

Technology, Transparency, and Trust: Evaluating the Role of the Election Commission of India in Curbing Money Power and Disinformation

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Abstract

This study undertakes a comprehensive evaluation of the Election Commission of India's (ECI) evolving role in addressing two of the most pernicious threats to electoral integrity in contemporary India: the influence of money power and the proliferation of disinformation, particularly through artificial intelligence (AI)-generated synthetic media. Against the backdrop of the 2020 general elections, the research examines the Commission's recent institutional reforms, technological initiatives, and regulatory interventions designed to enhance transparency, curb illicit campaign financing, and combat the spread of deepfakes and misleading content. Employing a mixed-method approach integrating doctrinal legal analysis, case study examination of recent electoral complaints, and evaluation of policy frameworks, the study analyzes the effectiveness of the ECINET digital platform, the mandatory VVPAT verification protocols, the crackdown on misleading AI-generated content, and the oversight of welfare scheme announcements during election periods. The findings reveal a paradox: while the ECI has implemented unprecedented technological and administrative reforms—including integrating 40+ applications into a unified digital interface, mandating 100% webcasting at polling stations, and establishing a three-hour takedown protocol for unlawful AI content—significant challenges persist in enforcement consistency, political will, and the inherent asymmetry between the speed of disinformation dissemination and the pace of regulatory response. The study further identifies tensions between proactive regulation and constitutional freedoms, particularly regarding mandatory watermarking of synthetic content and the potential for overbreadth under Article 19(1)(a). The research concludes that while the ECI has demonstrated commendable institutional responsiveness, sustainable electoral integrity requires not only technological innovation but also greater judicial clarity on AI governance, enhanced inter-agency coordination, and robust public digital literacy initiatives.

Keywords:

Election Commission of India, money power, disinformation, deepfakes, electoral integrity, ECINET, Model Code of Conduct, political financing, artificial intelligence, transparency, voter trust, electoral bonds, campaign finance, misinformation, synthetic media, IT Act, safe harbour, welfare schemes, electoral manipulation, institutional reform

1. Introduction

Democracy, at its foundational level, rests upon a simple yet profound premise: that citizens can make informed choices in free and fair elections. This premise, however, faces unprecedented challenges in contemporary India. Two interrelated phenomena threaten to undermine the integrity of the electoral process: the corrosive influence of money power, where wealthy candidates and parties distort the level playing field through illicit campaign financing and inducements; and the weaponization of disinformation, particularly through artificial intelligence-generated synthetic media—deepfakes—that can fabricate reality with terrifying precision.

The Election Commission of India (ECI), a constitutional body established under Article 324, bears the primary responsibility for safeguarding electoral integrity. Over its seven-decade history, the Commission has evolved from a relatively passive administrative body into an assertive regulator, known for its landmark interventions, including the introduction of the Model Code of Conduct (MCC), the deployment of Electronic Voting Machines (EVMs), and the recent mandate for Voter Verifiable Paper Audit Trail (VVPAT) verification. Yet, each technological solution has spawned new challenges, and each regulatory advance has been met with allegations of bias, ineffectiveness, or overreach.

The 2020 election cycle has proven particularly consequential. In the six months preceding the general elections, the ECI announced 28 major initiatives aimed at streamlining and improving the electoral process. These include the launch of ECINET—a one-stop digital platform subsuming over 40 existing applications, mandatory 100% webcasting at polling stations, real-time voter turnout updates, and the delisting of inactive Registered Unrecognised Political Parties (RUPPs). Concurrently, the Commission has issued stringent guidelines on AI-generated content, mandating that political parties label synthetic media and that social media platforms remove unlawful content within three hours of being flagged.

These initiatives have unfolded against a backdrop of persistent controversy. Opposition parties have repeatedly accused the ECI of inaction against ruling-party candidates who announce welfare schemes or distribute gifts during election periods, alleging that such actions constitute indirect vote-buying. In West Bengal, the Trinamool Congress filed a formal complaint against BJP leaders for announcing a cash transfer scheme—the 'Matrishakti Bhorsa Card' promising Rs 3,000 per month to women—during the active election period. In Kerala, the Opposition Leader accused both the BJP and CPM of distributing money, saris, and kits to influence voters, while also alleging the circulation of defamatory leaflets. In Karnataka, the Congress government clashed with the ECI after the Commission sought details on welfare scheme payments during bypolls, with Chief Minister Siddaramaiah accusing the poll body of "discriminatory" and "biased" conduct.

These episodes underscore a fundamental tension at the heart of this study: the ECI is simultaneously expected to be a neutral arbiter, a proactive enforcer, a technological innovator, and a trusted institution. Yet, its effectiveness is constrained by legal ambiguities (what constitutes a "bribe" versus legitimate welfare?), technological asymmetries (disinformation spreads faster than it can be removed), and political pressures (its actions are invariably scrutinized through partisan lenses).

This study, therefore, poses several critical questions: How effective have the ECI's technological reforms—particularly ECINET and webcasting—been in enhancing transparency and curbing

malpractices? What are the strengths and limitations of the regulatory framework governing AI-generated disinformation? How does the ECI navigate the fine line between regulating money power and interfering in legitimate governance? And, ultimately, does the public trust the ECI as an impartial guarantor of electoral integrity?

By examining these questions through the lens of recent cases, policy documents, and legal frameworks, this study aims to provide a comprehensive assessment of the Election Commission's role in an era where technology, transparency, and trust are inextricably intertwined.

2. Keywords

Election Commission of India, money power, disinformation, deepfakes, electoral integrity, ECINET, Model Code of Conduct, political financing, artificial intelligence, transparency, voter trust, electoral bonds, campaign finance, misinformation, synthetic media, IT Act, safe harbour, welfare schemes, electoral manipulation, institutional reform, VVPAT, webcasting, social media regulation, election law, Representation of the People Act, 1951, free and fair elections, democratic governance, political corruption, cash-for-votes, paid news, algorithm accountability, platform regulation, fact-checking, media literacy, electoral roll purification, stakeholder engagement.

3. Introduction

The health of a democracy is measured not merely by the frequency of elections but by their quality—the extent to which they reflect the genuine, informed will of the people, free from distortion by money, misinformation, or manipulation. In India, the world's largest democracy, this ideal is perpetually tested by two formidable adversaries: the immense financial resources deployed by political parties and candidates, and the increasingly sophisticated ecosystem of disinformation that thrives on digital platforms.

3.1 The Problem of Money Power

The influence of money in Indian elections is neither new nor uniquely Indian. However, its scale and manifestations have evolved dramatically. From the direct distribution of cash, liquor, and gifts to voters on polling day—a practice that persists despite legal prohibitions—to the more sophisticated channeling of funds through electoral bonds (now subject to Supreme Court scrutiny), corporate donations, and opaque funding mechanisms, money power distorts the electoral playing field. Wealthier candidates and parties can outspend their rivals on campaign advertising, voter outreach, and even inducements, effectively silencing less affluent competitors.

The challenge for the ECI is compounded by the difficulty of distinguishing between legitimate welfare governance and illicit vote-buying. When a state government announces a cash transfer scheme or distributes free kits during an election period, is it discharging its constitutional duties or attempting to influence voters? The answer is rarely clear-cut, and the ECI's interventions are invariably met with accusations of bias from the affected party.

The Model Code of Conduct (MCC), a set of guidelines agreed upon by political parties, prohibits the announcement of new welfare schemes or the distribution of gifts once elections are announced.

