Shadow Campaigns and India’s Election Regulation Framework

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Election Regulation Latest News

- Recent analysis of digital political advertisements during Assembly elections has highlighted major gaps in India’s election rules in regulating third-party and surrogate campaigners.

India’s Election Campaign Ecosystem: A Structural Shift

- India’s election regulations were designed for a campaign environment dominated by political parties and individual candidates.
- However, the contemporary electoral ecosystem has undergone a structural transformation.
- Political messaging and voter persuasion are increasingly mediated through digital platforms, social media, campaign consultancies, influencers, and interest groups that operate outside formal party structures.
- This shift has weakened the effectiveness of existing election rules, which continue to focus primarily on parties and candidates, even as the real drivers of electoral influence have diversified.

Existing Legal and Regulatory Framework

- The Election Commission of India (ECI) regulates election expenditure and political advertising mainly through the **Representation of the People Act, 1951**, and a set of model codes and guidelines.
- **Key regulatory mechanisms include:**
  - Mandatory disclosure of election expenditure by candidates and political parties under Section 77 of the Act.
  - Pre-certification of political advertisements by the Media Certification and Monitoring Committee (MCMC).
  - Restrictions on political advertisements during the final stages of polling.
- However, these provisions largely assume that political messaging originates from formally recognised actors, leaving limited oversight over indirect or third-party campaigning.

Emergence of Shadow Campaigns

- Shadow campaigns refer to political communication efforts carried out by third-party actors such as digital marketing firms, ideological groups, influencers, or surrogate pages that are not officially linked to political parties or candidates.
- An analysis of digital political advertisements during Assembly elections revealed that third-party actors often outspend official parties and candidates and achieve significantly higher visibility online.
- Despite spending similar amounts, third-party advertisers generated far more impressions, demonstrating greater cost efficiency and reach.
- This indicates that influence in digital elections depends not just on spending but also on who controls message dissemination.

Demographic Reach and Influence Patterns

- Digital advertising data shows that both official and third-party political advertisements are primarily consumed by younger voters, particularly those aged 13-34.
- However, third-party campaigns display a more evenly spread reach across age groups, including older demographics.
- This broader reach allows third-party actors to shape narratives across voter segments that traditional party messaging may not effectively penetrate, increasing their strategic importance in elections.

Financial Entanglements and Accountability Gaps

- A major concern highlighted by the analysis is the financial relationship between political parties and third-party campaigners.
- In some cases, advertisements appearing on official party social media pages were funded by external entities.
- Such expenditure may not be fully reflected in official election expenditure statements submitted to the ECI. As a result:
  - The true financial footprint of digital campaigning may be understated.

- Electoral influence can be exercised without clear attribution or accountability.
- This creates a bi-directional relationship where third-party actors not only amplify political messaging but also directly finance it, blurring the line between authorised and unauthorised expenditure.

Legal Contradictions and Enforcement Challenges

- Judicial precedents, including Supreme Court rulings, have emphasised that no individual or entity should publish political advertisements for the benefit of a party or candidate.
- Despite this, enforcement remains weak in the digital domain.
- Current ECI guidelines apply restrictions mainly during the immediate pre-poll period and are often limited to print media, while digital campaigns build influence over months.
- Third-party actors have continued campaigning even on polling day, exposing the limitations of time-bound regulatory approaches.

Implications for Electoral Transparency and Fairness

- The persistence of shadow campaigns poses serious challenges to electoral integrity:
    - Opaque funding channels undermine transparency.
    - Unequal digital reach distorts the level playing field.
    - Voters are influenced by actors beyond the scope of electoral accountability.
- Unless regulatory obligations are extended to include all significant stakeholders in digital campaigning, these gaps will continue to erode trust in democratic processes.

Source: TH
