
ALGORITHMIC INFLUENCE ON POLITICAL ADVERTISING: AN INDIAN PERSPECTIVE

Shail Hundekar, School of Law, Christ University, Bangalore

ABSTRACT

With the rapid increase in the number of people using social media, as well as the number of users who are influenced by targeted advertisements, in addition to businesses, advertising has seen a major shift towards social media, even in the world of politics. This trend has also been seen in India, where the numbers spent on the same seem to be relatively much higher than in other developing countries.

Most social media platforms today have voluntary disclosures that show us the amounts spent by political parties on their campaigns on social media, but these numbers often fail to highlight the issue of algorithm manipulation, ultimately defeating the very purpose of the mentioned transparency measures.

This paper relies on existing literature as well as statistical evidence through voluntary disclosures to analyse the legal lacuna in the context of digital advertising in political campaigns. The main aim of this paper is to provide a better legal structure for this problem, with recommendations to achieve the said aim.

INTRODUCTION

India has entered a new era of political campaigning, where social media expenditure on the same has had a similar boom to the television boom that we saw a few decades ago. Apart from being able to access a vast number of users on social media platforms, political parties seem to be using social media campaigns due to their user-friendliness, which facilitates political communication.¹

Lately, a vast number of political parties have been using the audience pull that social media influencers can bring for them, using the same to promote their political campaigns or the schemes attached to the names of these parties.² If we analyse this, we can identify multiple reasons for the same.

Firstly, as mentioned above, the number of users using social media today is a lot more as compared to a few years back. Secondly, the target audience through social media varies from young adults to retired ones, who are all part of the voting group in India today. Apart from this, the ease of communication with the public using social media platforms is incomparable to any other platforms used by the political parties. Lastly, but most importantly, social media platforms are relatively less regulated for advertisements, which forms the main issue raised by this paper.

Many companies use algorithmic targeting, which was initially introduced as a method to “match the right consumer to the right product.” However, it has now been observed that this is not the only purpose for which algorithmic targeting is being used: its use is now regulating consumers in ways that demand close attention to ethical practices.³

Moreover, political organisations are no exception to this trend: algorithms are being used to reach audiences who do not wish to see certain political advertisements, as well as to manipulate national and global opinion on parties, with the said parties realising that this mode of communication is relatively much less regulated, and that they can use all kinds of dirty tactics to achieve an unfathomable reach which was not possible before the age of social media. It is also argued that people’s cognitive traits and emotional state are being targeted with

¹ L. Yadav, “The Changing Face of Political Ad Campaigns in India”, *CampaignIndia*, 06/05/24

² T. Basuroy, “Political Advertising in India- Statistics and Facts,” *Statista*, 12/03/24

³ Kant, T. (2021), “Identity, Advertising, and Algorithmic Targeting: Or How (Not) to Target Your 'Ideal User.’” *MIT Case Studies in Social and Ethical Responsibilities of Computing (Summer 2021)*

advertisements accordingly, which raises concerns of not only algorithmic manipulation but also privacy.⁴

In India, the Advertisement Standards Council of India (hereinafter referred to as ‘ASCI’)⁵ has been established to provide guidelines for all kinds of advertisements. The ASCI has provided guidelines for advertisements in India through its “Code for Self-Regulation of Advertisements in India” (hereinafter referred to as “the Code”).⁶ However, it is argued herein that this Code fails to address the real issue of algorithmic manipulation by political parties, which goes against the concepts of honest advertising and fair competition.

There is no transparency or Accountability requirement placed specifically on political parties. Moreover, the Code and Election Commission guidelines are practically silent on the digital manipulation by use of algorithms. Certain aspects of it are covered, such as guidelines for social media influencers.

However, algorithmic manipulation, which is the main issue highlighted by this paper, remains unaddressed. The need for legal attention and transparency measures thus becomes eminent.

Let us understand the guidelines provided by the Code in detail before we use analysis to understand the reality of political campaigning through social media in India, followed by recommendations to improve the same.