However, enforcement is inconsistent, and parties have become adept at timing announcements just before the MCC comes into effect or framing them as "continuing" rather than "new" schemes.

3.2 The Problem of Disinformation and Deepfakes

If money power is an old problem in new clothing, disinformation in the age of artificial intelligence is an entirely new beast. The election cycle demonstrated, with alarming clarity, the capacity of deepfakes—AI-generated videos, audio, and images that realistically impersonate individuals—to destabilize democratic processes.

Synthetic videos of political leaders making statements they never uttered, fabricated speeches designed to inflame communal tensions, and AI-generated content impersonating election officials have circulated widely on social media platforms. The temporal asymmetry is particularly dangerous: deepfakes can be created and disseminated within minutes, reaching millions before fact-checkers can verify or platforms can remove them. By the time a takedown order is issued, the damage to electoral integrity—in the form of manipulated voter perceptions, polarized communities, and eroded trust—is often irreversible.

Recognizing this threat, the Indian government, in October 2020, released draft amendments to the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, introducing a new category of "Synthetically Generated Information". The proposed regulations require such content to carry a permanent watermark or metadata revealing its artificial origin. They also impose obligations on intermediaries to ensure user disclosure at the time of upload and to maintain verifiable compliance records.

The Delhi High Court, on October 28, 2020, further provided legal force to this regulatory intent by holding that intermediaries who fail to watermark AI-generated content may lose the safe harbour protection of Section 79 of the IT Act—a significant departure from the traditional notice-based liability regime established in *Shreya Singhal v. Union of India*.

3.3 The ECI's Response: Technology as a Double-Edged Sword

In response to these challenges, the Election Commission has embarked on an ambitious program of technological modernization. The launch of ECINET—a unified digital platform integrating over 40 existing applications—represents a paradigm shift in how electoral data is accessed, managed, and monitored. The platform promises real-time voter turnout updates, digital index cards at the constituency level, a centralized grievance redressal mechanism (cVIGIL), and simplified access for election officials, political parties, and citizens alike.

Simultaneously, the ECI has mandated 100% webcasting at polling stations, allowing real-time remote monitoring of polling activities to detect and deter malpractices. It has also introduced SOPs for checking EVM microcontrollers in 5% of machines after results are declared, in an effort to address lingering concerns about EVM tampering.

On the disinformation front, the ECI has issued stringent guidelines for the 2020 elections, requiring all stakeholders to ensure "responsible and ethical use of social media and digital platforms." Political parties and candidates have been instructed to clearly label AI-generated content as "AI-Generated,"

"Digitally Enhanced," or "Synthetic Content," along with disclosure of its source. The Commission has also established a three-hour takedown protocol for unlawful or misleading content flagged to platforms.

3.4 The Trust Deficit

Despite these initiatives, the ECI faces a persistent trust deficit. Opposition parties routinely accuse the Commission of acting at the behest of the ruling party, citing instances of selective enforcement, delayed action on complaints, and a perceived reluctance to crack down on ruling-party candidates. The allegations of voter roll manipulation, duplication of EPIC numbers, and fudged voter turnout data have further eroded confidence in the electoral process.

This study is situated at this critical juncture, where technological ambition meets political skepticism, and where regulatory innovation contends with constitutional constraints.

4. Definitions of Key Terms

4.1 Election Commission of India (ECI)

A constitutional body established under Article 324 of the Constitution of India, vested with the superintendence, direction, and control of the preparation of electoral rolls and the conduct of elections to Parliament, state legislatures, and the offices of the President and Vice-President. The ECI currently comprises a Chief Election Commissioner and two Election Commissioners.

4.2 Money Power

In the electoral context, money power refers to the use of financial resources by political parties, candidates, or their proxies to gain an unfair advantage over opponents. This includes direct vote-buying (cash, liquor, gifts distributed to voters), indirect inducements (welfare scheme announcements during election periods), excessive campaign expenditure beyond statutory limits, and opaque political financing through instruments such as electoral bonds.

4.3 Disinformation

False information that is deliberately created and disseminated with the intention to deceive or cause harm. Disinformation is distinguished from misinformation (false information shared without harmful intent) by the presence of malicious intent. In electoral contexts, disinformation aims to manipulate voter perceptions, suppress turnout, polarize communities, or delegitimize electoral outcomes.

4.4 Deepfakes / Synthetic Media

AI-generated or AI-manipulated content—including videos, audio recordings, images, or text—that realistically portrays individuals saying or doing things they never said or did. Deepfakes leverage generative AI technologies, including deep learning algorithms and generative adversarial networks (GANs), to create highly convincing but entirely fabricated content.

4.5 Model Code of Conduct (MCC)

A set of guidelines issued by the ECI that regulates the conduct of political parties and candidates from the announcement of elections until the declaration of results. The MCC covers aspects such as general

conduct, meetings, processions, polling day activities, and the functioning of the ruling party in power. While not legally enforceable through criminal sanctions, the MCC carries moral and political authority, and its violation can lead to ECI warnings, candidate disqualification, or repolling.

4.6 ECINET

A unified digital platform launched by the ECI in 2020, integrating over 40 existing mobile and web applications—including the Voter Helpline app, Voter Turnout app, cVIGIL, Suvidha 2.0, ESMS, Saksham, and the KYC app—into a single interface. ECINET serves as a one-stop portal for electors, election officials, political parties, and other stakeholders to access electoral data, file complaints, track voter turnout, and manage electoral processes.

4.7 Electoral Bonds

Interest-bearing financial instruments introduced in 2018 that allowed individuals and corporations to donate money to political parties anonymously. The scheme was struck down by the Supreme Court in 2020 as unconstitutional for violating the right to information under Article 19(1)(a) by enabling anonymous political funding. The Court ordered the State Bank of India to disclose all electoral bond numbers and transaction details to the ECI.

4.8 Safe Harbour (Section 79, IT Act)

A legal protection afforded to intermediaries (such as social media platforms) under Section 79 of the Information Technology Act, 2000, which shields them from liability for third-party content hosted on their platforms, provided they adhere to due diligence requirements, including expeditious removal of unlawful content upon receiving actual knowledge or notification. The Delhi High Court, in October 2020, held that failure to watermark AI-generated content may result in the loss of this safe harbour protection.

4.9 VVPAT (Voter Verifiable Paper Audit Trail)

An independent verification system attached to Electronic Voting Machines (EVMs) that allows voters to verify that their vote has been cast as intended by displaying a paper slip showing the candidate and symbol selected. The paper slips are stored in a sealed box and can be used for manual verification in case of disputes or recounts.

4.10 Webcasting

The real-time transmission of video footage from polling stations to remote monitoring centers. The ECI has mandated 100% webcasting at polling stations for the 2020 elections, enabling officials to monitor polling activities, detect malpractices, and ensure compliance with MCC provisions.

5. Need for the Study

The imperative for this study arises from the convergence of several critical factors that underscore the urgency of evaluating the ECI's role in curbing money power and disinformation:

5.1 Escalating Scale of the Problem

The 2020 election cycle has witnessed an unprecedented volume of complaints related to money power and disinformation. Between March 15 and April 19, 2020, the ECI received over 323,099 complaints via the cVIGIL module on ECINET, of which 96.01% were resolved within the mandated 100-minute window. Over 11,000 social media posts and URLs have been flagged for action, with measures including content takedowns and FIR registrations. These numbers, while demonstrating the ECI's responsiveness, also indicate the sheer scale of the challenge.

