

CASE COMMENT:
COMMON CAUSE VS. UNION OF INDIA,
2015(6) SCALE 302

***Anish Vohra, 4th Year, Symbiosis Law School, Noida**

***Mishika Bajpai, 4th Year, Symbiosis Law School, Noida**

ABSTRACT

This case comment scrutinizes the latest judgment of the Supreme Court on the issue of large scale advertising. The advertisements that were originally meant to educate the citizens about the new schemes of the government, citizen's rights, their entitlements, safety information, and public health related information among other things have deteriorated in their services. Lately there has been a sea change in the way these advertisements have been broadcasted and printed making their way to political propaganda. The content of such advertisement has not only depreciated but has also acted a direct antithesis to the main principle of a democratic functioning. The general public is not only deceived by such advertisements which only seek to develop personality cult and the image of political parties and candidates, but has also been refused to challenge the same. This also derogates the rule of fair elections when the same advertisements manipulate the voters' decision by reflecting the candidates' own political affiliation. Only recently, the Court realized the importance of curbing the issue considering the outrageous expenditure on such advertisements out of the tax payers' funds and the national exchequer. The comment discusses the issue with respect to the suggestions, accepted or rejected by the Court, whilst examining the precedents on the same issue. The broader context of the comment is to identify this case as an important commentary on the issue where the Legislature is yet to codify a law. Lastly, certain suggestions of the author's have been advanced in the last section of the paper.

Keywords: democracy, expenditure, fair election, guidelines, informative advertisements, political advertisements, political mileage, public funds.

METHODOLOGY

The method of study is doctrinal. During its doctrinal course the study has taken note of the latest developments and case law to study the trend through different literary sources available.

INTRODUCTION

This landmark judgment which is going to have large scale consequences for ruling and opposing party politicians, both at the center and the states, witnesses the bar on using pictures inter alia other restrictions in government advertisements by the Supreme Court of India.

The factual matrix of the present case is as follows –

Common Cause and Centre for Public Interest Litigation, two registered bodies, filed a Writ Petition 13 of 2013 under Article 32 of the Constitution restraining Union of India and all State Governments from misusing public funds on Government advertisements for gaining political mileage and projecting individual functionaries of the political parties. The material found before the Court was inadequate and for the purpose of evolving what would be the best practices keeping in view the prevailing scenario in other jurisdictions across the globe, this Court felt the necessity of constituting a Committee consisting of Prof. (Dr.) N.R. Madhava Menon, former Director, National Judicial Academy, Bhopal, Mr. T.K. Viswanathan, former Secretary General, Lok Sabha and Mr. Ranjit Kumar, Senior Advocate to go into the matter and submit a report to the Court. The Committee after thorough deliberation submitted a report suggesting a set of guidelines for the approval of the Court.

GOVERNMENT ADVERTISEMENT (CONTENT REGULATION) GUIDELINES 2014

The objects of these Guidelines are to prevent arbitrary use of public funds for meaningless political attention of the public parties without any attendant public interest. The need is not to belittle the Union or any State

Government and its agencies to disseminate information necessary for public to know on the policies and programmes of Government but only to exclude the possibility of any misuse of public funds on advertisement campaigns in order to gain political mileage by the political establishment. The apparent gap in the existing DAVP Guidelines which only dealt with the eligibility and empanelment of newspapers/journals or other media, their rates of payment, is sought to be regulated. The content of Government advertisements and all government activities has to satisfy the test of reasonableness and public interest, particularly those dealing with public funds and property. Well coordinated and effectively managed government messaging is also one of the motives of the guidelines, keeping in mind the best democratic traditions and is responsive to the diverse information needs of the public. The contents of the guidelines suggested by the Court appointed Committee are explained point wise for the sake of brevity, hereinbelow –

- a) Requirement of conformity to information relating to Government's constitutional and legal obligations and the rights and entitlements of citizens.
- b) Objective presentation of the materials contained in an advertisement bearing in mind the target audience.
- c) No mention the party in government by its name, no attack or influence the views or actions of other parties in opposition, no inclusion of any party symbol or logo, no reference link to the websites of political parties or politicians.
- d) No photographs except that of the President/ PM or Governor/ CM.
- e) Effective and Cost effecting advertising.
- f) Restriction on adverting activity on the eve of the elections.
- g) Appointment of an Ombudsman for hearing complaints and special performance audits.

The Union of India disagreed on the matter of –

- a) Restricted publication of photographs of the Government functionaries and political leaders etc.
- b) Appointment of an Ombudsman.
- c) Performance audit by each Ministry.
- d) Embargo on advertisements on the eve of the elections.

