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ELECTORAL DEMOCRACY AND THE INTEGRITY OF THE FRANCHISE IN INDIA: CONSTITUTIONAL SAFEGUARDS, ELECTORAL REFORMS AND EMERGING CHALLENGES

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Abstract

Electoral democracy is a fundamental pillar of the Indian constitutional system. Participation in elections enables citizens to choose their representatives and hold the government responsible. However, the ethics of an electoral process depend not merely on conducting periodic elections but also on guaranteeing that elections are free & fair, transparent, inclusive and conducted without undue influence. The Indian Constitution establishes an institutional and legal structure to protect electoral democracy through universal adult suffrage, an independent Election Commission and judicial remedies. Articles 324, 325 and 326 play a particularly predominant role in safeguarding the electoral process. Notwithstanding these constitutional protections, Election in India faces several challenges, including influence of money and muscle power, criminalisation of politics, paid news, misinformation, misuse of digital platforms, voter exclusion and lack of transparency in political funding. The increasing use of technology in election campaigns has created concerns relating to data privacy, artificial intelligence, deepfakes and manipulation of voter behaviour. Judicial intervention has contributed significantly to strengthening electoral transparency and guaranteeing voters access to essential information about candidates and political parties. This article analyses the constitutional foundations of electoral democracy in India, important judicial decisions, and evaluates existing electoral reforms. It argues that meaningful electoral democracy requires not merely the right to vote but also effective institutional independence, political accountability, transparency in campaign finance and equal opportunities for citizens.

Keywords: *Electoral Democracy, Electoral Franchise, Election Commission of India, Electoral Reforms, Voter Rights, Political Funding, Constitutional Governance.*

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1. Introduction

The ideology of democracy is that the people are the ultimate source of political power. In a representative democracy, elections provide a constitutional platform for citizens to exercise their political choice and contribute to the establishment of representative government. The electoral process establishes a relationship between the people's will and the exercise of governmental power. India, as the world's largest constitutional democracy, has adopted a system of representative government based on universal adult suffrage. Every eligible citizen is entitled to participate in elections without discrimination on the grounds of religion, race, caste, or sex. The Constitution recognises that the democratic process must be accessible to all sections of society and electoral participation should not be restricted by social or economic inequalities. However, the mere holding of elections does not necessarily assure the existence of genuine democracy. The quality of democracy depends upon the fairness of the electoral process, the freedom of voters to exercise their choices, the transparency of political funding, the independence of electoral institutions and the accountability of candidates and political parties. When elections are influenced by money power, intimidation, misinformation or unfair electoral practices, the democratic value of the franchise is weakened. The integrity of the franchise refers to safeguarding the voter's ability to make an independent, informed and voluntary electoral choice. It includes accurate electoral rolls, equal access to voting, secrecy of the ballot, transparency in political finance and protection against coercion or manipulation. The SC of India has repeatedly recognised the importance of free & fair elections as an essential feature of the constitutional democratic system. In recent years, the nature of electoral challenges has expanded. Traditional concerns such as bribery, booth capturing and excessive election expenditure now coexist with digital campaigning, targeted political advertisements, online misinformation, deepfake content and the possible misuse of personal data. Consequently, electoral integrity must be understood not merely as an administrative responsibility but as a constitutional requirement connected with equality, freedom of expression, political participation and the rule of law. This article discusses the constitutional and legal framework governing electoral democracy in India, the functions of the Election Commission, judicial developments, electoral reforms and the challenges arising from changing political and technological conditions.

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2. Constitutional Framework of Electoral Democracy in India

The COI establishes the foundation for a representative democratic system. Part XV of the Constitution, comprising Articles 324 to 329, specifically deals with elections. These provisions seek to secure that elections are conducted through an independent constitutional authority and according to a legal framework established by Parliament.