5.2 Technological Asymmetry

The speed with which deepfakes can be created and disseminated creates an inherent asymmetry between malicious actors and regulatory institutions. While deepfakes can reach millions within minutes, takedown orders can take hours or days. By the time action is taken, the harm—in the form of manipulated voter perceptions, undermined trust, and polarized communities—has often already occurred(citation:5). This asymmetry demands innovative regulatory approaches, which this study seeks to evaluate.

5.3 Legal Ambiguities and Enforcement Gaps

The legal framework governing electoral malpractices is riddled with ambiguities. What constitutes a "bribe" versus a legitimate welfare scheme? How can intent to influence voters be proven? What standards should govern the labeling of AI-generated content? These ambiguities create enforcement gaps that parties exploit. The recent Supreme Court ruling that "minor lapses in disclosing income or assets should not automatically void election results unless they significantly impact the outcome" further complicates enforcement.

5.4 Persistent Allegations of Institutional Bias

The ECI's legitimacy rests on public perception of its impartiality. Yet, allegations of bias have become routine, with opposition parties accusing the Commission of selective enforcement in favor of the ruling party. The Congress government in Karnataka accused the ECI of "discriminatory" conduct for scrutinizing its welfare schemes while ignoring similar schemes in Maharashtra and Bihar. Such allegations, whether substantiated or not, corrode public trust in the electoral process.

5.5 The Constitutional Tightrope

The ECI's regulatory interventions must navigate constitutional constraints, particularly fundamental rights under Article 19(1)(a) (freedom of speech and expression). The proposed mandatory watermarking of AI-generated content, while aimed at transparency, raises concerns about compelled speech and prior restraint. The Delhi High Court's ruling linking safe harbour protection to watermarking represents a significant departure from established intermediary liability principles and may face constitutional challenges(citation:5). This study evaluates whether such measures satisfy the proportionality test articulated in *Modern Dental College and Research Centre v. State of Madhya Pradesh*.

5.6 The Gap Between Reform and Reality

The ECI has announced 28 major reforms over six months, including the launch of ECINET, mandatory webcasting, real-time turnout updates, and digital index cards. However, the gap between policy

announcement and effective implementation remains significant. This study evaluates whether these technological initiatives have translated into tangible improvements in electoral integrity, transparency, and public trust.

6. Aims and Objectives

6.1 Aim

The primary aim of this study is to comprehensively evaluate the effectiveness of the Election Commission of India's institutional, technological, and regulatory interventions in curbing the influence of money power and disinformation on electoral integrity, and to propose evidence-based recommendations for strengthening the Commission's role in an era of rapid technological change.

6.2 Objectives

1. **To analyze the evolution of the ECI's regulatory framework** governing campaign finance, welfare scheme announcements, and the Model Code of Conduct, identifying key legal provisions, judicial interpretations, and enforcement mechanisms.
2. **To evaluate the effectiveness of the ECI's technological initiatives**—including ECINET, 100% webcasting, real-time turnout updates, and VVPAT verification—in enhancing transparency, detecting malpractices, and building voter confidence.
3. **To examine the ECI's response to AI-generated disinformation and deepfakes**, analyzing the legal and policy frameworks governing synthetic media, including the proposed IT Rules amendments and the Delhi High Court's October 2020 ruling on safe harbour loss.
4. **To investigate the implementation and enforcement of the Model Code of Conduct** with respect to money power, examining recent cases of welfare scheme announcements, gift distribution, and cash-for-vote allegations.
5. **To assess public perception and political party trust** in the ECI's impartiality and effectiveness, drawing upon patterns of complaints, allegations of bias, and institutional responses.
6. **To identify constitutional and practical constraints** on the ECI's regulatory authority, including freedom of speech considerations, federalism concerns, and resource limitations.
7. **To develop actionable recommendations** for strengthening the ECI's role in curbing money power and disinformation, including legal reforms, technological enhancements, capacity-building measures, and public engagement strategies.

7. Hypotheses

Based on the theoretical framework and empirical observations informing this study, the following hypotheses are proposed for investigation:

H1: The ECI's technological initiatives—particularly ECINET and 100% webcasting—have significantly enhanced the speed and efficiency of complaint resolution, as evidenced by the 96% resolution rate of cVIGIL complaints within 100 minutes, but have not fully addressed the underlying structural drivers of money power and disinformation.

H2: The regulatory framework governing AI-generated disinformation, including mandatory labeling and three-hour takedown protocols, faces significant implementation challenges due to technological limitations (watermarking unreliability, detection difficulties), resource constraints, and the inherent speed asymmetry between content creation and removal.

H3: The ECI's enforcement of the Model Code of Conduct with respect to welfare scheme announcements is inconsistent, with interventions more likely in states where the ruling party at the center is not in power, contributing to perceptions of institutional bias.

H4: The lack of clear legal definitions distinguishing legitimate welfare governance from prohibited vote-buying creates significant enforcement ambiguity, leading to both under-enforcement (genuine violations going unpunished) and overreach (legitimate governance being scrutinized).

H5: The Delhi High Court's ruling on safe harbour loss for failure to watermark AI-generated content, while intended to promote transparency, may face constitutional challenges under Article 19(1)(a) for violating proportionality standards, as the linkage between immunity and near-perfect technological compliance may be overbroad.

H6: Political party trust in the ECI varies significantly based on whether the party is in power at the national level or in the state where the alleged violation occurs, with ruling parties generally expressing greater confidence in the Commission's impartiality.

H7: Public awareness of the ECI's technological initiatives, particularly ECINET and cVIGIL, remains limited despite significant downloads, constraining the platform's potential for citizen-driven electoral oversight.

8. Literature Search Strategy

The literature for this study was identified through a systematic search strategy designed to ensure comprehensive coverage of relevant scholarship across multiple disciplines, including election law, political science, communication studies, computer science (AI governance), and public administration.

8.1 Databases and Search Engines

Legal Databases: Manupatra, SCC Online, Westlaw India, LexisNexis, HeinOnline
Academic Databases: Scopus, Web of Science, Google Scholar, JSTOR, JSTOR India, Taylor & Francis
Social Science Databases: ProQuest, EBSCOhost, SSRN
Government and Institutional Repositories: Election Commission of India (ECI) website, Press Information Bureau (PIB), Ministry of Law and Justice, Parliamentary Digital Library, PRS Legislative Research

News and Media Archives: The Hindu, The Indian Express, The Statesman, The Times of India, News18, The Week, OTV News

8.2 Search Terms and Keywords

Election Commission & Institutional Framework:

1. "Election Commission of India" OR "ECI" OR "Chief Election Commissioner"

2. "Model Code of Conduct" OR "MCC"
3. "electoral reforms India" OR "election administration India"

Money Power & Campaign Finance:

1. "money power Indian elections" OR "campaign finance India" OR "electoral bonds"
2. "vote buying India" OR "cash for votes"
3. "welfare schemes election commission" OR "MCC welfare announcements"

Disinformation & Deepfakes:

1. "election disinformation India" OR "fake news elections India"
2. "deepfakes Indian elections" OR "AI generated content elections"
3. "IT Act intermediary liability" OR "safe harbour Section 79"

Technology & Transparency:

1. "ECINET" OR "cVIGIL" OR "voter turnout app"
2. "EVM VVPAT India" OR "webcasting polling stations"
3. "electoral roll purification" OR "duplicate EPIC"

Legal & Constitutional:

1. "Article 324 Election Commission" OR "Representation of the People Act 1951"
2. "free speech elections India" OR "Article 19 election regulation"

8.3 Inclusion and Exclusion Criteria

Inclusion Criteria:

1. Peer-reviewed journal articles published from 2015 to 2020
2. Landmark Supreme Court and High Court judgments on election law
3. ECI orders, circulars, press releases, and annual reports
4. Government reports and parliamentary committee reports
5. Recent news reports (2020) documenting specific cases and ECI actions
6. Scholarly books and book chapters from reputable academic publishers

Exclusion Criteria:

1. Articles not available in English
2. Studies focused exclusively on non-Indian election systems without comparative relevance
3. Opinion pieces without legal or empirical analysis
4. Documents published before 2015 (except foundational legal texts and landmark cases)

8.4 Key Sources Identified

1. ECI Press Releases on 28 reforms (PIB, August 2020)
2. ECI directive on social media and AI content oversight (The Statesman, April 2020)
3. ECINET launch announcements (The Hindu, The Week, May 2020)
4. TMC complaint against BJP leaders (The Statesman, April 2020)
5. Opposition allegations in Kerala (Times of India, April 2020)
6. Karnataka Congress versus ECI over welfare schemes (News18, April 2020)
7. Legal analysis of deepfake regulation and safe harbour loss (CCAL Journal, March 2020)
8. Supreme Court rulings on electoral bonds and non-disclosure (LawChakra, October 2020)
9. Summary of ECI reforms (OTV News, August 2020)

9. Research Methodology

9.1 Research Design

This study adopts a mixed-method research design, integrating doctrinal legal analysis with case study examination and policy evaluation. This approach is appropriate given the study's dual focus on legal frameworks (which require interpretive analysis) and institutional effectiveness (which requires empirical and case-based assessment).

9.2 Data Sources

Primary Legal Sources:

1. Constitution of India (Article 324, Article 19)
2. Representation of the People Act, 1950 and 1951
3. Information Technology Act, 2000 (particularly Section 79)
4. Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2020 (including proposed 2020 amendments)
5. Election Commission of India orders, circulars, and press releases (2020)

Judicial Decisions:

1. *Shreya Singhal v. Union of India* (2015) 5 SCC 1 (constitutional validity of Section 66A)
2. *Association for Democratic Reforms v. Union of India* (2020) (electoral bonds)
3. *Modern Dental College and Research Centre v. State of Madhya Pradesh* (2016) (proportionality test)
4. Delhi High Court ruling on safe harbour loss for AI-generated content (October 28, 2020)

ECI Data and Reports:

1. Press Information Bureau releases on 28 initiatives (August 19, 2020)
2. ECINET launch documentation (May 2020)

3. ECI directive on social media and AI content (April 18, 2020)
4. cVIGIL complaint statistics (March 15 - April 19, 2020)

Case Studies:

1. TMC complaint against BJP leaders in West Bengal (April 2020)
2. Opposition allegations in Kerala (April 2020)
3. Karnataka Congress versus ECI on welfare schemes (April 2020)
4. Deepfake regulation and intermediary liability (October 2020)

Secondary Sources:

1. Peer-reviewed journal articles on election law and AI governance
2. News reports from reputable Indian publications
3. Academic commentary and legal analysis

9.3 Methods of Data Collection

Doctrinal Legal Analysis:

Systematic examination of constitutional provisions, statutory laws, judicial precedents, and ECI regulations to identify the legal framework governing money power and disinformation in elections. Particular attention is paid to interpretive ambiguities and enforcement mechanisms.

Case Study Analysis:

In-depth examination of recent (2020) instances of alleged MCC violations, AI-generated disinformation, and ECI interventions. Case studies are selected based on their representativeness, legal significance, and media visibility.

Policy Evaluation:

Analysis of ECI initiatives—including ECINET, webcasting mandates, and AI content guidelines—against criteria of effectiveness (do they achieve stated objectives?), efficiency (are resources optimally utilized?), equity (are all stakeholders treated fairly?), and legitimacy (do they enjoy public and political acceptance?).

Document Analysis:

Review of ECI press releases, circulars, orders, and public communications to understand the Commission's rationale, legal reasoning, and enforcement approach.

9.4 Data Analysis Techniques

Qualitative Analysis:

1. Thematic analysis of legal texts and ECI communications
2. Content analysis of complaint patterns and ECI responses
3. Comparative case study analysis across states and political parties

Quantitative Analysis:

1. Descriptive statistical analysis of complaint data (cVIGIL filings, resolution rates)
2. Trend analysis of social media takedowns and FIR registrations
3. Analysis of EVM verification data and VVPAT counts

9.5 Ethical Considerations

This study relies on publicly available legal materials, government documents, news reports, and published data. No primary data collection from human subjects was undertaken. The study respects the confidentiality of individuals mentioned in complaints and legal proceedings, focusing on institutional patterns rather than personal attributions.

9.6 Limitations

The study acknowledges several limitations: (1) reliance on publicly available data limits access to internal ECI deliberations and enforcement justifications; (2) the rapidly evolving legal and technological landscape requires continuous updating; (3) case study analysis may not capture the full range of ECI interventions; (4) public perception data is limited to indirect indicators (complaint volumes, media coverage) rather than direct surveys; (5) the study focuses on national patterns and may not fully capture state-level variations in ECI enforcement.

10. Strong Points of the Study

This study possesses several methodological and substantive strengths that enhance its contribution to the field:

10.1 Contemporary and Timely Focus

The study examines the most recent election cycle (2020) and contemporaneous developments, including the ECI's 28 reforms announced in August 2020, the ECINET launch, the October 2020 Delhi High Court ruling on safe harbour loss, and the April 2020 ECI directive on AI content. This timeliness ensures policy relevance and practical utility.

10.2 Interdisciplinary Integration

By bridging election law, political science, communication studies, and AI governance, the study offers a holistic understanding of the challenges facing the ECI. This interdisciplinary approach enables the identification of connections between legal frameworks, technological tools, and institutional behavior that would be invisible from a single-discipline perspective.

10.3 Use of Official Data and Primary Sources

The study draws extensively on official ECI data, including complaint statistics (323,099 complaints, 96.01% resolution rate), social media takedown numbers (11,000+ posts flagged), and reform documentation. This reliance on authoritative sources enhances the credibility and accuracy of findings.

10.4 Inclusion of Recent Case Studies

The study examines concrete, recent instances of electoral controversies—the TMC complaint in West Bengal, opposition allegations in Kerala, and the Karnataka Congress-ECI clash—providing empirical grounding for legal and policy analysis.

10.5 Legal Depth and Constitutional Analysis

The study provides rigorous analysis of constitutional provisions (Article 324, Article 19), statutory frameworks (RP Act, IT Act), and judicial precedents, including engagement with proportionality standards and safe harbour doctrine.

10.6 Focus on Emerging Challenges (Deepfakes)

The study dedicates significant attention to AI-generated disinformation and deepfakes—an emerging threat that has received limited scholarly attention in the Indian context. The analysis of the proposed IT Rules amendments and the Delhi High Court ruling on safe harbour loss is cutting-edge.

10.7 Balanced Assessment

The study critically evaluates both successes (96% complaint resolution rate, technological innovation) and failures (enforcement inconsistency, trust deficit, constitutional concerns), avoiding either celebratory or dismissive approaches.

10.8 Actionable Recommendations

The study's findings translate directly into actionable recommendations for legal reform, technological enhancement, institutional capacity building, and public engagement.

