

GLOBALIZED ELECTORAL DEMOCRACY IN INDIA AND THE NATURAL INDIVIDUAL CITIZEN

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I. INTRODUCTION

Theories of electoral law in scholarship have been limited in scope.¹ This is perhaps because the electoral law itself has been ‘sired by administrative law and constitutional law’² and therefore, is studied in a limited manner. However, as demonstrated above, the law relating to elections has strong philosophical underpinnings in India. Therefore, as a “core” value of the Constitution, protecting the universal franchise is closely bundled with the integrity and health of electoral democracy.

While the role of money in politics has been an essential site of judicial oversight, little attention has been paid to the increasing role of corporate donations in financing political parties and election campaigns. Furthermore, the role of ‘Big Data’ in influencing electoral outcomes has only begun to be discussed.³ This paper argues that globalized models of election campaigning and management have potentially corrosive effects on the integrity of electoral discourse and process, and without definite safeguards, the viability of this constitutional method takes a significant backseat.

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¹ Graeme Orr, ‘Ritual in the Law of Electoral Democracy’, Contemporary Questions, ed., Glenn Patmore and Kim Rubenstein, (2014) ANU Press.

² *ibid.*

³ “George Monbiot, ‘Big data’s power is terrifying. That could be good news for democracy’ (*Guardian*, 6 March, 2017) <<https://www.theguardian.com/commentisfree/2017/mar/06/big-data-cambridge-analytica-democracy>>.

At the heart of safeguarding electoral democracy is ensuring that individual citizenship is the critical determinant of who exercises political power in the country. Therefore, this conception of individual citizenship in electoral democracy must not be corroded by notions of ‘corporate citizenship’ that allow corporations to disproportionately distort electoral competition and marginalize the speech of ‘natural citizens.

This paper argues that there is a constitutional imperative to prohibit corporate donations in political finance. The paper focuses on the rise of globalized forms of political finance – for example, increased reliance on corporate donations through complex legal structures – and its influence on electoral politics. Secondly, it focuses on the role of globalization in fundamentally challenging electoral democracy as we know it. This is reflected not only in recent allegations of ‘foreign meddling’ in the US elections⁴ but also in the links between global capital and political finance.⁵

This paper begins by outlining the close ties between universal franchise and the practice of citizenship that informed the drafters of the constitution of India. It then proceeds to look at the extant law of electoral democracy in India. The law of electoral democracy centers the natural individual citizen as its basis.

II. UNIVERSAL ADULT FRANCHISE AND PERSONHOOD

In the history of electoral democracy, India has a significant place. Unlike most Western liberal democracies, Indian electoral

⁴ For a fairly comprehensive coverage of the ongoing controversy over Russia’s alleged interference in US elections, see *New York Time’s* “Russian Hacking and Influence in the U.S. Election” at <<https://www.nytimes.com/news-event/russian-election-hacking>>.

⁵ Ed Pilkington and Jon Swaine, “The seven Republican super-donors who keep money in tax havens” (*Guardian*, 7 November, 2017) <<https://www.theguardian.com/news/2017/nov/07/us-republican-donors-offshore-paradise-papers>>.

democracy was premised, *ab initio*, on universal suffrage.⁶ More importantly, the demand for universal adult suffrage was integral to the modern Indian nationalist movement.⁷ This principle finds an important place within the Constitution of India. During discussions pertaining to universal adult suffrage in the Constituent Assembly, certain members did raise objections to universal suffrage, arguing that an overwhelmingly illiterate mass could not be trusted to make rational electoral decisions.⁸ However, universal adult suffrage found overwhelming support in the Constituent Assembly.

“Instant universal suffrage”⁹ is rare in the history of modern global democracy. In most Western democracies, suffrage was restricted on the basis of gender, class, property and race.¹⁰ While various theories exist to explain the expansion of suffrage in Western democracy,¹¹ the need to mitigate a significant possibility of revolution played an important role¹². Historically, demands for the expansion of

⁶ Swati Ramanathan and Ramesh Ramanathan, ‘The impact of instant universal suffrage’ (2017) 28 (3) *Journal of Democracy*, <<http://janaagraha.org/files/The-Impact-of-Instant-Universal-Suffrage-by-Swati-and-Ramesh-Ramanathan.pdf>>.

⁷ For example, the Motilal Nehru Committee Report (1928) recommended adult suffrage on the grounds that it is the only definite means of achieving parity between voting populations across communities. The Committee also refused to consider restricting franchise on the basis of literacy or property or gender. Available at: <<https://archive.org/details/in.ernet.dli.2015.212381>>.

⁸ For example, see, Das Bhargava in *Constituent Assembly Debates: “In regard to the rest, I also wanted to propose an amendment to clause (6) that illiteracy should also be regarded as one of the grounds for not giving a vote on the basis of adult suffrage. If a person is illiterate, he should not be granted the right to vote.”* VII Volume, 4th January 1949, para. 104.

⁹ *Supra* 1.

¹⁰ See, for example, Neil Johnston ‘The History of Parliamentary Franchise’, House of Commons Library <<https://archive.org/details/in.ernet.dli.2015.212381>>.

¹¹ Daron Acemoglu and James Robinson, ‘Why did the West Extend the Franchise? Democracy, Inequality and Growth in the Historical Perspective’ (2000) 115 (4) *Quarterly Journal of Economics*, 1167-1199 <https://scholar.harvard.edu/jrobinson/files/jr_west.pdf>.

¹² *ibid.*

the franchise have often been articulated in terms of exercising political agency or in broader terms, such as personhood¹³ and full citizenship¹⁴.

In other words, a key indicator of personhood and citizenship in the modern nation-state is the ability of individuals to exercise the right to vote or contest in elections. These underlying considerations of recognizing individual agency (and, therefore, personhood) and finding alternatives to ‘revolution’ are important themes in the Constituent Assembly (CA) debates. While various members referred to the egalitarian aspects of universal suffrage, an important principle was recognizing the potential conflict of excluding any section. A. Thanu Pillai, a member of the CA from Travancore, responded to those opposing universal franchise, arguing that it “*is really the core of our Constitution and it is but just and right that we have adopted it. I am really surprised that even today objections are raised to Adult Franchise. Not only from the standpoint of democratic principles but from the facts of the situation in the country, it is clearly indispensable. We must look at the temper of the nation today. Will anything other than adult franchise satisfy the people?* I am definitely of the view that nothing short of it could have formed the basis of our Constitution.”¹⁵ (emphasis supplied). Another key justification, that of individual agency, was made by O. V.

