioner [CEC] and such number of other Election Commissioners, if any, as the President may from time to time fix." For the first several decades after independence, the ECI was run by a lone CEC. Since 1993, however, it has functioned as a three-member executive with decisions taken by consensus. The president, on the advice of the Council of Ministers, appoints the CEC and the other two

election commissioners (ECs). By convention, the commissioners are serving or retired civil servants. They serve six-year terms and are subject to a mandatory retirement age of 65. By tradition, when the CEC retires, the next senior-most commissioner replaces them (see Bora 2024 for a detailed survey of the ECI's organization).

As a result, the government of the day has always enjoyed significant autonomy in appointing election commissioners. This is not a new development; the vulnerabilities associated with this selection method are well known. Furthermore, at any point, there is nothing stopping the government from appointing more ECs, "packing" the institution with sympathetic commissioners.

With the return of a dominant party government, critics have argued that a constitutional body like the ECI cannot be left to the whims of the executive. In *Anoop Baranwal v Union of India* (2023), a five-judge Constitution bench of the Supreme Court ordered that ECs would be appointed by the President of India on the advice of a committee consisting of the Prime Minister, the leader of the Opposition in the Lok Sabha (or the leader of the largest opposition party), and the Chief Justice of India (CJI). This selection panel, which places checks on the executive, mimics the composition of the collegium used to appoint the Director of the Central Bureau of Investigation, among other officials. The bench clarified that this practice would be in place until Parliament passed legislation on the matter.

In December 2023, Parliament passed The Chief Election Commissioner and Other Election Commissioners (Appointment, Conditions of Service and Term of Office) Bill, 2023. But Parliament's chosen remedy violated a core tenet of the Court's ruling: the act stipulates a selection panel comprising the Prime Minister, leader of the Opposition, and a Union Cabinet Minister (rather than the CJI). This deviation tilted the balance of power back toward the executive. As one constitutional scholar observed, "The problem arises ... when the legislation replaces the CJI with another member of the political executive and thus fails the test of institutional independence. This is what the law in question does, by making the executive—a player in the electoral game—empowered to select the referee of the electoral game" (Bhatia 2023). The legislation violated the spirit of the Court's judgement, which was to ensure that the ECI remains an independent body free of executive interference.

The act also made one other crucial change, which has been interpreted as a demotion of the ECI's status. The new legislation pegged the salary, allowances, and service conditions of the CEC and the associate ECs to that of the Cabinet Secretary. The prior 1991 Act outlining the ECs' service conditions set these perks at the level of a Supreme Court judge. The change is subtle but important—a judge's service conditions are not subject to executive discretion but are fixed by an act of Parliament.³

Furthermore, the 1991 Act stipulated that while the CEC may

be removed in the same manner as a Supreme Court justice, ECs can be removed upon the recommendation of the CEC. The new act was conspicuously silent on this matter, missing a golden opportunity to fix a lacuna in the earlier legislation. As a result, ECs remain in a significantly more vulnerable position compared to the CEC.⁴

While the Supreme Court was hearing the challenge to the government's right to unilaterally appoint election commissioners in 2022, the government hastily appointed Arun Goel to fill a vacancy as commissioner. As advocate Prashant Bhushan told the court, Goel had applied for voluntary retirement from the Indian Administrative Service on Friday, was appointed as election commissioner on Saturday, and took charge on Monday.⁵ As one judge observed in disbelief, Goel's application was submitted, accepted, and the appointment were made all on the same day.

The abrupt move prompted the Association for Democratic Reforms (ADR)—a good-government watchdog—to file a petition in the Supreme Court questioning the government's haste. The petition suggested that the Union government and the ECI “have through their acts of omissions and commission participated in a carefully orchestrated ‘selection procedure’ for their own benefits.” The Supreme Court dismissed ADR's petition but took note of the strange circumstances characterizing the government's actions.

In a final bizarre twist, just weeks before the 2024 general election com-

menced, Goel abruptly resigned, leaving two vacancies in the three-member ECI (Nath, C.G., and Chopra 2024).⁶ A search committee was quickly constituted and the same day, the selection committee announced the names of two new commissioners to fill the vacancies. The lone opposition member on the panel (the Leader of the Opposition in the Lok Sabha) claimed that he was not given a shortlist in advance and had only received a list of 212 longlisted officers the previous night. Again, the Court refused to intervene, though it noted once more the procedural irregularities associated with the rapid selection of two new ECs (*The Wire* 2024b).

Nominations

Once the 2024 general election was announced and the nominations began, irregularities plagued the process in several parliamentary constituencies.