11. Weak Points of the Study

The study also acknowledges certain limitations and constraints:

11.1 Limited Access to Internal ECI Data

The study relies on publicly disclosed ECI data. Access to internal enforcement records, rationale for decisions in specific cases, and performance metrics not published would enable more granular analysis of decision-making patterns and potential biases.

11.2 Absence of Primary Public Perception Data

While the study analyzes complaint volumes and media coverage as indirect indicators of public perception, it does not include primary survey data on voter trust in the ECI, awareness of ECINET, or experiences with electoral malpractices. Such data would strengthen the analysis of the "trust" dimension.

11.3 Rapidly Evolving Legal Landscape

The legal framework governing AI-generated content and intermediary liability is in flux. The proposed IT Rules amendments are yet to be finalized. The Delhi High Court ruling on safe harbour loss may be appealed to the Supreme Court. Findings may require updating as the law develops.

11.4 Case Study Selection Bias

The case studies examined—West Bengal, Kerala, Karnataka—may not fully represent the range of ECI interventions across all states and union territories. Patterns in other regions or in local body elections may differ.

11.5 Focus on the ECI, Excluding Other Actors

The study focuses on the ECI as the primary regulator. However, curbing money power and disinformation also involves courts (judicial review), law enforcement (prosecution of violations), social media platforms (content moderation), and civil society (monitoring). The study's exclusive focus on the ECI may overlook the roles and constraints of other actors.

11.6 Limited Comparative Dimension

While the study mentions the EU AI Act briefly, it does not undertake a systematic comparative analysis of how other election management bodies address money power and disinformation. Such comparison would enrich the evaluation of the ECI's approach.

11.7 Difficulty of Measuring Effectiveness

Measuring the effectiveness of regulatory interventions is inherently challenging. Complaint resolution rates do not capture deterrence effects (potential violations that did not occur). Takedown numbers do not capture undetected or unreported deepfakes. The study acknowledges these measurement limitations.

12. Current Trends in Electoral Regulation and Disinformation Governance

Understanding contemporary developments is essential for contextualizing the ECI's role and identifying emerging opportunities and challenges:

12.1 The ECINET Revolution: Consolidation and Accessibility

The launch of ECINET represents a paradigm shift in how electoral data is accessed and managed. By integrating over 40 existing applications into a unified platform, the ECI has addressed a long-standing complaint: the fragmentation and inaccessibility of electoral information. ECINET offers a single login, a unified interface, and simplified access to voter registration, turnout data, complaint filing (cVIGIL), candidate information, and election schedules.

The platform has been developed after an extensive consultative process involving 36 Chief Electoral Officers, 767 District Election Officers, and 4,123 Electoral Registration Officers, and after reviewing 76 publications comprising 9,000 pages of the electoral framework. This bottom-up design process enhances usability and stakeholder buy-in.

Key features include:

1. **Real-time voter turnout updates:** Presiding Officers upload turnout data every two hours, reducing time lag in reporting
2. **Digital Index Cards:** Constituency-level election data accessible to all stakeholders
3. **cVIGIL integration:** Citizens can report MCC violations with geo-tagged photos/videos, with a mandated 100-minute resolution window

4. **Suvidha 2.0:** Candidates can obtain permissions for rallies and processions digitally

12.2 AI and Deepfake Regulation: The Proactive Turn

The October 2020 developments—the Draft IT Rules amendment and the Delhi High Court ruling—represent a significant departure from India's traditional reactive approach to online content regulation.

The Draft IT Rules Amendment (October 22, 2020):

1. Creates a new category of "Synthetically Generated Information" encompassing AI-generated or AI-altered content (audio, visual, composite media)
2. Requires permanent watermarking or metadata revealing artificial origin
3. Imposes obligations on intermediaries to ensure user disclosure at upload and maintain compliance records

The Delhi High Court Ruling (October 28, 2020):

1. Held that intermediaries failing to watermark AI-generated content may lose safe harbour protection under Section 79 of the IT Act
2. Significantly departs from the notice-based liability regime established in *Shreya Singhal*
3. Transforms intermediaries from reactive (responding to flagged content) to proactive (identifying and labeling synthetic content) actors

Constitutional Concerns:

The shift raises potential Article 19(1)(a) violations (compelled speech, prior restraint). Under the proportionality test from *Modern Dental College*, the State must demonstrate that restrictions on speech are necessary, effective, and not excessive. Critics argue that mandatory watermarking for all synthetic content—including harmless or artistic material—may be overbroad. Similarly, conditioning safe harbour on near-perfect technological compliance (watermarking and detection tools remain experimental and unreliable) may be disproportionate.

12.3 The ECI's April 2020 AI Guidelines

Building on these developments, the ECI issued stringent guidelines for the 2020 elections:

1. **Mandatory labeling:** Political parties, candidates, and their representatives must label AI-generated content as "AI-Generated," "Digitally Enhanced," or "Synthetic Content," with source disclosure
2. **Three-hour takedown protocol:** Unlawful or misleading AI-generated content must be addressed within three hours of being flagged to platforms
3. **Monitoring infrastructure:** State IT Nodal Officers track and act on MCC violations, misinformation about polling processes, and content risking law and order
4. **48-hour silence period prohibition:** Section 126 of the RP Act bans election-related content during the 48 hours before polling concludes, applicable to all media platforms including social media

12.4 Electoral Roll Purification and EVM Transparency

The ECI has undertaken significant efforts to address long-standing concerns about electoral roll integrity and EVM reliability:

1. **Delisting of inactive RUPPs:** 476 inactive Registered Unrecognised Political Parties identified for delisting; 334 already removed
2. **Duplicate EPIC elimination:** Nationwide elimination of duplicate elector photo identity card numbers
3. **Death registration linkage:** Automatic updates to voter rolls based on death registration data
4. **EVM microcontroller verification:** SOPs issued for checking burnt memory/microcontroller in 5% of EVMs after declaration of results
5. **Mandatory VVPAT count for mismatches:** VVPAT slip counting in every case of mismatch between Form 17C and EVM data, and wherever mock poll data was not erased erroneously

12.5 Model Code of Conduct Enforcement: The Welfare Scheme Controversy

A persistent trend in the 2020 elections has been the tension between welfare governance and electoral manipulation:

Case 1: West Bengal - 'Matrishakti Bhorsa Card'

The TMC complained to the ECI that BJP leaders Suwendu Adhikari and Smriti Irani announced a scheme promising Rs 3,000 per month to women during the active election period, alleging it was "not a routine welfare outreach but a calculated electoral strategy" with "manifest intent of influencing voters".

Case 2: Kerala - Cash, Kits, and Defamatory Leaflets

Opposition leader V D Satheesan accused both BJP and CPM of distributing money, saris, and kits to influence voters. He also cited an incident in Adoor where LDF distributed leaflets falsely labeling the UDF candidate as a murder accused.

Case 3: Karnataka - Welfare Scheme Payments Under Scrutiny

The ECI sought details on funds released under guarantee schemes during bypolls. The Congress government accused the BJP of writing to the ECI to halt payments, with CM Siddaramaiah calling the ECI's approach "suspicious and discriminatory" and alleging double standards (similar schemes in Maharashtra and Bihar not scrutinized).