Powers of the Election Commission of India (ECI)

Article 324 vests the superintendence, direction and control of the preparation of electoral rolls and the conduct of elections to Parliament, State Legislatures and the offices of the President and Vice-President in the ECI. The ECI is an independent constitutional body intended to secure that electoral processes are conducted impartially. Its responsibilities include supervising elections, issuing the Model Code of Conduct, recognising political parties, monitoring election expenditure and taking steps to maintain the fairness of the electoral process. The SC has recognised that Article 324 confers broad powers on the Election Commission to deal with the situations that may emerge during elections, particularly where the present legislation does not provide a specific answer. Nevertheless, the ECI must use its authority consistently with the Constitution and applicable election laws.[1]

One General Electoral Roll

Article 325 prohibits the exclusion of any person from the general electoral roll on grounds only of religion, race, caste or sex. It reflects the constitutional responsibility to political equality and prevents the creation of separate electoral rolls based on these grounds. This provision is important because electoral democracy requires equal recognition of citizens as participants in the political process. It is above all to prevent discrimination in electoral registration and strengthens the principle of equal citizenship.

Universal Adult Suffrage

Art. 326 provides that elections to the Lok Sabha and State Legislative Assemblies shall be based on universal adult suffrage. Every citizen of India who has attained the age of eighteen years and is not otherwise disqualified under the COI or applicable law is entitled to be enrolled as a voter. The reduction of the voting age from twenty-one to eighteen years by the Constitution (Sixty-first Amendment) Act, 1988, expanded political participation and

[1] *Mohinder Singh Gill v Chief Election Commissioner* (1978) 1 SCC 405.

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recognised the significance of young citizens in democratic governance. Universal adult suffrage is not simply an electoral arrangement. It represents the constitutional recognition that it should not depend upon wealth, education, social status, gender or any other privilege.

Legislative Powers Relating to Elections

Under Art. 327, Parliament has the power to make laws concerning Parliamentary elections and State Legislatures, subject to Constitutional provisions. Article 328 deals with the power of State Legislatures to make laws concerning elections to their respective legislatures, contingent to the other Constitutional and parliamentary legislation. These provisions establish the legislative foundation for regulating electoral processes. The principal statutes governing elections include:

- The Representation of the People Act, 1950.
- The Representation of the People Act, 1951.
- The Registration of Electors Rules, 1960.
- The Conduct of Elections Rules, 1961.
- The Election Symbols (Reservation and Allotment) Order, 1968.

Together, these constitutional and statutory provisions establish the framework for electoral registration, candidate qualifications, election conduct, corrupt practices, disqualification and dispute resolution.

3. The Right to Vote & the Integrity of Electoral Franchise

The right to vote is central to representative democracy because it enables citizens to partake in choosing the government. It also provides a constitutional mechanism for expressing political preferences and demanding accountability from elected representatives. In *Jyoti Basu v Debi Ghosal*, the Court noticed that the right to elect, the right to be elected and the right to dispute an election are statutory rights regulated by election legislation. [2]This decision established that the voting right is not an unrestricted fundamental right independent of the statutory framework. However, the constitutional significance of voting cannot be reduced to its statutory character. Voting is closely connected with freedom of expression and democratic participation. In *PUCL v UOI*, the SC recognised that voters have a right to get information about candidates so that they can make an informed electoral choice.[3]

[2] *Jyoti Basu v Debi Ghosal* (1982) 1 SCC 691.
[3] *PUCL v UOI* (2003) 4 SCC 399.

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The integrity of the franchise involves several important elements:

1. **Universal participation:** Every eligible citizen must have a fair opportunity to register and vote.
2. **Equality:** No voter should face discrimination or unequal treatment in the electoral process.
3. **Secrecy of ballot:** Voters must be able to use their choices without fear, pressure or intimidation.
4. **Informed choice:** Citizens should have access to relevant information about candidates and political parties.
5. **Freedom from undue influence:** Bribery, threats, coercion and manipulation must not interfere with electoral choices.
6. **Accuracy of electoral rolls:** Registration systems must be transparent, accurate and subject to fair procedures for correction and appeal.

Thus, the integrity of the franchise requires more than the formal existence of a voting right. It requires an electoral environment in which citizens can utilise that right freely and meaningfully.

4. Role and Independence of the ECI

The ECI is entrusted with the constitutional responsibility of conducting elections in a free, fair & impartial manner. Its independence is essential because the authenticity of an election depends upon the neutrality of the authority responsible for administering it.