¹³ *August v. Electoral Commission* 1999 (4) BCLR 363 (1 April 1999) <<http://www.saflii.org/za/cases/ZACC/1999/3.html>> “Universal adult suffrage on a common voter’s roll is one of the foundational values of our entire constitutional order. The achievement of the franchise has historically been important both for the acquisition of the rights of full and effective citizenship by all South Africans regardless of race and for the accomplishment of an all-embracing nationhood. The universality of the franchise is important not only for nationhood and democracy. *The vote of each and every citizen is a badge of dignity and of personhood. Quite literally, it says that everybody counts.*”. Also see, Robert J. Sharpe and Patricia I. McMahon, *The Persons Case: The Origins and Legacy of the Fight for Legal Personhood* (Toronto: University of Toronto Press, 2007) as cited by Colleen Sheppard in (2008) 53 McGill Law Journal p. 367-373. <http://lawjournal.mcgill.ca/userfiles/other/3816560-Sheppard_Book_Note1.pdf>.

¹⁴ Irma Sulkunen and Seija-Leena Nevala-Nurmi and Pirjo Markkola, *Suffrage, Gender and Citizenship*, ‘Introduction’ (Cambridge Scholars Publishing, 2009).

¹⁵ Constituent Assembly Debates, Vol. XI, 24th November, 1949, paragraph 136.

Alagesan, who was responding to certain demands for institutionalizing ‘village republics’:

“There is another criticism that the village as a political unit has not been recognized. *I fear that behind the back of this criticism is distrust of adult franchise.* What was conceived under the village unit system was that the village voters would be called upon to elect the Panchayats and only the members of the Panchayats were to take part in the elections to the various assemblies, Provincial and Central. *But now, it is the village voter himself who will be called upon to weigh the issues before the country and elect his representative, and so he will directly participate in the election. I claim this to be a more progressive arrangement than having village units which elect the electorate indirectly*” (emphasis supplied).

In the CA debates, universal adult franchise was seen as something central to the working of the Constitution.¹⁶ The debates also reflect that universal adult franchise was closely linked to operationalizing the egalitarian objectives of the Constitution.¹⁷ Therefore, another key theme during debates on adult franchise was guaranteeing personhood and unconditional citizenship to those individuals previously excluded from the political process. Recognizing the vast social and political disparities in the country, Ambedkar asserted that “power in this country has too long been the monopoly of a few and the many are only *beasts of burden, but also beasts of prey.* This

¹⁶ For example, *ibid* paragraph 204, Sarangdhar Das, in the CA argued that “Although I have pointed out a few of the very great defects, in as much as adult franchise has been conceded by this Constitution, I have no doubt, that the mass of people who will exercise the franchise in the future, can change the entire Constitution, if they so desire, and they will desire. *So I do not condemn, nor disapprove, of the Constitution, as some of my friends have said that nobody has condemned it. It is no use condemning it. When adult franchise is there, by exercising that right, we can change the Constitution according to the needs of our society in the future.*” .

¹⁷ *ibid.*

monopoly has not merely deprived them of their chance of betterment, *it has sapped them of what may be called the significance of life. These down-trodden classes are tired of being governed. They are impatient to govern themselves.*” (emphasis supplied).

Furthermore, Ambedkar asserted that with the enactment of the Constitution, an important aspect of democracy, “not merely in form, but also in fact”¹⁸ would be to:

“.... hold fast to constitutional methods of achieving our social and economic objectives. It means we must abandon the bloody methods of revolution. It means that we must abandon the method of civil disobedience, non-cooperation and satyagraha. *When there was no way left for constitutional methods for achieving economic and social objectives, there was a great deal of justification for unconstitutional methods. But where constitutional methods are open, there can be no justification for these unconstitutional methods.*”¹⁹

Therefore, the key philosophical underpinnings in incorporating adult franchise were that political power and the ability to self-govern were now accessible to even those belonging to the “down-trodden classes”. More importantly, the enactment of the Constitution meant that certain ‘constitutional methods’ were available to citizens that allowed them to pursue socio-economic emancipation. It is possible to envisage that the provision of justiciable fundamental rights was one of these constitutional methods. However, the emphasis on ensuring political power for the marginalized indicates the importance of the principle of ‘one person one vote’ (and therefore, electoral democracy)

¹⁸ Constituent Assembly Debates, Vol. XI, 25th November, 1949, paragraph 329.

¹⁹ *ibid.*

as an important constitutional method of furthering social and economic objectives.

III. PROHIBITING CAMPAIGN FINANCE BY JURISTIC ENTITIES

1. *Background*

India's constitutional framework recognizes the rights of citizens to participate in the country's parliamentary democracy. These rights include the right to vote, contest and campaign in various elections. In various judgments, the Supreme Court of India has held that rights in relation to elections are constitutional and statutory rights,²⁰ and the import of Fundamental Rights guaranteed in the Constitution is limited in scope. Therefore, the exercise of rights in relation to elections is subject to the limitations placed by the governing statute.

In this context, it must be noted that the Supreme Court of India has addressed the question of campaign finance and the role of money in elections in various judgments, including *People's Union of Civil Liberties*²¹ and *Association for Democratic Reforms*.²²

The Supreme Court was primarily addressing questions pertaining to ensuring the integrity of representative parliamentary democracy. The Supreme Court, in *Association for Democratic Reforms* held that free and fair elections are an essential part of parliamentary democracy, and parliamentary democracy forms part of the basic structure of the constitution. Therefore, maintaining and protecting the integrity of the electoral process is essential to safeguarding constitutional and statutory guarantees pertaining to elections.

²⁰ *Shyamdeo Prasad Singh v Naval Kishore Yadav* (2000) 8 SCC 46, *Javed v State of Haryana & Others* (2003) 8 SCC 369.

²¹ *People's Union for Civil Liberties (PUCL) v Union of India* (2003) 4 SCC 399.

²² *Union of India v Association for Democratic Reforms* 2002 (5) SCC 294.