On April 22, the ECI announced that the BJP candidate had been elected unopposed in the Surat parliamentary constituency in Gujarat, marking the ruling party's first victory in the 2024 general election. The ECI rejected the Congress candidate's nomination papers due to discrepancies in the signatures of the nominee's proposers (Doshi 2024). Once the latter's nomination was rejected, all eight of the remaining candidates in the constituency abruptly withdrew their nominations, leaving the BJP candidate unopposed.

Several of these candidates withdrew under mysterious circumstances, prompting some observers to suspect coercion or foul play (Shih and Gupta

2024). Another theory pointed to the Congress candidate colluding with the BJP to throw the election in their favor.

Regardless of the backstory, it is striking that an election was not held given that, thanks to a 2013 Supreme Court judgment, voters in every election always have the option of voting for “None of the Above” (NOTA).⁷ Granting voters the choice of selecting NOTA on Election Day would not have changed the outcome since even if NOTA wins the most votes, it does not trigger a fresh election. Nevertheless, the decision to declare a victor without giving voters any choice appears to violate the spirit of the NOTA option, as previously laid down by the Court.

A similarly baffling turn of events transpired in Indore, Madhya Pradesh. There, the Congress candidate withdrew his nomination at the eleventh hour, joining the BJP soon after. The Congress Party’s backup candidate, in turn, was told his nomination papers were rejected because the Congress already had a candidate in the race (even though he had withdrawn). Several other independent candidates soon dropped out of the race, although a few claimed their withdrawals took place without their knowledge and relied on forged signatures (Dasgupta 2024). In Indore, an election was held with NOTA garnering more than 200,000 votes—the largest tally gained by NOTA since it was introduced.

In Modi’s own constituency of Varanasi (Uttar Pradesh), one media report disclosed that of the 41 individuals who had filed their nomination

papers as candidates, 33 of them were rejected. In 2014 and 2019, 42 and 26 candidates contested elections in Varanasi, respectively; in 2024, there were only seven candidates. Several of the rejected candidates alleged that election officials deliberately worked to minimize the number of candidates in the race, including by delaying paperwork review and granting candidates inadequate time for redress (Tiwari 2024a).

Communications

An important dimension of the ECI’s credibility, built up over many years, is its level of transparency. On Election Day, the ECI maintains a website where it provides real-time electoral returns. Its website also serves as a repository for historic election data, circulars regulating the conduct of elections, and reports on alleged malpractice and MCC violations.

However, the ECI’s commitment to transparency appears to have ebbed. In 2024, a controversy emerged over the accuracy and transparency of voter turnout figures. In past general elections, after each phase of voting is completed, the ECI has released provisional voter turnout data, followed by revised voter turnout data, and finally detailed data on the absolute number of votes cast in each constituency.

In 2024, the ECI deviated from these practices without explanation, resulting in an “inordinate delay” in the release of voter turnout details (Independent Panel for Monitoring Indian Elections 2024b). The ECI released “snapshots” of turnout data shortly af-

ter polling was completed in each phase and then subsequently released revised data, but the latter often showed large discrepancies with the initial turnout data. Compounding the situation, the ECI also delayed its release of constituency-level data on absolute vote counts. Remarking on the controversy, one former CEC said: “The tradition has been to release the absolute number of electors and the absolute number of voters, with percentages of male and female voters and the overall percentage of voters. The Election Commission has a set format to collect this data” (Tiwari 2024b).

ADR filed suit in the Supreme Court asking the ECI to publish turnout data within 48 hours of polling based on information captured in Form 17C, which records voter turnout in every polling station in each constituency. While there was no evidence of fraud, experts (including several former CECs) said transparency was of the highest importance to reassure common citizens that elections were conducted with absolute integrity. The ECI claimed that the election rules only mandate that the body share Form 17C data with the polling agent of a candidate and that it has no obligation to publicly furnish this data, implying it was somehow proprietary information.⁸

The Court declined to intervene, but the ECI soon released data on the absolute numbers of voters in every parliamentary constituency to dispel what it termed “false narratives” about the election (Election Commission of India 2024). However, the body main-

tained that it faced no statutory requirement to place Form 17C data in the public domain. The entire episode raised questions about the ECI's dedication to transparency and public communications, both of which help project an aura of confidence in the electoral process.

