

Association for Democratic Reforms v. Union of India — Electoral Bonds (2024)

Notice on DPDP Rules, 2025. The Digital Personal Data Protection Rules, 2025 were notified on 14 November 2025. With this notification, Section 44(3) of the Digital Personal Data Protection Act, 2023 became operational and amended Section 8(1)(j) of the Right to Information Act, 2005. The earlier public interest override within clause (j) stands removed. Public interest reasoning now operates through Section 8(2) of the RTI Act, which has not been amended. This page has been reviewed in the light of this change. For the full practitioner note, see [DPDP Rules, 2025: The amendment to Section 8\(1\)\(j\) of the RTI Act](#).

Did you know? The Electoral Bonds Scheme was introduced via an unusual legislative route — as a money bill, bypassing the Rajya Sabha. The Supreme Court's 2024 ruling struck down not just the scheme but also the amendments that enabled it, **restoring disclosure requirements** across the Companies Act, the Income Tax Act, and the Representation of the People Act.

In one line. A five-judge Constitution Bench of the Supreme Court struck down the **Electoral Bonds Scheme, 2018** as unconstitutional, holding that the **voters' right to know the source of a political party's funding** is a fundamental right under Article 19(1)(a) that cannot be abridged on the ground of donor privacy.

What that means in practice for RTI.

- The **right to information** is explicitly Article 19(1)(a) ground — reinforcing the foundation on which the RTI Act, 2005 sits.
- Anonymity of donors to political parties is not a legitimate State interest outweighing the voter's right to know.
- **Institutional integrity** is a public-interest factor of first order in Section 8(2) balancing.

Citation

Association for Democratic Reforms and Anr. v. Union of India and Ors., Writ Petition (Civil) No. 880 of 2017 and connected matters.

Bench: Chief Justice D.Y. Chandrachud, Justice Sanjiv Khanna, Justice B.R. Gavai, Justice J.B. Pardiwala, Justice Manoj Misra (five-judge Constitution Bench).

Date of judgment: 15 February 2024.

The scheme and the challenge

The Electoral Bonds Scheme, 2018 was introduced through amendments to the **Finance Act, 2017**, which in turn modified the Representation of the People Act, 1951, the Companies Act,

2013, and the Income Tax Act, 1961. The scheme allowed:

- Any individual or company to purchase **bearer bonds** from the State Bank of India in denominations up to Rs 1 crore.
- The bonds were redeemable only by registered political parties within fifteen days.
- The scheme **exempted political parties from disclosing** the names of donors who gave through this route.
- Companies could contribute **without disclosure obligations under the Companies Act** for electoral bonds.

ADR and other petitioners challenged the scheme on multiple grounds, principally Article 19(1)(a) — the voter's right to know the source of political funding.

What the Supreme Court held

Article 19(1)(a) and the right to know

The Court held that the **right to information** about political funding is an integral facet of the freedom of expression under Article 19(1)(a). A voter's ability to evaluate a political party — its likely policies, its likely capture by donor interests — depends on access to funding information.

Anonymity does not survive proportionality

The State argued that donor anonymity was necessary to protect donors from retaliation. The Court applied the *Puttaswamy* proportionality test and rejected this justification — donor anonymity in **political funding** is not the same as privacy of personal data. The scheme failed the least-restrictive-alternative leg of the test.

Retrospective disclosure

The Court directed the State Bank of India to disclose all electoral bond data to the Election Commission of India, which was in turn directed to publish the data on its website. This operational direction produced the widely-discussed public release in March 2024.

Implications for the RTI Act

- **Article 19(1)(a) foundation reaffirmed.** The RTI Act, 2005 is rooted in this fundamental right. The Electoral Bonds judgment re-anchors that link.
- **Public interest in institutional integrity.** Where RTI applicants argue that disclosure serves democratic accountability, the Electoral Bonds reasoning is directly on point.
- **Privacy is not a one-way shield.** Even after *Puttaswamy*, privacy does not automatically defeat transparency claims. The **proportionality test runs both ways**.

Related on this site

- The RTI Act, 2005 — current text. Preamble and Article 19(1)(a) basis.
- Public interest.
- Privacy under RTI.
- K.S. Puttaswamy (2017) — privacy framework.
- CBSE v. Aditya Bandopadhyay (2011) — disclosure default.

- A decade of change, 2015 to 2025.
- Case law library.

Status vs the 14 November 2025 DPDP amendment

The Electoral Bonds judgment operates at the **constitutional** level — Article 19(1)(a) — and is unaffected by the DPDP Rules, 2025 substitution of Section 8(1)(j). Its reasoning in fact strengthens the transparency side of the post-DPDP balancing under Section 8(2).

Sources

1. *Association for Democratic Reforms and Anr. v. Union of India and Ors.*, W.P. (C) 880 of 2017 and connected matters, Supreme Court of India, decided 15 February 2024.
2. Constitution of India, Article 19(1)(a).
3. The Finance Act, 2017; Companies Act, 2013; Representation of the People Act, 1951; Income Tax Act, 1961.
4. *Justice K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1.

Last reviewed on

20 April 2026

rti, case-law, supreme-court, constitution-bench, electoral-bonds, article-19, adr, 2024



Right to Information Wiki

The working reference for India's Right to Information Act, 2005.



Read online

<https://righttoinformation.wiki/important-decisions/electoral-bonds-adr-2024>

Main website

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