

DEMOCRACY DEMANDS DAYLIGHT: A CASE FOR BRINGING INDIAN POLITICAL PARTIES UNDER RIGHT TO INFORMATION ACT, 2005

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ABSTRACT

Can a democracy be truly free if its guardians operate in the dark? Political parties are not mere participants in democracy—they are its architects and custodians. Yet, they evade the core constitutional value that sustains the Republic: the right to know. For a polity that proudly refers to itself as the largest democracy in the world, it is ironic that the institutions that engage in elections, constitute governments, and wield power over the legislature themselves fall outside the scope of democratic scrutiny. The question that therefore arises, fundamental and pressing in its implications, is whether a democracy can truly be described as participatory if its most influential political institutions are not accountable to the public that they purportedly represent. The Right to Information Act, 2005 was passed to instil a culture of transparency and to enable citizens to hold public authorities accountable. It is based on the consideration that access to information is not merely an administrative tool but a constitutional right under Article 19(1)(a) of the Constitution, which guarantees citizens the freedom of speech and expression. But even after two decades since its enactment, political parties still resist being brought within its ambit on a plethora of legal and logistical grounds.

Keywords: Transparency, Accountability, Political Parties, Elections, Information

1. INTRODUCTION

Political parties are not mere participants in democracy—they are its architects and custodians. Yet, they evade the core constitutional value that sustains the Republic: the right to know. For a polity that proudly refers to itself as the largest democracy in the world, it is ironic that the institutions that engage in elections, constitute governments, and wield power over the legislature themselves fall outside the scope of democratic scrutiny. The question that therefore arises, fundamental and pressing in its implications, is whether a democracy can truly be described as

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The Right to Information Act, 2005¹ was passed to instil a culture of transparency and to enable citizens to hold public authorities accountable. It is based on the consideration that access to information is not merely an administrative tool but a constitutional right under Article 19(1)(a) of the Constitution², which guarantees citizens the freedom of speech and expression. But even after two decades since its enactment, political parties still resist being brought within its ambit on a plethora of legal and logistical grounds. Especially in view of the Central Information Commission ruling in 2013³, their resistance is not merely legally vulnerable but democratically unsustainable.

Recent judicial rulings have revived calls for transparency in political activities and funding. Most significantly, in 2024, India's Supreme Court held that the Electoral Bond Scheme was unconstitutional because it infringed on the right of citizens to know the source of political parties' money.⁴ Through this ruling, the Court reasserted the position that transparency is not a theoretical concept but a constitutional norm. In the context of this evolving jurisprudence, the exclusion of political parties from the RTI framework appears increasingly indefensible.

1.1 Objectives of Study

- To examine the legal and constitutional basis for including political parties under the Right to Information Act.
- To analyse judicial precedents supporting political transparency.
- To address the objections raised by political parties against RTI inclusion.
- To propose legislative reforms that ensure transparency while balancing democratic freedoms.
- To learn from global examples of political accountability mechanisms.

1.2 Research Questions

- Whether political parties in India qualify as "public authorities" under Section 2(h) of the Right to Information Act, 2005?

¹ Right to Information Act, 2005, No. 22, Acts of Parliament, 2005 (India).

² The Constitution of India. art. 19, § 1(a).

³ Central Information Commission, *Subhash Chandra Agrawal & Anil Bairwal v. First Appellate Authority/CIC*, CIC/SM/C/2011/001386 & 000838 (June 3, 2013), available at ADR-India, archived at: https://adrindia.org/sites/default/files/CIC_order_dated_3rd_June_2013.pdf

⁴ *Assn. for Democratic Reforms v. Union of India*, Writ Petition (C) No. 880 of 2017, 2024 INSC 113 (S.C. Feb. 15, 2024).

- Whether there is a constitutional and judicial basis for bringing political parties within the ambit of the RTI Act?
- Whether the primary legal, operational, and political objections raised by political parties against RTI inclusion are constitutionally defensible?
- What legislative and regulatory reforms are necessary to operationalize transparency in political party functioning while safeguarding legitimate concerns regarding internal party autonomy?
- What lessons can India draw from international best practices in political party transparency, particularly from democracies such as the United Kingdom, the United States, and Germany?