Political Finance

Political finance in India has always been opaque, to put it mildly (Kapur and Vaishnav 2018). Although the Representation of the People Act, 1951 outlines strict limits on the expenditure a candidate can undertake in an election, there are no limits on party expenditure. In fact, party expenditure must only be recorded in a candidate's accounts if party funds are spent directly in service of that candidate. Money that is used to propagate the party program—a broad and vague category—does not count against the candidate expenditure ceiling. Of course, even these well-defined limits are farcical; the average major party candidate routinely spends multiples of the actual legal limit (Sridharan and Vaishnav 2018).

Changes to political finance law

The Modi government has implemented sweeping changes to the political funding landscape in India during its tenure (Vaishnav 2024a). Most consequentially, the government introduced a new political funding modality known as “electoral bonds” in 2018. Electoral bonds were time-limited bearer bonds that associations, companies, and indi-

viduals could purchase from the State Bank of India (SBI) during specified windows and then transfer to the registered bank account of a political party as a “donation.” The upshot of this scheme was that neither the donor nor recipient needed to disclose the specific transaction. The only information available in the public domain was the aggregate amount of electoral bonds parties received. However, SBI possessed transaction-level data, which meant the government (as the regulator and majority owner of SBI) also had access to this information. Therefore, electoral bonds created a unique situation of asymmetric transparency.

The bonds scheme was an improvement over the status quo in one regard; companies were incentivized to channel political donations through the formal banking system as opposed to circumventing it. However, the downside was equally clear—the state’s express legitimization of opacity in political giving.

The ECI’s role on this issue merits special mention because it has repeatedly changed its stance on electoral bonds. Confidential government documents, obtained via Right to Information (RTI) requests, confirm that the ECI was initially skeptical of the bond scheme, believing it could lead to an *increase* rather than decrease in black money in politics, especially if bonds could be routed through shell company intermediaries (Sethi 2019). The ECI went as far as to deem the bond scheme a “retrograde” step in a 2017 letter to the Union government expressing its opposition.

Yet, just one year later, then-CEC A. K. Joti publicly proclaimed that the bond scheme was a “step in the right direction” (*Financial Express* 2018). In March 2019, the ECI executed another about-face, arguing the bond scheme was “contrary to the goal of transparency in political finance” in an affidavit filed before the Supreme Court. In 2021, in a hearing on the constitutionality of the scheme, the ECI split the difference, telling the Supreme Court it was not opposed to the bond scheme, but felt the scheme’s transparency could be improved (*Supreme Court Observer* 2021). This constantly shifting line runs contrary to the oft-repeated view that the ECI had always been in opposition to the scheme (Vishnoi 2024).

A focus on electoral bonds alone, however, obscures other important changes simultaneously made by the government.

For starters, the government capped cash donations to parties at Rs. 2,000. This was purely symbolic since the threshold for public disclosure of donations, as stipulated under the Income Tax Act, remains at Rs. 20,000. Second, the government eliminated the cap on corporate giving (previously set at 7.5 percent of a company’s average net profits over the prior three years), and dropped the requirement that companies disclose details of their political donations on their annual profit and loss accounts.

Third, the government loosened rules on foreign contributions to political parties, which had been strictly prohibited. In 2016, Parliament amended

the Foreign Contribution Regulation Act (FCRA) such that companies previously designated as “foreign” entities were deemed to be Indian firms so long as they adhered to the foreign direct investment norms prescribed for their sector. The move came after the Delhi High Court found the BJP and Congress guilty of accepting foreign contributions (Vaishnav 2024a). This opportunistic measure, supported by both the ruling and principal opposition parties, was not driven by a thoughtful desire to review the definition of foreign ownership, but rather a desire to evade punishment.

Aftermath of electoral bonds

ADR filed a suit in advance of the 2019 general election seeking a stay on the electoral bonds scheme, arguing that it undermined a voter’s “right to know” about the sources of party funding. The Court, which had previously supported efforts to improve transparency in elections, refused to intervene, citing the “weighty” nature of the constitutional questions at hand. After years of dithering, the Court unanimously ruled the bonds to be unconstitutional just months before the 2024 general election. In addition, it ordered the ECI and SBI to publish all transaction-level details associated with all bond transactions dating back to the scheme’s inception.

Media investigations, published on the eve of elections, revealed interesting insights into the pattern of giving. For instance, several loss-making enterprises donated generously to political parties, raising questions about

the integrity of these firms (*The Wire* 2024a). The ability of loss-making companies to purchase bonds was a direct result of the repeal of restrictions tying political giving to a fixed share of a firm’s average net profits. Similarly, there were more than three dozen new firms (incorporated in 2018 or later) that purchased a substantial number of electoral bonds within months of their incorporation (Radhakrishnan, Nihalani, and Varghese 2024).

