

# How Should India Fund its Democracy? Lessons from the Global Experiences

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## Abstract

Democracy costs money. From fighting elections and to running daily political activities, political parties and candidates seek donations from all possible sources including tapping illegal and interested money. This often results in corruption and subversion of governance. In addition, the expensive nature of elections acts as a huge barrier for a lot of aspiring candidates to enter politics, thus working as an “entry barrier”. In the absence of adequate funds, smaller and new parties particularly find it difficult to run decent election campaigns. In order to reduce the dependency on big money and encourage aspiring politicians to participate in the democratic process, a number of democracies have embraced the path of public subsidies and direct funding of political parties and political activities. By effectively targeting state subsidies, leading western democracies such as Germany and United Kingdom have made impressive strides in reducing the role of interested money in elections and have brought visible transparency in their electoral politics. Looking from the prisms of India’s trust with public funding model, the paper attempts to study the effectiveness of different public funding models, understand the context of such reforms including the reform eco-systems, identify the variations in implementation, and prepare a list of doable for India.

## 1. Background

It is a well-known fact that democracy costs a lot of money. From operating routine political activities to fighting periodic elections, political parties and candidates seek donations from all possible sources including illegal and criminal money. As per available data in India, most open source donations of political parties are secured from private businesses. This ultimately has a net negative effect on governance as elected officials ought to return the favours. Besides, the expensive nature of elections acts as a huge barrier for a lot of aspiring candidates to enter politics, thus working as an “entry barrier”. In the absence of adequate funds, smaller and new parties particularly find it difficult to run decent election campaigns. To reduce the dependency on big money and encourage aspiring politicians to participate in the democratic process, a number of democracies have embraced the path of public subsidies and direct funding of political parties and political activities.

India is not alone in this. Money problem afflicts most democracies including the most advanced western democracies. To cut down the dependency on big money and encourage aspiring politicians to participate in the democratic process, many democracies have embraced the path of public subsidies and direct funding of political parties and political activities. According to democracy watchdog International IDEA, roughly 116 democracies (68%) have embraced some form of state subsidies for political activities. Many western democracies like the United States, United Kingdom (UK), Germany, Finland and Italy have been experimenting with state funding for many years. In fact, countries like Germany and UK

have made impressive strides in reducing the role of big money in politics and bringing about modest degree of transparency back to their democratic processes through intelligent use of state subsidies. However, India cannot simply imitate Germany or UK’s experience. It is a gigantic and vastly complicated country with very diverse and evolving democracy where many institutions ensuring transparency and accountability are still a work in progress. Therefore, in the context of India, it is pertinent to understand the context of the reforms in different cases, and the differences in the systems introduced in the various countries. Hence, this paper will make a close scrutiny of these claims while identifying key variations in implementation. It will also try to identify the other factors including key lessons that can help India’s policy makers.

## 2. Public Financing of Politics: The Philosophy and the Rationale

One of the popular propositions regarding public financing is its contribution to anti-corruption efforts. The anti-corruption theorists put their claim on intuitive and historically verifiable indicators, where election contributions (in certain instances) including legal ones function as a kind of legalised bribery that constrains or animates political actors from acting independently. This is the primary reason why political finance analysts push for public financing of elections: to mitigate “the importance of private money” by keeping “the big money out of politics.” Public finance protects the political process from direct, quid-pro-quo kickbacks or corruption. State funding for them is an affirmative system—not just a restrictive one—that seeks to prevent

corruption, promotes diversity among candidates, and acts as public service to the entire society rather than to those who contribute to the kitties of parties and candidates.

However, the original theoretical justification of political finance regulation, especially the public funding proposal, is based on the normative goal of “equalising influence,” an effort that goes on to ensure that certain powerful groups or individuals do not exercise undue influence in the electoral processes. According to its key proponents, political equality propagates the concept of “equal political influence,” meaning no citizen should have more power over the political process than other citizens. This implies that wealth or money should not translate into more control over the political process, or conversely, poverty should not severely diminish one’s political power. The principle of “one person, one vote” is a natural expression of the belief in the intrinsic equality of citizens.

Political philosophers and scholars, such as John Rawls, Robert Dahl and Ronald Dworkin, call for public funding to preserve equal political influence and prevent well-heeled candidates from using the advantage of wealth to defeat poorly financed opponents. In his important treatise, *A Preface to Democratic Theory*, Dahl argues in favour of the preservation of equal political influence, as well as voter autonomy, which requires that voters possess identical information about the choices confronting them on election day. As per Dahl, voter choice should not be “...manipulated by controls over information possessed by any one individual or group.”

