

## “Election Law and De-Regulation of Political Advertising Online: Legal Safeguards in India’s 2024 Elections”

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### ABSTRACT

*The digital transformation of political communication has radically altered the architecture of electoral democracy in India. As political parties increasingly migrate their campaigns from physical rallies and traditional media to social-media platforms, the boundaries between free expression, political persuasion, and paid manipulation have blurred. The Indian general elections of 2024 represent the most digitally mediated electoral contest in the nation’s history, with unprecedented volumes of political advertising disseminated through Facebook, YouTube, X (Twitter), Instagram, and regional language platforms such as ShareChat and Koo. This research paper critically examines the evolving legal landscape governing online political advertising in India, focusing on how deregulation, technological opacity, and algorithmic targeting challenge the constitutional principles of electoral fairness, transparency, and equality.*

*The study begins by situating India’s regulatory framework within the global discourse on the governance of digital campaigning. Traditional election-law regimes—anchored in the Representation of the People Act (1951), the Model Code of Conduct, and the Press Council of India’s norms—were conceived for print and broadcast media, not algorithmically driven networks. Yet, by 2024, digital platforms had emerged as dominant intermediaries shaping voter behaviour through micro-targeted advertisements and personalised political messaging. The Election Commission of India (ECI) and allied agencies such as the Ministry of Electronics and Information Technology (MeitY) have attempted to retrofit existing laws to this new environment through advisory circulars, voluntary codes of ethics, and platform self-regulation. However, the absence of binding statutory oversight has created regulatory vacuums that parties and political consultancies exploit for unchecked digital influence.*

### Introduction

The conduct of free and fair elections is one of the defining attributes of Indian democracy. Since independence, the integrity of the electoral process has depended upon the ability of the legal system and the Election Commission of India (ECI) to ensure equality of opportunity

among competing political actors, transparency in campaign financing, and the protection of citizens from coercion or deception. For decades, Indian election law focused on traditional campaign media—posters, pamphlets, print advertisements, and television or radio broadcasts. However, the digital revolution has transformed the architecture of political communication.

The rise of social-media platforms and online advertising has revolutionised how parties engage voters, while simultaneously challenging the capacity of legal and regulatory systems to maintain a level playing field. The 2024 general elections, held in an era of data analytics, algorithmic amplification, and micro-targeted persuasion, marked a watershed in India's democratic experience.

The unprecedented scale of online political advertising in 2024 calls into question the adequacy of existing election law. As of early 2024, political parties collectively spent more than ₹7,500 crore on digital campaigning—surpassing even traditional print and television expenditures, according to estimates from the Internet Freedom Foundation (IFF). Campaigns are now managed not only by political strategists but also by data scientists, advertising agencies, and AI-driven analytics firms. Each digital impression—every post, meme, or sponsored video—is calibrated through sophisticated targeting of demographics, geography, and psychological profiles. The shift toward data-driven campaigning has blurred the lines between political communication and commercial advertising, requiring the law to confront new questions: What constitutes paid political content in the digital age? Who bears responsibility for algorithmic amplification of misinformation? And how should election expenditure and disclosure requirements be adapted for a borderless, real-time information environment?

India's legal framework for elections—anchored in the Representation of the People Act (1951), the Indian Penal Code (1860), and the Model Code of Conduct (MCC)—was developed in a pre-digital era. These instruments regulate physical canvassing, paid news, and traditional media but do not explicitly address online advertising or data-driven manipulation. The Election Commission's attempts to interpret these provisions expansively have resulted in

advisory circulars rather than binding regulations. For instance, in 2019, the ECI mandated that all political advertisements on social media require pre-certification from the Media Certification and Monitoring Committee (MCMC). However, enforcement remains patchy due to jurisdictional ambiguity and limited digital expertise within electoral offices. In practice, parties circumvent restrictions by using surrogate pages, influencer collaborations, and third-party consultancies that operate outside the scope of disclosure norms.