2. RESEARCH METHODOLOGY

This research is doctrinal in nature, relying primarily on statutory provisions, constitutional interpretation, judicial precedents, and policy analysis. The study engages with key sections of the Right to Information Act, the Representation of the People Act, and the Income Tax Act, supported by case laws such as *Union of India v. Association for Democratic Reforms*, *PUCL v. Union of India*, and others. Comparative insights from global democracies such as the UK, the US, and Germany were examined to highlight best practices. Secondary data sources including government reports, legal commentaries, and election commission notifications were also used to contextualise political party financing and transparency mechanisms.

3. Content/Data Analysis

3.1 Political Parties as Public Authorities Under the RTI Act: A Constitutional and Statutory Analysis

The crux of the legal argument in favour of including political parties within the RTI framework lies in Section 2(h) of the Act⁵, which defines a “public authority” to include not only bodies constituted by the government but also non-governmental organisations that are substantially financed by public funds or perform public functions. It is under these two limbs of substantial financing and public function that political parties clearly fall.

Substantial financing, under judicial interpretation, does not require majority or complete funding. Rather, it contemplates any form of recurrent and significant benefit conferred by the state. Political parties in India are recipients of a range of such benefits. These include the allotment of prime land and buildings in New Delhi and state capitals at highly concessional rates, often with the costs of

⁵ The Right to Information Act, 2005, § 2(h), No. 22, Acts of Parliament, 2005 (India).

maintenance borne by public exchequers.⁶ Additionally, political parties are granted complete tax exemption under Section 13A of the Income Tax Act, 1961.⁷ This exemption is among the most favourable in the tax code and results in massive foregone revenue, which if estimated, would be extremely high annually per major political party.⁸ Further, political parties are given free airtime on state-run media outlets like Doordarshan and All India Radio during elections.⁹ They also receive free copies of electoral rolls from the Election Commission of India.¹⁰ Collectively, these benefits constitute a significant transfer of public resources.

Even more compelling is the argument grounded in the public character of political parties. Political parties are not merely private associations instead; they are constitutionally and statutorily recognised entities that play a determinative role in the functioning of the state. Under Section 29A of the Representation of the People Act, 1951¹¹, political parties are registered with the Election Commission of India, which is itself a constitutional body under Article 324.¹² Their operations are regulated by the Commission, and recognition under the Election Symbols (Reservation and Allotment) Order, 1968¹³ entitles them to various statutory benefits. Most crucially, the Tenth Schedule to the Constitution (the anti-defection law)¹⁴ confers binding authority on political parties over the votes of their elected representatives. The existence of a constitutional provision that permits the disqualification of legislators for not following the directions of their party underscores the significant legal recognition and power accorded to parties.

⁶ Association for Democratic Reforms, Political Parties Under RTI: A Landmark Judgment (2013), available at <https://adrindia.org/content/political-parties-come-under-rti-landmark-judgement-cic>; Directorate of Estate, Ministry of Housing and Urban Affairs, Government of India, *Land Allotment to Political Parties (Proactive Disclosure)*, available at: https://ldo.gov.in/Content/26_1_RTI.aspx.

⁷ Income Tax Act, 1961, § 13A, No. 43, Acts of Parliament, 1961 (India).

⁸ Association for Democratic Reforms, Analysis of Income Tax Returns of Political Parties (2008–present), available at: <https://adrindia.org/content/political-parties-under-rti>.

⁹ Press Information Bureau, “ECI to issue digital time vouchers to National & State political parties for campaigning on Doordarshan & All India Radio during elections,” PR ID 1940589 (July 18, 2023), available at: Press Information Bureau website.

¹⁰ Election Commission of India, Electoral Roll Provisions under the Representation of the People Act, 1951, Sections 78A and 78B; Press Information Bureau, Pure Electoral Rolls Strengthen Democracy (Aug. 15, 2025), available at: <https://www.pib.gov.in/PressReleseDetailm.aspx?PRID=2157210>.