Constitutional Status and Institutional Independence

The Election Commission receives its authority from Article 324 of the COI. Unlike an ordinary administrative department, it is a constitutional body whose powers and responsibilities are directly recognised by the Constitution. The Constitution also provides safeguards concerning the removal of the Chief Election Commissioner and the conditions of service of Election Commissioners. In *Mohinder Singh Gill v Chief Election Commissioner*, the SC explained the wide realm of the Election Commission's authority under Article 324. The Court recognised that the Commission has constitutional responsibility to ensure free & fair elections and may exercise its powers where the law is silent about a particular situation.[4] However, the independence of the Election Commission requires more than constitutional

[4] *Mohinder Singh Gill v Chief Election Commissioner* (1978) 1 SCC 405.

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recognition. It also depends on how the Commission's members are appointed, the security of their tenure, financial and administrative autonomy, and the public confidence enjoyed by the institution.

Appointment of Election Commissioners

The appointment of the Chief Election Commissioner and other Election Commissioners has been an important issue in discussions concerning institutional independence. In *Anoop Baranwal v UOI*, the SC examined the inadequacy of a parliamentary law prescribing the appointment procedure under Article 324(2). Based on the enactment of such a law, the Court directed that appointments should be made on the recommendation of a committee consisting of the PM, the Leader of the Opposition in the Lok Sabha and the CJI.[5] Parliament subsequently enacted the legislation in the year 2023. Under section 7 of the Act, the Selection Committee consists of the PM, the Leader of the Opposition in the Lok Sabha and a Union Cabinet Minister nominated by the PM. As per the Act, there shall be a Search Committee and regulations for the qualifications and terms of office of Election Commissioners.[6] The composition of the Selection Committee has generated deliberation concerning the balance between executive participation and independent oversight.

Model Code of Conduct

The Model Code of Conduct is an important instrument for maintaining fairness during election campaigns. It lays down standards of behaviour for political parties and candidates and seeks to prevent the misuse of official machinery, inflammatory campaigning and practices that may disturb the fairness of elections. Although the Model Code is not, by itself, a comprehensive statutory code, several of its concerns overlap with provisions of election legislation and other applicable laws. Its effective implementation requires timely action, consistency and transparency.

5. Judicial Intervention in Protecting Electoral Democracy

The judiciary has significantly interpreted constitutional provisions relating to elections and protecting the principles of free and fair electoral participation. Through its decisions, the SC has examined the connection between electoral rights, political transparency, equality and

[5] *Anoop Baranwal v UOI* (2023) 2 SCC 1.
[6] Chief Election Commissioner and Other Election Commissioners (Appointment, Conditions of Service and Term of Office) Act 2023, ss 4–9.

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constitutional governance.

Indira Nehru Gandhi v Raj Narain

The SC considered the constitutional validity of provisions introduced through the Thirty-ninth Amendment concerning the election dispute involving the Prime Minister.[7] The judgment is important for its discussion of the connection between democracy, free & fair elections and the basic structure of the COI. The Court established that electoral democracy cannot be divided from the constitutional restriction imposed on governmental power. The case justifies that the conduct and adjudication of elections must remain dependent on constitutional principles and cannot be placed beyond meaningful constitutional scrutiny.

***PUCL v UOI* (2003)**

The SC recognised the significance of voters having access to information about candidates contesting elections.[8] The Court determined that the right to information about candidates is connected with freedom of speech and expression under Article 19(1)(a). A voter must be informed with the relevant information to make their electoral choice. This judgment strengthened the principle that electoral participation should be based on knowledge rather than ignorance. It also recognised the relationship between transparency and democratic accountability.

Association for Democratic Reforms v Union of India

The SC upheld the significance of disclosure of information about electoral candidates, including criminal antecedents, assets, liabilities and educational qualifications.[9] The decision recognised that voters require relevant information to evaluate candidates and exercise their political choices responsibly. It endowed to the development of disclosure requirements in election law.

***PUCL v UOI* (NOTA)**

The SC directed the initiation of the 'None of the Above' (NOTA) option in electronic voting machines and ballot papers.[10] NOTA enables voters to register their decision not to support any candidate contesting in the election. It reinforces the significance of secrecy in voting and

[7] *Indira Nehru Gandhi v Raj Narain* 1975 Supp SCC 1.
[8] *PUCL v UOI* (2003) 4 SCC 399.
[9] *UOI v ADR* (2002) 5 SCC 294.
[10] *PUCL v UOI* (2013) 10 SCC 1.