ISSUES OF LAW

1. Whether the guidelines recommended by the Committee should be accepted as operative and enforceable by the Court under Article 142 of the Constitution until an appropriate legislation in this regard is brought into effect by the Parliament?
2. Whether the politically motivated government advertisements in large scale advertising can be obviated by the given recommendations/guidelines?
3. Whether the fundamental rights of the citizens were being affected by the misuse of public funds into government advertisements?

ARGUMENTS

The contention taken up by the Petitioner duly premised on the undue political advantage and mileage in the garb of communicating with the people by personifying individuals. Such advertisements, it was alleged, caused huge wastage to public funds and gross misuse of governmental powers. These practices it was observed became even more rampant before the elections. The cumulative effect of such practice and advertising campaigns was the derogation of fundamental rights of a large section of the citizens as guaranteed by Article 14 and 21 of the Constitution as no immediate public interest is involved in such expenditure.

The Respondent contended that the issues pertained to governmental policies and executive decisions and therefore, it is not appropriate for the Court to lay down binding guidelines under Article 142. The respondent relied upon the cases of Reliance placed on *Manzoor Ali Khan & Anr. vs. Union of India & Ors.*¹, wherein Court refrained from interfering in the existence of guidelines framed by DVAP, Union of India and by Department of Information of States, being nodal agencies for releasing government advertisements. Secondly, the case of *Umesh Mohan Sethi vs. Union of India & Anr.*, was cited, wherein it was held that the Government has the discretion to spend money on individual cases as and when occasion arises. The proper place to criticize the action of the Government would be

¹ (2014) 7 SCC 321

the legislature and it is for the legislature to decide upon the propriety of the expenditure or otherwise.²

ANALYSIS

A. BLUR BETWEEN HONEST ADVERTISING AND POLITICALLY MOTIVATED MEDIA

It is true that the dividing line between permissible advertisements as part of government messaging and advertisements and “politically motivated”³ is intermittently blurred.⁴

There arises a need to distinguish between the advertisements that are part of government messaging and daily business and the ones that are politically motivated. The focus of the present case was to obviate the link between the media industry and political outcomes. The use of negative publicity triggers a ‘boomerang’ effect that counteracts the desired impact of informative advertising. It rather enhances political cynicism shrinking and polarizing the electorate.⁵ This is due to cognitive measures suggested by the potential importance of audiovisual indications in individuals’ processing of political advertising, pointing towards reflecting participants’ own political affiliation.⁶ Since there is no monitoring the press media advertising even on the eve of elections, a responsive chord is struck which in turn persuades and motivates the voters to particular candidates by appealing to their emotions. The recent decision of the Supreme Court of

² 20131AD(Delhi)53

³ Schenck-Hamlin, William J., Procter, David E., & Rumsey, Deborah J., ‘The influence of negative advertising frames on political cynicism and politician accountability’ (2000) *Human Communication Research*, 26(1), 53–74; Ansolabehere, Stephen & Iyengar, Shanto, ‘Going negative: How political advertisements shrink and polarize the electorate’ (1995) New York, The Free Press.

⁴ Brader, Ted., ‘Striking a responsive chord: How political ads motivate and persuade voters by appealing to emotions’ (2005) *American Journal of Political Science*, 49(2), 388–405; Shaw, Daron, ‘The effect of TV ads and candidate appearances on statewide presidential votes’ (1999) *American Political Science Review*, 93(2), 345–361.

⁵ Prat, A. ‘Campaign advertising and voter welfare’ (2002) *The Review of Economic Studies* 69(4), 999–1017

⁶ Glaser, Jack, & Salovey, Peter. ‘Affect in electoral politics’ (1998) *Personality and Social Psychology Review*, 2(3), 156–172.

India in *Common Cause vs. Union of India*⁷, case is particularly an important case because the court adopts the guidelines on the issue of large scale advertising. This holding draws an important and powerful policy regarding quality-sensitive advertisements against commercial advertising based on developing personality cults. It is therefore pertinent to focus only on information necessary for dissemination to the public about policies and programs i.e. readership-related revenue potential, rather than indulging their political patrons in creating electoral advantages. The case reaffirms the importance of public money and confidence that is mislaid, when they are swayed by political advertising with special interests and huge campaign expenses.⁸

