

CRITIQUING INTERNAL UNDEMOCRACY: ANALYZING PHANTOM POWER'S IMPACT ON INDIAN POLITICAL PARTIES

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ABSTRACT

Political parties being instrumental to India's democracy operate as extra-constitutional entities with minimal regulation, leading to pathogenic pathologies such as declining intra-party democracy, rampant nepotism, opaque financing, disconnected manifestos, RTI defiance, and populist "revdi" culture. By analyzing the same, this paper's primary objective is to dissect the regulatory vacuum resulting in erosion of democratic norms, which fosters a sort of oligarchic "phantom power"; wherein high commands eclipse member voices. The secondary objectives include interrogating key manifestations (such as hereditary leadership suppressing talent, top-down manifestos ignoring priorities like jobs and healthcare per ADR surveys) and advancing targeted reforms to instil accountability. This study employs a qualitative doctrinal methodology, synthesizing primary sources such as Law Commission reports, Supreme Court precedents, Election Commission documents, and empirical insights from ADR's 2025 dynastic study and RBI's State Finances analysis. Findings illuminate a meta-democratic paradox: undemocratic parties undermine the very system they were ostensibly created to sustain, with nepotism fragmenting polities; resulting in opacity fuelling cynicism (like parties' RTI non-compliance), and revdi pledges risking fiscal distress; which all result in perpetuation of inequality over actual democratic representation. This critique extends Law Commission discourse by quantifying 2024 dynasty trends, urging more participatory models for the 2029 Indian elections.

1. INTRODUCTION

Political parties in a democracy are vital organs which make democracy function. Their formation is a result of aggregation of the opinion from the people, their candidates decide policy based on the need of the people, all to form an elected government for the people. However, in this process, the layman would be forgiven for forgetting the potential for unconstitutional processes defeating the spirit of democracy itself; since, notably, the Constitution of India makes no explicit mention of political parties; making parties extra-constitutional entities, despite

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them being integral to the functioning of a democratic political system. There exists only one solitary provision in the legislative framework (which deals with only basic registration requirements¹), leaving out any comprehensive law regulating internal functioning, finance transparency, or obligation. We aim to posit that this laissez-faire regulatory style, so to speak, has allowed multiple undesirable pathologies to take root, which include:

- i. A steep decline in intra-party democracy.
- ii. Top-down manifestos, often disconnected from voters' real needs.
- iii. Virtually opaque financing with feeble transparency (as evidenced by parties' united resistance to Right to Information scrutiny²), and a hamstrung Election Commission.
- iv. A burgeoning "freebie culture" of extravagant electoral promises that strain public finances and encourage pandering.

The outcome is a meta-democratic-deficit within India's democracy itself; a paradox wherein the people and parties demand a democratic government, but the parties themselves fail to practice it within. As the Law Commission rightly opined, a political party "*cannot be a dictatorship internally, and democratic in its functioning outside*".³ Yet today, we see many parties internally functioning as private fiefdoms of Lords; answerable to neither members, nor the public, in any structured manner. In this paper, we aim to argue that lack of oversight over the inside functioning of political parties in India undermines public trust, and goes against the spirit of Indian democracy. Systemic reforms could go a long way to inject transparency, accountability, and participatory ethos back into Indian intra-party politics, ensure parties not becoming closed oligarchies; lest democracy devolve into a gala extravaganza for the elite!

The **primary objective** of this paper, is to dissect the regulatory vacuum resulting in erosion of democratic norms, which fosters a sort of oligarchic "phantom power"; wherein high commands eclipse member voices. The **secondary objectives include** interrogating key manifestations (such as hereditary leadership suppressing talent, top-down manifestos ignoring priorities like jobs and healthcare per ADR surveys), and advancing targeted reforms to instill accountability and align parties with democratic principles.

2. RESEARCH METHODOLOGY

¹ The Representation of the Peoples Act, 1951, S 29A (India) [hereinafter RPA 1951].

² *Six Parties Ignore CIC Summons*, ASSOCIATION FOR DEMOCRATIC REFORMS (Nov. 22, 2014), available at: <https://adrindia.org/media/adr-in-news/six-parties-ignore-cic-summons>.

³ 255TH REPORT ON ELECTORAL REFORMS chap. III (2015), available at: <https://legalaffairs.gov.in/simultaneous-elections/255th-law-commission-report-2015 ¶ 3.4>.

This research employs a qualitative approach, relying on secondary sources including Law Commission reports, judicial precedents, Election Commission documents, academic papers, surveys by organisations like the Association for Democratic Reforms, and news analyses. Data is drawn from historical committee recommendations (like, for example, Tarkunde,⁴ Goswami,⁵ Indrajit Gupta⁶) and empirical studies on voter priorities and party functioning. The methodology involves doctrinal analysis of legal frameworks like the Representation of the People Act 1951, and comparative insights from other democracies, such as the UK's Political Parties, Elections and Referendums Act 2000.⁷ No primary data collection was conducted; the focus is on synthesising existing literature to identify pathologies and recommend reforms.