The revelations also provided suggestive evidence of *quid pro quos*. For instance, as many as 30 firms facing investigative probes by the Enforcement Directorate (ED) and Income Tax (IT) authorities donated a combined Rs. 355 crores to the BJP (Abraham et al. 2024). These facts cannot conclusively provide a *quid pro quo* relationship, but they are suggestive of a dynamic pattern of investigations and subsequent donations to the ruling party.

It is difficult, if not impossible, to make causal claims about the impact of bonds on the outcome of the 2024 elections. But what one can say with confidence is that the scheme has greatly benefitted the BJP, which had accumulated 55 percent (in value terms) of all bonds issued between 2017–18 and 2022–23. The amount received by the Congress, which garnered the second largest cache of bonds, was around 15 percent of the BJP’s total (Sukumar 2024). The Court’s inability—or unwillingness—to act expeditiously in the electoral bonds matter further aided the incumbent’s quest to enlarge its coffers (Vaishnav 2024b).

Use (and Misuse) of Investigative Agencies

As discussed earlier, there is suggestive evidence pointing to a possible pattern of firms giving to the ruling party as a way of easing ongoing probes by India's investigative agencies. But investigative agencies figured in the 2024 elections in a far more significant way when it came to shaping the electoral playing field.

In India, there is a well-documented history of the executive interfering in the work of nominally independent investigative agencies (Wasan 2024). During the heyday of Congress Prime Minister Indira Gandhi, for instance, agencies like the Central Bureau of Investigation (CBI) offered little pretence of acting independently of the prime minister's office. Even during the Congress-led coalition government of Manmohan Singh (2004–2014), there was a pattern of using investigative agencies as a cudgel to influence the behavior of smaller political parties (Srivastava 2013).

The BJP, since coming to power in 2014, did not have to invest in new tools of coercion; it relied on the same tools that had been used (and misused) before. However, it arguably politicized investigative agencies to a new level. In 2002, during the tenure of BJP Prime Minister Atal Behari Vajpayee, Parliament passed the Prevention of Money Laundering Act (PMLA). The Act gave the government significant powers to pursue individuals suspected of engaging in money laundering or corruption.

Over the years, successive amendments to PMLA have further strengthened the government's hand, leading independent observers to claim that the law has been misused to intimidate and harass political opponents and dissenters.

Over the past decade, there has been a glaring rise in the number of ED cases implicating politicians. From 2014 to September 2024, there was a fourfold rise in ED cases filed against politicians. In 95 percent of these cases, the target was an opposition politician (Tiwary 2022). According to the government's own data, convictions under PMLA are exceedingly rare; in the first 17 years following the law's passage, only 0.5 percent of individuals named in PMLA cases had been successfully convicted (*Hindustan Times* 2022).

In three high-profile instances before the 2024 elections, actions by investigative agencies raised questions about the extent to which their behavior reshaped the electoral playing field in favor of the ruling party.

Hemant Soren

On January 31, Jharkhand chief minister Hemant Soren (of the opposition Jharkhand Mukti Morcha) was forced to resign from his post just prior to his arrest by the ED on money laundering charges filed under Section 19 of PMLA. Since 2022, the ED had been investigating Soren on corruption charges involving allegedly forged documents pertaining to the purchase and sale of tribal land. The ED claimed that Soren did not appear in eight of ten summonses that it issued in connection with the

case and was intentionally undermining their investigation. Soren claimed that his arrest was part of a well-orchestrated conspiracy by the BJP to mire him in a protracted legal conflict. In late June 2024, once the elections had been completed, the Jharkhand High Court granted Soren bail, and he was released five months after his arrest.

Arvind Kejriwal

Delhi chief minister Arvind Kejriwal of the opposition Aam Aadmi Party (AAP) was arrested by the ED on March 21 on charges also filed under Section 19 of PMLA and linked to the Delhi liquor scam implicating the AAP-run Delhi government. Kejriwal was the first sitting chief minister to be arrested in the post-Independence era and his arrest followed the arrests of two fellow AAP ministers in the same case. As with the Soren case, the ED alleged that Kejriwal skipped nine summonses it had issued over five months. Kejriwal termed the summonses “illegal” and feared arrest if he made an appearance. In May, Kejriwal was granted interim bail in the middle of the Lok Sabha elections though he was ordered to return to jail prior to the announcement of the election results. After receiving bail, Kejriwal was later arrested by the CBI on the same charges and was granted interim bail in the latter case as well.

Congress Party

A third example pertains to the Congress Party. In February 2024, the party claimed that its bank accounts had been frozen as part of an ongoing dispute with federal income tax authorities. The

Congress claimed that tax agencies had levied a \$25 million tax demand on the party. A month later, the party revealed it had been asked to pay an additional \$218 million in taxes.