12.6 International Engagement and Capacity Building

The ECI has also focused on international cooperation and internal capacity building:

1. **IDEA Stockholm Conference (June 2020):** CEC Gyanesh Kumar held bilateral meetings with heads of various Election Management Bodies to strengthen India's partnerships in election management
2. **Training initiatives:** Over 7,000 BLOs and supervisors trained at IIIDEM; training for Booth Level Agents conducted in Bihar, Tamil Nadu, and Puducherry

3. **Remuneration enhancements:** Increased remuneration for BLOs, supervisors, polling staff; first-time honorariums for EROs and AEROs

13. History of Election Regulation in India

The historical trajectory of election regulation in India reveals the evolving relationship between institutional design, technological innovation, and democratic practice.

13.1 The Constitutional Foundation (1950-1970s)

The Election Commission was established under Article 324 of the Constitution as an independent constitutional authority. Initially, the ECI's role was primarily administrative—preparing electoral rolls, conducting polls, and declaring results. The Representation of the People Act, 1950 and 1951 provided the statutory framework for voter registration, candidate qualification, and electoral offenses.

During this period, the Model Code of Conduct emerged not as a statutory instrument but as a consensus-based set of guidelines agreed upon by political parties to ensure fair play. Its moral and political authority, rather than legal enforceability, became its hallmark.

13.2 The Era of Judicial Activism (1980s-1990s)

The 1980s and 1990s witnessed significant judicial expansion of the ECI's authority and electoral jurisprudence:

1. **Landmark judgments** established that elections must be conducted in accordance with the "purest and most impeccable" standards
2. The Supreme Court expanded the grounds for disqualification, including corrupt practices, undue influence, and bribery
3. The ECI's authority to postpone or countermand elections in cases of widespread malpractices was affirmed

13.3 The Technological Transformation (2000s-2010s)

The introduction of Electronic Voting Machines (EVMs) marked the beginning of the ECI's technological transformation. Initially piloted in the 1990s, EVMs were rolled out nationally in the 2000s. However, concerns about EVM tampering led to the introduction of Voter Verifiable Paper Audit Trail (VVPAT) systems, providing a paper backup for electronic votes.

This period also saw the ECI's increasing assertiveness in enforcing the MCC, including the use of suo motu powers to ban campaign rallies, remove officials, and even postpone elections in exceptional circumstances.

13.4 The Transparency and Disinformation Era (2020s-Present)

The current era is defined by two parallel developments:

Transparency Reforms:

1. Supreme Court's 2020 ruling striking down the electoral bonds scheme for enabling

anonymous political funding

2. ECI's initiatives to link death registers with voter rolls, eliminate duplicate EPICs, and delist inactive RUPPs

Disinformation Governance:

1. Recognition of deepfakes as a threat to electoral integrity
2. Development of regulatory frameworks for AI-generated content
3. Shift from reactive to proactive intermediary obligations

13.5 The 2020 Elections: A Stress Test

The 2020 general elections represent a stress test for the ECI, combining all previous challenges: money power in new forms (welfare schemes, indirect inducements), technological disinformation (AI-generated deepfakes), allegations of institutional bias, and the sheer scale of administering elections for nearly 100 crore electors.

14. Discussion

The findings from the analysis of legal frameworks, ECI initiatives, case studies, and regulatory developments reveal a complex picture of the ECI's role in curbing money power and disinformation. This section discusses key insights and their implications.

14.1 The ECINET Promise: Efficiency Versus Effectiveness

The launch of ECINET and the integration of 40+ applications represent a significant achievement in administrative consolidation. The reported resolution of 96.01% of cVIGIL complaints within 100 minutes is genuinely impressive. For the ordinary citizen who can now report an MCC violation with a few taps on their smartphone and receive near-real-time acknowledgment, the experience of electoral oversight has been transformed.

However, several caveats merit attention:

First, complaint resolution speed does not necessarily translate into deterrence. A complaint about a speech violating the MCC may be resolved by issuing a warning to the candidate, but the speech has already been delivered, potentially influencing voters. The harm, in other words, precedes the remedy.

Second, the digital divide remains significant. ECINET's benefits are disproportionately available to smartphone-owning, digitally literate citizens. Voters in remote rural areas, elderly citizens, and those without digital access remain reliant on traditional complaint channels with slower processing times.

Third, the sheer volume of complaints—323,099 in just over a month—indicates both heightened citizen engagement and the scale of the underlying problem. The ECI's ability to maintain resolution quality as complaint volumes grow remains to be tested.

14.2 The AI Deepfake Challenge: Proactive Regulation and Its Discontents

The October 2020 shift from reactive to proactive intermediary liability represents one of the most significant developments in Indian internet governance. The Delhi High Court's ruling that failure to watermark AI-generated content may result in safe harbour loss transforms social media platforms from neutral conduits to active gatekeepers.

This shift has undeniable democratic urgency. As the CCAL analysis notes, "democratic harm is often irreparable by the time a complaint is made or a takedown order has been issued". A deepfake of a political leader making inflammatory remarks can polarize communities and incite violence within hours; by the time it is removed, the damage is done.

However, the proactive approach raises significant constitutional concerns:

Proportionality: Under the test from *Modern Dental College*, restrictions on speech must be necessary, effective, and not excessive. Mandatory watermarking for all synthetic content—including harmless parodies, artistic works, or legitimate criticism—may be overbroad. The State must demonstrate that less restrictive alternatives (such as voluntary labeling with incentives, or penalizing only deliberately deceptive content) would be inadequate.

Technological Feasibility: Watermarking and AI-detection technologies remain experimental and unreliable. Watermarks can be stripped, edited, or degraded through compression. Detection systems have high false positive and false negative rates. Conditioning safe harbour on near-perfect compliance with imperfect technology may impose obligations that platforms cannot reasonably fulfill.

Forced Surveillance: Requiring intermediaries to proactively detect and label synthetic content may necessitate pre-screening or algorithmic scanning of all uploaded content, potentially reintroducing the kind of general surveillance that the Supreme Court rejected in *Shreya Singhal*.

The ECI's three-hour takedown protocol, while well-intentioned, faces similar challenges. Social media platforms operate at global scale, with content moderation teams distributed across time zones. A three-hour response time, particularly during weekends or overnight, may be operationally impossible for many platforms.

14.3 Money Power: The Welfare Scheme Conundrum

The cases from West Bengal, Kerala, and Karnataka highlight a fundamental ambiguity in the MCC: what distinguishes legitimate welfare governance from prohibited vote-buying?

The TMC's complaint argued that the 'Matrishakti Bhorsa Card' announcement was not "routine welfare outreach" but a "calculated electoral strategy" with "manifest intent of influencing voters". The Karnataka Congress, conversely, argued that its guarantee schemes were "not introduced during elections" but were "programmes implemented as part of promises made in the 2020 Assembly elections".

The ECI's approach appears to turn on several factors:

1. **Timing:** Announcements made after the election schedule is announced are treated with greater suspicion

2. **Continuity:** Ongoing schemes (payments already being made regularly) are distinguished from new scheme announcements
3. **Targeting:** Schemes targeting specific constituencies where elections are ongoing are viewed more skeptically

However, these distinctions are inherently contestable. A party in power can always argue that its welfare announcements are merely "continuing" existing governance. The ECI's perception of bias is exacerbated when its interventions appear asymmetrical. The Karnataka Congress's allegation that the ECI scrutinized its schemes while ignoring similar schemes in Maharashtra and Bihar—where the BJP is in power—illustrates the reputational cost of even-handed enforcement that is *perceived* as biased.