¹¹ Representation of the People Act, 1951, § 29A, No. 43, Acts of Parliament, 1951 (India).

¹² The Constitution of India. art. 324.

¹³ Election Symbols (Reservation and Allotment) Order, 1968, Notification No. 56/65/68, issued by the Election Commission of India, in exercise of powers under Article 324 of the Constitution and Section 29A of the Representation of the People Act, 1951 (India).

¹⁴ The Constitution of India. sched. 10.

Judicially, the Supreme Court has also recognised the public role of political parties. In *Union of India v. Association for Democratic Reforms* [(2002) 5 SCC 294]¹⁵, the Court held that voters have a right to know the antecedents of candidates, and that political parties perform a function integral to the democratic process. The Court recognized that informed voting is essential to democracy and that transparency in political party functioning is a constitutional requirement flowing from Article 19(1)(a). In *PUCL v. Union of India* [(2003) 4 SCC 399], the Court reiterated the intrinsic connection between electoral transparency and the right to information.¹⁶ These decisions form the constitutional bedrock on which the argument for RTI applicability rests.

The judiciary's role in advancing transparency has been transformative. Beginning with *State of U.P. v. Raj Narain* [(1975) 4 SCC 428],¹⁷ the Supreme Court recognized that the right to information flows from Article 19(1)(a) and is essential to make freedom of speech and expression meaningful. In *S.P. Gupta v. Union of India* [(1981) 4 SCC 487],¹⁸ Justice P.N. Bhagwati articulated that “open government is the new democratic culture of an open society,” emphasizing that transparency must be the rule and secrecy the exception.

Most significantly, the 2024 Electoral Bonds judgment marked a watershed moment in political transparency jurisprudence.¹⁹ The Court held that anonymous funding violates citizens' constitutional right to make informed electoral choices. It categorically rejected the “privacy of donors” argument, holding that political contributions affect public interest and democratic outcomes. The Court emphasized that political parties, by virtue of their role in democracy, are accountable to the electorate and cannot claim immunity from scrutiny. This judgment not only invalidated the Electoral Bonds Scheme but also established that opacity in political funding is constitutionally impermissible. The courts have thus functioned not merely as adjudicators but as constitutional catalysts, pushing transparency norms forward even in the face of political resistance.

3.2 The 2013 CIC Ruling and the Legal Vacuum That Followed

In 2013, the Central Information Commission delivered a crucial decision in response to petitions filed by the Association for Democratic Reforms and others.²⁰ The Commission held that six national parties—Bahujan Samaj Party (BSP),

¹⁵ *Union of India v. Ass'n for Democratic Reforms*, (2002) 5 SCC 294 (India).

¹⁶ *People's Union for Civil Liberties v. Union of India*, (2003) 4 SCC 399 (India).

¹⁷ *State of U.P. v. Raj Narain*, (1975) 4 SCC 428 (India).

¹⁸ *S.P. Gupta v. Union of India*, (1981) 4 SCC 487.

¹⁹ *Association for Democratic Reforms v. Union of India*, (2024) 2 SCC 1 (India),

²⁰ Central Information Commission, *supra* note 3.

Communist Party of India (CPI), Bharatiya Janata Party (BJP), Nationalist Congress Party (NCP), Communist Party of India (Marxist) [CPI(M)], and Indian National Congress (INC)—qualified as public authorities under Section 2(h) of the RTI Act. The Commission directed all the parties to appoint Chief Public Information Officers, implement a mechanism for responding to RTI requests, and proactively disclose information under Section 4 of the Right to Information Act.²¹

This order went unchallenged by the Parties. Instead, there was wilful non-compliance by the parties of the orders of the CIC. This default was characterised by systemic and persistent failure to appoint PIOs, process RTI applications, or initiate follow-up proceedings.²² As a solution, the government brought a Bill in the Parliament to amend the RTI Act and move political parties outside its purview.²³ Fortunately, the Bill lapsed in the midst of widespread public opposition and advocacy by civil society organisations.