Yet, the most vocal supporter of the equality rationale is political philosopher John Rawls. Rawls strongly argues for “public financing of political campaign and election expenditures, various limits on contributions and other regulations are essential to maintain the fair value of the political liberties.” According to Rawls, “It is necessary to prevent those with greater property and wealth, and the greater skills of organisation which accompany them, from controlling the electoral process to their advantage.” The locus of Rawlsian egalitarian democracy is the notion that because the public benefits from the existence of political parties, the state may claim them as public asset and regulate them as such.

Expanding on Rawlsian idea of egalitarian democracy, Ronald Dworkin argues that democracy requires that we each have not only an equal say in choosing among competing candidates and positions, i.e. an equal vote, but also “an equal opportunity to persuade others” of our own views about these candidates and issues. To him, unregulated spending violates this, as it would allow the rich to make more appeals on behalf of their views than can others. In short, the equality view of public funding rests on one central fear that, left to themselves, political actors will transform economic power into political power and thereby violate the principle of political equality.

Its contemporary proponents claim political parties in democracies as critical links between citizens and the state, and in doing so, the parties serve vital public interest. According to Dawson, one of the original proponents of public-interest theory, political parties facilitate activities and efficacy in arousing interest, educating for democracy, simplifying the task of the voter, constituting an alternative government in waiting, and minimising transitional delays following an election in which the incumbent party is ousted. Therefore, given that political parties and elected representatives hold

“trustee” positions for the electorate, it would be fair for the state to fund their activities.

According to the proponents of public interest, if managed well, public funding can vitally improve legislative politics and the quality of democracy. Elected representatives must keep their eyes on their jobs instead of spending time on “relentless pursuits of contributions, sometimes from illegal ways.” According to this view, it is a failure of representation when candidates spend great amounts of time to attend the task of fundraising. For them, fundraising is a form of shirking, which affects the quality of the voters’ representation. Thus, for democracy’s good health, the state has an important interest in ensuring that the elected representatives avoid such behaviour.

To conclude, there are three broad issues that emerge from the discussion on the theoretical positioning of public financing of politics. First, the argument for anti-corruption and keeping “big money out of politics” demands the state to take appropriate steps to address the political finance challenges facing political parties and candidates. Second, public financing is necessary to “equalise influence” and promote competition (create a level playing field for parties and candidates with less resources vis-à-vis parties and candidates with ex ante equality). Third, a strong public-interest rationale demands public financing of elections as they benefit democracy and serve the common good.

### 3. Types of Public Funding

Public Funding can be divided into two types in which public resources are made available to parties or candidates. These are direct funding and indirect funding. Below is a brief description of their nature and key characteristics.

#### Indirect Public Funding

Under indirect public subsidies, the government provides resources with a monetary value to political parties or candidates. The most common forms of indirect subsidies are in the form of access to publically-owned media, use of public infrastructure for meeting and rallies, free or subsidized public transportation for candidates and key party personnel for campaigning, free printing and distribution of ballot papers, free or subsidized office space for party functions, interest free loans to finance basic campaigning expenses, incentivizing private donations by tax exemptions. As per International IDEA statistics, more than 68% countries around the world offer some form of indirect subsidies to political parties or candidates.

#### Direct Public Funding

Here the state provides money directly to political parties or candidates to fully or partially meet their expenses. Direct funding system can differ in many forms. On the basis of the goals, the systems differ on the following aspects:

##### 1. Recipient

In most countries direct public subsidies are provided to political parties particularly to party central offices or headquarters, but there are many countries, like US, Australia, Canada, Denmark, Germany, Norway, Spain, Austria and Sweden, which provide direct subsidies to state or regional level party offices. It is only in handful of countries such as Ecuador, France, Uruguay and the US where candidates receive direct subventions.

##### 2. Threshold for eligibility to access public funds

It should be noted that providing funds to all parties or candidates create the most competitive electoral system. However, problem with such a system is the proliferation of non-

serious parties or candidates who only seek to get funding. Alternatively, a very high threshold, like 10% vote share as in Bhutan and Malawi, would largely favor incumbents and would be against the interests of competition as new parties and smaller parties would be ineligible for public funding.