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recognises that voters should not be compelled to disclose or compromise their electoral preferences. However, NOTA does not operate as a mechanism for automatically rejecting an election or requiring a fresh election when it receives the highest number of votes.

Lily Thomas v UOI

The SC invalidated the statutory protection that had allowed sitting legislators to avoid immediate disqualification following conviction by filing an appeal.[11] The judgment is significant for electoral accountability because it strengthened the application of statutory disqualification provisions to elected representatives. It also highlighted the significance of maintaining public faith in legislative institutions.

***Association for Democratic Reforms v UOI* (Electoral Bonds Case)**

One of the most predominant recent developments in electoral law is the SC's decision in this case, delivered on 15 February 2024. The case concerned the constitutional validity of the Electoral Bond Scheme, 2018, and related amendments that permitted anonymous political contributions and removed restrictions on corporate political donations. The SC unanimously declared the Electoral Bond Scheme unconstitutional. It determined that non-disclosure of political funding information violated the voters' right to information under Art. 19(1)(a). The SC also held that the removal of the limit on corporate political contributions was arbitrary and violated Art. 14.[12] The judgment is important because it recognises that political funding is not merely an internal matter between donors and political parties. Financial contributions may have a bearing on public policy and political decision-making. Voters therefore have a legitimate interest in understanding the origins of political funding. The decision also demonstrates the necessity to balance the informational privacy of donors against the public interest in transparent political finance. It establishes transparency as an important constitutional consideration in protecting the morality of electoral democracy.[13]

6. Major Challenges to the Morality of the Electoral Franchise

Although India has developed a extensive legal framework for conducting elections, several challenges continue to affect the fairness and credibility of the electoral process.

[11] *Lily Thomas v UOI* (2013) 7 SCC 653.
[12] *ADR v UOI* 2024 INSC 113.
[13] ibid.

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Money Power and Electoral Corruption

The influence of money in elections is the major concern affecting electoral equality. Political campaigns need financial resources for publicity, transportation, public meetings, advertisements and organisational activities. However, excessive dependence on financial resources can develop unequal opportunities among candidates and political parties. The Act addresses certain forms of electoral corruption. Section 123 identifies corrupt practices, including bribery and undue influence. Section 77 requires candidates to maintain a separate and correct account of election expenditure.[14] Despite these provisions, concerns remain regarding indirect expenditure, third-party campaigning, undisclosed contributions and the use of financial resources to influence voters. Effective monitoring and transparent reporting are necessary to ensure that financial power does not undermine political equality.

Criminalisation of Politics

The participation of candidates facing serious criminal allegations has remained a subject of public and judicial concern. The presence of criminal cases against candidates raises questions about the quality of political representation and public confidence in democratic institutions. However, it is significant to distinguish between the filing of a criminal case and conviction by a competent court. Mere accusation cannot automatically be treated as proof of guilt. At the same time, voters have a legitimate interest in receiving accurate information about candidates' criminal antecedents.

In *Public Interest Foundation v UOI*, the SC considered the issue of criminalisation of politics and issued directions concerning the publication of criminal antecedents by candidates and political parties.[15] Strengthening disclosure, ensuring timely trials in appropriate cases and enforcing statutory disqualification provisions can contribute to electoral accountability while respecting the presumption of innocence.

Caste, Religion and Communal Appeals

Elections should provide an opportunity for citizens to evaluate candidates and political programmes based on public issues and governance. Appeals that exploit religious, caste or communal identities can create divisions and interfere with free electoral choice. Section 123(3) of the Representation of the People Act, 1951 addresses appeal to vote or abstain from voting on specified religious, racial, caste, community or linguistic grounds. The provision

[14] Representation of the People Act 1951, ss 77 and 123.
[15] *Public Interest Foundation v Union of India* (2019) 3 SCC 224.

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seeks to prevent the exploitation of identity-based appeals in electoral campaigns. In *Abhiram Singh v CD Commachen*, the SC interpreted section 123(3) broadly and examined the prohibition against appeals based on religion, race, caste, community or language in the electoral context.[16] The constitutional objective is to protect equal citizenship and ensure that electoral competition takes place within the framework of secularism and democratic equality.