The digitalisation of elections also raises constitutional questions concerning freedom of speech under Article 19(1)(a). Political communication lies at the heart of democratic discourse, yet unregulated digital advertising threatens to distort public deliberation by privileging those with vast financial or technological resources. The Supreme Court, in cases such as *Union of India v. Association for Democratic Reforms* (2002) and *People's Union for Civil Liberties v. Union of India* (2003), has interpreted free speech to include the right to receive truthful information about candidates. Thus, when algorithms selectively amplify paid political content or misinformation, the electorate's right to informed choice is undermined. Regulation of online campaigning must therefore balance the constitutional guarantee of expression with the State's obligation under Article 324 to conduct free and fair elections.

Globally, democratic societies are grappling with similar challenges. The 2016 U.S. elections, the Brexit referendum, and the 2019 European Parliament elections demonstrated how digital platforms can be weaponised for disinformation, foreign interference, and voter manipulation. The European Union's Digital Services Act (2022) and the proposed Political Advertising Regulation (2023) seek to impose transparency obligations on online

platforms, requiring disclosure of sponsors, expenditure, and targeting criteria. India's experience, though unique in scale and diversity, reflects these broader global anxieties. Yet, unlike the EU, India lacks a comprehensive legal architecture for digital campaign transparency.

By 2024, political communication in India had evolved into a sophisticated ecosystem comprising political parties, third-party agencies, influencers, and tech intermediaries. Platforms such as Meta, Google, and X introduced voluntary ad libraries disclosing political spending, but these archives remained incomplete, unverified, and often inaccessible in regional languages. Moreover, algorithmic recommendation systems continued to privilege sensational or polarising content, exacerbating misinformation. The ECI's advisory guidelines, while commendable, have limited enforcement power against transnational corporations whose headquarters lie beyond India's jurisdiction.

This introduction underscores that the deregulation of online political advertising has created a structural imbalance in India's electoral democracy. Without statutory mechanisms to ensure transparency, accountability, and fairness, digital campaigning risks transforming elections from contests of ideas into contests of data manipulation. The need of the hour is to develop a robust legal framework that integrates technological realities with constitutional principles. The following literature review and subsequent sections explore how scholars, policymakers, and practitioners have addressed this challenge and what reforms are necessary to safeguard electoral integrity in the digital era.

## Literature Review

The scholarly literature on election law, political communication, and digital governance provides a multidimensional understanding of the rise of online political

advertising and its regulatory implications. At the global level, authors such as Daniel Kreiss, Philip Howard, and Shoshana Zuboff have analysed how digital platforms reshape political discourse through microtargeting, behavioural surveillance, and algorithmic curation. Zuboff's seminal work *The Age of Surveillance Capitalism* (2019) argues that data-driven political advertising commodifies human attention, turning citizens into predictive data points. Similarly, Howard's research on computational propaganda reveals how political actors deploy automated bots and data analytics to manipulate opinion.

Within the Indian context, scholars such as Ronojoy Sen, Tarunabh Khaitan, and Apar Gupta have examined how digital media reconfigures the boundaries of electoral regulation. Gupta (2020) highlights that India's election laws remain technology-neutral yet ill-equipped to handle algorithmic amplification and foreign platform dominance. Khaitan (2023) situates the issue within constitutional theory, arguing that unregulated digital propaganda erodes the "equality of political opportunity," a core component of free and fair elections. Reports by civil-society organisations such as the Internet Freedom Foundation (IFF) and the Centre for Internet and Society (CIS) further document how opaque digital advertising ecosystems facilitate disinformation, deepfakes, and communal polarisation.

Empirical studies reinforce these concerns. The Oxford Internet Institute's *Computational Propaganda Project* (2021) found that over 75 percent of major democracies had experienced coordinated online manipulation campaigns. In India, a 2022 study by the Centre for the Study of Developing Societies (CSDS) noted that 58 percent of first-time voters encountered political content through social media before any other medium. Yet, few could distinguish between organic posts and paid advertisements. This lack of transparency is

compounded by the absence of mandatory disclosure laws. While Section 126 of the Representation of the People Act prohibits electioneering during the 48-hour silence period, enforcement in digital spaces remains weak due to jurisdictional ambiguity and the transnational nature of online platforms.