Therefore, most countries have adopted an eligibility barrier based on performance in the previous election. This is usually based on parliamentary representation like Bolivia and Finland, or vote share as in the cases of Germany and Nicaragua. Some like Sweden and Costa Rica have used a combination of representation and vote share with mixed successes.

### 3. Criteria for allocation among eligible political actors

Equality in fund allocation is the hallmark of a sound public funding system. While it may seem that providing equal subventions to all eligible political players is the most democratic method, the idea of providing equal grants to a small party with minimal representation or minor vote share as that given to large parties is a disregard of the opinion of the voters and can cause wastage of public funds. It could also lead to party fragmentation. Most countries, though, use a system of proportional allocation according to vote share, as in Belgium and Greece or representation as in Finland and Sweden. Germany (along with funds based on votes received) and the US have implemented a system of matching funds that have been raised by the parties through small private donations. A key feature of the German allocation criteria is that the amount of funds granted for the first 4 million votes received by parties, which is 0.85 euro per valid vote, is higher than the amount granted for votes received beyond that, which is 0.70 euro per valid vote. This is crucial in maintaining a balance between large established parties and smaller, usually regional, parties. In short, the determination of the allocation criteria is a critical factor to ensure the fulfilment of core objectives.

### 4. Method of Disbursement of Funds

There are two key elements involved in the methods of disbursement. These are the purpose and the timing of such disbursement. Based on their purpose, parties can be funded permanently or for election campaigns. Most countries have provisions for regular funding or both regular and campaign funding. Only a handful of countries restrict funds to fund electoral campaigns. Although the intended use may be different from the timing of the disbursement.

## 4. Effects of Public Funding

As stated in the beginning, the core objectives in having public funding system are to cut the costs of elections, reduce the dependency on 'interested money', enhance political competition by providing a level playing field for smaller and newer political entrants and institutionalizing transparency and accountability in the democratic processes. In the following pages, we do a quick scrutiny of impacts that public financing of politics in different political contexts and conditions.

### 1. Effect of Public Funding in reducing Election Expenses

The proponents of state funding of elections popularly argue that it helps reduce and limits the enormous costs of campaigning. However, insights emerging from the global experiences provide mixed trends. Negative ones first. Despite direct subsidies given to political parties in Israel and the US, the electoral expenditure continue to grow with each election and parties in both countries continue their dependency

on large private donors. This is due to the lack of spending ceilings and the existence of catch-all parties. Of course, in the case of America, this is mostly due to the effect of the 2010 Citizens United judgement. The judgment allowed, what was called, 'independent expenditure', whereby, instead of contributing to a candidate, corporate entities could directly spend on advertisements calling for election of a candidate for the defeat of another. The exponential increase in expenses in the 2012 Presidential election has been attributed to the formation of super-PACs which were allowed by the judgment

However, there are several successful examples like Japan and Germany that have reduced the costs of elections and dependency from the private business. Japan has able to reduce its campaign costs through a judicious mix of supporting reforms including imposing bans on corporate donations, imposing spending ceilings, improving transparency along with state funding.

### 2. Effect on the influence of Big Money

One of the strongest arguments in favor of public funding of politics is that it reduces the dependence of parties of big private donations. In terms of results, international experience holds a mixed bag. For instance, a close examination of a major case like South Africa saw the gross misuse of public funds specially the wealthy candidates. One the one hand they continue receiving state subsidies and on the other same parties keep receiving private money through government contracts and other forms of preferment. Even in America, such funding has not reduced the dependency of political parties on wealthy donors. In terms of checking the growing plutocratic influence, the results are not all that encouraging either. For instance, in Israel and US, as noted above, public subsidies have not reduced the reliance on private donations. Similarly, in several Latin American countries particularly Brazil, Argentina, Colombia, Ecuador and Costa Rica, public subsidies have proved rather ineffective in limiting the role of business in the political financing. The easy availability of money from interest groups and business circles to typically catch-all parties also contributed to the failure in Israel and US. In Latin America, business ordinarily played a central role in campaign funding because there were no other sources available for parties. Political parties in Latin America are typically characterized by weak party organizations, scarcity of fee-paying party members and weakness of interested trade union contributions. Therefore, public subsidies in this case failed to replace the need to attract private donations, but were merely an additional source of income for the parties.

However, there are some successful examples as well. Canada is a good example. Canada introduced public subsidies as a part of a whole set of reforms, including spending ceilings, tax incentives for smaller contributions have been able to successfully reduce the role of interested money in party financing. In Sweden, generous public subsidies, which far exceeds private donations, and minimal state intervention in party affairs have been successful in reducing temptation for parties to seek anonymous interested money. In both these cases, it is necessary to understand that other factors were also responsible for the resultant effect.