3. CONTENT/DATA ANALYSIS

Most parties these days, whether it be establishment national outfits or more contemporaneous regional ones, have now been the victims of a central command culture, that hand the reins of decision making to a chosen few; akin to Knights Of The Round Table. These chosen few occupy leadership positions for decades, be it by virtue of individual popularity or family dynasties, and genuine internal elections are rare. Take the Indian National Congress' organisation elections - they have been far and few in between,⁸ not to mention they're largely symbolic; existing solely to perpetuate the Gandhi-Nehru family's dominance.⁹ The BJP,

⁴ TARKUNDE COMMITTEE ON ELECTORAL REFORM (1975), available at: <https://elibrary.sansad.in/server/api/core/bitstreams/3500b7de-5992-4166-a428-4b7b4fb06d3a/view>.

⁵ REPORT OF THE COMMITTEE ON ELECTORAL REFORMS (1990),available at: <https://adrindia.org/sites/default/files/Dinesh%20Goswami%20Report%20on%20Electoral%20Reforms.pdf>.

⁶ INDRAJIT GUPTA COMMITTEE REPORT ON STATE FUNDING OF ELECTIONS (1998), available at: <https://legislative.gov.in/document/indra-jit-gupta-committee-report-on-state-funding-of-elections/>.

⁷ Political Parties, Elections and Referendums Act 2000 (United Kingdom) [hereinafter PPERA 2000 (UK)].

⁸ *3 Gandhis, 2 CMs, Assembly Elections and BJP: Key Challenges before New Congress Chief Mallikarjun Kharge*, THE TIMES OF INDIA, Oct. 26, 2022, available at: <https://timesofindia.indiatimes.com/india/3-gandhis-2-cms-assembly-elections-and-bjp-key-challenges-before-new-congress-chief-mallikarjun-kharge/articleshow/95103018.cms>; *“Non-Gandhi” Can Be Congress Chief, but Gandhi Family Must Remain Active in Party: Mani Shankar Aiyar*, THE TIMES OF INDIA, Jun. 23, 2019, available at: <https://timesofindia.indiatimes.com/india/non-gandhi-can-be-cong-chief-but-gandhi-family-must-remain-active-in-party-mani-shankar-aiyar/articleshow/69913613.cms>.

⁹ Jayati Ghosh, *Dwindling Giant*, FRONTLINE, Jan. 9, 2013, available at: https://frontline.thehindu.com/columns/Jayati_Ghosh/dwindling-giant/article4276023.ece.

despite its roots being in a cadre based structure, is now tightly controlled by central leadership.¹⁰ State Chief Ministers and Party Presidents are effectively anointed by the Knights presiding over the high command!

Regional parties paint an even more bleak state of affairs. A plurality of them are outright familial ventures; be it Samajwadi Party¹¹ or Rashtriya Janata Dal¹² in the north, to the Dravida Munnetra Kazhagam (DMK)¹³ and Shiv Sena in the South/West.¹⁴ Leadership yet again, seems to pass down hereditarily, with dissenters often periodically breaking away to form splinter groups.¹⁵ If the virus of nepotism takes over a party, it results in promising grassroots workers or independents get crowded out systematically, talent is suppressed, and party positions often go to the well-connected, rather than the most capable. The “winnability” criterion (a euphemism for muscle or money power) trumps ideological commitment or public service, leading to the elevation of candidates favored by the party high command, regardless of said candidate’s qualifications.

Over time, such practices demoralize the grassroots cadre. Dedicated workers feel alienated, seeing a tiny smattering of paths to rise in a system where loyalty to the high command outweighs any internal debate or fair elections. The youth activists and reformist voices within parties are either co-opted by the insular leadership, or silenced. Consequently, many young Indians are driven away from active politics, perceiving it as a closed arena of corruption and connection. Lack of internal democracy also produces ideological dilution and policy incoherence. When leadership is unchallenged and unaccountable to members, party ideology often becomes whatever the leadership says it is. This can shift with political winds, eroding principled stands. Internal forums that should ideally shape party ideology (conferences, working committees, and the like) either do not exist; or

¹⁰ Dhirendra K. Jha, *Amit Shah’s Elevation Is a Sure Sign That Modi Has Taken Control*, SCROLL.IN, Jul. 10, 2014, <http://scroll.in/article/669863/amit-shahs-elevation-is-a-sure-sign-that-modi-has-taken-control>; P. Raman, *As Defiance Erupts Across States, BJP’s CEO-Style Party Command Is Floundering*, THE WIRE, May 13, 2021, available at: <https://thewire.in/politics/bjp-high-command-pm-modi-amit-shah-jp-nadda>.

¹¹ Gilles Verniers, *Conservative in Practice: The Transformation of the Samajwadi Party in Uttar Pradesh*, 6 STUDIES IN INDIAN POLITICS 44–59 (2018).

¹² Ambar Kumar Ghosh, *Friendly Fire: Intra-Dynastic Competition in Indian Politics*, CENTER FOR THE ADVANCED STUDY OF INDIA (CASI) (Oct. 13, 2025), available at: <https://casi.sas.upenn.edu/iit/ambar-kumar-ghosh>.

¹³ C. Manikandan & Andrew Wyatt, *Elite Formation within a Political Party: The Case of the Dravida Munnetra Kazhagam*, 52 COMMONWEALTH & COMPARATIVE POLITICS 32–54 (2014).

¹⁴ Abdul Ghafoor, *Dynastic Politics in India under The Modi Regime, Decline of the Gandhi Legacy and the Persistence of Political Families*, 4 PJSSR 213–226, pp. 214-215,223 (2025).