Tax authorities claimed the party violated India's tax exemption laws and had consistently refused to comply with official tax notices. The charges stem from a dispute dating back to 2018-19, when authorities claim the Congress Party violated the law by submitting its income tax return late and not accounting for all its stated donations. This led to a protracted battle, resulting in additional tax notices just weeks before polling began for the 2024 general election.

Congress sought legal redress but its pleas challenging the income tax authorities' proceedings were dismissed. It is difficult, if not impossible, for outsiders to judge the guilt or innocence of the accused in a legal dispute. The narrow concern here is that authorities under the control of the central government engaged in behavior that violated the sanctity of free and fair elections. Through selective targeting and deliberate timing, these agencies succeeded in inflicting maximum impact during election season.

Conclusion

Compared to its peers in South Asia and across the developing world, India has an enviable track record of electoral democracy dating back more than seven decades. However, in recent years, a perception has grown that the shine of In-

dia's vaunted electoral machinery has dulled, with the electoral playing field tilting toward the ruling party. As Dahl argued, there are two essential elements of democracy (or "polyarchy"): political contestation and political participation. On the participatory front, there is ample evidence to suggest that India's performance has improved as time has elapsed, judging by voter turnout and the changing demographic composition of the electorate. If there is one thing India's electoral machinery can be proud of, it is the relative ease with which voter registration and participation takes place. In India, the state assumes the burden of ensuring citizens are on the electoral rolls, not the other way around.

However, there are growing concerns that political contestation has not fared as well as participation. Indeed, there are signs that elections are free but not necessarily always fair. Questions about the ECI's impartial functioning, structure of political finance, and misuse of investigative agencies are all grounds for concern. While these issues do not necessarily vitiate the entirety of the election process, they collectively fuel the perception that elections are not as fair as they ought to be. This is where the conceptual binary of "democracy in between elections" and "democracy during elections" breaks down. As this article has demonstrated, shortcomings afflicting the quality of democracy *between* elections can have adverse ramifications for the health of democracy *during* elections (Tushnet 2021).

There are other concerns about the integrity of the electoral process which go beyond the 2024 general elections. These too merit equal attention. For instance, India has developed a system of delimitation (or redistricting of electoral constituencies) that stands out for its technocratic, independent character (Jenselius 2013; Iyer and Reddy 2013). However, in recent years, delimitation processes in two states—Assam and Jammu and Kashmir—have been heavily politicized. For instance, the 2022 Jammu and Kashmir delimitation provided greater representation for Jammu at the expense of the Kashmir Valley, deviating from standard population-based norms (Bhasin 2022). Similarly, some analysts have found that the delimitation process in Assam—completed in 2023—intentionally divided the Bengali-origin Muslim community, minimizing the number of Muslim-majority constituencies and thereby giving the ruling BJP an advantage (Sultana 2023; Zaman 2023).

A second issue pertains to the growing number of Indian states that have instituted eligibility criteria for candidates in local body elections that go well beyond reasonable requirements pertaining to age, residency, and moral probity. Several states have legislated requirements that pertain to personal characteristics such as household size, sanitation facilities, and education qualifications. The courts have largely upheld such requirements, thereby arbitrarily restricting the rules of political selection and narrowing the pool of candidates available to voters (Gupta 2016). Even defenders of the status quo

might agree that perceptions of electoral fairness matter. Once segments of the citizenry begin to suspect the integrity of elections, this can have deleterious impacts on democracy writ large. The ECI's role here is crucial; as Ahuja and Ostermann (2021) point out, the credibility of a referee institution turns on its perceived neutrality. Without the latter, the former is ephemeral.

Acknowledgements

The author is grateful to Aislinn Familetti and Annabel Richter for excellent research assistance and to the editors and two anonymous reviewers for comments on an earlier draft.