1. THE CODE FOR SELF-REGULATION OF ADVERTISING CONTENT IN INDIA

The Election Commission of India has provided certain guidelines for political advertising,⁷ but these are general guidelines, not specifically mentioning the types of advertisements to be covered under the same.

Most of the advertisement standards in India are set by the ASCI through the “Code for Self-Regulation of Advertising Content in India.”

This Code consists of guidelines for different kinds of advertisements, ranging from food to

⁴ Philipp Hacker, “Manipulation by algorithms: Exploring the triangle of unfair commercial practice, data protection, and privacy law,” *Eur Law J.* 2023; 29(1-2): 142–175

⁵ The Advertisement Standards Council of India Website <https://www.ascionline.in/>

⁶ “The Code for Self-Regulation of Advertising Content in India,” ASCI, January 2025

⁷ “The Model Code of Conduct,” ECI, March 2024

health products to even charitable organisations. However, there are no specific guidelines on digital political advertisements, which primarily highlights the lack of regulation on the same. However, guidelines exist for fields distantly or closely related to the same topic, which we will analyse before we delve deeper into the field of social media and political campaigning:

1.1.CHAPTERS I-IV OF THE CODE

These chapters of the Code deal with the general guidelines by which advertisers must abide. Broadly, the following are the guidelines provided by these Chapters:

- (i) Firstly, Chapter I of the Code calls for honest and truthful representation. Here, emphasis is laid on safeguarding against misleading advertisements.

Certain advertisements shall be accompanied by supporting evidence, including the source and date. Moreover, if references are made to any individuals, firm or institutions, the same cannot be published without the permission of the said individuals, firms or institutions. The advertisements shall not abuse the trust of the consumers or mislead them, or distort existing facts.

Another interesting guideline under Chapter I, which is of immense importance to our politics-centric discussion herein, is that obvious untruths and exaggerations are permitted only if it is done in a satirical or hyperbolic way.

- (ii) Chapter II simply states that the advertisements shall match the generally accepted standard of public decency.

However, the Code is silent on what the above-mentioned standards exactly are, and to what extent they are to be abided by.

- (iii) Chapters III and IV deal with harmful products and services, and fair competition in business, respectively.

These Chapters are relatively irrelevant to the discussion of political advertisements, as they specifically deal with businesses and their products.

1.2. INFLUENCER ADVERTISING IN DIGITAL MEDIA

In the Code, comprehensive guidelines are provided concerning influencer advertising done using digital media. An “influencer” is any person who has an audience and the ability to influence them. Further, a “virtual influencer” is defined as an influencer using digital media platforms to reach their audience.

However, there is no minimum level of audience or reach mentioned for a social media influencer to have to be considered a “virtual influencer.” This raises a very important question: Is the term “virtual influencer” sufficiently defined for us to understand which categories of influencers using digital platforms shall be included? And the answer to this question is found to be negative:

- (i) It is stated that there shall be a material connection between the influencer and the advertisers. Disclosure of the material connection is required. However, the Code fails to define “material connection.”
- (ii) The ‘disclosure’ mentioned above shall be in an upfront and prominent manner. This means that a consumer who is of average cognizance shall not miss such a disclosure made by the said influencer.
- (iii) Many social media platforms have their disclosure tools. Any disclosures made through these shall be made in addition to the voluntary disclosures by these influencers, not as a substitute for the same.
- (iv) The disclosures can be in the form of advertisements, sponsorships, collaborations, partnerships, gifts, affiliations, or social media platforms’ tools for disclosures.
- (v) Another point to note herein is that there is no mechanism or authority overseeing the same. Due diligence requirements are placed on the influencers themselves, stating that they must satisfy themselves about the advertisement’s legitimacy.

1.3. ONLINE DECEPTIVE DESIGN PATTERNS IN INDIA

Certain patterns of online marketing have been described as “dark patterns.” This is an umbrella term referring to a wide variety of practices commonly found in online user

interfaces that lead consumers to make choices that often are not in their best interests.