¹⁵ *All Regional Parties Run by Families: JP Nadda in Kolkata*, THE INDIAN EXPRESS (Jun. 9, 2022), available at: <https://indianexpress.com/article/cities/kolkata/jp-nadda-bjp-regional-parties-dynastic-politics-7959494/>.

exist merely as rubber stamps. Factional intrigue and frequent defections are another byproduct. Excluded aspirants rebel and form factions (or even new parties), fragmenting the polity.

In extreme cases, parties become personality cults; the party's fortunes tied to a single charismatic leader, with internal institutionalization wholly absent (as can be seen with the deification of Modi in recent times).¹⁶ It is telling that these issues were foreseen decades ago; as far back as 1999,¹⁷ the Law Commission of India's 170th Report urged sweeping reforms to institute inner-party democracy. It recommended adding a new Part II-A to the RPA titled "*Organisation of Political Parties*",¹⁸ to mandate transparent internal elections for leadership and candidate selection (as also referred to in the 244th Report¹⁹). The Commission warned that India could not have meaningful democracy in the country if parties themselves function undemocratically, pointedly remarking that a party must not be "... *a dictatorship internally ...*" while ostensibly democratic outside.²⁰ Similarly, the 2001 National Commission to Review the Working of the Constitution (NCRWC) advised that any party registering for elections, should declare its adherence to democratic values in its internal organization.²¹ Three Law Commission Reports also echoed the need for intra-party democracy.²²

¹⁶ Hannah Ellis-Petersen & Hannah Ellis-Petersen South Asia correspondent, 'Messianic Spell': *How Narendra Modi Created a Cult of Personality*, THE GUARDIAN, Apr. 19, 2024, available at: <https://www.theguardian.com/world/2024/apr/19/messianic-spell-how-narendra-modi-created-a-cult-personality>; *Personality Cults in Politics Will Pave Way for Eventual Dictatorship: Ramachandra Guha*, DECCAN HERALD, Jul. 13, 2025, available at: <https://www.deccanherald.com/india/karnataka/personality-cults-in-politics-will-pave-way-for-eventual-dictatorship-guha-3627646>.

¹⁷ 170TH REPORT ON REFORM OF THE ELECTORAL LAWS (1999), available at: https://lawcommissionofindia.nic.in/report_fifteenth/.

¹⁸ *Id.* pt. III ¶ 3.1.3.

¹⁹ 244TH REPORT ON ELECTORAL DISQUALIFICATIONS chap. IV (2014), available at: <https://cdnbbsr.s3waas.gov.in/s3ca0daec69b5adc880fb464895726dbdf/uploads/2022/08/2022081612.pdf>.

²⁰ BACKGROUND PAPER ON ELECTORAL REFORMS (2010), available at: https://lawmin.gov.in/sites/default/files/bgp_0.doc; *The 4th Dr. Ambedkar Memorial Lecture on "Some Questions on Elections, Representation and Democracy,"* PRESS INFORMATION BUREAU, Dec. 17, 2012, <https://www.pib.gov.in/newsite/erelcontent.aspx?relid=90853>.

²¹ M.N. VENKATACHALIAH & NATIONAL COMMISSION TO REVIEW THE WORKING OF THE CONSTITUTION, ELECTORAL PROCESSES AND POLITICAL PARTIES ¶ 4.29, 4.30.3, 4.32 (2002), available at: <https://legalaffairs.gov.in/sites/default/files/chapter%204.pdf>.

²² GOSWAMI REPORT, *supra* note 5; TARKUNDE REPORT, *supra* note 4; INDRAJIT REPORT, *supra* note 6.

Unfortunately, these recommendations have largely been ignored.²³ The Supreme Court, in *Indian National Congress v. Institute of Social Welfare*, 2002,²⁴ noted the legal vacuum; neither the Constitution, nor Article 324 (ECI's powers), nor the RPA, empower the Election Commission to enforce internal elections in parties. In that case, the apex court struck down an attempt to penalize parties for not holding organizational elections,²⁵ effectively affirming that ECI lacks authority to deregister a party for internal undemocracy under current law.

Thus, predictably, a few parties have shown any appetite to democratise their functions from within. The resulting culture is one of feudal fiefdoms: high commands that demand unflinching obedience, policy by diktat, and routine suppression of dissenting voices. It alienates ordinary party members and erodes the spirit of collective leadership and accountability. If parties are to truly represent the people, they must first practice representation within. Empowering their members, holding genuine internal polls, and evolving leadership through consensus; rather than coronation. Without that, Indian democracy will remain hamstrung by oligarchic party structures, betraying the constitutional ideal of government: **by the people... for the people, or just for the pedigree?** Election manifestos are ostensibly, a social contract, that parties offer to voters; yet, in Indian practice, they are almost always top-down edicts; where leadership's expediency trumps the vox populi's cry, rather than a genuine aggregation from grassroots priorities from the local cadre. The result? A profound disconnect between manifesto rhetoric and real-world concerns of the voters.