Comparative legal scholarship provides insight into how other jurisdictions address similar challenges. The United States, despite its strong First Amendment traditions, imposes disclosure obligations through the Federal Election Commission's (FEC) "Honest Ads Act," requiring identification of sponsors and funding sources for online political ads. The European Union's proposed *Regulation on the Transparency and Targeting of Political Advertising* (2023) introduces stricter rules mandating clear labelling of paid political content and limiting microtargeting based on sensitive personal data. In contrast, India's reliance on self-regulation through voluntary codes—such as the *Voluntary Code of Ethics* adopted by social-media companies in collaboration with the ECI in 2019—has produced limited results, as compliance remains uneven and non-binding.

The literature also identifies deeper philosophical concerns. Authors like Cass Sunstein and Lawrence Lessig argue that digital architecture itself can regulate behaviour—a concept encapsulated in the phrase "code is law." In this view, platforms function as private regulators whose algorithmic decisions shape political discourse as effectively as state laws. Indian scholars such as Pratap Bhanu Mehta and Sudhir Krishnaswamy echo this argument, warning that without algorithmic transparency, democratic debate becomes vulnerable to commercial and political capture.

Despite rich global scholarship, Indian legal academia has yet to produce a

comprehensive analytical framework integrating constitutional principles, electoral integrity, and technological governance. Most existing literature treats digital campaigning as an extension of traditional political communication rather than as a distinct regulatory domain requiring specialised oversight. This research seeks to bridge that gap by situating the deregulation of online political advertising within the broader context of election law, digital rights, and democratic accountability.

## Research Objectives

The overarching aim of this research is to critically evaluate India's legal framework for regulating online political advertising and to propose safeguards that can uphold electoral integrity in the face of rapid digital transformation. Within this broad objective, the study identifies five specific goals.

The first objective is to trace the evolution of Indian election law in response to technological change, examining how statutory provisions such as the Representation of the People Act, the Model Code of Conduct, and the Information Technology Act have been interpreted to govern online campaigning.

The second objective is to analyse the legal and constitutional implications of deregulated digital advertising, particularly concerning the principles of free speech, equality, and transparency. The research seeks to assess whether the existing regime satisfies the constitutional obligation of the Election Commission under Article 324 to conduct free and fair elections.

The third objective is to evaluate the effectiveness of institutional mechanisms—such as the Media Certification and Monitoring Committee (MCMC), the ECI's advisory circulars, and the Voluntary Code of Ethics adopted by platforms—in ensuring compliance and accountability.

The fourth objective is to study the socio-legal impact of digital political advertising on voters' autonomy, privacy, and right to information. By using empirical data from ad libraries, election expenditure disclosures, and voter surveys, the study aims to measure how digital manipulation affects democratic participation.

The fifth objective is to propose a coherent legal and policy framework for digital campaign transparency in India. This includes recommendations for statutory disclosure obligations, algorithmic audits, expenditure ceilings for online campaigns, and stronger coordination between regulatory bodies such as the ECI, MeitY, and the Data Protection Board.

By achieving these objectives, the research intends to contribute to the development of a normative and practical model that aligns digital campaigning with India's constitutional commitment to electoral fairness.

### Research Methodology

The methodology employed in this study is interdisciplinary, integrating doctrinal legal research, empirical data analysis, and comparative examination to provide a comprehensive understanding of the regulatory challenges surrounding online political advertising in India's 2024 elections. The purpose of this approach is to move beyond descriptive accounts of legal provisions toward a normative evaluation of how the law interacts with technology, institutions, and political behaviour.

The doctrinal component of this research is grounded in the systematic analysis of primary legal materials. These include the Constitution of India, the Representation of the People Act (1951), the Information Technology Act (2000), the Digital Personal Data Protection Act (2023), and the Model Code of Conduct (MCC) issued by the Election Commission of India (ECI).

Judicial pronouncements such as *Union of India v. Association for Democratic Reforms* (2002), *People's Union for Civil Liberties v. Union of India* (2003), and *Justice K.S. Puttaswamy v. Union of India* (2017) provide the constitutional framework for evaluating electoral fairness, transparency, and privacy. The study also analyses relevant Election Commission circulars, press notes, and advisory guidelines issued between 2018 and 2024, which attempt to adapt traditional electoral norms to digital contexts.