The OECD Committee on Consumer Policy⁸ has defined this term as follows:

“Dark commercial patterns are business practices employing elements of digital choice architecture, in particular in online user interfaces, that subvert or impair consumer autonomy, decision-making, or choice. They often deceive, coerce, or manipulate consumers and are likely to cause direct or indirect consumer detriment in various ways, though it may be difficult or impossible to measure such detriment in many instances.”

Multiple dark patterns of marketing have been defined. However, there are two in this that are relevant to political advertising:

- (i) Advertisements that create a feeling of “false urgency” in the minds of consumers of average intelligence.
- (ii) “Disguised Advertisements” which appear to be editorial content, without mentioning that the content has been paid for by a certain advertiser.

However, as acknowledged by the drafters of the Guidelines themselves in the Guidelines, the term “dark commercial patterns” does not have a universally accepted meaning. So, other malpractices that may be included in other jurisdictions may not be addressed in India, and yet again, there is no way to put a check on the same.

Overall, we can conclude by saying that this Code was developed citing a lack of regulations on advertising in India. However, a lot of issues remain unaddressed when it comes to social media campaigning by political parties, such as algorithmic manipulation, surrogate accounts, and so on.

2. INADEQUACIES OF THE INDIAN REGULATIONS

India’s legal framework was designed only to regulate traditional forms of advertising, such as print, radio, and television. Now, as mentioned above, certain guidelines do exist to regulate online advertising, but these guidelines remain inadequate. This allows political

⁸ OECD (2022), “Dark commercial patterns”, *OECD Digital Economy Papers*, No. 336, OECD Publishing, Paris.

advertisers to take advantage of the lack of regulations specifically related to algorithmic manipulation through digital means, as this remains a relatively unaddressed topic.

One of the main inadequacies is the absence of a dedicated legal framework specifically about targeted political advertising through digital means. Present regulations are generic and do not address the algorithms and how they are being used to manipulate audiences by political parties and political actors. None of the mentioned legal regulations require social media platforms or political parties to disclose the use of algorithms. This creates a major gap, which is then exploited by these political parties.

Another inadequacy is the lack of monitoring mechanisms on digital platforms. These media platforms in India are treated more like intermediaries in India. However, there are no regulations mandating that the platforms monitor as well regulate political content posted by political parties and actors.

Finally, the Indian legal framework does not adequately address the ethical concerns surrounding algorithmic manipulation in digital political advertising. This often raises concerns about voter manipulation. Overall, it may undermine the integrity of the electoral process as a whole.

3. EXPENDITURE ON SOCIAL MEDIA CAMPAIGNS BY INDIAN POLITICAL PARTIES

According to an article,⁹ two of India's biggest parties, namely, the Bharatiya Janata Party (the "BJP") and the Indian National Congress (the "INC"), were the biggest spending parties, according to the 2024 disclosures by Meta.

We will analyse the spending by these parties via disclosures made by Google and Meta. However, the main issue here is that these disclosures only reveal numbers, and not how exactly the money has been put to use.¹⁰

3.1.DISCLOSURES BY GOOGLE

Data¹¹ reveals that in the period from May 2018 to May 2025, the BJP and INC have spent a

⁹ S. Mukhopadhyay, "How much do Parties' Digital Campaigns Cost?" *The Wire*, 01/06/24

¹⁰ Id

¹¹ Ads Transparency Center, Google <https://adstransparency.google.com/political?region=IN&topic=political>

whopping INR 200,00,00,000 and INR 86,80,00,000 only on digital campaigns through Google, which includes YouTube, the media platform under the acquisition of Google.

Out of these amounts, the two parties have spent roughly half of their expenditures in less than the last 5 years. This comes as no surprise: In the last 5 years, the market has become much vaster, especially on YouTube, with the introduction of the concept of “YouTube Shorts.”¹² This is a short format of videos, lasting a maximum of 1 minute at a time.