This is not hyperbolic rhetoric by any stretch of the imagination; studies actually show Indian voters consistently rank basic concerns like employment, inflation, healthcare, education, and water supply as their top priorities. ADR's Survey in 2018 found the top three voter concerns were better job opportunities (46.80% of respondents), better healthcare (34.60% of respondents), and drinking

²³ Abhinav Narayan, *Undemocratic Political Parties Rot the System*, THE PIONEER, Feb. 6, 2022, available at: <https://www.dailypioneer.com/2022/sunday-edition/undemocratic-political-parties-rot-the-system.html>; RUCHIKA SINGH, INTRA-PARTY DEMOCRACY AND INDIAN POLITICAL PARTIES (2015), available at: https://www.thehinducentre.com/publications/policy-report/65809225-Intra_Party_Democr_2317144a.pdf.

²⁴ Indian National Congress (I) v. Institute of Social Welfare, 2002 SCC OnLine SC 596.

²⁵ *Id.*

water supply (30.50% of respondents).²⁶ Similarly, an earlier 2017 Survey,²⁷ revealed that hot button issues such as religious controversies (which time and time again grab headlines, and sensational breaking news segments in the media) barely registered with the populace. As the National Herald then pointed out, "... slaughterhouses, love jihad, Ram Mandir, beef...do not even figure in their concerns";²⁸ with only 2-3% citing such issues.²⁹

Moreover, manifestos in India have tended to be long wish-lists with sweeping promises, many of which are forgotten post-election. There is typically no mechanism to hold parties accountable to their manifestos. Once in power, parties often jettison inconvenient promises, knowing that legal enforcement is nonexistent, and political memory suffers from a convenient amnesia. The Supreme Court noted in 2013,³⁰ that the Courts can't enforce promises, leaving voters as the ultimate judges (...armed, alas, with fleeting memories). Ultimately, it is up to voters to reward or punish parties for their pledges.³¹ The only check introduced was a modest addition to the Election Commission's Model Code of Conduct (MCC); guidelines that parties should avoid promises that vitiate free elections and should indicate the rationale and funding for any promises made.³² These guidelines, however, lack teeth, relying on voluntary compliance and carrying no penalties. In practice, manifestos remain aspirational documents with scant detail on implementation or fiscal implications, and there is no requirement for a progress report on manifesto fulfillment during or after a government's term. The lack of accountability encourages a culture of loose promise-making with impunity.

²⁶ ASSOCIATION FOR DEMOCRATIC REFORMS, ALL INDIA SURVEY ON GOVERNANCE ISSUES AND VOTING BEHAVIOUR 2018 p. 8,23-27 (2019), available at: https://adrindia.org/sites/default/files/ALL_India_Survey_on_Governance_Issues_and_Voting_Behaviour_2018.pdf.

²⁷ ADR'S MID-TERM SURVEY REPORT - ALL INDIA (JAN '17 – APR '17) (2017), available at: https://adrindia.org/sites/default/files/ADR%20%99s_Mid-Term_Survey_Report-All_India_1.pdf.

²⁸ NH Web Desk, *ADR Survey Shows People Want Jobs, Better Healthcare, Policing*, NATIONAL HERALD, May 1, 2017, available at: <https://www.nationalheraldindia.com/news/adr-survey-shows-people-want-jobs-better-healthcare-policing-modi-government-cow-beef-ban>.

²⁹ *Id.* at p. 14.

³⁰ S. Subramaniam Balaji v. State of T.N., (2013) 9 SCC 659 (Supreme Court of India).

³¹ Parijata Bhardwaj, *Can Political Parties Be Held Legally Accountable for Unfulfilled Manifestos?*, HINDUSTAN TIMES, Apr. 24, 2024, available at: <https://www.hindustantimes.com/analysis/legally-speaking-can-political-parties-be-held-legally-accountable-for-unfulfilled-manifestos-101713972832571.html>.

³² *Id.*

To bridge this gap, some innovations have emerged. Notably, the Aam Aadmi Party (AAP) experimented with participatory manifesto development. In the 2013 Delhi Assembly elections, AAP prepared 70 distinct local manifestos (one for each constituency) in addition to a state-level manifesto.³³ Volunteers conducted door-to-door surveys and consultations to gather constituency-specific issues, ensuring that each document highlighted the “*major issues plaguing a particular constituency*” as voiced by its residents. An AAP leader explicitly contrasted this approach with other parties “*who generally put their agenda on the election manifesto instead of the people’s needs*”. AAP’s Delhi manifesto managed to prioritize local concerns like access to water, reliable power supply, and quality schools and clinics – reflecting what their survey found (for example, drinking water was a major problem identified in many areas). This model of public consultation and deliberative polling in drafting manifestos stands in stark contrast to the norm. It demonstrates that incorporating citizen input is feasible and can make manifestos more relevant. Likewise, digital platforms and social media now offer avenues for crowdsourcing suggestions. Some parties have invited emails or held townhall meetings for manifesto ideas, albeit in a limited fashion. Nonetheless, such participatory exercises are the exception, not the rule. The mainstream practice still treats manifestos as a formality, released late in the campaign, with content decided by a handful of strategists.