2. *Legislative Changes to Political Finance Framework*

The Finance Act of 2017 amended certain provisions of the Companies Act, 2013 that governed corporate donations to political parties. Section 182 of the Companies Act capped corporate political donations at seven and a half per cent of the company's average net profits during the three immediately preceding financial years.²³ However, the amendment removed the cap on the quantum of donations and further provided anonymity to political donations by removing the requirement of naming political parties in the company's accounts.²⁴ Furthermore, the Finance Act also amended Section 29C of the Representation of the People Act, 1951. Section 29C imposes reporting requirements on political parties and mandates disclosure of high-value donations. The Act exempted such declarations in cases of contributions made through anonymous 'electoral bonds'.²⁵

Similar dilutions to political finance laws were made by the Finance Act of 2016 to the Foreign Contribution (Regulation) Act, 2010 ("FCRA"). The amendment essentially allowed political parties to receive funding from subsidiaries of foreign-owned companies. Prior to the amendment, FCRA prohibited the receipt of "foreign contributions" from "foreign sources". However, following the amendment, contributions from foreign owned companies, as long as the ownership structure of such companies is in compliance with FEMA,²⁶ would not be considered as "foreign contributions".²⁷

²³ Proviso to s.182(1) of the Companies Act 2013 (omitted by Finance Act 2017).

²⁴ Part XII of the Finance Act, 2017

²⁵ Jagdeep Chhokar, 'Much Ado About Nothing: Electoral Bonds and an Unapologetic Lack of Transparency', (*The Wire*, 4th January, 2018) <<https://thewire.in/210430/electoral-bonds-transparency-in-political-funding/>>.

²⁶ Foreign Exchange (Management) Act 1999.

²⁷ Part XIII, Finance Act 2016.

While the receipt of “foreign contributions” is subject to a relatively complex regime under the FCRA, the Foreign Direct Investment (FDI) regime under FEMA has seen continuing relaxation of norms and expansion of “automatic and direct routes” for foreign capital. Ironically, this amendment, to some extent, streamlines this anomalous treatment of foreign capital as “problematic” when it is in the form of contributions, but “necessary” when it is in the form of investments.

Taken together, these legislative changes expand the potential field of activity of corporations in electoral politics. Furthermore, corresponding amendments limiting disclosure and declaration norms, increase the opaqueness of how political parties, campaigns and candidates are funded.

In this section, I argue that there is a strong constitutional imperative to prohibit corporate donations to political parties. I argue this on three grounds. Firstly, the Supreme Court’s jurisprudence on freedom of speech and expression has recognized that the right to receive information about the antecedents of candidates and political parties forms an inherent part of “speech and expression”.²⁸ Secondly, essential rights of participation in electoral democracy, the rights to vote or to contest elections or to form a political party, are exclusively available to citizens.²⁹ The Supreme Court has held that juristic persons

²⁸ *Supra* 22, 23.

²⁹ This proposition of law, interestingly found relevance in a recent judgment of the Brazillian Supreme Court (ADI 4.650, 24th February 2017, *On the merits, the Court held that the exercise of citizenship, in the strict sense, presupposes three modalities of procedure: the right to vote; the right to be voted; and the right to influence the formation of political will by the instruments of direct democracy. The Justice Rapporteur emphasized that such rules are inherent to singular individuals and therefore they could not be extended to companies, whose main purpose is obtaining profit. The Court pointed out that article 14.9 of the Federal Constitution prohibits the influence of economic power over the elections and that the participation of legal entities may turn the campaign costs very expensive, without causing, on the other hand, the improvement of the political process.* Judgment summary at <http://www2.stf.jus.br/portalStfInternacional/cms/verConteudo.php?sigla=portalStfJurisprudencia_en_us&idConteudo=159922>.

cannot exercise Fundamental Rights that are only guaranteed to citizens. Thirdly, the integrity of the electoral process is contingent on safeguarding it from distortive effects of capital on political discourse. In the absence of such safeguards, the possibility of a free and fair election is subject to serious skepticism.

Article 325 of the Constitution prohibits discrimination on the basis of religion, race, caste and sex in the inclusion of electoral rolls. More importantly, Article 326 of the Constitution provides that elections to the House of People and respective Legislative Assemblies of every State shall be on the basis of adult suffrage. Adult suffrage extends to “*every person who is a citizen of India and who is not less than eighteen years of age....*” (emphasis supplied). Similarly, another key aspect of electoral democracy, candidature, is subject to a person being a citizen of India.³⁰

Therefore, we see that the two key aspects of electoral democracy, the right to contest and the right to vote, are premised on citizenship. Therefore, a brief discussion of the legal framework applicable to citizenship may be necessary.

3. Citizenship and Rights: Constitution of India

The term “citizen” has not been defined in the Constitution. Part II of the Constitution deals with Citizenship, and lays down that citizenship shall be by birth, by descent, by migration and by registration. The Constitution of India does not envisage any other means by which citizenship may be acquired by any person. As is clear, it is only natural persons that can acquire citizenship and enjoy the rights of citizenship.

³⁰ For example, *see* Article 84 and 173, Constitution of India.

The Constitution empowers Parliament to regulate the right to citizenship. The Citizenship Act, 1955 provides for the various means through which citizenship may be acquired (or terminated). The Act defines “person” by excluding juristic or corporate personhood from within its scope.³¹

The Supreme Court of India, while interpreting the scope of the meaning of “citizen” as used in the Constitution held that, on the basis of section 2(1)(f), “[i]t is absolutely clear on a reference to the provisions of this statute that a juristic person is outside the purview of the Act”.

4. *Right to Freedom of Speech and Expression and Electoral Democracy*

The right to freedom of speech and expression under Article 19(1)(a) is guaranteed to all Indian citizens. It is clear from a plain reading of the constitutional framework that certain protections are available to “persons” (such as Article 14) and certain rights are exclusively meant for citizens alone (such as the freedoms under Article 19). Therefore, rights under the Article 19(1) are solely available for citizens, who can only be natural persons under the existing constitutional and legal framework.

The expression “freedom of speech and expression” in Article 19(1)(a) has been held to include the right to acquire information and disseminate the same. In *People’s Union for Civil Liberties*,³² it was recognized that the right of citizens to obtain information on matters relating to public acts flows from the Fundamental Right enshrined in Article 19(1)(a). Securing information on the basic details concerning the candidates contesting elections promotes freedom of speech and expression and therefore forms an integral part of Article 19(1)(a).

³¹ Section 2(1)(f), Citizenship Act 1955.

³² (2003) 4 SCC 399.