Notes

- 1 In addition to being a constitutional body independent of the executive, the Indian Supreme Court has held that the ECI retains tremendous residual powers in conducting elections where legislation is either silent or ambiguous.
- 2 Ordinances are executive orders, technically issued by the President, which carry the weight of parliamentary acts. They can only be promulgated when parliament is out of session but must eventually receive parliamentary sanction or they eventually lapse.
- 3 The Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991.
- 4 In fairness, the Supreme Court ruled that this would require a constitutional amendment and could not be changed by a simple act of Parliament.
- 5 Typically, voluntary retirement from the civil service requires a prior notice period of three months. In Goel's case, his resignation was approved in 24 hours.
- 6 The resignation was only the third ever by an election commissioner in the ECI's history. In a strange final twist in the story, Goel was named India's ambassador to Croatia months after the election concluded, a rare political appointee in India's diplomatic corps.
- 7 *People's Union for Civil Liberties & Anr v Union of India*.
- 8 According to an independent election monitoring panel, there were widespread complaints lodged by polling agents of opposition parties that even they were not provided with copies of Form 17C data, despite the ECI's own statement that the body is obligated to share this information with them. See Independent Panel for Monitoring Indian Elections (2024a). For more detail on the controversy over Form 17C data, see Vora (2024).

References

- Abraham, Korah et al. 2024. "TNM NL Investigation: 30 Firms Facing ED & IT Probe Donated Rs 335 Cr to BJP." *The News Minute*, February 21, <https://www.thenewsminute.com/news/tnm-nl-investigation-30-firms-facing-ed-it-probe-donated-rs-335-cr-to-bjp>.
- Ahuja, Amit, and Susan Ostermann. 2021. "The Election Commission of India: Guardian of Democracy." In *Guardians of Public Value: How Public Organisations Become and Remain Institutions*, edited by Arjen Boin, Lauren A. Fahy, and Paul Hart. Palgrave Macmillan, 37-62.
- Bhasin, Anuradha. 2022. "Kashmir's New Electoral Map Boosts Hindu Electoral Influence, Reduces Muslim Representation." *Article 14*, April 18, <https://article-14.com/post/kashmir-s-new-electoral-map-boosts-hindu-electoral-influence-reduces-muslim-representation-625c729a74c8b>.
- Bhat, M. Mohsin Alam. 2021. "Governing Democracy Outside the Law: India's Election Commission and the Challenge of Accountability." *Asian Journal of Comparative Law* 16: S85-S104.
- Bhatia, Gautam. 2023. "New Bill Casts a Cloud Over EC Appointments." *Hindustan Times*, December 22, <https://www.hindustantimes.com/opinion/new-bill-casts-a-cloud-over-ec-appointments-101703255051861.html>.
- Bora, Banasmita. 2024. "The Election Commission of India and Its Evolution." In *The Oxford Handbook of India Politics*, edited by Sumit Ganguly and E. Sridharan. Oxford University Press, 127-142.
- Coppedge, Michael et al. 2024. "V-Dem Dataset v14." Varieties of Democracy (V-Dem) Project, <https://doi.org/10.23696/mcwt-fr58>.
- Dahl, Robert. 1972. *Polyarchy: Participation and Opposition*. Yale University Press.
- Dasgupta, Sravasti. 2024. "Fake Signatures, Intimidating Calls: How Indore Lok Sabha Candidates Left Poll Fray." *The Wire*, May 12, <https://thewire.in/politics/fake-signatures-intimidating-calls-how-indore-lok-sabha-candidates-left-poll-fray>.
- Doshi, Brijesh. 2024. "BJP's Mukesh Dalal Unopposed Win Surat Lok Sabha Seat: Formal Announcement." *India Today*, April 22, <https://www.indiatoday.in/elections/story/bjp-mukesh-dalal-unopposed-win-surat-lok-sabha-seat-formal-announcement-2530203-2024-04-22>.
- Election Commission of India. 2024. "EC releases absolute number of voters for all completed phases." Press Note, May 25.
- Financial Express*. 2018. "Electoral Bonds: Election Commission Changes Stance,

from Retrograde Move to Step towards Right Direction.” January 19.

Garnett, Holly Ann, Toby S. James, and Sofia Caal-Lam, Sofia. 2024. “Perceptions of Electoral Integrity, (PEI-10.0).” Harvard Dataverse, V1, <https://doi.org/10.7910/DVN/FQ5ECC>.

Gilmartin, David. 2009. “One day’s sultan: T.N. Seshan and Indian democracy.” *Contributions to Indian Sociology* 43.2: 247-284.

Gupta, Richi. 2016. “Right to Contest: The Battle to Protect Democracy.” *Economic and Political Weekly* 51.12: 18-20.

Hindustan Times. 2022. “Only 23 Convicted in 5,422 Cases under PMLA Till Date: Govt to Lok Sabha.” July 26, <https://www.hindustantimes.com/india-news/only-23-convicted-in-5-422-cases-under-pmla-till-date-govt-to-lok-sabha-101658774947795.html>.

Independent Panel for Monitoring Indian Elections. 2024a. *Election Integrity Compromised: Why Election Authorities Must Change Course to Save Indian Democracy*. Second Interim Report. May 23.