To reinvigorate the manifesto as a meaningful tool of democracy, a few changes are necessary. *Firstly*, parties should institutionalize pre-election consultations; publish draft manifestos and allow public feedback, solicit inputs from civil society and domain experts, perhaps even hold local referendums or use online polling to gauge support for major proposals. This would make manifestos a two-way conversation rather than a diktat. *Secondly*, there must be greater scrutiny and follow-up. One idea proposed in the pending PIL on freebies is to require parties to submit a manifesto costings report to the Election Commission; essentially an estimate of how much their promises will cost and how they will be funded.³⁴ This could be made public so voters can judge feasibility. After elections, an independent authority (or the ECI) could publish a report on how much of each ruling party’s manifesto has been implemented, to, in a way, introducing reputational incentives for keeping promises. While a legal mandate to enforce

³³ *Poll Manifestos for Each of Delhi’s 70 Assembly Seats: AAP*, HINDUSTAN TIMES, Oct. 20, 2013, available at: <https://www.hindustantimes.com/india/poll-manifestos-for-each-of-delhi-s-70-assembly-seats-aap/story-MZJDkz4KEtBobpp4yfT7ZL.html>.

³⁴ Gauri Kashyap, *Freebies in Elections #2: CJI Hesitant to Intervene in Policy Considerations*, SUPREME COURT OBSERVER, available at: <https://www.scobserver.in/reports/freebies-in-elections-2-cji-hesitant-to-intervene-in-policy-considerations/> (last visited Jul. 17, 2025).

manifestos may be impractical (and raise free speech issues),³⁵ transparency about outcomes can empower voters to make informed judgments. In sum, manifestos must evolve from propagandistic pamphlets into accountable pledges, restoring the Socratic dialogue between rulers and ruled. This will restore credibility to the electoral mandate and ensure voters' real priorities are not lost in the din of electioneering. As stated earlier, parties are supposed to be the lifeblood of democratic governments, they act as the representatives of the people and present the diverse public opinions into policies and assemble governments that carry out popular will. In India, as stated earlier, it seems parties operate entirely outside the constitutional text, governed only by RPA's formalities.

The majority of political parties in India operate largely outside of what one calls a coherent legal framework. Apart from the constitutional vestiges like Article 324 (concerning the Election Commission),³⁶ and piecemeal electoral laws, no law explicitly governs the parties themselves. As warned earlier, the 244th Law Commission report noted "*even today, there is no law governing the formation, registration, functioning or regulation of political parties*".³⁷ The only statutory touchstone is registration under the Representation of the People Act, 1951 (added by Section 29A in 1988),³⁸ however, this requirement is also mostly a formality.³⁹ Section 29A only obliges a party to submit its constitution and swear allegiance to The Constitution,⁴⁰ which means that it imposes little to no requirement of internal democracy, membership transparency, or spending limits. Beyond minimal bookkeeping, the framework has virtually no grip on how the parties actually select leaders, fund themselves or conduct affairs.

This vacuum has incubated a range of pathologies, wherein party leaderships end up becoming *de facto* hereditary fiefdoms, candidates win based on money and

³⁵ Jatin Anand, *Law on Manifesto Promises Would Infringe on Rights of Political Parties: CPM Tells EC*, THE INDIAN EXPRESS (May 11, 2025), available at: <https://indianexpress.com/article/political-pulse/law-on-manifesto-promises-would-infringe-on-rights-of-political-parties-cpm-tells-ec-9995294/>.

³⁶ The Constitution of India, 1949, art. 324 (India) [hereinafter India Const.].

³⁷ LCI 244TH REPORT, *supra* note 19.

³⁸ RPA 1951 S 29A.

³⁹ Kirti Bhargava, *Explained: What Is Meant By Intra-Party Democracy And Why Must More Political Parties Adhere To It?*, ASSOCIATION FOR DEMOCRATIC REFORMS (Oct. 15, 2022), available at: <https://adrindia.org/content/explained-what-meant-intra-party-democracy-and-why-must-more-political-parties-adhere-it>.

⁴⁰ Arushi, *Section 29A of Representation of People Act, 1951 Does Not Confer upon ECI to Supervise Internal Elections of Registered Political Party: Delhi HC*, SCC TIMES (Feb. 7, 2025), available at: <https://www.seconline.com/blog/post/2025/02/07/s-29a-representation-of-people-act-does-not-confer-upon-eci-to-supervise-internal-elections-of-political-party-dhc/>.

muscle instead of merit, and massive election spending is cloaked in secrecy with no paper trails or records. The same is noted by Mishra and Ghosh in a 2019 paper,⁴¹ when they describe the culture of “*abysmal opacity*” surrounding party operations and how dynastic rule, immense wealth, and muscle power dominate party hierarchies, with 31% of Lok Sabha MPs in 2025 coming from established political families.⁴² The Law Commission warned the state over two decades ago that a party “*cannot be a dictatorship internally*” if it aspires to function democratically outside. In practice, however, many Indian parties are run as private dynastic clubs with no accountability or answerability to anyone. B. Muthu Kumar in a 2024 paper,⁴³ observed that genuine internal elections are rare in India because anti-defection laws and strict loyalty to party leaders suppress dissent. Kumar further notes that many parties operate under virtually the same lifetime leadership.

Furthermore, the Election Commission lacks effective enforcement powers over parties. Under the current law the ECI cannot deregister or sanction even an inactive or rogue party. The same was held in the previously touched upon 2002 case,⁴⁴ wherein the Supreme Court held that the RPA gives the ECI “*no power to de-register*” a political party. Thus, parties can flout commitments without even losing registration. Even the ever-growing tail of registered but dormant parties (many of whom are accused of tax evasion or running dummy candidates) cannot be pruned, except in narrow cases like proven fraud or anti-Constitutional activity.