Paid News and Misleading Political Advertising

Paid news occurs when political publicity is presented as independent news reporting without appropriate disclosure of its promotional nature. It can mislead voters by creating an inaccurate impression of public support for a candidate or political party. Political advertisements can be circulated through social media, messaging applications or by any other online platform, sometimes without clear information about the sponsor or the source of funding. The regulatory framework must therefore address transparency in political advertisements, disclosure of sponsorship, monitoring of campaign expenditure and accountability for deliberate electoral misinformation.

Voter Exclusion and Inaccurate Electoral Rolls

The integrity of elections depends upon accurate and inclusive electoral rolls. Errors in voter registration, migration, duplication, deletion and inadequate access to correction procedures may affect citizens' ability to exercise their franchise. Particular attention is required for migrant workers, persons with disabilities, elderly citizens, homeless persons and individuals living in remote areas.

Misuse of State Machinery

The misuse of government resources for electoral advantage may affect the fairness of political competition. Public funds, official communications, government facilities and administrative influence should not be used to provide an unfair advantage to a political party or candidate. The Model Code of Conduct seeks to regulate the conduct of parties and candidates during elections and prevent the misuse of official machinery. Effective enforcement is necessary to preserve equality among political contestants.

[16] *Abhiram Singh v CD Commachen* (2017) 2 SCC 629.

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7. Emerging Challenges: Technology and the Future of Electoral Democracy

The emergence of digital technologies has brought considerable changes to the nature of political discourse and election campaigns. Platforms such as social media, AI-driven applications, online promotional tools and data analytics have facilitated wider political engagement and transformed communication between political representatives and citizens. Nevertheless, their extended usage has raised significant challenges regarding electoral integrity, misinformation, voter manipulation, and the fairness of democratic elections.

Social Media and Electoral Misinformation

Social media platforms permit political parties and candidates to interact directly with voters. They also enable citizens to participate in political discussions and obtain information about public issues. However, false information can disseminate rapidly through digital networks. Misleading videos, fabricated statements, manipulated photographs and false election-related claims may influence public perceptions and create confusion among voters. The challenge is to regulate deliberate misinformation without unnecessarily restricting legitimate political speech. Any regulatory response should respect Article 19(1)(a), apply clear legal standards and provide safeguards against arbitrary censorship.

Artificial Intelligence and Deepfakes

Artificial intelligence has made it possible to create highly realistic audio, video and photographic content. Deepfake technology can be used to imitate political leaders, fabricate speeches and circulate misleading content during election campaigns. Such material may affect voters' understanding of candidates and political events. It may also damage the reputation of individuals and weaken confidence in authentic political communication.

Electoral regulation should therefore consider:

- Clear identification and disclosure of AI-generated political advertisements.
- Timely procedures for reporting and reviewing manipulated electoral content.
- Transparency regarding the sponsors of digital political advertisements.
- Cooperation between the Election Commission and online platforms.
- Public awareness programmes on identifying misleading digital content.

These measures should be designed to protect voters while respecting freedom of expression and legitimate political debate.

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Personal Data and Microtargeted Political Campaigning

Political parties and campaign organisations increasingly use data analytics to understand voter interests and communicate targeted messages. While data-based campaigning may improve political communication, the collection and use of personal information raise important privacy concerns. The use of personal data to create political profiles may allow voters to receive different messages based on their perceived interests, beliefs or vulnerabilities. Without adequate transparency, citizens may be unaware of how their information is collected, analysed or used for political purposes. The Act provides a general framework for the processing of digital personal data. Its application to electoral campaigning and political data practices must be considered alongside the applicable statutory provisions, exemptions and constitutional rights.[17]

Electronic Voting and Public Confidence

Electronic Voting Machines and the Voter Verifiable Paper Audit Trail system are important components of India's electoral infrastructure. Technology can enhance the administration of elections, but public confidence requires transparent procedures, verifiable safeguards and effective mechanisms for addressing complaints. The SC considered petitions seeking greater verification of electronic voting through VVPAT slips. The Court declined to direct a return to paper ballots or universal counting of all VVPAT slips, while issuing directions relating to the preservation and verification of symbol-loading units.[18] The judgment illustrates that electoral technology must be assessed through legal standards, technical safeguards and institutional accountability. Public trust is strengthened when the operation of electoral systems can be explained and independently scrutinised.