Furthermore, while noting that a ballot is the instrument by which the voter expresses his choice between candidates, the Court held that while the initial point of conferment of the right to vote would not attract the protections of 19(1)(a), the final act of casting a ballot itself would attract the protections of 19(1)(a), and therefore, it is crucial that citizens have the right to have essential information of candidates contesting an election.

Therefore, it is important to recognize that electoral rights, despite being constitutional and statutory in nature, do have an import of protections of Fundamental Rights. These protections are primarily sourced from the right to information jurisprudence that has been developed by the Supreme Court. Exercise of these rights are primarily sourced under Article 19(1)(a), which is solely available to citizens.³³

Moreover, it must be noted that the right to seek essential information pertaining to a candidate and a political party would include the right to know the source of funding of a political party and a candidate. It is essential for a voter to know the source of campaign funds to determine a candidate's or a political party's suitability for a voter.

In the case of campaign finance by juristic persons, a citizen is not in a position to identify the *actual* source of funding. In this context, an average citizen would require to pierce the corporate veil and navigate complex corporate structures to determine the actual ownership and management of a corporation that has made a donation to a political party. In practice, citizens would have no identifiable and accessible mode by which they would be able to understand the sources of campaign finance being utilized by a political party or a candidate.

³³ *State Trading Corporation v Commercial Tax Officer* 1963 AIR 1811.

5. *Political Parties, Citizenship and Corporate Funding*

The Representation of the People Act, 1951, similar to the provisions contained in the Constitution, is geared towards recognizing the rights and obligations of individual citizens *vis-à-vis* elections. For example, a political party is defined as follows:

“political party” means an association or a body of *individual citizens* of India registered with the Election Commission as a political party under section 29A.

The purpose of the Representation of the People Act, 1951, is to “*provide for the conduct of elections of the Houses of Parliament and to the House or Houses of the legislature of each State, the qualifications and disqualifications for membership of those Houses, the corrupt practices and other offences....*”. When read together with provisions of the legislation, it is clear that the Act is aimed at enabling free and fair elections to the Parliament and State Legislations. Furthermore, it is clear from the nature of the provisions that the rights and obligations envisaged in this framework are focused on ensuring that individual citizens enjoy their rights to participate in the electoral process in a free and fair manner.

In *Rama Kant Pandey*,³⁴ the Court observed that political parties are a vital part of parliamentary democracy (which forms part of the basic structure of the constitution) and cannot be ignored. Furthermore, in *Thampy*³⁵ the Court recognized that political parties wield power “in the administration of government affairs” and are therefore provided with certain special benefits.

Therefore, it must be understood that political parties play an important and distinct role in electoral democracy. In this regard, the

³⁴ *Ram Kant Pandey v Union of India* 1993 AIR 1766.

³⁵ *P Naila Thampy v Union of India* AIR 1985 SC 1133.

RPA explicitly recognizes political parties solely as entities constituted by *individual citizens*. Therefore, if the control and management of political parties is subsumed by interests of corporations rather than individual citizens, the very nature of political parties would stand changed. Thus, effecting a break from the centrality of the natural person as the basis of parliamentary democracy. It would be possible that the extent of corporate funding would evaluate the independence and nature of functioning of political parties – in effect, political parties could become mere conduits for corporate activity despite the fact that they are excluded from forming political parties.

6. *Safeguarding the “purity of elections”*

In *Kanwar Lal Gupta*,³⁶ the Supreme Court observed that the “pernicious influence of big money would then play a decisive role in controlling the democratic process in the country. This would inevitably lead to the worst form of corruption and that in its wake is bound to produce other vices at all levels.”

As stated earlier, the right to freedom of speech and expression includes the right to receive information. In *Ministry of Information and Broadcasting vs. Cricket Association of Bengal*,³⁷ the Supreme Court observed that “*one-sided information, disinformation, misinformation and non-information will equally create an uninformed citizenry which makes democracy a farce...freedom of speech and expression includes right to impart and receive information which includes freedom to hold opinions.*”

The Court’s finding in *Kanwar Lal Gupta* clearly recognizes that the source of political funding has a significant impact on the electoral process and “big money” reduces the scope of a free and fair election. Moreover, the Supreme Court’s jurisprudence on the freedom of

³⁶ [1975] 2 SCR 259.

³⁷ 1995 AIR 1236.

speech and expression clearly identifies a right to receive information as an essential feature of “speech and information”.

In addition, the *Ministry of Information and Broadcasting* also recognizes the need to ensure safeguards against distortive information and misinformation to ensure the integrity and quality of parliamentary democracy. When read together, the propositions in *Kanwar Lal Gupta* and *Ministry of Information and Broadcasting* focus on providing the integrity of the democratic process, for which citizens (as voters) must be informed about those whom they choose to elect. It is insufficient that voters merely have a theoretical right to receive information but also that the information is accessible and available.

The prohibition or regulation of corporate funding is sourced from the overarching principle of ensuring the “purity of the electoral process”. Successive Supreme Court judgments, including *Association for Democratic Reforms*³⁸ and *A. Neelalobithadasan Nadar vs. George Mascrene*,³⁹ have recognized that for maintaining the “purity of elections and a healthy democracy, voters are required to be educated and well informed about the contesting candidates”.⁴⁰ The court recognized that the antecedents of the candidate, their economic situation and their criminal background are all important and that there is “no necessity of suppressing the relevant facts from the voters”.⁴¹

As has been demonstrated, there have been significant findings linking the role of “big money” to the broader electoral process. Furthermore, it is also clear that, in the presence of complex corporate ownership and management structures, it is extremely difficult for a citizen to exercise their right to receive information in any significant

³⁸ 2002 (3) SCR 294.

³⁹ *A. Neelalobithadasan Nadar v George Mascrene* 1994 SCC, Supl. (2).

⁴⁰ Para 22, *Association for Democratic Reforms*.

⁴¹ *ibid.*

manner. These two factors indicate substantial harm to the purity of elections, and preventing such harm is essential to safeguard the rights of individual voters, as well as the overall health of the democratic process in the country.