Researchers have argued that these videos cater to the relatively shorter attention spans of students and the general audience in today’s day and age.¹³

3.2.DISCLOSURES BY META

The Meta Disclosures¹⁴ reveal a similar trajectory of spending. Out of all the advertisers on Meta, in the last 90 days (preceding May 2025), the highest spenders have been Jan Sampark Madhya Pradesh, the Central Bureau of Communication, CM Madhya Pradesh, and so on.

It is interesting to note that all these institutions are directly or indirectly linked to politics or political parties, with most of them being agencies of the Central or State governments in India.

Furthermore, the existing voluntary disclosure mechanisms employed are inadequate. It can be argued that these disclosures are often selective and incomplete.

Now that we have a general idea of how much political parties are spending on their digital campaigns in India, as well as the current legal framework in India, the real issue can be addressed: how are algorithms being manipulated by these parties?

4. ALGORITHMIC MANIPULATION AND ITS RISKS

The preliminary issue is on how advertisers (particularly political parties in this context) can manipulate psychological traits or emotional states. Certain sub-groups are chosen by the advertisers, and then algorithms are used to make these advertisements reach only these sub-

¹² Q. Schwartz, “The Rise of YouTube Shorts + How to Include Them in Your Influencer Marketing Strategy”, *Grin*, 2024

¹³ T. Nussenbaum, “Social Media Causes Attention Spans to Drop”, *The Standard*, 14/12/23

¹⁴ Facebook Ads Library Report <https://www.facebook.com/ads/library/report/?source=nav-header>

groups. Then this method is followed again for other sub-groups, which is arguably discriminatory in itself. Eventually, it leads to a scenario wherein the individuals do not self-select the content that they are exposed to, but rather the advertisers select which advertisements should reach which sub-groups.¹⁵ Moreover, the spending disclosures by the advertisers or the social media platforms on any advertisement never highlight how much of the money was used to fund such algorithmic manipulation.

However, simply stating that advertisers are using these methods is not enough: why it is so easy to do so via social media platforms is still a mystery. The answer to this is heuristics.

Heuristics are shortcuts of thought that allow humans to emit fast responses as per the demands of the environment, without the mind needing to think, collect data, or use time and energy to process thoughts.¹⁶ When an individual is using social media, they are depending on these heuristics for processing a large amount of information in a short period.

A very well-known real-life example of political parties using these heuristics to manipulate opinion is the order in which candidates are shown when a Google search is made.¹⁷ Another is using Instagram algorithms to increase the familiarity of certain candidates with their targeted audience, which induces a sense of credibility¹⁸.

Both the examples mentioned take advantage of the “heuristics” of individuals, subtly reducing their critical thinking and alerting mechanisms. Most of the time, the individuals do not even realise this manipulation, leading them to think that they have made an informed, uninfluenced decision.¹⁹

As we can observe, however, this is far from the reality: unknowingly, after the heuristics come into play, individuals do not pay attention to how they are being influenced by targeted advertisements, or even wonder why they are getting advertisements based on their current psychological state.

¹⁵ Supra at 4

¹⁶ Agudo, U., & Matute, H. (2021), “The Influence of Algorithms on Political and Dating Decisions,” *PLoS one*, 16(4), e0249454

¹⁷ Epstein R, Robertson RE, “The search engine manipulation effect (SEME) and its possible impact on the outcomes of elections” *Proc Natl Acad Sci U S A*. 2015;112: E4512–E4521

¹⁸ Abakoumkin G., “Forming choice preferences the easy way: Order and familiarity effects in elections,” *J Appl Soc Psychol*. 2011;41: 2689–2707. 10.1111/j.1559-1816.2011.00845.x

¹⁹ Supra at 8

This kind of manipulation of algorithms by political parties is said to be a threat to the concept of democracy. For instance, China is said to be the leader in using generative Artificial Intelligence to manipulate opinions: this has inspired developing states like Iran, India, and Venezuela, as well as developed states like Russia to experiment with these methods to manipulate public opinion by way of algorithmic targeting based on people's heuristics.²⁰

