

# ● SOCIAL MEDIA AND ITS IMPACT ON THE ELECTORAL PROCESS IN INDIA: A CRITICAL STUDY



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## **Abstract**

*Social media's rise has completely changed how political debate and election procedures are conducted in modern democracies. Social media has a significant and varied influence on the electoral process, influencing the dynamics of political communication, governance, and involvement in the digital era. The Research paper examine the multifaceted impact of social media on electoral processes, with a particular emphasis on how it intersects with the fundamental rights to speech and expression and the right to vote and drawing on theoretical frameworks from political science, communication studies, and legal scholarship, it offers insights into how policymakers, electoral authorities, and social media platforms can navigate these challenges while safeguarding the fundamental rights of citizens.*

## **Key words-**

*Democracy, freedom of expression, Social media, Election process, Fundamental Rights.*

## **I- Introduction**

The advent of social media has profoundly transformed various facets of society, including the electoral process. A country like us which is characterized by its vibrant democracy and diverse populace, Social media's incorporation into the electoral process has had a larly significant influence particularly significant impact. The role of social media in India's electoral process, highlighting its benefits and challenges while exploring the legal framework governing its use. India's digital revolution has seen exponential growth in internet users, with social networking sites such as Facebook, Twitter, WhatsApp, and Instagram becoming ubiquitous. By January 2024, India had 462 million active social media users, representing 32.2% of the country's total population, establishing it as one of the largest global markets for these platforms. This widespread adoption of social media has significantly influenced how political campaigns are conducted, how candidates communicate with the electorate, and how voters access information<sup>1</sup>.

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<sup>1</sup>S. Prasad, "The Role of Social Media in Indian Politics". 12(3), J. POL. COMMN, 45-67 (2019).

In India, social media has revolutionized political campaigning by providing parties and politicians with direct access to voters. Platforms like Twitter and Facebook enable candidates to share their messages swiftly and interactively, bypassing the traditional media gatekeepers. This direct communication fosters a more engaged electorate, as voters can receive real-time updates, participate in discussions, and directly question their representatives. In the general elections of 2014, 2019, and 2024, social media was crucial in influencing public sentiment and energising voters. Most of the political parties effectively utilized social media to run targeted campaigns, reaching millions of potential voters. The success of such strategies underscores the significant influence social media wields in modern electoral politics<sup>2</sup>.

Social media acts as a versatile tool, capable of disseminating information, marketing products and ideologies, and promoting the activities of political parties or individuals, either directly or through their supporters. This targeted spread of information is referred to as social media marketing. These dynamics influence not only the information people receive but also their interaction with it, impacting political dynamics, corruption, public perception, and societal values. Furthermore, social media's impact has globalized politics, making it more vulnerable to public opinion and reducing privacy. In India, over 830 million people have access to internet-connected devices, and globally, this number exceeds 4 billion. With such a large audience potentially exposed to social media platforms, these platforms wield significant influence over public thoughts and ideas. Unquestionably, these networking sites has made information more accessible to all, but it has also made it easier for false information to proliferate, endangering the integrity of the election process. During elections, the rapid dissemination of false information can mislead voters, manipulate public opinion, and undermine democratic principles. The 2019 general elections in India witnessed a surge in misinformation campaigns, with numerous instances of fake news related to candidates and parties circulating on social media platforms<sup>3</sup>.

A fundamental element of a successful democracy is the presence of free and fair elections. This process remains genuinely free only when voters can select their preferred representatives without coercion, fully informed about the candidates' actions and promises, and able to make their choices independently. However, these conditions can gradually deteriorate unnoticed, severely affecting the democratic process. This deterioration is often driven by the spread of false information and politicized propaganda, which people encounter daily through social media and other platforms. India's legal framework has struggled to keep pace with the rapid evolution of social media. The primary legislation governing elections, the Representation of the People Act, 1951, was enacted long before the advent of digital communication technologies. Consequently, existing laws and regulations often fall short in addressing the unique challenges posed by social media in the electoral context.