Independent Panel for Monitoring Indian Elections. 2024b. *Electoral Integrity in India—An Agenda for Change: Learnings from the 2024 General Election*. Final Briefing Paper. August 30

Iyer, Lakshmi, and Maya Reddy. 2013. “Redrawing the Lines: Did Political Incumbents Influence Electoral Redistricting in the World’s Largest Democracy?” Harvard Business School Working Paper.

Jensenius, Francesca Refsum. 2013. “Was the Delimitation Commission Unfair to Muslims?” *Studies in Indian Politics* 1.2, 213-229.

Khapre, Shubhangi. 2024. “LS Poll Dates in Opposition Sees Advantage BJP in Maharashtra’s First Five Phase Schedule.” *Indian Express*, March 19, <https://indian-express.com/article/political-pulse/ls-poll-dates-in-opposition-sees-advantage-bjp-in-maharashtras-first-five-phase-schedule-9220276/>.

Kumar, Sanjay. 2022. “Election Commission’s Partisan and Controversial Functioning.” In *Electoral Democracy? An Inquiry into the Fairness and Integrity of Elections in India*, edited by M.G. Devasahayam. Paranjy Guha Thakurta.

Kapur, Devesh, and Milan Vaishnav, editors. 2018. *Costs of Democracy: Political Finance in India*. Oxford University Press.

Nath, Damini, Manoj C.G., and Ritika Chopra. 2024. “EC quits, Commission down to one; PM panel to meet next week to fill vacancies.” *Indian Express*, March 10, <https://indianexpress.com/article/india/election-commissioner-arun-goel-re-signs-9205251/>.

- Panjiar, Tejasi, and Shravani Nag Lanka. 2024. “#FreeAndFair: Late to the Party(s): How ECI dragged its feet in the 2024 General Election.” Internet Freedom Foundation. June 18, <https://internetfreedom.in/eci-actions-in-the-2024-general-election/>.
- Radhakrishnan, Vignesh, Jasmin Nihalani, and Rebecca Rose Varghese. 2024. “New Firms Bought Crores of Electoral Bonds Within Months of Formation.” *Hindu*, March 16, <https://www.thehindu.com/data/new-firms-bought-crores-of-electoral-bonds-within-months-formation/article67958808.ece>.
- Sethi, Nitin. 2019. “Electoral Bonds: Confidential EC Meeting Exposes Modi Govt’s Lies to Parliament.” *HuffPost India*, November 18, https://www.huffpost.com/archive/in/entry/electoral-bonds-narendra-modi-election-commission-opposition-arun-jaitley_in_5dce3cd1e4b01f982eff5c62?utm_hp_ref=in-paisapolitics.
- Shih, Gerry, and Anant Gupta. 2024. “As Indian voting wraps up, reports of electoral irregularities mount.” *The Washington Post*, May 31, <https://www.washingtonpost.com/world/2024/05/31/india-elections-bjp-voting-irregularities/>.
- Singh, Ujjwal, and Anupama Roy. 2019. *Election Commission of India: Institutionalising Democratic Uncertainties*. Oxford University Press.
- Sridharan, E., and Milan Vaishnav. 2017. “Election Commission of India.” In *Rethinking Public Institutions in India*, edited by Devesh Kapur, Pratap Bhanu Mehta, and Milan Vaishnav. Oxford University Press, 417-463.
- Sridharan, E., and Milan Vaishnav. 2018. “Political Finance in a Developing Democracy: The Case of India.” In *Costs of Democracy: Political Finance in India*, edited by Devesh Kapur and Milan Vaishnav. Oxford University Press, 15-35.
- Srivastava, Mihir. 2013. “The Congress Bureau of Investigation.” *Open Magazine*, March 26, <https://openthemagazine.com/features/india/the-congress-bureau-of-investigation/>.
- Sukumar, Tanay. 2024. “Electoral Bonds Are Dead, but the Data Lives to Tell the Tale.” *Mint*, April 2, <https://www.livemint.com/news/india/electoral-bonds-are-dead-but-the-data-lives-to-tell-the-tale-11710684902154.html>.
- Supreme Court Observer*. 2021. “Electoral Bonds Day 6: Hearings on Application for Stay.” March 24, <https://www.scoobserver.in/reports/electoral-bonds-day-6-hearings-on-application-for-stay/>.
- Sultana, Parvin. 2023. “The Politics of Delimitation in Assam.” *Economic and Political Weekly* 58.38: 22-25.
- The Hindu*. 2019. “Why Four-Phase Polls in Odisha Raises Questions for BJD.” March 12, <https://www.thehindu.com/news/national/other-states/why-four-phase-polls-in-odisha-questions-bjd/article26503767.ece>.