14.4 The Trust Deficit: Institutional Impartiality Under Siege

Perhaps the most concerning finding is the erosion of trust in the ECI's impartiality. Opposition parties routinely accuse the Commission of acting as an arm of the ruling party, citing:

1. Delayed or inadequate action on complaints against ruling-party candidates
2. Overly aggressive scrutiny of opposition-governed states' welfare schemes
3. Perceived reluctance to enforce MCC provisions against the ruling party
4. Allegations of voter roll manipulation and fudged turnout data

These allegations, whether substantiated or not, corrode the ECI's most valuable asset: public trust. An election commission that is not trusted by all political stakeholders cannot effectively fulfill its role as neutral arbiter.

The ECI's technological initiatives—particularly ECINET and cVIGIL—can help rebuild trust by making enforcement transparent and data-driven. When complaint resolution times and outcomes are publicly trackable, allegations of selective enforcement become harder to sustain. However, technology alone cannot resolve the underlying political contestation over the ECI's role.

14.5 The Capacity Gap: Resources, Training, and Scale

The ECI's responsibilities have expanded dramatically without commensurate increases in resources and capacity. Administering elections for nearly 100 crore electors across diverse geographical and social contexts is a logistical challenge of immense proportions. Adding regulatory responsibilities—monitoring social media content, verifying AI-generated material, adjudicating MCC complaints—stretches the Commission's capacity to its limits.

The training of over 7,000 BLOs and supervisors at IIIDEM is a positive step. However, the scale of the challenge is vast: over 10.5 lakh Booth Level Officers, nearly 45 lakh polling officials, and thousands of election officials require ongoing training on new technologies, evolving legal standards, and emerging threats like deepfakes.

15. Results

The analysis of legal frameworks, ECI initiatives, case studies, and regulatory developments yields the following key results:

15.1 ECINET and Digital Transformation

1. **Platform Consolidation:** ECINET successfully integrates over 40 existing applications, providing a single interface for electors, election officials, political parties, and other stakeholders
2. **Complaint Resolution Efficiency:** Between March 15 and April 19, 2020, 323,099 complaints were filed via cVIGIL; 96.01% were resolved within the mandated 100-minute window
3. **Social Media Enforcement:** Over 11,000 social media posts and URLs flagged for action; measures include content takedowns, FIR registrations, and clarifications/rebuttals
4. **User Base:** The legacy apps subsumed into ECINET had cumulatively over 5.5 crore downloads, indicating significant citizen engagement

15.2 AI and Deepfake Regulation

1. **Regulatory Shift:** Draft IT Rules amendment (October 22, 2020) introduces "Synthetically Generated Information" category with mandatory watermarking requirements
2. **Safe Harbour Restriction:** Delhi High Court (October 28, 2020) rules that failure to watermark AI content may result in loss of Section 79 safe harbour protection, departing from notice-based liability regime
3. **ECI Guidelines (April 2020):** Mandatory labeling of AI-generated campaign content; three-hour takedown protocol for unlawful content; 48-hour silence period prohibition extended to social media

15.3 Electoral Roll Purification and EVM Transparency

1. **RUPP Delisting:** 476 inactive Registered Unrecognised Political Parties identified for delisting; 334 removed in first phase
2. **Duplicate EPIC Elimination:** Nationwide elimination of duplicate elector photo identity card numbers
3. **EVM Verification:** SOPs issued for checking burnt memory/microcontroller in 5% of EVMs after results declaration
4. **VVPAT Mandate:** Mandatory VVPAT slip counting in every case of mismatch between Form 17C and EVM data, and wherever mock poll data not erased erroneously

15.4 Model Code of Conduct Enforcement

1. **Welfare Scheme Controversies:** Multiple complaints filed against ruling-party candidates for announcing or distributing welfare benefits during election periods (West Bengal, Kerala, Karnataka)
2. **Enforcement Asymmetry Allegations:** Opposition parties accuse ECI of selective enforcement; Karnataka Congress alleges double standards in scrutinizing welfare schemes
3. **Cash-for-Vote Cases:** Specific allegations of cash, sari, and kit distribution in Kerala

15.5 Institutional Capacity Building

1. **Training:** Over 7,000 BLOs and supervisors trained at IIIDEM
2. **Stakeholder Engagement:** 4,719 all-party meetings held nationwide, engaging more than 28,000 political representatives
3. **Remuneration:** Increased remuneration for BLOs, supervisors, polling staff; first-time honorariums for EROs and AEROs

15.6 Constitutional and Legal Challenges

1. **Article 19 Concerns:** Mandatory watermarking may violate free speech rights as compelled disclosure; proportionality of blanket requirement questioned
2. **Safe Harbour Doctrine:** Conditioning immunity on near-perfect technological compliance may be overbroad, given unreliability of current watermarking/detection tools
3. **MCC Legal Status:** MCC remains a consensus-based guideline with moral/political authority but limited legal enforceability, creating enforcement gaps

15.7 Public Trust Indicators

1. **Complaint Volumes:** High volume of complaints (323,099) suggests active citizen engagement but also widespread perception of violations
2. **Allegations of Bias:** Routine accusations of selective enforcement by opposition parties across multiple states
3. **Perception Gaps:** Trust in ECI varies significantly based on political affiliation and whether the complainant's party is in power

16. Conclusion

This study has undertaken a comprehensive evaluation of the Election Commission of India's role in curbing money power and disinformation in an era of rapid technological change. The findings reveal an institution in transition—simultaneously embracing technological innovation, navigating unprecedented regulatory challenges, and struggling to maintain public trust amid persistent allegations of bias.

The ECI's technological initiatives, particularly ECINET and the 100% webcasting mandate, represent significant achievements in administrative efficiency and transparency. The resolution of 96% of citizen complaints within 100 minutes is genuinely impressive and demonstrates the potential of technology-enabled oversight. However, efficiency does not equal deterrence, and the sheer volume of complaints (over 323,000 in just over a month) points to the scale of the underlying problem.

The regulatory response to AI-generated disinformation and deepfakes marks a watershed moment in Indian internet governance. The October 2020 shift from reactive to proactive intermediary liability—through mandatory watermarking and potential safe harbour loss—has undeniable democratic urgency in an era where deepfakes can polarize communities and incite violence within hours. Yet, this proactive turn raises significant constitutional concerns under Article 19(1)(a), particularly regarding proportionality, technological feasibility, and the risk of overbreadth. The Supreme Court's eventual ruling on these questions will shape the future of both electoral integrity and free speech online.

The persistent challenge of money power, particularly through welfare scheme announcements and indirect inducements, highlights fundamental ambiguities in the Model Code of Conduct. Distinguishing legitimate governance from prohibited vote-buying is inherently contestable, and the ECI's interventions are invariably viewed through partisan lenses. The perception of enforcement asymmetry—whether real or imagined—corrodes the Commission's most valuable asset: public trust.

Ultimately, the ECI cannot solve these challenges alone. Sustainable electoral integrity requires:

1. **Judicial clarity** on the constitutionality of proactive AI regulation
2. **Legislative reform** to strengthen the MCC's legal enforceability and clarify the distinction between governance and vote-buying
3. **Platform accountability** through transparent content moderation and expedited takedown mechanisms
4. **Public digital literacy** to enable citizens to identify and resist disinformation
5. **Political consensus** on the basic rules of electoral competition

The ECI has demonstrated commendable institutional responsiveness. Whether its technological and regulatory innovations will translate into enhanced electoral integrity and restored public trust remains to be seen. The 2020 elections will serve as a critical test.

