Shadow Campaigns in India – Regulating Political Influence in the Age of Digital Intermediaries

Mains: *GS II – Governance*

Why in News?

Recently, there has been concerns over the issues of the shadow campaign in the electoral process of India.

What is the issue?

- **Shadow campaigns** – It 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.
- **Missing regulation** – While election rules continue to focus on political parties and candidates as the primary actors, contemporary electoral influence is shaped by a broader ecosystem of third-party intermediaries, including campaign firms, digital influencers, interest groups, and surrogate advertisers.
- India's electoral regulatory framework is increasingly misaligned with the realities of modern political campaigning.
- **Supreme Court's directive** – This disconnect was highlighted during the Bihar Assembly elections, when the Election Commission of India (EC) issued a series of directives aimed at regulating political advertisements, exposing critical gaps in both the scope and timing of election regulation.
- **Election commission's directives –** On October 14, the Election Commission mandated pre-certification of political advertisements by the Media Certification and Monitoring Committee (MCMC).
- It reiterated the requirement under *Section 77(1) of the Representation of the People Act, 1951,* which obliges political parties to disclose expenditure on social media campaigns.
- On October 21, the EC expanded its advisory, prohibiting political advertisements in print media on polling day and the preceding day without prior MCMC approval.
- These measures aimed to ensure transparency and fairness in electoral communication.

What are the limited lens of regulation?

- **Overemphasis on Parties and Candidates –** The EC's directives continue to address political parties and candidates as the central regulatory subjects.
- This approach overlooks the reality that electoral outreach is increasingly mediated by

third-party actors operating outside formal party structures.
- Campaign consultancies, influencer networks, and issue-based organisations now play a decisive role in shaping voter perceptions.
- **Narrow Media and Time Focus –** The October 21 notification extended regulation to non-party entities but applied only to print media.
- The restriction was limited to a narrow pre-poll window, despite digital campaigns peaking well before polling day. This reveals a regulatory imagination that remains anchored in legacy media, even as electoral persuasion has decisively shifted to digital platforms.
- **Digital Campaigns and the Question of Timing –** Digital political campaigns operate on a long temporal arc, building influence over weeks and months through repeated exposure.
- Regulations that activate only immediately before polling are ineffective in addressing persuasive effects already embedded in voter consciousness.
- The mismatch between the speed of regulation and the scale of digital influence allows early-stage manipulation to go unchecked.
- Bihar Assembly Election as a Case Study – The Bihar Assembly election provides a useful empirical case to examine shadow campaigning.
- Data from Meta's Ads Library was analysed for political advertisers spending more than ₹1 lakh in Bihar during the 30 days preceding November 10, the day before the final polling phase.
- Advertisers were categorised into official party or candidate pages and third-party actors.

Who Pays and Who Persuades?

- **Distribution of digital campaign spending –** During the period analysed, 55 advertisers spent more than ₹1 lakh on digital political advertisements on Meta platforms.
- Only 23 advertisers were official political parties or candidates.
- The remaining 32 advertisers were third-party or surrogate campaigners operating independently.
- This demonstrates that a significant proportion of electoral messaging originates outside formally regulated actors.
- **Unequal Circulation of Political Messages –** Digital political influence depends not only on expenditure but also on reach and algorithmic amplification.
- Despite near-identical average spending, third-party advertisers generated almost twice the average impressions compared to official party or candidate pages.
- This suggests that communicative power in digital elections is increasingly concentrated outside formal political actors.
- **Age-wise consumption patterns –** Approximately 76.4% of digital outreach by parties and candidates, and 74.5% by third-party actors, was consumed by individuals aged 13–34 years.
- Party and candidate advertisements remained sharply concentrated among the 13–24 and 25–34 age groups.
- Third-party advertisements displayed a more dispersed reach, generating higher impressions among 25–44-year-olds and retaining significant presence beyond the age

of 44.
- This indicates that third-party actors are more effective in reaching a broader demographic spectrum.
- **Campaign efficiency and cost asymmetry –** Campaign efficiency was measured as impressions generated per ₹10 lakh spent.
- Third-party advertisers generated an average of 2.60 crore impressions, while party or candidate pages generated 1.54 crore impressions.
- This stark difference demonstrates that equal financial inputs result in unequal political visibility.
- **Blurring of financial responsibility –** The analysis revealed cases where official party pages hosted advertisements funded by external entities.
    - **For example**, advertisements on the official Meta page of the Janata Dal (United) were sponsored by an entity named "The Spectrum".
- Such arrangements raise serious concerns regarding the transparency of campaign finance reporting.
- **Understatement of true campaign expenditure –** Expenditure incurred by third-party entities to sponsor ads on official pages may not be reflected in party expenditure statements submitted to the EC.
- This leads to a systematic underreporting of the actual financial footprint of digital campaigning.

What are the legal and constitutional concerns?

- **Supreme Court precedent –** In *Secretary, Ministry of Information and Broadcasting v. M/s Gemini TV (2004)*, the Supreme Court held that no individual or entity may publish advertisements for the benefit of any political party or candidate.
- By implication, advertisements directed against a party or candidate are equally impermissible, as they benefit rival political actors.
- **Inconsistent application by the EC –** Despite this legal position, third-party actors continued campaigning during polling hours in the Bihar elections.
- The EC's guidelines did not adequately extend regulatory obligations to these actors, creating an accountability gap.
- **The accountability gap in campaign finance –** Political parties are required to disclose what they spend on elections.
- They are not required to disclose what others spend on their behalf.
- Digital expenditure disclosures often list payments under platform names such as "Facebook" rather than identifying the actual funders or content creators.
- The reverse flow of funding, where third-party entities finance advertisements on official party pages, remains legally invisible.
- This inversion poses a serious threat to electoral transparency and fairness.
- **Temporal misalignment –** Electoral influence now accumulates over prolonged digital exposure rather than last-minute messaging.
- Regulations triggered only at the end of campaigns fail to address structural manipulation occurring earlier.
- **Democratic costs –** Each election conducted without comprehensive digital regulation erodes public trust in electoral fairness.
- The continued mismatch between law and practice risks weakening India's democratic

legitimacy in the digital age.

What lies ahead?

- India’s election rules are governing a campaign ecosystem that no longer exists in isolation around political parties and candidates. Electoral influence today flows through a complex network of digital intermediaries whose financial and communicative power remains largely unregulated.
- The challenge is no longer one of recognising this transformation, but of demonstrating regulatory resolve.
- Unless election laws expand their scope to include third-party actors, platform dynamics, and long-duration digital persuasion, the gap between formal compliance and real influence will continue to widen, undermining the foundations of democratic accountability.

Reference

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