When looking at other democracies, there are rules which are clearly imposed. For example, the UK’s PPERA 2000,⁴⁵ established an independent Electoral commission and strict finance regulations. It was made clear that donations and loans over 500 Euros must be reported and published, and that the Electoral Commission can audit party accounts and fine violators. Such a robust oversight regime is absent in India, further underscoring the depth of our electoral legislative void! **While UK's PPERA imposes audits like a stern headmaster, India's void lets parties frolic unregulated; with dynasties remaining intact.** To restore trust in India’s democracy, systemic reforms are urgently needed so that parties submit

⁴¹ Vivek Mishra & Ambar Ghosh, *Dissecting the Evasiveness of Inner Party Democracy*, 4 LIBERAL STUDIES 9–19, p. 10 (2019).

⁴² ASSOCIATION FOR DEMOCRATIC REFORMS, ANALYSIS OF SITTING MPs, MLAS AND MLCs IN INDIA WITH DYNASTIC POLITICAL BACKGROUNDS p. 4 (2025), available at: https://adrindia.org/sites/default/files/Analysis_of_Sitting_MP_and_MLAs_who_have_dyna_stic_background_Finalver_English_Updated.pdf.

⁴³ B. Muthu Kumar, *Study on Anti-Defection Law and Inner-Party Democracy with Specific Reference to India and the United Kingdom*, in COMPARATIVE LAW: UNRAVELING GLOBAL LEGAL SYSTEMS 371 (Joshua Aston, Aditya Tomer, & Rupendra Singh eds., 2024), available at: https://doi.org/10.1007/978-981-97-7815-7_22.

⁴⁴ *INC v. Inst. of Social Welfare*, 2002 SCC OnLine SC 596.

⁴⁵ PPERA 2000 (UK).

to transparency, accountability, and participatory decision making, rather than the opaque hierarchical organisations we are faced with today.

In 2013, a landmark verdict was delivered by a full bench of the Central Information Commission,⁴⁶ which declared that India's six national parties are to be "*public authorities*" under the Right to Information Act. The order directed them to appoint public information officers and routinely disclose key data just as any statutory body must. In principle, this should have opened up party finances and internal decision making to public scrutiny. In practice, however, compliance has been virtually zero. All six parties have defied the CIC directive. The NGO, Association for Democratic Reforms reported that the parties "*brazently*" ignored CIC like courtiers snubbing a royal decree.⁴⁷ By 2018 the Election commission itself admitted that none of the parties had answered any RTI requests!⁴⁸

Activists have time and again filed requests and appeals and even petitioned the courts over this defiance, but without enforcement powers the parties remain outside the transparency regime. This results in party coffers and donations remaining opaque and unknown to voters. The lack of disclosure, in return, has had concrete consequences. Taking the recent "Electoral Bonds" scheme (2018-23) which lets donors give to parties anonymously, keeping the public completely in the dark about who was funding whom. In 2024, the Supreme Court in Association for Democratic Reforms v. UOI 2024,⁴⁹ finally struck down the core of this scheme, holding that it violated the "*right to information of voters*".⁵⁰

Until very recently, parties also avoided or rather, they resisted any financial audit obligations. There is no requirement to publish audited accounts or declare income taxes to any independent body. Campaign spending by parties often goes unreported (unlike spending by candidates which must be submitted to ECI). Ironically enough, even ECI data on party sources is rather spotty. In the absence of statutory reforms, civil society pressure remains the only external check. The Electoral Bonds case did spark some debate however the people are still awaiting legislative or judicial action. Until the correction measures are taken, an

⁴⁶ Subhash Chandra Aggarwal v. Indian National Congress, 2013 SCC OnLine CIC 8915.

⁴⁷ Six parties ignore CIC summonses, *supra* note 2.

⁴⁸ PTI, *Political Parties under RTI: Election Commission Contradicts CIC Directive*, THE HINDU, May 27, 2018, available at: <https://www.thehindu.com/news/national/political-parties-under-rti-election-commission-contradicts-cic-directive/article24006404.ece>.

⁴⁹ Association for Democratic Reforms v. Union of India, WP(C) No. 880 of 2017, 2024 INSC 113, p. 880.

⁵⁰ *Constitutionality of the Electoral Bond Scheme*, SUPREME COURT OBSERVER, available at: <https://www.scobserver.in/cases/association-for-democratic-reforms-electoral-bonds-case-background/> (last visited Jul. 20, 2025).

information blackout on how parties spend and allocate public resources will continue to undermine accountability and fuel public cynicism. Lack of transparency and financial, institutional, and political ambiguities allow for the creation of several pathological characteristics that continuously erode the democratic foundation of the majority of political parties in India.⁵¹