Overall, government agencies and political actors have become more dependent on data-driven corporate practices. The lack of transparency measures and legal regulations makes it easy for them to manipulate audiences to their liking, especially with no real checks on them.²¹

5. POLITICAL ADVERTISING MANIPULATION THROUGH SURROGATE ACCOUNTS

A study by Al Jazeera²² revealed that apart from the direct spending by the parties, about half of the top 20 spenders on political advertisements were surrogate accounts run by the same political parties, so the numbers revealed as "expenditure by political parties" reveal only a fraction of the actual spending.

The study further reveals that before running political ads on Facebook, advertisers need to submit a government-issued ID. However, the parties have found a way to circumvent this rule: they purchase pages that are already verified for identity, skipping the verification process altogether.

Another study²³ reveals that these advertisers are operating under a digital cloak, ultimately falling outside of regulatory scrutiny and the Election Commission of India (the "ECI")

This allows these advertisers to operate in the shadows, making it a challenge to connect the publishers of these advertisements to any specific political party. Only with a scrutiny of the

²⁰ R. Csernaton, "Can Democracy Survive the Disruptive Power of AI?", *Carnegie Endowment for International Peace*, 18/12/24

²¹ Id

²² Y. Sharma, "How a Shadowy Meta, YouTube black market Clouds India Election Integrity" *Al Jazeera*, 31/05/24

²³ Eko, ICWI, "Slander, Lies and Incitement: India's Million-Dollar Election Meme Network," *The London Story*, 2024

origin of these advertisers was this discrepancy found.²⁴

Due to all this, Meta is said to have developed a “million-dollar hate market”.²⁵

However, this is not the main reason for the disclosures by social media platforms being considered inadequate: the primary issue is even more fundamental. An Oxford study²⁶ reveals that platforms like Google and Facebook differ even on the meaning of “political advertisements.” So, if we assume the same video is circulated on YouTube and Instagram (owned by the Meta Group), it is a possibility that only one of these platforms considers this as political content, while the other may or may not.

The study further reveals that there are no disclosures as to the removed content on social media platforms. The study claims that these platforms are strategically limiting and filtering the content available to the public.

6. LEGAL AND ETHICAL CONCERNS

This paper states that the Indian legal framework as regards political advertising on digital platforms is inadequate. Algorithmic manipulation is very common in the political world as of today, and the current system is ill-equipped to deal with this issue.

Already existing guidelines in India do not regulate the use of algorithms to carry out targeted advertisements to influence voter behaviour.

Indian regulations do require disclosures by social media platforms about the spending on their platforms on political advertisements, but these disclosures fail to achieve their purpose: transparency. The numbers fail to disclose important factors such as how much of the amount was spent on algorithms and Artificial Intelligence, which may help us understand the algorithmic manipulation by political parties.

²⁴ K. Sambhav, N. Ranganath, S. Jalihal, “Inside Facebook and BJP’s World of Ghost Advertisers,” *Al Jazeera*, 15/03/22

²⁵ *Supra* at 14

²⁶ O. Papakyriakopoulos, C. Tesson, A. Narayanan, M. Kshirsagar, “How Algorithms Shape the Distribution of Political Advertising: Case Studies of Facebook, Google, and TikTok.” *2022 AAAI/ACM Conference on AI, Ethics, and Society (AIES '22)*. Association for Computing Machinery, New York, NY, USA, 532–546.

From an ethical standpoint, these practices pose serious threats to voters' autonomy. They also affect the country's overall democratic decision-making.

Further, these practices go against the principles of honest advertising and fair competition, as stated in the paper. These principles are even mentioned in the Code, so we can consequently state that the lack of specific regulations on political algorithmic manipulation eventually leads to practices that directly contradict the spirit of the Code.

All of this leads to the creation of a regulatory vacuum. This vacuum eventually leads to selective manipulation, which can distort the electoral narrative without the voters even realising.