The Election Commission of India (ECI) has attempted to address these challenges through guidelines and regulations. For example, in 2013, the ECI issued guidelines for

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<sup>2</sup>R. Gupta, "Misinformation in the Digital Age: Challenges for Indian Democracy." 15(2), INDIAN JOURNAL OF MEDIA STUDIES, 112-129 (2020).

<sup>3</sup>Election Commission of India. (2013). "Guidelines on Social Media Use During Elections". (15 September 2023) <https://www.eci-gov.in>



social media use in election campaigns, requiring candidates to report their social media expenses and adhere to the Model Code of Conduct (MCC) online. Recently on 6th May 2024 ECI published a detailed guideline for 2024 general election context of use of social media in electoral Process or campaigns. However, enforcing these regulations has proven difficult due to the decentralized and global nature of social media platforms<sup>4</sup>.

The political process is significantly influenced by social media corporations themselves. Social media sites like Facebook and Twitter have taken steps to counteract false information, including content moderation guidelines and partnerships with fact-checkers. Nonetheless, there is ongoing discussion on these metrics' efficacy. Opponents contend that the platforms' algorithms, which place a high value on interaction, may unintentionally spread sensationalist and divisive content, including false political information. The intricate relationship between social media and election legislation has been brought to light by a number of Indian court decisions. "Section 66A of the Information Technology Act, 2000, for example, was overturned by the Supreme Court in the 2015 case of *Shreya Singhal v. Union of India*" after it was seen to have the potential to restrict online free speech. Although this ruling supported the right to free speech<sup>5</sup>. Examining international perspectives can provide valuable insights into addressing the challenges posed by social media in elections. Countries like the United States and the United Kingdom have faced similar issues with digital misinformation and political advertising transparency. Studying their regulatory approaches, such as the Honest Ads Act in the US<sup>6</sup> and the UK Electoral Commission's guidelines on digital campaigning<sup>7</sup>, can inform India's strategies in creating a more robust legal framework.

## II-SOCIAL MEDIA AND RIGHT TO SPEECH AND EXPRESSION

The Indian Constitution's Article 19(1)(a) guarantees "the right to freedom of speech and expression"<sup>8</sup>. This right is not absolute and can be subject to reasonable limitations under Article 19(2) for the sake of public order, decency, morality, state security, Indian sovereignty and integrity, and other objectives<sup>9</sup>.

The regulatory framework for digital communications in India is provided by the Information Technology Act, 2000 and its revisions. Notably, in the seminal case of *Shreya Singhal v. Union of India* (2015), the Supreme Court invalidated Section 66A of the IT Act, which made it illegal to convey "offensive" statements over electronic communication<sup>10</sup>. The court determined that Section 66A was unconstitutional because it infringed upon the right to freedom of speech and expression and was excessively broad and ambiguous, potentially resulting in abuse and capricious implementation.<sup>11</sup>

<sup>4</sup>A. Singh, The Impact of Algorithms on Political Discourse. 9(4), JOURNAL OF DIGITAL GOVERNANCE, 78-93 (2018).

<sup>5</sup>AIR 2015 SC 1523.

<sup>6</sup>U.S. Congress. (2019). Honest Ads Act. Retrieved from [www.congress.gov](http://www.congress.gov).

<sup>7</sup>UK Electoral Commission. (2018). Digital Campaigning: Increasing Transparency for Voters (15 September 2023). <https://www.electoralcommission.org.uk>

<sup>8</sup>Constitution of India, art. 19, (1)(a).

<sup>9</sup>Constitution of India, art. 19, (2).

<sup>10</sup>Information Technology Act, 2000, No. 21, Acts of Parliament, 2000 (India).