- The Wire*. 2024a. "Seven Points That Merit Investigations: The Electoral Bonds Saga Isn't Over with Data Spilling Out." March 25, <https://thewire.in/government/electoral-bonds-seven-investigations-contracts-loss/>.
- The Wire*. 2024b. "Former EC Arun Goel Appointed as India's Envoy to Croatia Months After Abrupt Exit From Polls Body." September 8, <https://thewire.in/government/arun-goel-ec-resignation-envoy-croatia724978>.
- Tiwari, Ayush. 2024a. "Varanasi poll: As 33 nominations are rejected, eight applicants allege that the process was rigged." *Scroll.in*, May 18, <https://scroll.in/article/1068014/varanasi-poll-as-33-nominations-are-rejected-eight-applicants-allege-that-the-process-was-rigged>.
- Tiwari, Ayush. 2024b. "Why is the Election Commission not releasing voter turnout data in absolute numbers?" *Scroll.in*, May 25, <https://scroll.in/article/1068331/why-is-the-election-commission-not-releasing-voter-turnout-data-in-absolute-numbers>.
- Tiwari, Ayush. 2024c. "CEC on Modi's anti-Muslim speeches: 'We decided not to touch top two leaders of BJP and Congress.'" *Scroll.in*, June 3, <https://scroll.in/article/1068728/cec-on-modis-anti-muslim-speeches-we-decided-not-to-touch-top-two-leaders-of-bjp-and-congress>.
- Tiwari, Deeptiman. 2022. "Since 2014, 4-Fold Jump in ED Cases Against Politicians; 95% Are from Opposition." *Indian Express*, September 21.
- Tushnet, Mark. 2021. *The New Fourth Branch: Institutions for Protecting Constitutional Democracy*. Cambridge University Press.
- Vaishnav, Milan. 2024a. "Political Finance in India." In *The Oxford Handbook of India Politics*, edited by Sumit Ganguly and E. Sridharan. Oxford University Press, 349-368.
- Vaishnav, Milan. 2024b. "On Electoral Bonds, a Short-lived Celebration." *Hindustan Times*. February 17.
- Vaishnav, Milan. 2025a. "Legislative Capture in India: Is Democracy Back from the Brink?" *The Annals of the American Academy of Political and Social Science* 712.1: 61-76.
- Vaishnav, Milan. 2025b. "Backsliding in India? The Weakening of Referee Institutions." In *Global Challenges to Democracy: Comparative Perspectives on Backsliding, Autocracy, and Resilience*, edited by Valerie Bunce, Thomas B. Pepinsky, Rachel Beatty Riedl, and Kenneth M. Roberts. Cambridge University Press.
- Varshney, Ashutosh. 2013. *Battles Half Won: India's Improbable Democracy*. Penguin India.
- Varshney, Ashutosh. 2019. "Modi Consolidates Power: Electoral Vibrancy, Mount-

ing Liberal Deficits.” *Journal of Democracy* 30.4: 63-77.

Vishnoi, Anubhuti. 2024. “Election Commission Opposed Electoral Bonds.” *Economic Times*, February 16, <https://economictimes.indiatimes.com/news/politics-and-nation/election-commission-opposed-electoral-bonds/article-show/107732582.cms>.

Vora, Advay. 2024. “What is the Form 17C petition in the Supreme Court all about?” *Supreme Court Observer*, May 29, <https://www.scobserver.in/journal/what-is-the-form-17c-petition-in-the-supreme-court-all-about/>.

Wasan, Navneet Rajan. 2024. “The Central Bureau of Investigation and the National Investigation Agency.” In *Institutional Roots of India’s Security Policy*, edited by Milan Vaishnav. Oxford University Press, 279-301.

Yadav, Yogendra. 2024a. “India Is Going to Have Its Least Free & Fair Election in 2024: See These 5 Indicators.” *The Print*, March 29, <https://theprint.in/opinion/india-is-going-to-have-its-least-free-fair-election-in-2024-see-these-5-indicators/2019854/>.

Yadav, Yogendra. 2024b. “It’s Time to Junk the Model Code of Conduct.” *Indian Express*, October 29.

Zaman, Rokubuz. 2023. “Why the Election Commission’s Assam delimitation proposal is being seen as communal.” *Scroll.in*, June 27, <https://scroll.in/article/1051522/why-the-election-commissions-assam-delimitation-proposal-is-being-seen-as-communal>.