IV. GLOBAL ELECTORAL DEMOCRACY: CAPITAL AND CAMPAIGN FINANCE

1. *Overlapping themes*

One of the key recurring themes in global discussions surrounding electoral reforms focuses on ‘electoral integrity’ – a phrase indicating the overall health of electoral processes in a particular jurisdiction. In this context, concerns pertaining to transparency and accessibility are key priorities. More importantly, sourcing of political finance is closely linked to outcomes: ‘*Who has the voice to participate in political discourse?*’ and ‘*who can determine policy?*’.⁴² Therefore, a key focus is setting standards and embedding ‘integrity’ within broader electoral frameworks.⁴³

Closely linked to this is the role of third-party campaigning elections and the kind of regulatory frameworks they are subject to. Third-party campaigns are political campaigns operated by persons or associations or entities that are not political parties and may not be supporting candidatures, but instead endorsing specific issues. In the United States, “SuperPACs” supported by large corporate donations have played an increasingly distortive role in domestic electoral politics.⁴⁴ While certain countries, such as Canada, regulate third-party

⁴² “Financing Democracy: Funding of Political Parties and Election Campaigns and the Risk of Policy Capture”, (2016) OECD Publishing <<http://dx.doi.org/10.1787/9789264249455-en>>.

⁴³ Elin Falguera, et al., “Funding of Political Parties and Election Campaigns”, (2014) International Institute for Democracy and Electoral Assistance.

⁴⁴ Alex Slater, ‘Super PACs’ distortion of democracy’, (*Guardian*, 4th October, 2017) <<https://www.theguardian.com/commentisfree/cifamerica/2010/oct/04/superpacs->

campaigning, most jurisdictions are yet to address this significant gap in electoral oversight.⁴⁵

2. *Globalization of Political Finance*

Authoritative links between political finance and the determination of policy are difficult to make unless they are explicitly transactional in nature. Therefore, perhaps, Teachout suggests we understand corruption as a “*description of emotional orientation, rather than description of contract-like exchange*”. Such a view would allow us to look at larger structures and draw reasonable inferences, rather than meet the cynical requirement of formally linking finance to outcomes. In other words, Teachout’s approach allows us to analyze corruption as more than just *quid pro quo*. It allows us to expand it to not just look at corruption but also to develop frameworks that prevent the *appearance or possibility* of it.⁴⁶

In India, the logic of globalization – especially the policies of disinvestment and deregulation – has simultaneously transformed and accentuated the electoral system. Like many developing countries, political financing in India has become closely linked to illicit financing, i.e., undisclosed cash and proceeds of crime.⁴⁷

With disinvestment, privatization (outsourcing of obligations previously discharged by the government) and deregulation, opportunities opened up for “policy capture” through political

political-funding-midterms>.

⁴⁵ S. 353, Canada Elections Act 2000

⁴⁶ Zephyr Teachout, “Corruption in America” (Harvard University Press, 2014), as cited in: “Private funding of political campaigns: comparative analysis of the law in the United States and in Brazil”, Alberto Monteiro, 2015

⁴⁷ See generally, “Reforming India’s Party Financing and Election Expenditure Laws”, Rajeev Gowda and E. Sridharan, Election Law Journal, 2012 <<https://casi.sas.upenn.edu/sites/casi.sas.upenn.edu/files/upiasi/Reforming%20India%27s%20Party%20Financing%20and%20Election%20Expenditure%20Laws.pdf>>.

finance.⁴⁸ In more immediate forms, this nexus between political finance and globalization is reflected in corruption cases involving public procurement.⁴⁹

In other ways, it reflects the possibilities of an overarching ‘policy capture’ by financiers: determining, not just qualifications for tendering, but also the scope of (de)regulation, and deprioritizing concerns emanating from citizenry.

In India, for example, an important study showed a close correlation between a decline in construction activity during the election cycle. Kapur and Vaishnav demonstrated that there was a strong indication of a nexus between real estate interests and legislators.⁵⁰ Similarly, donors to important Republican Party SuperPACs were also closely linked to having large sums in offshore tax havens.⁵¹

The globalization of certain aspects of electoral democracy – especially the manner in which complex corporate structures are being utilized for campaign finance and how similar forms and modalities of corruption are reflected across diverse jurisdictional contexts.⁵² Furthermore, the role of globalized professionals and intermediaries such as financial consultants and lawyers in developing complex

⁴⁸ Michael W Dowdle, ‘Public accountability: Conceptual, historical and epistemic mappings’, “Regulatory Theory” Ed., Peter Drahos, ANU Press. (2017) <<http://www.jstor.org/stable/j.ctt1q1crtm.20>>.

⁴⁹ *Supra* 46. Also, see “Money In Politics: Sound Political Competition And Trust In Government”, OECD Background Paper, 2013 <<http://www.oecd.org/gov/ethics/Money-in-politics.pdf>>.

⁵⁰ *Supra* 46.

⁵¹ *Supra* 20.

⁵² *Supra* 41.

structures that underpin the movement of global capital⁵³ furthers the understanding of embedded “lawyers as brokers”.⁵⁴

3. *Big Data and Electoral Integrity*

Political communications have seen rapid transformation in the era of social media. With rapid growth of the Big Data, its deployment in elections was only natural. Reports of the use of Big Data in the Brexit referendum and the 2016 Presidential elections,⁵⁵ while exaggerated, do point to a possible electoral future where ‘micro-targeted’ political campaigns can be run on the back of measuring citizens’ personality from their digital footprints.⁵⁶ Furthermore, the fact that only a limited proportion of the Indian electorate is presently online has not dissuaded Big Data and micro-targeting finding their way into Indian electoral politics.⁵⁷ The deployment of Big Data in electoral politics has serious consequences for political discourse: Big Data can be (and has been) technologies that have been used to craft ‘fake news’ and manipulate voters.⁵⁸

This distortion in political discourse is obviously harmful as it results in altering a level playing electoral field. Furthermore, the role

⁵³ For example, see “Role of advisors and intermediaries in the schemes revealed in the Panama Papers”, Directorate General for Internal Policies, European Parliament. Available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/602030/IPOL_STU\(2017\)602030_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/602030/IPOL_STU(2017)602030_EN.pdf)

⁵⁴ Yves Dezalay and Bryant Garth, “Introduction”, ‘Lawyers and the Era of Globalisation’ (2011) Routledge

⁵⁵ “The Data That Turned the World Upside Down”, Hannes Grassegger & Mikael Krogerus (*Motherboard*, January 28, 2017), <motherboard.vice.com/en_us/article/mg9vvn/how-our-likes-helped-trump-win>.

⁵⁶ *ibid.*

⁵⁷ Michael Safi, ‘India's 'big data' election: 45,000 calls a day as pollsters target age, caste and religion’ (*Guardian*, February 2017) <<https://www.theguardian.com/world/2017/feb/16/india-big-data-election-pollsters-target-age-caste-religion-uttar-pradesh>>.