<sup>11</sup>AIR (2015) 5 SCC 1

John Milton famously said, "Give me the liberty to know, to utter, and to argue freely according to conscience, above all liberties." He believed that without human freedom, progress in science, law, or politics is impossible, as these fields require open discussion. "John argued that truth will always prevail over falsehood, so free expression of all ideas, whether true or false, should not be feared. He believed that truth evolves over time and that open debate prevents complacency." Discussing false views helps reinforce the basis of true ones. Mill, in his work "On Liberty" published in 1859, also defended freedom of expression. He believed that silencing any opinion is unjust because every opinion holds value to its owner". According to Mill, speech should only be suppressed to prevent direct harm, not for economic, moral, or personal reasons.

One could assert 'Freedom of speech and expression' is considered as cornerstone of liberty, often called the "mother" of all other freedoms. It's widely acknowledged today that this right is essential for society and should always be protected. A free society's foundation is the unrestricted exchange of ideas in public. Sharing opinions without fear of punishment is crucial for societal and state development, making it a fundamental right that should be protected from state interference. It is important for personal growth and the success of parliamentary democracy. In a democracy, this right extends beyond individuals; it's the community's right to receive and share information. International accords including the "Universal Declaration of Human Rights", "European Convention on Human Rights", and "the International Covenant on Civil and Political Rights", safeguard this right. These texts expressly uphold the right to free speech and expression.

### **Reasonable Restrictions and Public Order**

The idea of reasonable constraints under Article 19(2) has been central to free speech jurisprudence. The Supreme Court has continuously upheld the requirement that limitations be specifically crafted and supported by an urgent societal necessity. This balance is especially challenging in the social media setting since digital content spreads quickly and can reach a large audience. The Supreme Court addressed the problem of internet shutdowns in Jammu and Kashmir in *Anuradha Bhasin v. Union of India*, highlighting the constitutional guarantee of online freedom of speech and expression<sup>12</sup>. The court ruled that any restrictions on internet access must pass the test of proportionality and reasonableness. This case underscores the importance of maintaining digital connectivity as a facet of free speech, even in the face of security concerns. Social media platforms have become breeding grounds for hate speech and misinformation, posing challenges to public order and societal harmony. The jurisprudential approach to hate speech in India involves balancing free expression with the need to prevent harm. In *Pravasi Bhalai Sangathan v. Union of India*, the Supreme Court highlighted the necessity of combating hate speech while respecting free speech rights<sup>13</sup>.

The spread of misinformation on social media, particularly during critical events like elections, has also been a matter of concern. The Election Commission of India has

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<sup>12</sup>(2020) 3 SCC 637

<sup>13</sup>(2014) 11 SCC 477



sought to regulate social media use during elections to prevent the dissemination of false information. While these measures aim to protect the integrity of the electoral process, they must be carefully calibrated to avoid undue restrictions on free expression<sup>14</sup>.

Social media companies, as intermediaries, play a crucial role in regulating content on their platforms. "The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021" outline the responsibilities of intermediaries in monitoring and managing online content<sup>15</sup>. These rules mandate the removal of unlawful content and require intermediaries to trace the origin of certain messages.

The legality and implications of these rules have been challenged on the grounds of privacy and free speech. Critics argue that the rules grant excessive power to the government and could lead to surveillance and censorship. The jurisprudence on intermediary liability continues to evolve as courts balance the need for accountability with the protection of fundamental rights<sup>16</sup>.

"The Information Technology Act, 2000" is the primary legislation regulating digital communications and cyber activities in India. Its aim is to grant legal recognition to electronic commerce and simplify the electronic filing of documents with the government. Additionally, it includes provisions addressing cybercrimes and the liability of intermediaries.

"Section 69A of the IT Act" gives the government the authority to restrict public access to any information via any computer resource if doing so would protect India's sovereignty and integrity, state security, good relations with other countries, public order, or prevent incitement to commit any crime that is punishable by law<sup>17</sup>. The procedures and safeguards for blocking such information are outlined in the "Information Technology (Procedure and Safeguards for Blocking for Access of Information by Public) Rules, 2009."<sup>18</sup>

Under these rules, intermediaries are required to appoint a "Chief Compliance Officer, a Nodal Contact Person, and a Resident Grievance Officer, all of whom must be residents of India."<sup>19</sup> They must also publish a monthly compliance report detailing the number of complaints received and actions taken<sup>20</sup>.