17. Suggestions and Recommendations

Based on the findings and analysis, the following suggestions and recommendations are offered for the Election Commission of India, policymakers, courts, social media platforms, political parties, and civil society.

17.1 For the Election Commission of India

1. Strengthen the Evidentiary Basis for MCC Enforcement on Welfare Schemes

Develop clearer, publicly available guidelines distinguishing legitimate welfare governance from prohibited vote-buying. Factors should include: timing (whether announced after model code came into effect); targeting (whether limited to constituencies where elections are ongoing); novelty (whether a new scheme or continuation); and proportionality (value relative to existing welfare provisions). Publish reasoning for enforcement decisions to counter perceptions of bias.

2. Enhance Transparency in Enforcement Actions

Create a public dashboard tracking all MCC complaints, ECI decisions, and actions taken. Include data on complainant party, respondent party, nature of allegation, decision rendered (action taken/not taken), and time to resolution. Transparency will make allegations of selective enforcement empirically verifiable.

3. Invest in AI Detection and Verification Capabilities

Develop in-house AI content verification capabilities or partner with fact-checking organizations to expedite deepfake identification. The three-hour takedown protocol is only as effective as the ECI's ability to reliably identify synthetic content within that window.

4. Conduct Public Awareness Campaigns on ECINET and cVIGIL

Despite 5.5 crore downloads, a significant portion of the electorate remains unaware of ECINET's capabilities. Targeted campaigns—particularly in regional languages, rural areas, and among elderly voters—should emphasize how citizens can report violations, track resolution, and access electoral information.

5. Establish an Independent Oversight Mechanism for Complaints Against the ECI Itself

Allegations of bias against the ECI are themselves corrosive of trust. Establish an independent mechanism—perhaps a retired Supreme Court judge-led committee—to review complaints about the ECI's own conduct and recommend corrective action.

17.2 For Parliament and Lawmakers

1. Confer Statutory Status on the Model Code of Conduct

The MCC's current status as a consensus-based guideline with moral but limited legal authority creates enforcement gaps. Consider conferring statutory status, with clearly defined violations, graduated penalties, and due process protections. The Representation of the People Act could be amended to incorporate core MCC provisions.

2. Clarify the Distinction Between Governance and Vote-Buying

Amend the RP Act to provide clearer statutory guidance on what constitutes a corrupt practice in the context of welfare scheme announcements. Include safe harbors for ongoing schemes, routine governance, and de minimis benefits.

3. Enact Comprehensive AI and Deepfake Legislation

The IT Rules amendments are a useful start but may be challenged as ultra vires the parent Act. Parliament should consider comprehensive legislation specifically addressing AI-generated content in elections, including: mandatory disclosure requirements; expedited takedown procedures; criminal penalties for malicious deepfakes intended to influence elections; and safe harbors for platforms demonstrating reasonable diligence.

4. Strengthen Campaign Finance Transparency

Following the Supreme Court's striking down of electoral bonds, enact new legislation ensuring real-time disclosure of political donations above a modest threshold, with donor identities publicly available before elections.

17.3 For the Judiciary

1. Provide Clarified Guidance on Proactive AI Regulation

The Supreme Court should hear challenges to the Delhi High Court's safe harbour ruling and the IT Rules amendments expeditiously. The Court should articulate clear standards for: when proactive intermediary obligations are constitutionally permissible; what constitutes a proportionate response to deepfake threats; and what technological feasibility standards should apply.

2. Articulate Clear Standards for MCC Judicial Review

Establish clear standards for when courts will intervene in ECI MCC decisions. The recent ruling that

minor non-disclosures should not void elections is helpful, but more guidance is needed on welfare schemes, gift distribution, and indirect inducements.

17.4 For Social Media Platforms and Intermediaries

1. Develop and Publicly Disclose Deepfake Detection and Watermarking Capabilities

Invest in robust AI content detection systems. Disclose detection accuracy rates, false positive/negative rates, and response times. Develop watermarking protocols interoperable across platforms.

2. Establish 24/7 Election Integrity Teams

Designate dedicated teams for expedited review of ECI takedown requests during election periods. The three-hour protocol requires round-the-clock coverage across time zones.

3. Publish Transparency Reports on Election-Related Takedowns

Disclose the volume, nature, and disposition of ECI requests. Include data on which political parties' content was removed and for what violations.

17.5 For Political Parties

1. Self-Regulation on AI-Generated Content

Adopt voluntary codes of conduct committing to transparent labeling of synthetic content, even when not legally required. Build internal review mechanisms for campaign materials.

2. Refrain from Exploiting Enforcement Ambiguities

Avoid announcing new welfare schemes or distributing gifts during the period between election announcement and MCC coming into effect. Such actions, even if technically compliant, erode public trust.

3. Cooperate with ECI Fact-Checking and Takedown Requests

Designate authorized representatives to receive and act on ECI communications regarding content violations. Avoid frivolous complaints or counter-complaints designed to overwhelm the system.

17.6 For Civil Society and Citizens

1. Engage in Election Monitoring and Reporting

Utilize ECINET and cVIGIL to report MCC violations and suspicious content. Document and share evidence of money power and disinformation. Participate in voter awareness campaigns.

2. Build Digital Literacy Capacities

Develop and disseminate educational resources on identifying deepfakes, verifying information, and responsible social media use. Target vulnerable communities and first-time voters.

3. Advocate for Systemic Reforms

Continue advocating for campaign finance transparency, MCC statutory status, and balanced AI regulation. Hold the ECI, platforms, and political parties accountable for their commitments.

18. Future Scope of Research

This study identifies several avenues for future research that would advance understanding of electoral regulation, money power, disinformation, and institutional trust in India:

18.1 Empirical Studies of ECINET Effectiveness

While this study analyzed publicly available complaint data, comprehensive evaluation requires access to internal ECI data on complaint resolution times by type, party, region, and nature of violation. Researchers with appropriate clearances should conduct empirical studies of ECINET's impact on electoral integrity.

18.2 Public Perception Surveys on ECI Trust

Primary survey research is needed on voter trust in the ECI, awareness of ECINET, experiences with reporting violations, and perceptions of institutional bias. Longitudinal surveys could track trust indicators across election cycles.

18.3 Comparative Analysis of Election Management Bodies

Systematic comparison of how election management bodies in other democracies (South Africa, Brazil, Indonesia, United States) address money power and disinformation would situate the ECI's approach in global context. Identify transferable best practices.

18.4 Judicial Interpretation of AI Regulation

Track Supreme Court and High Court rulings on the constitutionality of mandatory watermarking, safe harbour restriction, and other AI governance measures. Analyze how courts balance electoral integrity with free speech concerns.

18.5 State-Level Variations in MCC Enforcement

Examine whether MCC enforcement varies systematically across states based on which party is in power at the center, which party governs the state, and the competitiveness of the election. Such research could empirically test allegations of bias.

18.6 The Economics of Electoral Manipulation

Research the costs and effectiveness of various forms of electoral manipulation (direct cash, gift distribution, welfare scheme announcements, disinformation campaigns) to inform proportionate and targeted regulatory responses.

18.7 Platform Accountability and Algorithmic Auditing

Investigate how social media algorithms amplify or suppress election-related content, and whether platform content moderation systems are adequate for the three-hour takedown protocol. Develop methodologies for auditing algorithmic amplification of disinformation.

18.8 Longitudinal Analysis of Voter Behavior

Examine whether exposure to deepfakes or other disinformation measurably changes voting behavior, and whether fact-checking or labeling interventions mitigate such effects.

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