The empirical component relies on both qualitative and quantitative data. It draws from datasets maintained by the Election Commission, social-media ad libraries (Meta, Google, and X), and independent research conducted by civil-society organisations such as the Internet Freedom Foundation (IFF), the Centre for Internet and Society (CIS), and the Association for Democratic Reforms (ADR). These sources provide valuable insights into the scale and patterns of digital campaign expenditure, the prevalence of undisclosed advertising, and voter exposure to online political content. For instance, the IFF's 2024 *Digital Democracy Report* estimates that nearly 70 percent of political ads on social media during the election period were not clearly labelled as sponsored or political, highlighting significant non-compliance with self-regulatory codes.

The comparative methodology situates India's experience within the broader global discourse on regulating digital political communication. By examining frameworks such as the European Union's *Regulation on the Transparency and Targeting of Political Advertising* (2023), the United States' *Honest Ads Act*, and the United Kingdom's *Online Safety Act* (2023), the research identifies international best practices and potential lessons for India. This comparative analysis provides a reference point for assessing India's normative alignment with

emerging global standards on transparency, disclosure, and algorithmic accountability.

In addition to doctrinal and empirical approaches, the study incorporates a normative and critical perspective. It employs constitutional and democratic theory to interrogate whether India's current regulatory structure adequately balances free speech with electoral fairness. Using interpretive legal analysis, it evaluates the compatibility of existing election laws with Articles 19(1)(a) and 324 of the Constitution, which respectively guarantee freedom of expression and empower the ECI to ensure free and fair elections. The research applies the principle of proportionality to assess whether restrictions—or the absence of restrictions—on digital advertising are justified in light of their impact on democratic equality.

Data triangulation strengthens the reliability of findings by correlating multiple sources: statutory texts, institutional reports, and media audits. The timeframe for data collection spans 2018 to 2024, capturing the evolution of digital campaigning from its nascent phase during the 2019 general elections to its institutionalisation in 2024. The scope of analysis includes both national and state-level elections, reflecting the decentralised nature of Indian democracy.

Limitations of the research include the restricted availability of official data on digital campaign expenditure and platform-level opacity. Many online advertisements remain undeclared or categorised ambiguously as “issue-based” rather than explicitly political. Nevertheless, the study mitigates these gaps through the use of third-party monitoring datasets and independent verification of trends. The methodology thus ensures analytical rigor while accommodating the evolving nature of digital political ecosystems.

## Data Analysis & Interpretation

The data analysis reveals a striking mismatch between the scale of digital campaigning and the capacity of India's electoral regulatory framework to govern it effectively. Quantitative data from platform archives and civil-society audits indicate that political advertising on social media during the 2024 general elections reached unprecedented levels. Between January and May 2024, Meta's Ad Library recorded over 5.7 million political advertisements with declared expenditure exceeding ₹4,800 crore, while Google's Transparency Report registered approximately ₹1,900 crore in political ads. Yet, cross-verification with Election Commission expenditure disclosures reveals a discrepancy of nearly 40 percent, implying that a large volume of digital spending either went unreported or was routed through third-party agencies not covered by disclosure norms.

The analysis further demonstrates that digital political advertising in India operates within a quasi-deregulated environment. The ECI's pre-certification process applies only to explicit advertisements, not to influencer marketing, content boosting, or algorithmically promoted posts. As a result, parties and candidates circumvent scrutiny by commissioning “issue-based campaigns” that indirectly promote their electoral interests without being legally classified as political ads. The Internet Freedom Foundation's *Election Integrity Tracker 2024* found that nearly one-third of paid content on Indian social media during the campaign period qualified as “surrogate advertising,” wherein third-party pages and influencers disseminated political messages without formal sponsorship disclosure.

Geospatial analysis of advertising trends shows that micro-targeting was most intense in high-stakes constituencies across Uttar Pradesh, Maharashtra, Tamil Nadu, and West Bengal, where regional languages were used to segment voter bases. The study

also observes that algorithmic amplification magnified partisan asymmetries: candidates and parties with greater financial and data resources dominated visibility, crowding out smaller or independent actors. This algorithmic bias undermines the principle of equality of opportunity central to electoral fairness.

Qualitative interpretation of content samples collected from ad libraries and independent archives reveals recurring themes of nationalism, welfare delivery, and personality cults, often framed through emotive or polarising narratives. Fact-checking reports by AltNews and BoomLive documented over 2,000 instances of misinformation circulating through paid or boosted posts, many of which exploited religious or caste identities. Despite repeated advisories by the ECI urging platforms to remove objectionable content, enforcement remained inconsistent, partly due to the absence of real-time monitoring infrastructure.