So far, the CIC's ruling has not been stayed or reversed by any court of law. It remains a binding legal determination. The refusal of political parties to comply with this order amounts to a direct challenge to the authority of an independent statutory body. It reveals a crisis not merely of legal enforcement but of constitutional morality.

This defiance also illustrates the broader structural weakness in India's accountability regime, namely, the inability of statutory institutions to enforce compliance against entities wielding political power. The RTI Act provides for penalties against public authorities and officials for non-compliance, but these mechanisms are rendered toothless when entire institutions simply opt out of the transparency regime with impunity.²⁴

²¹ Right to Information Act, 2005, § 4, No. 22, Acts of Parliament, 2005 (India).

²² Times of India, Political Parties Not Complying With Order: CIC (March 16, 2015), *available at*: <https://timesofindia.indiatimes.com/india/political-parties-not-complying-with-order-cic/articleshow/46598326.cms>.

²³ Association for Democratic Reforms, *Bringing Political Parties under the RTI Act* (2018), *available at*: <https://adrindia.org/sites/default/files/Political%20Parties%20under%20RTI%20Act.pdf>.

²⁴ Central Information Commission, Puspala Rout v. CPIO, PMA Cell, Ministry of Home Affairs, Order dated February 7, 2019, 2019 SCC OnLine CIC 1.

3.3 The Case Against RTI Inclusion: A Legal and Democratic Rebuttal

Political parties have articulated several objections to being brought under the RTI Act, none of which withstand legal or normative scrutiny. We will be rebutting some of the most commonly presented arguments on the same.

The first argument is that political parties are private associations and not governmental entities. However, as discussed earlier, Section 2(h) of the RTI Act explicitly contemplates the inclusion of non-governmental bodies that are substantially funded or that perform public functions. The Supreme Court, in *Thalappalam Service Cooperative Bank Ltd. v. State of Kerala* [(2013) 16 SCC 82J]²⁵, clarified that legal origin is not determinative. Instead, what matters is the functional and financial relationship with the state. By that standard, political parties, which receive substantial financial support and discharge functions vital to the functioning of representative democracy, are unequivocally public authorities.²⁶

The second argument is that RTI would compromise the confidentiality of internal party deliberations. This concern is misplaced. The RTI Act incorporates a carefully constructed exemption regime under Section 8.²⁷ It permits withholding of information that would compromise national security, breach commercial confidence, violate personal privacy, or disrupt the deliberative process. Internal strategic discussions, if legitimately sensitive, would be protected under this provision. The Act has functioned effectively across a wide range of institutions, including the Prime Minister's Office, the Election Commission, the Supreme Court registry, and the Reserve Bank of India. There is no reason to assume that political parties deal with more sensitive material than these institutions.

The third objection is that existing legislation already mandates adequate transparency. Political parties are required to submit annual returns to the Income Tax Department and disclose donations above ₹20,000 to the Election Commission.²⁸ However, these disclosures are riddled with loopholes. The ₹20,000 threshold enables parties to structure donations so as to avoid disclosure. There is no requirement to provide donor identities for amounts below the

²⁵ *Thalappalam Serv. Coop. Bank Ltd. v. State of Kerala*, (2013) 16 SCC 82 (India).

²⁶ Association for Democratic Reforms, Political Parties to Come Under RTI: Landmark Judgment (2013), available at: <https://adrindia.org/content/political-parties-come-under-rti-landmark-judgement-cic>.

²⁷ Right to Information Act, 2005, § 8, No. 22, Acts of Parliament, 2005 (India).

²⁸ Association for Democratic Reforms, Analysis of Donations Received by Political Parties (Sept. 10, 2012), available at: Association for Democratic Reforms website.

threshold, and parties often report disproportionate receipts in the form of anonymous donations.²⁹ In effect, the current system facilitates evasion rather than enforcement.

The final claim is that tax exemption alone cannot be the basis for RTI inclusion, as many charitable organisations and educational institutions also enjoy such exemptions. This is a false equivalence and a clear case of comparing apples with oranges. Political parties are not merely recipients of tax benefits. Instead, they are constitutionally empowered actors with the ability to shape public policy, influence legislation, and control state institutions. They enjoy a combination of statutory recognition, financial privilege, and coercive authority. It is this combination that distinguishes them from other exempt organisations.