Indian elections, in recent years have become infamous for the “revdi” elections. The revdi culture is when voters are “spoiled” with lavish freebies. The DMK in Tamil Nadu once announced free colour TV to all the homes. AAP in Delhi promised in their election to provide free education, free healthcare, free drinking water and subsidised electricity. Even banks waived Rs 2,500 Crores for 'poor' Gautam Adani (satire aside, blurring welfare and cronyism); so that poor Gautam Adani could do better in his life.⁵² The examples given above are instances where a lot of these products were free, however it was upto the people to decide which of them is a “revdi” and which one is a necessity.⁵³ This trend raises two concerns: *firstly* that the voters are being unduly influenced by immediate material gains, and *secondly*, that the state finances are strained by such populist pledges. The first concern comes from a place of a fear of being exploited for quick gains with no permanent solutions. It acts as a distraction from the underlying problems. It can in a way, act as a bribe, but on a much larger scale and for a rather futile return. Ashwini Upadhyay, a lawyer, filed a PIL in the Supreme Court challenging the Revdi practice. His petition argued that offering “*irrational freebies*” violates election law, and it amounts to bribery and undue influence (which violates Section 171 and Section 170 of the BNS),⁵⁴ and misuse of public fund for non-public purposes (Articles 162, 266(3), 282 of the Indian Constitution).⁵⁵

Economic experts have often echoed fiscal worry. In 2022, a study conducted by the RBI highlighted how freebies have exacerbated the state budget deficits.⁵⁶ Between 2018-19 and 2024-25, aggregate subsidies across all states and union

⁵¹ Mishra and Ghosh, *supra* note 41 at p. 10.

⁵² Abhishek Kabra, *Decoding India's 'Revdi Culture,'* THE TIMES OF INDIA, Feb. 8, 2023, available at: <https://timesofindia.indiatimes.com/blogs/voices/decoding-indias-revdi-culture/>.

⁵³ Sushree Sangeeta Mukhi, Dr Bhupendra Bahadur Tiwari & Sneha Ghosh, *Promises of Prosperity: The Burden of Freebies on India's Fiscal Health* (Oct. 4, 2024), available at: <https://papers.ssrn.com/abstract=5008647>.

⁵⁴ The Bharatiya Nyaya Sanhita, 2023, ¶ 170,171, No. 45, Acts of Parliament (India) [hereinafter BNS 2023].

⁵⁵ *Freebies in Electoral Democracy and Welfare State*, SUPREME COURT OBSERVER, available at: <https://www.scobserver.in/cases/freebies-in-electoral-democracy-and-welfare-state> (last visited Jul. 21, 2025).

⁵⁶ *How Freebies Are Wrecking the Indian Economy*, THE SQUIRRELS BUREAU (Dec. 26, 2024), available at: <https://thesquirrels.in/economy/how-freebies-are-wrecking-the-indian-economy-8570345>.

territories expanded 151.6% from Rs 1,87,433.8 Crore to Rs 4,71,505.3 Crore,⁵⁷ adding ~Rs 2,84,073 Crore to expenditure burdens; amplifying fiscal strain amid elevated liabilities. Due to this, municipal bond ratings and budgets in these states have come under stress, which indicates long term infrastructure and welfare maybe undermined by the lure of short-term freebies. Furthermore, voters too express concern about the sustenance of freebies. The public is becoming increasingly aware that exorbitant pre-election promises could mean cuts in essential services, higher debts, and in the worst-case scenario, increased taxes to make up for the burden the freebies might put. For now, promises of free electricity and education,⁵⁸ or housing continue to pour forth in manifestos and campaign speeches. Some parties openly dismiss Advocate Upadhyay's PIL,⁵⁹ by arguing that water or electricity are essentials that should be affordable for the sake of genuine welfare; claiming that they are not outright freebies but rather a sincere step towards societal wellbeing.⁶⁰ Others believe that any substantial policy proposal in a manifesto be accompanied by an independent cost-benefit study. Unchecked, revidi culture mocks democratic dissent, prioritizing bribes over principles; echoing Nietzsche's warning, which we shall loosely paraphrase here: *The herd is lured by shiny trinkets, forsaking eternal values.*⁶¹

4. FINDINGS

The regulatory vacuum under the Representation of the People Act,⁶² when coupled with Article 324's constrained ECI oversight,⁶³ fosters oligarchic

⁵⁷ STATE FINANCES: A STUDY OF BUDGETS OF 2024-25 tbl. "Statement 36: Subsidies" (2024), *available at:* <https://rbi.org.in/Scripts/AnnualPublications.aspx?head=State%20Finances%20:%20A%20Study%20of%20Budgets>.

⁵⁸ Amit Bhelari, *INDIA Bloc's Bihar Manifesto Offers Govt. Jobs, Free Power*, THE HINDU, Oct. 28, 2025, *available at:* <https://www.thehindu.com/elections/bihar-assembly/india-bloc-releases-election-manifesto-on-october-28-2025/article70212315.ece>; Narain Pandey, *NDA Promises Free Education for Poor, 1 Crore Jobs & Major Infrastructure Boost*, THE TIMES OF INDIA, Nov. 1, 2025, *available at:* <https://timesofindia.indiatimes.com/city/patna/nda-promises-free-education-for-poor-1-crore-jobs-major-infrastructure-boost/articleshow/125002863.cms>.

⁵⁹ Ashwini Kumar Upadhyay v. Union of India, W.P.(C) No. 43 of 2022.