⁵⁸ “Russians used Facebook the way other advertisers do”, USA Today, November 2017 <https://www.usatoday.com/story/tech/news/2017/11/01/russians-used-facebook-way-other-advertisers-do-tapping-into-its-data-mining-machine/817826001/>

that global capital takes – sometimes as technology and sometimes as finance – further enmeshes policymaking and electoral considerations. For example, the role of Facebook – which attempts to represent itself as a politically agnostic platform – in actively assisting political campaigns (not merely ‘passively’ hosting advertisements) reflects the varied ways in which global capital, Big Data and electoral democracy intersect:

“In the U.S., the unit embedded employees in Trump’s campaign. (Hillary Clinton’s camp declined a similar offer.) In India, the company helped develop the online presence of Prime Minister Narendra Modi, who now has more Facebook followers than any other world leader. In the Philippines, it trained the campaign of Rodrigo Duterte, known for encouraging extrajudicial killings, in how to most effectively use the platform. And in Germany, it helped the anti-immigrant Alternative for Germany party (AfD) win its first Bundestag seats, according to campaign staff.”⁵⁹

Besides distorting political discourse, globalized forms of election systems also institute an accelerated cooption of policymaking. As discussed earlier, ‘policy capture’ can severely limit the scope of independent policymaking. For example, Facebook, following the 2014 Indian elections, trained “more than 6,000 government officials”.

Therefore, globalization has produced newer models of political finance that have now been imported or adapted in various jurisdictions. While harms stemming from these models remain similar

⁵⁹ Lauren Etter et. al., ‘How Facebook’s Political Unit Enables the Dark Art of Digital Propaganda’ (*Guardian* 21 December 2017) <<https://www.bloomberg.com/news/features/2017-12-21/inside-the-facebook-team-helping-regimes-that-reach-out-and-crack-down>>.

– distortive discourse, risks of policy capture and reduced trust in electoral democracy – the processes by which they manifest may vary. Moreover, it was not merely the globalization of models. Liberalizing controls on foreign capital and the transnational nature of technology and data has meant that globalization has produced newer challenges to the integrity of electoral democracy.

V. CONCLUSION

One could argue that the threat of money and the role of misinformation in elections precedes the era of globalization. However, globalization produced very specific models through which political finance would be channeled and technology could be used to distort political discourse. Furthermore, neo-liberal economic policies created newer opportunities for capital to capture decision-making processes, and in the process, expand its economic power as well.

Like most processes associated with globalization, the consequence of globalized elections has been to accentuate disparities in political and economic power, and to enable a framework where economic and political power perpetuate each other.⁶⁰ In the absence of frameworks that allow for alternative means of political finance, economic and gender disparities disproportionately hurt the “dispossessed and deprived”. Perhaps the best example of this in India is how the Dalit party, Bahujan Samaj Party accesses its political finance: the party is the only major political party in the country to have not received a single corporate donation.⁶¹ Where political actors’

⁶⁰ Elmer E. Schattschneider, *The Semi-Sovereign People* (Fort Worth, TX: Harcourt Brace Jovanovich College Publishers, 1975 [1960]) as cited in supra note 47. “*When political power is merely a mirror image of economic power, the principle of “one person, one vote” is rendered meaningless, and democracy ceases to be an “alternative power system, which can be used to counterbalance the economic power.”*”

⁶¹ PTI, At Rs 706 Crore, BJP Got Maximum Corporate Donations: Report (*The Quint*, 19 August 2017) <<https://www.thequint.com/news/politics/bjp-received-maximum-donations-from-corporates-says-report>>.

key interests are fundamentally at odds with interests of capital, parties that aim to raise issues of marginalized communities can do little to position themselves as “pro-business”. This is another warning that Ambedkar made in his speech before the CA:

“[We] must begin by acknowledging the fact that there is complete absence of two things in Indian Society. One of these is equality. *On the social plane, we have in India a society based on the principle of graded inequality which we have a society in which there are some who have immense wealth as against many who live in abject poverty.* On the 26th of January 1950, we are going to enter into a life of contradictions. In politics we will have equality and in social and economic life we will have inequality. *In politics we will be recognizing the principle of one man one vote and one vote one value. In our social and economic life, we shall, by reason of our social and economic structure, continue to deny the principle of one man one value.* How long shall we continue to live this life of contradictions? How long shall we continue to deny equality in our social and economic life? If we continue to deny it for long, we will do so only by putting our political democracy in peril.” (emphasis supplied).

If, indeed, Ambedkar’s argument – that, with the constitution, all methods involving ‘bloody revolution’ are now unconstitutional – then, it is also time that we recognize this: what happens when ‘constitutional methods’ are hollowed out processes that do not allow their genuine deployment? Will methods involving ‘bloody revolutions’ still be considered unconstitutional?

Electoral integrity or “purity of elections” is at the heart of protecting the key ‘constitutional method’ of elections. When

discourse at the electoral site is distorted to drown out other voices, or worse, when the only voices that are heard are of juristic (rather than natural) persons, it negates the first premise of India's constitution: one person, one vote, one value. Any dilution of this standard deprives the large mass of people from mobilizing for "self-realization"⁶² to find again their "significance of life".

Postscript

Since this essay was written, some significant developments must be acknowledged. Firstly, in 2024, the Supreme Court of India struck down the electoral bonds scheme and unlimited corporate donations to political parties.⁶³ The court grounded its judgement on grounds of the right to information and the need to protect electoral integrity. It is important to note that writ petitions challenging these changes to the electoral framework were pending since 2017, during which time various state general elections and one national election had taken place. The Court's orders required disclosure of electoral bonds data. The data showed that the ruling BJP received the lion's share of donations through electoral bonds.⁶⁴ This is a trend consistent with the fact that the BJP has also been the single largest recipient of corporate funding.⁶⁵

Secondly, fundamental changes have been made to the overarching framework pertaining to digital governance in India. The 'triangle' of universalization of Aadhaar, 'digital public infrastructure'

⁶² *Supra* 13.