Ethically, these practices challenge the democratic principles of honesty, fairness, and equal access to information. The voters getting influenced are not making informed decisions, but rather are influenced drastically by these tactics used by political parties as well as political actors. Due to the lack of awareness as well as regulations focusing on the same, the need for a comprehensive legislation on digital campaigns by political parties is thus becoming more imminent.

7. THE WAY FORWARD

It has been highlighted by this paper that the current Indian legal framework is inadequate to address the said issue. Moreover, the voluntary disclosure mechanisms by social media platforms are not meeting their purpose.

Some researchers²⁷ have developed a global mechanism to be met to resolve this issue, which can be applied in India as well: creation of a public repository, as well as a certain technical standard for all platforms to abide by. An open, transparent public repository will ensure accountability for both political parties as well as political actors and advertisers who use digital media for the political growth of parties and their representatives.

Others argue²⁸ that apart from this, there needs to be more stringent measures from the

²⁷ L. Edelson, J. Chuang, E. F. Fowler, M. Franz, and T. N. Ridout, *Universal Digital Ad Transparency*, SSRN 3898214 (2021)

²⁸ *Supra* at 17

Government in question, as the lack of regulations is one of the primary reasons for this issue.

This paper builds on both these arguments, as we have seen that both the ASCI Code²⁹ as well as the ECI guidelines³⁰ are practically silent on this topic. Even though they indirectly address it, there needs to be a Code that specifically deals with digital political advertising by political parties in India.

This Code will specifically address issues such as surrogate account advertising, algorithm manipulation, and other ways used by political parties to their benefit. This will ensure fair competition in the world of digital political advertising.

Secondly, as revealed by this paper, the current disclosure mechanisms are inadequate. Currently, social media platforms do have voluntary disclosure mechanisms, but they only reveal amounts spent by political parties on digital advertising, not how the money was spent.

But it is argued that these measures will not be enough without an authority overseeing these steps. This paper also recommends that the ECI needs to develop a special unit to oversee digital media, along with stringent measures for non-compliance. The ECI can be empowered through the above-mentioned Code for this purpose.

The question then arises as to why today there should be a special unit for this purpose, if the ECI never had any such unit. The answer to this can be found in the numbers. Political spending today on digital media is drastically more than what it was a decade ago, with studies³¹ stating it is only going to be on an upward trajectory from here on. And this is without the consideration of the spending made by these parties through their surrogate accounts, which is one of the other primary reasons that a special Code becomes the need of the hour.

Thus, a special Code will not only provide for better and more transparent disclosures but also provide clarity on this topic and an appropriate response to the legal gap created by the current lack of regulations. This Code will also place much more responsibility on the ECI in

²⁹ Supra 4

³⁰ Supra at 5

³¹ Y. Dey, "Social Media As An Emerging Theatre Of Fierce Political Contest: Insights From The 2024 Indian General Elections," *Social Policy Research Foundation India*, 22/11/24

this context, making it the body overseeing affairs related to digital advertising in the world of politics.

CONCLUSION

This study revealed that not only is the legal framework on political advertising through digital media inadequate, but the voluntary disclosures by social media companies fall short of their purpose: they allow political parties to manipulate algorithms in their favour, as well as hide other details like removed or flagged content, raising transparency and accountability questions.

There is also a significant legal gap when it comes to surrogate accounts used by political parties. No legal backing creates scope for misuse, and we have seen how political parties have been manipulating this situation to their benefit.

The suggestions by this paper are: a special Code for Political Advertising through Digital Media, more responsibility to be placed on the ECI, creation of an open public repository, and development of a certain technical standard for platforms to abide by, failing which they shall be answerable to the ECI.

This will ensure transparency, accountability, and fair competition between political parties. Moreover, it will increase the credibility of political advertisers, consequently increasing the credibility of each advertisement through digital media, preventing the scope for misinformation on the advertisements' part.