⁶⁰ *In Reply to EC on Freebies, BJP Draws Welfare-Dole Line, Congress-Left Call It EC Overreach; SAD Backs Move*, THE INDIAN EXPRESS (Oct. 28, 2022), *available at:* <https://indianexpress.com/article/political-pulse/in-reply-to-ec-on-freebies-bjp-draws-welfare-dole-line-congress-left-call-it-ec-overreach-sad-backs-move-8234191/>.

⁶¹ FRIEDRICH NIETZSCHE, BEYOND GOOD AND EVIL (Helen Zimmern tran., 1886), *available at:* <https://www.gutenberg.org/cache/epub/4363/pg4363-images.html>.

⁶² RPA 1951 S 29A.

⁶³ India Const. art. 324.

“phantom power”, where high commands eclipse democratic norms, yielding a meta-deficit that undermines India's polity. In our analysis, has manifested as interconnected pathologies: Nepotism entrenches dynasties (31% of 2025 Lok Sabha MPs);⁶⁴ suppressing talent and fueling cults,⁶⁵ while manifesto disconnects, prioritizing expediency over ADR-noted⁶⁶ voter needs like jobs (46.80%) and healthcare (34.60%) erode social contracts, as courts affirm non-enforceability.⁶⁷ Opacity compounds via RTI defiance,⁶⁸ and struck Bonds,⁶⁹ enabling unaccountable “*abysmal*” flows.⁷⁰ Revdi populism, blurring welfare and inducement, escalates fiscal strain (subsidies up 151.6% to Rs 4,71,505.3 Crore),⁷¹

5. CONCLUSION AND SUGGESTIONS

Political parties are the vital organs fueling India's democracy, channeling public will into governance (or so the ideal claims!). Yet, they have devolved into extra-constitutional specters, spawning pathologies like intra-party oligarchies, opaque financing, and revdi pandering under a laissez-faire veil that mocks constitutional ethos. The urgency demands action: **democratize these feudal fiefdoms NOW**, or erode public trust, alienate youth, and fracture polity into personality cults. Infuse transparency, accountability, and participation (via genuine internal polls, audited coffers, and grassroots manifestos) to shatter the meta-democratic paradox where high commands rule as Knights over muted cadres; thus, reform RPA's frail framework and ECI's weak grip; enact laws for inner democracy, heeding Law Commissions' calls. Recast parties as accountable institutions for the people, not elite clubs for lords; lest the masquerade bury perished principles.

A poignant summary of our research's core issue, about the superficiality of Indian democracy amid undemocratic party structures, comes from Dr. B.R. Ambedkar, the architect of the Indian Constitution and a towering legal luminary. In his writings, he warned: “***Democracy in India is only a top-dressing on an Indian soil which is essentially undemocratic***”. Our suggestions, drawn from doctrinal precedents, include:

⁶⁴ ASSOCIATION FOR DEMOCRATIC REFORMS, *supra* note 42 at p. 4.

⁶⁵ Ellis-Petersen and correspondent, *supra* note 16.

⁶⁶ ASSOCIATION FOR DEMOCRATIC REFORMS, *supra* note 26 at p. 8.

⁶⁷ *S. Subramaniam Balaji v. State of T.N.*, (2013) 9 SCC 659.

⁶⁸ *Subhash Chandra Aggarwal v. Indian National Congress*, 2013 SCC OnLine CIC 8915; PTI, *supra* note 48.

⁶⁹ *Association for Democratic Reforms v. Union of India*, WP(C) No. 880 of 2017, 2024 INSC 113.

⁷⁰ Mishra and Ghosh, *supra* note 41 at p. 10.

⁷¹ STATE FINANCES 2024-25, *supra* note 57 tbl. “Statement 36: Subsidies.”

- i. Amend RPA § 29A to mandate internal elections and enable ECI deregistration for non-compliance.⁷²
- ii. Empower ECI with auditing/sanctioning authority, mirroring the UK's PPERA 2000 regime.⁷³
- iii. Require pre-election manifesto costings and post-term implementation reports for reputational accountability.
- iv. Enforce RTI compliance via penalties, building on CIC 2013.⁷⁴
- v. Regulate social security and freebies through fiscal impact assessments.

Pathology	Key Example	Empirical	Reform Tie-In
Nepotism / Intra-Party Undemocracy	Gandhi-Nehru families in Congress, SP, RJD parties	31% of Lok Sabha MPs in 2025	Amend RPA 1951 to add Part II-A for internal elections
Manifesto Disconnect	Top-down edicts on religious controversies rather than real world concerns	Grassroots concern about jobs and healthcare over emotional issues	Pre-election costings reports ECI for promises
Financial Opacity	6 National Parties summons to be public authorities under RTI	With CIC directive RTI admitted, none answered	Mandatory audits akin to PPERA 2000 regime
Freebie Culture	DMK's colour TVs; AAP's subsidized utilities; loan waivers	Expanded 151.6% subsidies (2018-25) exceeded 2% GDP in some states	Fiscal impact assessments to scientifically distinguish welfare from populism

⁷² LCI 170TH REPORT, *supra* note 17 pt. III ¶ 3.1.3; LCI 244TH REPORT, *supra* note 19 chap. IV.

⁷³ PPERA 2000 (UK) S 43.

⁷⁴ *Subhash Chandra Aggarwal v. Indian National Congress*, 2013 SCC OnLine CIC 8915; PTI, *supra* note 48.