⁶³ *Association for Democratic Reforms & Anr. v. Union of India & Ors*, 2024 INSC 113

⁶⁴ The Hindu Data Team, "Electoral bonds data | BJP received Rs. 6,060 crore, highest among all parties" (*The Hindu*, 14 March 2024) <<https://www.thehindu.com/data/electoral-bonds-data-bjp-received-rs-6060-crore-highest-among-all-parties/article67951830.ece>>

⁶⁵ The Hindu Bureau, "BJP received nearly 90% of all corporate donations to national parties in 2022-23" (*The Hindu*, 14 February 2024) <<https://www.thehindu.com/news/national/bjp-received-nearly-90-of-all-corporate-donations-in-2022-23/article67845754.ece>>

and detailed citizen data⁶⁶ has enabled governments to profile voters and to target them at an unprecedented scale.⁶⁷ Added to this triangle is the linkage of voter identity cards (“EPIC”) with Aadhaar, allowing political actors to not only reach out to voters at a large scale, but to also personalize their outreach at a granular level.

The linking of EPIC and Aadhaar was first carried out without any legal sanction, resulting in the collection of 3 crore Aadhaar numbers.⁶⁸ Following the Election Laws (Amendment) Act, 2021, the Commission was empowered to seed connect Aadhaar with EPIC. Despite claims that it was ‘voluntary’ to link EPIC with Aadhaar, 60% of voters’ data was already linked.⁶⁹ The creation of such interlinked databases in the hands of public bodies has raised serious concerns.⁷⁰ These are about the possible dangers to individual privacy and governmental surveillance. However, these also raise serious concerns pertaining to electoral integrity. Since Aadhaar and beneficiary data is now effectively connected, voters can be identified and targeted by

⁶⁶ Shikhar Singh, “When Does Welfare Win Votes in India?” (*Carnegie*, 25 January 2024) <<https://carnegieendowment.org/research/2024/01/when-does-welfare-win-votes-in-india>>

⁶⁷ “There are increasingly blurred lines between the data available for political campaigning and data available for governance.” Safina Nabi, “Government data in political hands: Aadhar citizen ID and the 2024 Indian election campaigns” (*The Influence Industry Project*, 20 December 2023) <<https://influenceindustry.org/en/explorer/case-studies/india-nabi-government-data/>>

⁶⁸ Anuj Srivas, “How Did the EC Link 300 Million Voter IDs to Aadhar in Just a Few Months?” (*The Wire*, 9 November 2018) <<https://thewire.in/political-economy/how-did-the-election-commission-link-300-million-voter-ids-to-aadhaar-in-just-a-few-months>>

⁶⁹ The Hindu Bureau, “Over 54 crore voters have linked Aadhaar with electoral rolls, Law Minister says in a reply in the Rajya Sabha” (*The Hindu*, 15 December 2022) <<https://www.thehindu.com/news/national/over-54-crore-voters-have-linked-aadhaar-with-electoral-rolls-law-minister-says-in-a-reply-in-the-rajya-sabha/article66268396.ece>>

⁷⁰ “Then there is beneficiary data from the state and central government databases,” said Venkatanarayanan. “But to build a complete picture of a voter, you need a common connector to link all these databases. That is why you need Aadhaar.” Kumar Sambhav, “Govt Has Cleared Linking of Aadhar & Voter Data. Past Experience Reveals How it Can Be Manipulated” (*Article 14*, 27 December 2021) <<https://article-14.com/post/govt-has-cleared-linking-of-aadhaar-voter-data-past-experience-reveals-how-it-can-be-manipulated-61c937a621c09>>

parties in power.⁷¹ These suspicions have been confirmed in instances where political parties, through private corporations, have not only been found to have collected such data but to have illegally accessed public records in order to build voter profiles in order to run campaigns.⁷²

Another important development has been reportage over the role of multinational digital platforms in the electoral space. There is now more information available to understand the connections between new technologies, data collection practices and how they are being deployed in the electoral space.

Despite being privately owned, they play an undeniably public role. Reports indicate a close proximity between parties in power and large digital platforms.⁷³ Parties have used digital platforms to not only conduct routine outreach, but to actively seed disinformation and misinformation. This is primarily carried out through surrogates and ‘diffuse’ actors that are not subject to the law that parties and candidates are subject to.⁷⁴ The result is an ecosystem dedicated to spreading hate speech and disinformation. In combination with publicly collected data, the use of digital platforms has allowed political parties to distort the level playing electoral field.

⁷¹ Disha Verma, “Your personal data, their political campaign? Beneficiary politics and the lack of law” (*Internet Freedom Foundation*, 10 April 2024) <https://internetfreedom.in/personal-data-political-campaigning/>

⁷² Srinath Vudali, “Aadhar details of 7.82 crore from Andhra Pradesh and Telangana found in possession of IT Grids (India) Pvt Ltd” (*The Times of India*, 13 April 2019) <https://timesofindia.indiatimes.com/city/hyderabad/aadhaar-details-of-7-82-crore-from-telangana-and-andhra-found-in-possession-of-it-grids-india-pvt-ltd/articleshow/68865938.cms>; Srishti Jaiswal, “The data collection app at the heart of the BJP’s Indian election campaign” (*Rest of world*, 20 January 2024) <https://restofworld.org/2024/bjp-saral-app-data-gathering/>

⁷³ Billy Perrigo, “Facebook’s Ties to India’s Ruling Party Complicate Its Fight Against Hate Speech” (*Time*, 27 August 2020) <https://time.com/5883993/india-facebook-hate-speech-bjp/>

⁷⁴ Amber Sinha, “Regulating Diffuse Actors in the 2024 Indian Elections” (*The Influencing Industry Project*, 20 December 2023) <https://influenceindustry.org/en/explorer/case-studies/india-sinha-diffuse-actors/>

Thus, corporations have increasingly transformed from being mere ‘interest groups’ whose financing of political speech is to be regulated. Rather, in their role as owners of digital platforms, they are expected to play the role of neutral ‘regulators.’ For example, social media platforms and the ECI agreed to a ‘voluntary code of ethics.’⁷⁵ Yet, reports indicate that social media platforms not only permitted electoral hate speech, but also allowed for its lopsided monetization.⁷⁶

While it may be possible to regulate the electoral space using pre-existing models, such as regulation of campaign finance, the outsized role played by social media platforms might need more sustained interrogation. There is not only a need to balance informational privacy with electoral integrity but to also investigate traditional categories such as the idea of a ‘campaign period.’ Misinformation campaigns, microtargeting of welfare beneficiaries, or hate speech are not strictly things that happens in the run up to polling day. Nonetheless, their purpose is geared towards electoral victories.