In sum, the often-raised objections by political parties reflect a deep discomfort with democratic scrutiny rather than any legitimate legal obstacle. They seek to preserve a privileged status quo in which political finance, candidate selection, and policy formation occur behind closed doors, beyond the reach of public inquiry.

3.4 From Judgments to Justice: The Legislative Moment for Political Transparency

Despite the 2013 CIC ruling bringing political parties within the purview of the RTI Act and the Supreme Court's 2024 ruling striking down the Electoral Bonds Scheme, circumvention of transparency obligations still prevails. Political parties have refused to implement the CIC's ruling. Moreover, they have not shown any willingness to be subject to scrutiny under statutory law.³⁰ Instead, they have uniformly resisted institutional accountability, wrongly benefiting from the self-restraint of the judiciary in the name of the doctrine of the separation of powers. Leaving it to the legislature alone is not an option either, since being a political party in itself, it is in a difficult position.

In order to escape this stalemate, the Supreme Court needs to step up and play its role as the protector and final interpreter of the Constitution. The Court's role extends beyond interpreting specific statutory provisions—it must safeguard the

²⁹ Association for Democratic Reforms, Electoral Bonds and Opacity of Political Funding (2023), cited in Supreme Court Observer, Electoral Bonds Constitution Bench: Day 1 (Nov. 2, 2023), available at: <https://www.scobserver.in/reports/electoral-bonds-constitution-bench-day-1/>.

³⁰ Gauri Kashyap, "National political parties haven't appointed information officers despite being subject to RTI law": Anjali Bhardwaj, Amrita Johri, Supreme Court Observer (Jan. 31, 2024), available at: <https://www.scobserver.in/journal/national-political-parties-havent-appointed-information-officers-despite-being-subject-to-rti-law-anjali-bhardwaj-amrita-johri/>.

constitutional architecture itself. When institutions central to democracy operate without transparency, judicial intervention becomes constitutionally necessary.³¹ Therefore, in the current batch of PILs being heard by the Supreme Court on this matter³², the court cannot continue to remain silent. A judgment bringing the parties under the purview of the RTI act is the need of the hour. This needs to be supplemented with certain directions for legislative amendments.

Section 2(h) of the RTI Act needs to be amended to expressly cover all registered political parties receiving direct or indirect public support or undertaking public services. This would not only clarify the law but would also bring statutory interpretation into alignment with the prevailing constitutional jurisprudence. The ambiguity of the existing provision has been misused by political parties to remain non-compliant, in spite of categorical orders to the contrary by the Central Information Commission (CIC).

A standalone chapter in the RTI Act can also be introduced to offer a bespoke regime of transparency to political parties. The regime can include disclosure of audited accounts, sources of donations regardless of amount, selection criteria of candidates, information on campaign funding, and major internal decisions on public policy. Significantly, these requirements can and must exist alongside the Section 8 exemptions in the RTI Act, which ensure proper protection of confidential internal deliberations, national security issues, and sensitive political strategy. Such a balanced approach would retain confidentiality while ending the culture of blanket secrecy.

Legal certainty through codification is necessary. It would make transparency a legally enforceable right rather than an aspirational goal, and political parties would be truly responsible to the people they claim to represent.

3.5 Learning from Democracies: Global Lessons in Political Accountability

India is not the only country dealing with the issue of political party transparency; democracies all around the world have faced similar issues.³³ However, their movement towards more robust systems of regulation that hold parties accountable

³¹ *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1 (India).

³² *Supreme Court defers hearing on PILs seeking to bring major political parties under RTI*, The Hindu (May 8, 2025), available at: <https://www.thehindu.com/news/national/supreme-court-defers-hearing-on-pils-seeking-to-bring-major-political-parties-under-rti/article69552569.ece>.