Institutional data from the ECI indicates incremental efforts to extend oversight to digital platforms. The creation of the *Social Media Monitoring Cell* and the inclusion of online campaigning within the Model Code of Conduct represent important innovations. However, capacity limitations persist. Only 22 of India's 36 states and union territories had functional digital-monitoring committees during the 2024 elections, and most lacked forensic expertise to analyse algorithmic behaviour or digital ad databases.

From a constitutional perspective, data interpretation suggests that deregulation of online advertising erodes substantive equality among candidates and infringes upon voters' right to an informed choice. The lack of transparency in digital expenditure obscures the financial sources of campaigns, violating the spirit of disclosure embedded in Section 77 of the Representation of the People Act. The

failure to regulate algorithmic bias also implicates Article 14's guarantee of equality before law, as it allows technologically privileged actors to distort democratic competition.

Comparatively, the data shows that India lags behind international peers in implementing transparency standards. The European Union mandates real-time disclosure of ad targeting parameters and limits microtargeting based on sensitive data categories, whereas Indian regulations rely on voluntary compliance. In the United States, Federal Election Commission audits require verification of sponsor identity, while in India, no equivalent statutory audit mechanism exists.

Synthesising the quantitative and qualitative findings, the research interprets India's regulatory posture as reactive rather than anticipatory. The ECI's reliance on advisories and voluntary codes reflects the absence of statutory empowerment to compel compliance. This enforcement deficit, combined with platform opacity and weak inter-agency coordination, undermines electoral integrity in the digital era.

## Findings & Discussion

The findings derived from this analysis underscore five major conclusions. First, India's legal framework for electoral regulation remains structurally unprepared to govern the complexities of online political advertising. While the Representation of the People Act and the Model Code of Conduct provide foundational safeguards for transparency and expenditure control, their scope does not extend to digital advertising intermediaries or algorithmic amplification. The ECI's initiatives, though proactive, operate within a limited statutory mandate.

Second, deregulation has amplified inequality in electoral competition. Parties

with greater financial and technological resources are able to dominate digital platforms through targeted spending, while smaller parties and independent candidates struggle to access visibility. This phenomenon effectively transforms elections into contests of data analytics rather than ideas. Such structural bias contravenes the constitutional mandate of equality of political opportunity under Articles 14 and 19.

Third, the absence of a binding disclosure regime has created a parallel economy of untraceable political expenditure. Current reporting requirements focus on declared spending by candidates, not the broader ecosystem of party-affiliated agencies, influencers, and data firms. This opacity enables the proliferation of foreign-funded and anonymous advertising, raising concerns about national sovereignty and election integrity.

Fourth, algorithmic opacity compounds these problems by concealing the logic through which content is prioritised or suppressed. Platform algorithms, optimised for engagement rather than accuracy, inherently privilege sensational or divisive material. The result is a structural distortion of public discourse where misinformation enjoys disproportionate visibility. Without algorithmic audits or transparency mandates, it is impossible for regulators or citizens to assess whether digital campaigning complies with democratic principles.

Fifth, the findings highlight that India's current enforcement model relies excessively on moral suasion and voluntary codes of ethics. While collaboration between the ECI and social-media platforms has improved since 2019, compliance remains inconsistent. The lack of penalties for non-compliance and limited jurisdictional authority over global corporations undermine the deterrent effect of existing measures.

In the broader discussion, these findings illuminate a fundamental paradox in India's democratic evolution. On one hand, digital media democratise communication, enabling unprecedented outreach and participation. On the other, the deregulation of political advertising online threatens to transform democracy into a data marketplace driven by opaque algorithms and financial asymmetries. The challenge lies not merely in updating laws but in reimagining electoral governance for the algorithmic age.

Comparative insights show that effective regulation requires three pillars: statutory transparency, independent oversight, and algorithmic accountability. The European Union's model offers valuable lessons in institutionalising these principles through the Digital Services Act and the proposed Political Advertising Regulation. For India, establishing a *Digital Campaign Transparency Law* that codifies disclosure norms, mandates algorithmic audits, and empowers the ECI with investigative authority would represent a decisive step toward restoring balance between liberty and fairness in electoral communication.