### 3. Positive Effect on Electoral Competition

Does public funding of elections encourage new entrants and promote electoral competition? International experiences suggest that public subsidies fostering competition is a function of how public subsidies are distributed. In countries like Russia,

it has been used to stifle political competition and promote authoritarianism. The 2001 law, apart from establishing heavy state subsidization, introduced other regulations such as limiting private donations, imposing spending ceilings and strict disclosure requirement. This has led to a situation where it is almost impossible to challenge the ruling party. Thus, it has led to creation of cartel party. However, there is reasonable evidence of the opposite too. Many new parties have emerged in countries like Canada and Finland, where public subsidies were introduced to reduce proliferation of parties. In some instances, particularly in the cases of Israel, Italy and Mexico, introduction of public subsidies has brought greater competition by enabling entry of newer parties and providing smaller parties with the funds to compete with incumbents.

There are also peculiar experiences particularly with regard to parties that have certain ideological preferences, like the left oriented or socialist parties. It is well known these parties find it increasingly difficult to compete with right-wing parties due to the fact that huge private funds are readily available to the latter. In some ways, the introduction of public subsidies is helping those political entities as evident in the case of Uruguay.

The public subsidies also can be employed to promote competition within the party. As the global evidence suggests, this can be done by introducing public funding for determination of candidate at the intra-party level. One of the best examples of this is the United States, where candidates can seek public funding to contest intra-party elections for candidature. Another method of tackling this problem is by routing public subsidies directly to lower units of parties and thereby strengthening intra-party democracy. In short, public funding has a mixed bag.

### 5. Making a Case for India

As stated in the introductory section, India's political funding regime is under great stress for various reasons, but most significantly due to rising election expenses. For instance, India's last general elections (2019) was marked a turning point as far as political funding was concerned. It was by far the most expensive election in the world where a staggering Rs 55,000-60,000 crore (7-8 billion dollar) was believed to have spent by various political parties and candidates in the fray. Importantly, the general election was marked sharpest inequality in terms of spending between the ruling Bharatiya Janata Party (BJP) and the opposition. Reportedly, the ruling BJP spent as much as 45 per cent of total poll expenditure, where as the main opposition the Congress Party's poll expenses was distant 15 per cent. Beyond massive gaps in poll expenses, the 2019 general election witnessed introduction of most controversial provision called Electoral Bond. This new scheme which the BJP government claimed to clean up the black money by pumping white money into democratic system has arguably emerged as the single biggest source of opacity in political finance.

This apart, the 2019 poll was conducted at a time when the political finance regime experienced systemic and procedural erosion due to series of legislative and administrative measures taken by the BJP government soon after it assumed the power in 2014. While the government introduced a slew of reforms (via 2017 Finance Bill) such as restricting cash donations and timely submission of books

of accounts by political parties, yet introduction of electoral bond scheme with anonymity clause, removal of limit for cooperate donations among others considerably weakened the foundation of political finance regime. Yet, the most worrisome development with regard to the integrity of country's electoral democracy was the amendments made to the Foreign Contribution (Regulation) Act 2010 with retrospective effect. The amendment did away with the scope of scrutiny to foreign funding to political parties with effect from 1976.

Such development especially lack of transparency in political donations ultimately has a net negative effect on governance as elected officials are likely to return the favours to those sources that have funded them. In a sense, this opens the door for all kinds of money including illicit or black money into democratic politics. It is a harsh reality that India's democratic processes are heavily exposed to illicit financing. This is evident from the fact that nearly two-thirds of political donations of registered political parties are from so-called "unknown" sources. The associated problems relating to electoral activities fuelled by black money are well known.