The rules also introduce a "traceability" requirement for significant social media intermediaries, which mandates the identification of the first originator of specific

<sup>14</sup>Election Commission of India, "Guidelines for Social Media Use During Elections," 2019, (15 August 2023) <https://eci.gov.in>.

<sup>15</sup>Ministry of Electronics and Information Technology, "Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021," Government of India, 2021.

<sup>16</sup>V. Raghavan, "Regulating Social Media: Privacy and Freedom of Expression," 12 (1), INDIAN JOURNAL OF INFORMATION TECHNOLOGY LAW, 34-50 (2022).

<sup>17</sup>Information Technology Act, 2000, No. 21, Acts of Parliament, 2000 (India), S. 69A.

<sup>18</sup>Information Technology (Procedure and Safeguards for Blocking for Access of Information by Public) Rules, 2009, G.S.R. 781(E).

<sup>19</sup>Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, Rule 4.

<sup>20</sup>Ibid.

messages upon a judicial or governmental order<sup>21</sup>. This provision has raised concerns regarding user privacy and the potential for government overreach.

### III-Social media and the electoral process

Social media has transformed communication and is becoming more and more important in influencing elections and public opinion. With a parliamentary system of governance based on the promise to hold frequent, free, and fair elections, India functions as a constitutional democracy. The members of the state and union territory legislative assemblies, the two chambers of parliament, and the administration are all chosen via these elections. India's general elections, which elect legislators, are the biggest event of their kind in the world. More than 800 million voters cast ballots at more than 800,000 polling places spread over a variety of climatic and geographic regions, such as sparsely inhabited areas, deserts, and snow-capped mountains.

The key constitutional provisions and mechanisms related to elections in India include- "Article 324 establishes the Election Commission of India" as an autonomous constitutional authority responsible for overseeing election processes at both national and state levels. This article grants the Commission the power of supervision, direction, and control elections to Parliament, state legislatures, and the offices of the President and Vice-President. "Article 326 guarantees the right to vote to every Indian citizen aged 18 and above subject to certain legal disqualifications". "Articles 327 and 328" grant Parliament and state legislatures the authority to legislate on election-related matters. While Parliament can pass laws covering all aspects of elections to both central and state legislatures, state legislatures are empowered to create laws for elections to their own bodies.

#### Election Process

The election process in India involves several key stages:

- **Delimitation of Constituencies:** Constituencies for elections to the Lok Sabha (House of the People) and the state legislative assemblies are delimited based on the latest census to ensure equitable representation.
- **Preparation of Electoral Rolls:** The ECI is responsible for updating and maintaining the electoral rolls, ensuring that all eligible voters are registered.
- **Nomination of Candidates:** Political parties and independent candidates submit their nominations, which are subsequently reviewed by the Election Commission of India (ECI) to ensure they meet the eligibility requirements.
- **Election Campaign:** Candidates and political parties conduct campaigns to reach out to voters, adhering to the model code of conduct issued by the ECI to ensure fair play.
- **Polling:** Voting is conducted through Electronic Voting Machines (EVMs) at designated polling stations across the country.
- **Counting and Declaration of Results:** Votes are counted under the supervision of the ECI, and results are declared for each constituency.



- Social media allows political parties to reach a broad audience at a relatively low cost. During elections, platforms are used to:
- Disseminate party manifestos and policy positions.
- Engage with voters through live chats, Q&A sessions, and interactive content.
- Mobilize volunteers and coordinate campaign activities.

Parties can increase the efficacy of their campaigns by customizing their messaging for particular demographics through the use of data analytics and targeted advertising. For instance, the Bhartiya Janata Party (BJP) made great use of social media to reach young voters and spread its message during the general elections in 2014 and 2019<sup>22</sup>.