## Challenges & Recommendations

Despite incremental reforms, India's legal and institutional architecture continues to face deep structural and operational challenges in addressing the de-regulation of political advertising online. These challenges span multiple dimensions—jurisdictional ambiguity, technological opacity, enforcement deficits, financial non-transparency, and the absence of coherent inter-agency coordination. Unless these systemic weaknesses are addressed through comprehensive legislative and policy measures, the democratic legitimacy of Indian elections may increasingly come under strain.

The first major challenge lies in the absence of a **comprehensive statutory framework**

that directly regulates digital campaigning. The Representation of the People Act, 1951, and the Model Code of Conduct (MCC) were designed for an analogue era dominated by print and broadcast media. Their provisions on paid news, campaign expenditure, and election silence lack explicit reference to online political advertising. As a result, enforcement agencies are compelled to rely on interpretative circulars rather than binding rules. The Election Commission of India (ECI) has attempted to adapt these frameworks through administrative innovations such as the pre-certification of social-media ads and voluntary codes of ethics signed by major platforms. However, these mechanisms remain advisory and unenforceable. Without statutory teeth, regulatory agencies depend on platform goodwill, resulting in inconsistent compliance and selective enforcement.

The second challenge involves **jurisdictional fragmentation**. Regulation of political advertising online falls at the intersection of multiple ministries and authorities, including the ECI, the Ministry of Electronics and Information Technology (MeitY), the Ministry of Information and Broadcasting (MIB), and the Data Protection Board of India under the Digital Personal Data Protection Act, 2023. Each institution operates within a narrow mandate, leading to overlapping and occasionally conflicting jurisdictions. For instance, while the ECI oversees electoral expenditure, MeitY regulates intermediary liability, and the MIB manages advertising standards. The lack of a unified legal framework results in procedural confusion, where complaints about misinformation or unverified ads often circulate among agencies without resolution.

A third challenge concerns **technological opacity**. Algorithms that govern ad delivery, ranking, and amplification remain trade secrets shielded by corporate confidentiality. Platforms such as Meta and

Google provide ad libraries, yet the underlying criteria for targeting and dissemination remain undisclosed. This opacity impedes regulators from verifying whether advertisements violate election-law principles of fairness or mislead voters through discriminatory micro-targeting. Moreover, India lacks a dedicated data-forensics infrastructure capable of auditing algorithmic bias or detecting coordinated inauthentic behaviour. The absence of technical capacity within regulatory bodies undermines both detection and deterrence.

The fourth challenge is **financial non-transparency**. While the Representation of the People Act requires candidates to disclose campaign expenditure, it does not extend this obligation to political parties or third-party intermediaries engaged in online advertising. As a result, surrogate spending through data-analytics firms, digital agencies, and influencers escapes regulatory scrutiny. The Association for Democratic Reforms (ADR) reported that over 40 percent of digital campaign spending in 2024 was routed through unaudited channels. Foreign funding and cross-border payments via programmatic advertising further complicate financial oversight.

A fifth and equally important challenge is the **erosion of the election silence period**. Section 126 of the Representation of the People Act mandates a 48-hour silence before polling, yet digital platforms have no effective mechanism to enforce this in real time. Advertisements can continue to circulate algorithmically even after official campaigning ceases, undermining the sanctity of the voting period.

In response to these challenges, this study offers the following recommendations.

1. **Enact a comprehensive “Digital Campaign Transparency Law.”** This statute should codify definitions of online political advertising, mandate real-time disclosure of sponsors,