8. Electoral Reforms for Strengthening Democratic Integrity

Electoral reforms are necessary to secure that the electoral process remains transparent, inclusive and accountable. The objective of reform should not merely be to improve the administration of elections but also to strengthen the constitutional values underlying representative democracy.

[17] DPDP Act 2023.
[18] *Association for Democratic Reforms v Election Commission of India* 2024 INSC 341 (26 April 2024).

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The following reforms may contribute to safeguarding the integrity of the franchise.

Transparency in Political Funding

Political funding should be subject to effective disclosure and accountability requirements. Political parties should maintain accurate records of contributions and expenditure, and information concerning substantial political donations should be accessible to the public, subject to appropriate privacy safeguards. The Electoral Bonds judgment has highlighted the constitutional importance of transparency in political funding. Future reforms should seek to balance donor privacy with the public's right to know about financial contributions that may influence political decision-making.[19]

Strengthening the Independence of Election Commission (EC)

The independence of the EC is required for free and fair elections. Its appointment process should promote transparency, impartiality and public confidence. Institutional reforms should also address the Commission's administrative and financial autonomy, staffing requirements and capacity to investigate electoral violations. The appointment procedure should be subject to clear and publicly accessible standards.

Effective Implementation of Election Laws

Existing provisions dealing with bribery, undue influence, corrupt practices and election expenditure must be implemented effectively. Complaints should be investigated promptly, and violations should attract consequences in accordance with law. The Election Commission should also strengthen monitoring of campaign expenditure, political advertising and the utilisation of public resources during elections.

Regulation of Digital Election Campaigns

The increasing use of digital platforms requires a clear regulatory approach. Political advertisements should disclose their sponsors, and platforms should maintain accessible records of political advertisements and their funding. There should also be mechanisms to identify and respond to manipulated content, including deepfakes, without creating unreasonable restrictions on legitimate political speech.

[19] *ADR v UOI* 2024 INSC 113.

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Inclusive Electoral Participation

Special attention should be given to ensuring that vulnerable and disadvantaged groups can participate in elections. Accessible polling stations, voter education, supports for persons with disabilities and effective registration procedures are important measures. Administrative reforms should also address difficulties faced by migrant workers, elderly citizens and persons living in geographically remote areas.

Voter Awareness and Civic Education

Voter education is essential to the successful functioning of electoral democracy. Citizens be made aware of their voting rights, candidate disclosure requirements, electoral offences and complaint mechanisms. Educational institutions, civil society organisations and public authorities can confer to the development of a culture of informed and responsible electoral participation.

Accountability of Political Parties

Political parties play a remarkable role in representative democracy. Their internal functioning, financial practices and candidate-selection procedures have implications for democratic accountability. Greater transparency in party finances, candidate selection and organisational decision-making can boost public confidence in the political system.

10. Conclusion

Electoral democracy is the foundation of representative government in India. The honesty of the electoral franchise determines whether citizens can participate meaningfully in the formation of government and exercise their political choices without fear, pressure or manipulation. The Constitution, through Articles 324, 325 and 326, establishes important safeguards for universal participation, equality and independent electoral administration. The judiciary has contributed significantly to strengthening electoral democracy through decisions concerning the right to information, disclosure of candidates' criminal antecedents, NOTA, political funding and the independence of electoral institutions. In particular, the Supreme Court's decision in the Electoral Bonds case reaffirmed that clarity in political funding is closely associated with the voter's right to information and the constitutional requirement of fair elections. However, the challenges facing Indian electoral democracy are changing. Money power, criminalisation of politics, political misinformation, digital manipulation, deepfakes and privacy concerns require continuous legal and institutional attention. Electoral reforms

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must therefore respond to both traditional electoral malpractices and emerging technological developments. The integrity of the franchise cannot be protected by election laws alone. It requires an independent Election Commission, responsible political parties, an accountable legal system, informed citizens and effective judicial oversight.

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