### Misinformation and Fake News

A major challenge is the proliferation of misinformation and fake news. False information can deceive voters, cause confusion, and erode the integrity of elections. The rapid spread of misinformation on platforms like WhatsApp and Facebook has prompted calls for greater regulation and accountability<sup>23</sup>.

#### Hate Speech and Polarization

Social media can also be a breeding ground for hate speech and divisive rhetoric. The anonymity and reach of these platforms can exacerbate societal divisions and lead to violence. For instance, during the 2019 and 2024 elections, there were numerous reports of communal and hate speech circulating on social media, prompting the Election Commission of India (ECI) to issue warnings and directives to platforms<sup>24</sup>.

### Regulatory Framework

The ECI has issued guidelines and directives to regulate social media use during elections, including the pre-certification of political advertisements and monitoring of online content to prevent violations of the Model Code of Conduct<sup>25</sup>.

## IV-Judicial opinion

Regarding the interpretation and application of constitutional principles to the control of social media during the political process, the Indian judiciary is essential. Judicial opinions provide guidance on the balance between free speech rights, privacy concerns, and the integrity of elections. This analysis examines key judicial opinions and their implications for the regulation of social media in the electoral context.

The landmark case *Shreya Singhal v. Union of India*<sup>26</sup> apex court struck down Section 66A, and emphasizing the need to protect freedom of speech and expression online. The ruling has significant implications for social media use during election campaigns,

<sup>22</sup>Gaurav Vivek Bhatnagar, "Social Media, Big Data and Elections in India," Observer Research Foundation, October 3, 2019, (11 July 2024) <https://www.orfonline.org>.

<sup>23</sup>Pankaj Jain, "Combating Misinformation in India: The Role of Social Media," Economic and Political Weekly, vol. 54, no. 15, April 2019, pp. 45-52.

<sup>24</sup>Anuradha Raman, "Hate Speech and Elections in India: The Role of Social Media," The Hindu, May 6, 2019, (11 July 2024) <https://www.thehindu.com>.

<sup>25</sup>Election Commission of India, "Guidelines for Social Media Use During Elections," 2019, (11 July 2024) <https://eci.gov.in>.

<sup>26</sup>AIR 2015 SC 1523

reinforcing the boundaries of permissible speech. Another important case *Facebook India Online Services Pvt. Ltd. v. Vinay Rai*<sup>27</sup>. In this case, a lower court in Delhi ordered "social media platforms, including Facebook, to remove offensive content that could incite enmity among different groups." While not directly related to elections, it highlighted the role of social media in spreading potentially harmful content and set a precedent for regulating online speech during election periods to maintain public order. Dr. Subramanian Swamy filed a petition requesting the establishment of guidelines for the use of social media by political parties and candidates. In response, the Election Commission issued directives emphasizing transparency in funding and ensuring compliance with the Model Code of Conduct on digital platforms. This case reinforced the need for clear regulations governing social media use in elections.

The intersection of social media and the electoral process in India has fundamentally transformed political communication, campaigning strategies, and voter engagement. This critical overview explores the evolving landscape of Indian elections in the digital age, examining the opportunities, challenges, and implications of social media on electoral democracy.

Social media has the potential to enhance voter engagement and participation by providing citizens with access to political information, facilitating dialogue between voters and candidates, and mobilizing marginalized communities. However, efforts to combat misinformation and hate speech are essential to safeguard the integrity of the electoral process and promote informed decision-making.

### **V- Election Commission of India (ECI) Guidelines**

The ECI has issued several guidelines to regulate social media use during elections. These guidelines include:

- Pre-certification of political advertisements on social media by the Media Certification and Monitoring Committee (MCMC).
- Monitoring of social media content to identify and address violations of the Model Code of Conduct.
- Requiring political parties to submit details of their social media accounts and expenditures<sup>28</sup>.

### **Functions of Electoral Commissions**

Electoral commissions are responsible for administering elections and referendums, overseeing voter registration, and enforcing electoral laws.