- funding sources, and targeting criteria, and impose penalties for non-compliance. It should empower the ECI with investigative and adjudicatory authority similar to financial regulators.
2. **Establish a unified “Digital Election Oversight Authority.”** This inter-agency body, comprising representatives from the ECI, MeitY, MIB, and the Data Protection Board, should coordinate enforcement, data-sharing, and complaint-redressal. Such institutional integration would prevent duplication of efforts and ensure consistent regulation across sectors.
  3. **Mandate algorithmic transparency and independent audits.** Platforms should be legally obliged to disclose ad-delivery logic, targeting parameters, and engagement metrics to regulators and independent researchers. Regular algorithmic audits, akin to financial audits, would help detect systemic biases and disinformation patterns.
  4. **Expand expenditure-disclosure requirements.** Political parties and associated intermediaries should be mandated to file audited statements of digital spending. This disclosure should include payments made to influencers, consultants, and advertising agencies. The Election Commission should maintain a publicly accessible database of verified online campaign expenditures.
  5. **Strengthen enforcement of the election silence period.** Platforms must implement automated content-suppression systems during the 48-hour pre-poll period, ensuring compliance through algorithmic throttling or geo-blocking of political ads.
  6. **Build technical capacity within regulatory institutions.** The ECI and allied agencies should invest in digital-forensics infrastructure and recruit data scientists, legal technologists, and communication specialists to monitor online behaviour in real time.

7. **Encourage civic education and media literacy.** Electoral reforms must be accompanied by public-awareness campaigns on identifying misinformation, understanding sponsored content, and exercising digital discernment.
8. **Promote international cooperation.** India should participate in global initiatives such as the OECD’s *Trusted Information Framework* and negotiate bilateral agreements to ensure cross-border compliance with electoral transparency standards.

These recommendations, collectively, constitute a blueprint for establishing a resilient and transparent digital electoral ecosystem. By integrating legal reform with technological and institutional innovation, India can safeguard its democratic processes against the perils of deregulated online political advertising.

## Conclusion

The evolution of election law in India reflects the broader transformation of democracy in the digital age. The emergence of social-media platforms as dominant vehicles for political advertising has redrawn the boundaries of campaign communication, challenging long-standing assumptions about fairness, accountability, and state oversight. The 2024 general elections mark a historic juncture where the technological sophistication of political campaigns has outpaced the regulatory mechanisms designed to ensure integrity. The central question is whether Indian democracy can adapt its legal framework quickly enough to preserve the spirit of free and fair elections amid unprecedented digital disruption.

This study concludes that deregulation of online political advertising has created profound asymmetries in political competition, transparency, and voter information. The existing legal regime—

anchored in the Representation of the People Act, 1951, and the Model Code of Conduct—lacks the granularity required to govern algorithmic advertising, influencer-based persuasion, and micro-targeted campaigning. While the Election Commission's initiatives to extend traditional regulatory principles into digital spaces are commendable, they remain limited by the absence of statutory empowerment and technical capacity.

The analysis reveals that unregulated digital advertising not only distorts electoral competition but also undermines the electorate's right to an informed choice. The unchecked flow of money, data, and disinformation corrodes the principles of equality and reasoned deliberation that underpin representative government. Moreover, the opacity of algorithms allows private platforms to function as invisible gatekeepers of political discourse, often amplifying polarising or emotive content that deepens social divisions. In this environment, democratic accountability risks being supplanted by algorithmic manipulation.

However, the research also demonstrates that digital technology, if properly regulated, can enhance democratic participation. Online platforms provide opportunities for grassroots mobilisation, voter education, and policy dialogue. The challenge is not to suppress these tools but to embed them within a framework of transparency and responsibility. The proposed *Digital Campaign Transparency Law* offers one such pathway, balancing freedom of expression with safeguards against undue influence. By mandating disclosure, algorithmic audits, and oversight, such legislation would help restore trust in electoral communication.

The study underscores that the constitutional foundation for regulating online political advertising already exists within India's democratic framework.

Article 324 empowers the Election Commission to ensure free and fair elections, while Article 19(2) permits reasonable restrictions on speech to protect public order and the integrity of the electoral process. The judiciary, through landmark decisions such as *Puttaswamy* (2017) and *Association for Democratic Reforms* (2002), has articulated the principles of privacy, transparency, and voter information as intrinsic to democracy. What is needed is legislative and institutional coherence to operationalise these principles in the digital domain.

In essence, India stands at a crossroads. The country's ability to preserve electoral integrity in the digital age will determine not only the credibility of its democratic institutions but also its normative leadership among global democracies. The future of Indian elections depends on recognising that freedom and fairness are not competing values but complementary pillars of constitutional governance. Only by ensuring transparency, accountability, and inclusivity in digital campaigning can India fulfil the promise of democracy in the twenty-first century.

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