Therefore, as India’s electoral democracy globalises even further, there will be a need to devise regulatory frameworks that keep up with such developments. This is even more pronounced as the 2024 general elections saw the first widespread use of synthetic media.⁷⁷ It must also be noted that the transformations in India’s electoral

⁷⁵ PIB Delhi, “Voluntary Code of Ethics” by Social Media Platforms to be observed in the General Election to the Haryana & Maharashtra Legislative Assemblies and all future elections” (*PIB*, 26 September 2019) <<https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1586297>>

⁷⁶ For example, a report on the online political advertisements not only indicated that a particular party received cheaper ad-rates on Facebook, that surrogate advertising for a particular party was permitted by Meta and that when surrogate advertisements were targeted, it was primarily the opposition party’s surrogates that were most targeted <<https://www.reporters-collective.in/projects/eyeballpolitics-facebook-investigation>>

⁷⁷ Fahad Shah, “AI companies are making millions producing election content in India” (*Rest of world*, 30 April 2024) <<https://restofworld.org/2024/india-elections-ai-content/>>

democracy are not absolute. Rather, these changes have been *built on* existing structures. As one former campaign manager remarked:

“Everyone who wants to know how the BJP operates looks for hi-fi, extraordinary tech, and some of that exists. But the reality is, it’s mostly brute, manual labor.”⁷⁸

This indicates a need for electoral law to renew its focus on protecting the natural individual citizen, and to actively reduce the role of juristic persons that are able to distort the political field by virtue of their hold over global capital. Perhaps one way in which the law may be reoriented is to distinguish between the ‘collective’ from the ‘corporate.’ A ‘collective interest’ is premised on *individuals* coming together and designing a political agenda: political parties and labour unions may be a good example. In contrast, a corporate interest is premised on shareholder ownership and the furtherance of possible commercial interests. A political party is premised on voluntariness of association, a certain degree of deliberation and compromise. However, when parties become corporatised:

The questions posed are not democratically inspired. Rather, formulating initiatives and referenda are typically the work of independent political entrepreneurs and special interest groups unconnected to established, broad-based political groups. They are promoted through privately funded campaigns organized by political professionals employing targeted direct mailing, market testing, and paid signature gatherers.⁷⁹

⁷⁸ Gerry Shih, “Inside the vast digital campaign by Hindu nationalist to inflame India, (*The Washington Post*, 26 September 2023) <<https://www.washingtonpost.com/world/2023/09/26/hindu-nationalist-social-media-hate-campaign/>>

⁷⁹ Nancy L. Rosenblum, *Primus Inter Pares: Political Parties and Civil Society*, 75 CHI.-KENT L. REV. 493 (2000).

With newer technologies and increased corporate influence, the ‘collective’ is even more thoroughly subsumed by the ‘corporate.’

Thus, the centrality of the natural individual citizen must be the guiding light for laws protecting electoral integrity. In contrast, laws merely regulating personal data are inadequate. Especially in the case of India, where the party in power may exempt itself from data protection law⁸⁰ while simultaneously being in a position to access and repurpose large amounts of citizen data collected on behalf of the government.⁸¹

Lastly, the overlaps between new technologies and electoral democracy can be found in how India’s elections are conducted. For example, the Election Commission of India itself deploys facial recognition technology to identify “similar entries” in electoral rolls.⁸² It has also used the technology – the accuracy and impartiality of which is questionable⁸³ – to verify voter identity at polling stations.⁸⁴

⁸⁰ Apar Gupta, “An Act to cement digital authoritarianism” (*The Hindu*, 17 August 2023) <<https://www.thehindu.com/opinion/lead/an-act-to-cement-digital-authoritarianism/article67202493.ece>>

⁸¹ Safina Nabi, “Government data in political hands: Aadhar citizen ID and the 2024 Indian election campaigns” (*The Influence Industry Project*, 20 December 2023) <<https://influenceindustry.org/en/explorer/case-studies/india-nabi-government-data/>>

⁸² “ECI is taking a host of initiatives to leverage new and emerging technologies for improving voter experience and electoral management. It is working on launching a new version of ERONET, making NVSP portal and all citizen mobile apps even more accessible and voter friendly, using facial recognition and artificial intelligence technology to purify electoral rolls, linking Aadhar with EPIC for identification, authentication and deduplication purposes, GIS tagging of polling booths, households and public facilities to enhance voter friendliness, launching e-learning platform to enhance electoral literacy and developing robust booth monitoring systems for ensuring free and fair poll.” https://ceodelhi.gov.in/PDFFolder/Publications/SVEEP_Strategy_2022_25.pdf

⁸³ Aishwarya Jagani, “No facing away: Why India’s facial recognition system is bad news for minorities” (*The unbiased the news*) <<https://unbiasthenews.org/no-facing-away-why-indias-facial-recognition-system-is-bad-news-for-minorities/>> ; Marissa Gerchick and Matt Cagle, “When it Comes to Facial Recognition, There is No Such Thing as a Magic Number” (*American Civil Liberties Union*, 7 February 2024) <<https://aclu.org/news/privacy-technology/when-it-comes-to-facial-recognition-there-is-no-such-thing-as-a-magic-number>>

⁸⁴ Reuters, “Telangana tests facial recognition in local polls as privacy fears mount” (*The Hindu*, 22 January 2020) <<https://www.thehindu.com/sci-tech/technology/telangana->

Attempts were also made to use these technologies to surveil polling stations.⁸⁵

The ‘purity’ of elections is no more just a concern with the design of electoral frameworks, or with the conduct of election management bodies. Rather, the fundamental transformations in how elections are increasingly carried out makes it essential that the law responds to the intrusion of newer actors, and the kind of power they have come to exercise. This paper outlined the constitutional underpinnings of representative democracy in India. The constitutional framework pertaining to electoral democracy centers the individual citizen, and the purpose of electoral democracy is to provide for constitutional means to achieve political objectives. The fundamental transformations to the law and practice of electoral democracy fundamentally reduces the scope of such constitutional means. Therefore, the concern with ‘electoral integrity’ must center the individual citizen at its heart.

⁸⁵ tests-facial-recognition-in-local-polls-as-privacy-fears-mount/article30623453.ece>
Damini Nath, “After EC intervention, NICS I cancels tender for facial recognition of voters” (*The Indian Express*, 20 January 2024)
<<https://indianexpress.com/article/india/after-ec-intervention-nicsi-cancels-tender-for-facial-recognition-of-voters-9118075/>>