³³ Transparency International, Standards for Integrity in Political Finance: A Global Policy Position (Dec. 11, 2024), available at: <https://www.transparency.org/en/publications/standards-for-integrity-in-political-finance-global-policy-position>.

to their electorates can serve as model examples for India. A comparative perspective reveals best practices that India can learn from and adapt, highlighting that India's opacity regarding political party finances and inner workings appears exceptional.

In the United Kingdom, political party operations are governed by the Political Parties, Elections and Referendums Act, 2000.³⁴ The Electoral Commission regulates party finances in the UK, and there is disclosure of income, spending, and significant donations. Party account audits have to be published annually by the Commission.³⁵ This system has greatly increased public trust and accountability and provides a working and transparent model.³⁶

Political parties in the United States are strictly under the watch of the Federal Election Commission (FEC). The FEC requires candidates and political committees to report the name, occupation, and employer of each donor who contributes over \$200.³⁷ These are submitted on regular intervals—quarterly, monthly, or even daily during an election campaign—and the information is available on public databases. This disclosure enables media, researchers, and citizens to monitor political donations and its influence, and hence citizens have more faith in elections.³⁸

Germany is a prime example where political parties are bound by the German Basic Law (Grundgesetz) to influence public opinion and be openly transparent about finances.³⁹ According to the Political Parties Act, German political parties are bound to make available in the public domain their detailed annual accounts, such as income, expenditure, assets, and liabilities.⁴⁰ Donations exceeding €10,000 need to be made publicly, and those exceeding €50,000 need to be immediately notified to the Bundestag. Non-compliance can result in penalties or the stripping

³⁴ Political Parties, Elections and Referendums Act 2000 (U.K.).

³⁵ The Electoral Commission, UK political parties' financial accounts published (2024), <https://www.electoralcommission.org.uk/media-centre/uk-political-parties-financial-accounts-published>.

³⁶ Electoral Commission, Political Parties, Elections and Referendums Act 2000: 25 Years of Transparency (2025), *available at*: <https://consoc.org.uk/pper/>.

³⁷ Federal Election Commission, Introduction to campaign finance and elections, <https://www.fec.gov/introduction-campaign-finance/>.

³⁸ Federal Election Commission, Campaign Finance Data, *available at*: <https://www.fec.gov/data/>.

³⁹ Abgeordnetengesetz [AbG] [Members of the Bundestag Act] as amended by Art. 1 of the Act of Oct. 8, 2021, BGBl. I at 4650 (Ger.).

⁴⁰ Parteiengesetz [PartG] [Political Parties Act] as amended by the Ninth Act Amending the Political Parties Act of Dec. 22, 2004, BGBl. I at 3673 (Ger.).

of public funding. Germany's model demonstrates how transparency can be incorporated into the constitutional framework, making political parties not private groups but public institutions.⁴¹

These international precedents demonstrate that internal autonomy may be compatible with democratic accountability in practice as well as in theory. India will need solutions appropriate to its context because of its size and complexity, but the underlying principles of financial transparency, donor accountability, and public scrutiny are universal and essential.⁴²

4. RESULT

The study finds that political parties in India clearly meet both the functional and financial tests to be classified as public authorities under the RTI Act. The substantial benefits provided by the state, alongside their constitutionally recognised role in elections and governance, create an undeniable obligation for transparency. Judicial precedents affirm voters' rights to information, and global practices underscore that political accountability mechanisms are feasible and beneficial.

The continued exclusion of political parties from RTI purview undermines constitutional values and erodes democratic legitimacy. Existing safeguards and disclosures are insufficient and riddled with loopholes that prevent meaningful scrutiny. Therefore, legislative reforms, supported by judicial intervention, are imperative.

5. SUGGESTIONS

To bring Indian political parties within a robust accountability framework, a multi-pronged legislative and regulatory strategy must be adopted.

First, Parliament must amend Section 2(h) of the RTI Act to categorically include political parties within the definition of "public authorities." The amendment must specify that any registered political party receiving direct or indirect state support—be it in the form of tax exemptions, subsidised land,

⁴¹ German Federal Constitutional Court [Bundesverfassungsgericht], Decision on Political Party Rights to Equal Opportunity, 2 BvE 2/14 (June 21, 2016).