Key functions include:

- Election Administration: Organizing and conducting elections in accordance with legal requirements and international standards.
- Voter Registration: Maintaining accurate voter rolls and ensuring eligibility criteria are met for voter participation.

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<sup>27</sup>(2012) 01 DEL CK 0026

<sup>28</sup>Election Commission of India, "Guidelines for Social Media Use During Elections," 2019, (11 July 2024) <https://eci.gov.in>.



- Candidate Nomination: Facilitating the nomination process for candidates and ensuring compliance with eligibility criteria.
- Campaign Finance Regulation: Monitoring campaign expenditures, enforcing spending limits, and disclosing financial information to the public.
- Electoral Dispute Resolution: Adjudicating disputes related to electoral processes, including allegations of fraud, irregularities, or misconduct.

## VI-Conclusion and Suggestions

Social media platforms have revolutionized the exercise of free speech by providing immediate and widespread access to audiences. They enable individuals to share their thoughts, opinions, and creativity without the traditional barriers associated with print and broadcast media. This accessibility has led to the proliferation of diverse voices and perspectives, enriching public discourse<sup>29</sup>. Social media platforms are used to mobilize and engage voters, including the effectiveness of online campaigns, hashtags, and viral content in increasing voter turnout and participation in the electoral process. Social media has also become an essential tool for journalists, activists, and political leaders. It allows for real-time and also reel time reporting and commentary on current events, fostering a more transparent and accountable society. For instance, during significant events such as elections, protests, and natural disasters, this type of networking sites serves as a vital source of information and a platform for civic engagement<sup>30</sup>. "Meta" and many other companies play a significant role in managing content on their platforms. They employ algorithms and artificial intelligence to moderate content and enforce community guidelines. However, these mechanisms are not full proof and often face criticism for lack of transparency and accountability<sup>31</sup>.

For instance, Facebook's handling of hate speech and misinformation in India has come under scrutiny, with allegations of bias and inadequate action against violators. Twitter, too, has faced challenges in balancing free speech with the need to curb harmful content. The role of these companies in shaping public discourse and their accountability in enforcing content standards is a critical area of ongoing debate<sup>32</sup>.

While these regulations aim to enhance accountability and curb harmful content, they have also raised concerns about privacy and free expression. Critics argue that the rules grant excessive power to the government and could lead to overreach and censorship. Balancing the need for regulation with the protection of fundamental rights remains a delicate and complex task<sup>33</sup>.

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<sup>29</sup>S. Ganesh, "Social Media and Freedom of Expression in India," 7 INDIAN JOURNAL OF CONSTITUTIONAL LAW, 45-67 (2019).

<sup>30</sup>R. Deshpande, "The Role of Social Media in Indian Elections," 15 (2) JOURNAL OF POLITICAL STUDIES, 112-129. (2020),

<sup>31</sup>K. Sharma, "The Algorithmic Governance of Free Speech," 9 (3) INDIAN JOURNAL OF DIGITAL GOVERNANCE, 56-74. (2022)

<sup>32</sup>B. Roy, "Social Media Platforms and Content Regulation: Challenges in India," 10 (2) JOURNAL OF MEDIA STUDIES, 67-85. (2021).

<sup>33</sup>V. Raghavan, "Regulating Social Media: Privacy and Freedom of Expression," 12 (1) INDIAN JOURNAL OF INFORMATION TECHNOLOGY LAW, 34-50 (2022).

Moving forward, it is essential to foster digital literacy among the populace to combat misinformation and promote critical thinking. Public awareness campaigns and educational initiatives can equip users with the skills to discern credible information and engage responsibly online<sup>34</sup>.

Moreover, collaborative efforts between the government, social media companies, civil society, and academia are crucial to developing balanced and effective regulatory frameworks. Ensuring transparency, accountability, and respect for fundamental rights should be at the core of these efforts<sup>35</sup>.