### 6. India's Response So far

Successive governments in India have taken note of the challenges of related to political funding by adopting diverse means and methods to curb negative trends distorting democratic processes. Among the many reform proposals, the idea of public funding of politics, especially the funding of elections, has been in discussion for quite some time. India's civil society and policy circle, too, is filled with a wide variety of opinions and narratives on public funding of elections. Numerous committees appointed by successive governments in the last two decades have discussed various proposals of direct state funding of parties and elections. The following is a summary of the recommendations of the various committees. The reports by the Goswami Committee (1990), Indrajit Gupta Committee (1998), the Second Administrative Reforms Commission (2007) and the Law Commission (2015), which dealt with public funding issues, have argued against full state funding. Their rationale has been that the prevailing economic conditions and development needs make it infeasible to fund a large democracy. Instead, they have argued for partial subsidies in kind. On the other hand, the Law Commission Report (1999), Venkatchaliah Committee Report (2002) and the Law Commission Report (2015) have insisted that regulatory frameworks dealing with transparency, disclosure, auditing and submission of accounts and internal democracy of parties must precede any attempt at complete state funding. The CII Taskforce Report (2012) suggested for the imposition of a democracy, a cess of 0.2 percent of the income be paid by individuals and corporates to finance election expenses.

However, these committees and taskforce have largely failed to build consensus on its criteria, methods, and quantum of such funding. Although all the committees have proposed state funding, as of now, political parties in India only receive limited indirect subsidies. Since 1996, parties can access free time on state-owned electronic media. But since Doordarshan and All India Radio only form a miniscule part of the electronic campaign advertising options for the parties, this is hardly of any consequence.

The other in-kind subsidies provided to the parties are in the form of free supply of copy of electoral rolls and identity slips of electors to candidates. In addition to this, any donation

to political parties is eligible for income tax deductions. However, these measures, too, have not had a major impact on reducing the costs to be incurred by the parties or increasing the funds available to them. Other regulations have also largely been in vain. The lack of expenditure ceilings for parties and others in support of candidates (prior to The Election and Other Related Laws (Amendments), 2003) and extremely low limits for election spending by candidates thereafter have resulted in frequent evasion of the regulations.

Arguably, the lack of state funding has contributed to the failure of compliance. The blanket ban on corporate donations in the absence of any other source of funds resulted in corrupt fundraising practices among parties. The situation worsened due to the lack of any spending ceilings on the parties. The most recent changes to political funding regime via electoral bond with an intention to bring white money into the system has added to the opacity as donors' details are kept from public knowledge.

### 7. Should India adopt public funding mode?

Given the major issues as described above, many including major political parties such as the Congress party argue for public funding of elections. Yet, the big question is will this solve the structural and procedural problems afflicting India's democratic politics? Will this critical provision of state resources not be misused? A quick scrutiny of available evidence on public funding option provides mixed trends and greatly varies from country to country. While public funding failed to make a significance dent in many democracies, a handful countries show the promise. From an Indian policy perspective, it makes sense to pay close attention to success stories. The insights especially from the success stories of Canada, Sweden and to some extent Japan suggest that an effective public funding model has to have a two pronged strategy: viz, reduce the dependency on corporate or private money (by strict restrictions on limits, strong regulations, disclosures) and infuse white money through state funding or incentivizing various other funding options including tax free donations/loans. Yet, as seen from Canadian example, success to a great degree have yielded through strict transparency and disclosure norms, elaborate regulatory mechanisms, and public scrutiny of expenditures by parties and candidates.

In this regard, India's present system of campaign finance laws and institutional processes hardly fulfil those preconditions for state funding. India's broken political finance regime accompanied by lack of rules on transparency, disclosure, and absence of a strong and effective regulatory agency would make it an unsuitable candidate for public funding. Yet, this is the precise reason why India needs to embrace state funding model to fund its politics. Given the fact that in nearly all countries that have introduced public financing option, this has preceded by a regulatory regime of transparency and disclosure and regulatory body (in many cases empowering existing electoral commissions) to go after the violators. India's underdeveloped and slack political finance regime and missing regulatory body would be the net gain from the new scheme.

Secondly, by providing "floor level fund" for everyone, state fund scheme can come critical for smaller and newer political entrants. For various factors, India has seen a huge proliferation of political parties, formed on ethnic, religious and other parochial grounds. However, due to growing costs of elections, many of them find it difficult to put up a decent campaign. It is here the public funding of elections especially if that is channelized through candidates can come very handy to

promote competition for candidature and can bring internal democracy within these parties. Public funding, if enforced strictly can strengthen lower levels of party units to a situation where they can demand democratization. It can therefore solve the problem of concentration of power in the hands of few and creating dynastic politics. Importantly, if public funding is used as a lever, it can help the state in securing compliance from parties on all these issues.

In short, public funding should not be seen as a silver bullet to solve all problems in electoral finances of any country, but if introduced as a part of a set of reforms, it can contribute greatly to incentivize good practices and dis-incentivize many wrong and illegal practices.

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