⁴² Transparency International, Standards for Integrity in Political Finance: A Global Policy Position (Dec. 11, 2024), available at: <https://www.transparency.org/en/publications/standards-for-integrity-in-political-finance-global-policy-position>.

broadcast time, or electoral privileges—shall be deemed to be substantially financed by the government.

Second, a Constitutional Interface Test should be codified. This test would stipulate that entities that both participate in constitutional processes—such as influencing voter choice, issuing party whips, and nominating candidates—and receive public support, are performing public functions. Accordingly, they must be held to public standards of transparency and accountability. Parties, once in power, directly influence governance and therefore have to be dealt with as “State-Adjacent Bodies,” making manifesto planning, policy decisions within the party, and outreach programs transparent.

Third, the meaning of “public funds” must be expanded to include indirect subsidies. Political parties benefit immensely from tax exemptions under Section 13A of the Income Tax Act. They receive thousands of crores worth of land, services, and state-sponsored airtime. Additionally, the now-defunct Electoral Bonds scheme channelled more than ₹10,000 crore in anonymous funding. These benefits, though not direct cash transfers, constitute sovereign subsidies and should be recognised as public financing for RTI purposes.

Fourth, political parties should be statutorily recognised as public fiduciaries. This would create a legal obligation to act in the public interest, particularly regarding donor disclosure, financial transparency, and candidate selection. Quarterly disclosures of receipts and expenditures should be mandated. These disclosures must be audited independently and submitted to both the Election Commission and the CIC, with online publication for public access.

Fifth, the RTI Act should be amended to treat party data—including campaign tools, AI usage, algorithmic targeting, and voter analytics—as democratic infrastructure. Transparency regarding these tools is vital in the era of data-driven elections. Robust disclosures regarding data sources and digital infrastructure expenditures would stop manipulative campaigning and even out the electoral landscape.

Sixth, enforcement processes must be made more stringent. The CIC must be empowered to identify defaulters, levy a penalty of up to ₹1 lakh per day pending, and refer derecognition to the Election Commission. Furthermore, the ECI must be authorised to suspend benefits such as free airtime or exemptions from tax in the event of habitual non-compliance.

Seventh, a comprehensive Party Funding Disclosure Act should be brought in. Such a law would establish a Party Watchdog Unit in the ECI to monitor financial compliance, audit annual disclosures, and probe suspicious funding. The Unit would be backed by an independent panel of auditors and lawyers, reporting to Parliament every year.

Lastly, the RTI Act will also have to declare that institutions performing public functions—such as political parties—should not be able to claim private status to escape accountability. There has to be a preambular clause in the RTI Act to reaffirm its commitment to constitutional morality and democratic accountability. There also has to be a provision authorising the CIC to formulate party-specific rules of disclosure.

6. CONCLUSION

Indian democracy finds itself at a critical juncture. The institutions entrusted with representing the people have, over time, shielded themselves from the very accountability they demand of others. Political parties exercise unparalleled control over governance, yet they operate in opacity, resisting all efforts at public scrutiny.

The Supreme Court's 2024 decision in the Electoral Bonds case marked a watershed moment. It reaffirmed that the right to information is not a matter of administrative convenience but a constitutional imperative. It also made clear that the citizen's right to make informed political choices trumps the political class's desire for donor secrecy. Yet, this ruling is only a beginning.

Even now, several cases are parallelly on-going in the Supreme Court demanding the inclusion of Political Parties under the purview of the RTI Act. However, the real test lies in legislative follow-through. Parliament must now act to bring political parties under the Right to Information Act. Doing so will not imperil political freedom—it will protect democratic legitimacy. Reform must be structured, statutory, and enforceable. It must reflect not only legal necessity but also moral urgency.

Democracy cannot be sustained behind closed doors. If political parties continue to evade scrutiny, public trust in institutions will erode, and electoral legitimacy will hollow out. Conversely, by embracing transparency, parties can rejuvenate citizen confidence, encourage informed participation, and signal their commitment to constitutional values.

Transparency is not a threat—it is a democratic commitment. It is time to break the veil. Democracy requires no less.