Social media has fundamentally reshaped the exercise of the right to free speech and expression in India. While it provides unparalleled opportunities for communication and engagement, it also brings significant challenges that require careful legal and policy interventions. As India navigates the complexities of the digital age, it is crucial to find a balance that safeguards both free expression and social harmony, ensuring that the transformative power of social media is leveraged for the greater good.

We can have said that Social media significantly influences the electoral process, offering both benefits and drawbacks. On the positive side, it enhances political engagement, particularly among younger demographics, by facilitating discussions and debates, thereby encouraging higher voter turnout and a more informed electorate. It also increases accessibility and inclusivity, allowing politicians to directly reach a broad audience, including marginalized groups previously excluded from political discourse. The rapid dissemination of real-time information enables swift responses to political events and mobilizes supporters for rallies or voting drives, thus boosting campaign responsiveness. Additionally, social media promotes transparency and accountability by allowing the public to monitor and scrutinize politicians' actions. However, the cons include the spread of misinformation and fake news, which can mislead voters and undermine election integrity. Social media often creates echo chambers, reinforcing existing beliefs and increasing political polarization, which hampers constructive dialogue. There are also concerns about manipulation by domestic and foreign actors through targeted ads, bots, and trolls, threatening electoral integrity and also the use of social media raises privacy and data security issues, as political campaigns often micro-target voters with personalized messages, potentially infringing on privacy rights and leading to data misuse like a "The Cambridge Analytica scandal, in this case the improper acquisition and use of personal data from millions of Facebook users to influence voter behavior during the 2016 U.S. presidential election. Cambridge Analytica, a political consulting firm, harvested data from approximately 87 million Facebook profiles without users' consent through a third-party app disguised as a personality quiz". This data was used to create detailed voter profiles and deliver highly targeted political advertisements and messages. The scandal raised significant apprehension about data security and privacy, and the ethical use of personal information in political campaigns. It exposed the vulnerabilities of social media

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<sup>34</sup>N. Patel, "Promoting Digital Literacy to Combat Misinformation in India," 18 (1) JOURNAL OF EDUCATIONAL TECHNOLOGY, 23-40 (2022).

<sup>35</sup>S. Mehta, "Collaborative Governance for Digital Media Regulation," 14(2) INDIAN JOURNAL OF PUBLIC ADMINISTRATION, 56-73 (2021).



platforms in safeguarding user data and sparked a broader debate on the regulation of digital political advertising and the need for greater transparency in how personal data is used by political campaigns. The fallout from the scandal led to investigations, fines, and stricter regulations on data privacy and protection.

## Suggestions

The influence of social media on India's electoral process involves a complex interaction between democratic values, individual rights, and societal concerns. From a legal perspective, it is crucial to strike a balance between the right to free speech and expression, and the need to uphold the integrity of the electoral process, while safeguarding against misinformation and manipulation. Philosophically, the discourse can be rooted in the principles of deliberative democracy, which emphasizes the importance of informed and rational debate in the public sphere. Social media, as a modern agora, holds the potential to enhance democratic engagement by facilitating access to information and enabling diverse voices. However, it also poses risks such as echo chambers, fake news, and the manipulation of public opinion through targeted political advertising and data analytics.

To address the challenges posed by social media on the electoral process in India, a multi-faceted approach is essential. Strengthening legal frameworks through robust mechanisms to regulate political advertising and content on social media platforms is crucial; this includes mandatory disclosures of funding sources, clear labelling of political ads, and stringent penalties for spreading false information. Enhancing digital literacy programs will empower citizens to critically evaluate online information, fostering a well-informed electorate vital for democracy. Encouraging political parties to adopt ethical guidelines for social media use, emphasizing transparency, accountability, and respect for privacy, aligns with the philosophical principles of justice and fairness. Additionally, establishing an independent oversight body to monitor social media activities during elections will help investigate and address electoral malpractices. By integrating these jurisprudential and philosophical perspectives, India can harness social media's benefits for democratic engagement while safeguarding the electoral process, ensuring technological advancements enhance rather than undermine democracy's foundational principles.