B. SALIENT FEATURES OF THE GOVERNMENT ADVERTISEMENT (CONTENT REGULATION) GUIDELINES, 2014.

Holding that there has been a gross misuse of public funds on such advertisements, the three member committee headed by eminent academician Professor NR Madhava Menon has framed guidelines to regulate expenditure and contents of such advertisements paid out of tax payers' money. The social advertising best guidelines providing Content Regulating have been adopted from the Australian Guidelines⁹ divided into five broad guidelines. Under each of these broad heads, a specific regulatory parameter indicates the good practices which are proposed to be embodied in the Indian context. The first head requires conformity with the principle of pure dissemination of information namely media coverage on aspects of political accountability, government policy, government's constitutional and legal obligations and the corresponding rights and entitlements of citizens. Information should be beneficial to voters and theoretical insights are useful for interpreting the freedom of information laws that we observe in well-functioning democracies, as well as for understanding the possible impact of information from media on voter.¹⁰ Under the second head, the emphasis is upon the target audience, bearing

⁷ 2015(6) SCALE 302; ILR 2015 (2)Kerala569

⁸ Nesbitt-Larking, Paul W. 'Reframing campaigning: Communications, the media and elections in Canada' (2009) Canadian Political Science Review, 3(2), 5-22.

⁹ Interactive Advertising Bureau Australia (2013) Social Advertising Best Practice Guidelines, available at https://www.iabaaustralia.com.au/uploads/uploads/2013-09/1380474000_4e7b1ea67b2b9243ff4fb8a96b367455.pdf

¹⁰ Andrea Prat, 'The Wrong Kind of Transparency' (2005) American Economic Review 95(3): 862-877.

in minds the objective presentation of advertisements. Under the third head, the Guidelines state that advertisement materials must not: (a) mention or include the party in government by its name, party symbol or logo or refer or link to the websites (b) attack the views or actions of other parties in opposition, (c) aim to influence public support for a political party or a candidate for elections. It is also stated in the Guidelines that photographs of leaders should be avoided and only the photographs of the President/ Prime Minister or Governor/ Chief Minister shall be used for effective government messaging. Cost effective ad campaigns and measures cutting down avoidable expenses are the highlights of the fourth head. Restriction on the advertising activity on the eve of the elections, followed by the appointment of an Ombudsman to hear complaints of violation of the norms and to suggest amendments beside special performance audit by the concerned Ministries is also recommended. Moving forward with this regime, the necessary performance audits and the restrictions on the advertising pre-elections may be obliterated, provided the government advertisement strictly adheres to the other guidelines on principle.¹¹

C. ASCERTAINING THE VALIDITY OF ADOPTING GUIDELINES 2014 UNDER ARTICLE 142 BY THE COURT

Fiat justitia, ruat caelum. — Let justice be done, though the heavens may fall.

The guidelines have been adopted bearing in mind the plenary powers of the Supreme Court under Article 142 of the Constitution which are inherent in the Court. In the exercise of jurisdiction under Article 142 of the Constitution, where the field of law is open and uncovered by any government policy, to guide and control everyday governmental action¹², parameters can be laid down by this Court consistent with the objects enumerated by any of the provisions of Part IV.¹³ These powers exist

¹¹ *Common Cause*, *supra* note 5, ¶ 25

¹² *Shahid Balwa vs. Union of India & Ors.*, (2014) 2 SCC 687 (Court as the sentinel on the *qui vive*, has been invested with the powers which are elastic and flexible and in certain areas the rigidity in exercise of such powers is considered inappropriate.)

¹³ *Vishaka and others vs. State of Rajasthan and Ors.*, (1997) 6 SCC 241; *Vineet Narain and Ors. vs. Union of India and Anr.*, (1998) 1 SCC 226 (Framing guidelines does not always amount to judicial law making or breaching the perimeters of Court's jurisdiction, however, in order to do complete justice the court would be justified in framing such guidelines.)

independently of the statutes with a view to do complete justice between parties and to prevent injustice in the process of litigation.¹⁴ Therefore, it is most suitable that the court assumes this responsibility as the third organ of the State under Article 12 of the Constitution and draw upon whenever necessary, just and equitable to do so and in particular to ensure the observance of the due process of law. It is an indispensable adjunct to all other powers and is free from the restraint of jurisdiction and operates as a valuable weapon in the hands of the Supreme Court to prevent clogging or obstruction of the stream of justice.¹⁵ The Court clarified that it is not the intention of the Court to attempt to lay down infallible and all comprehensive directions to cover the issue at hand. The gaps, if any, we are confident would be filled up by the executive arm of the government itself inasmuch as the attainment of constitutional goals and values enshrined in Part IV of the Constitution is the conjoint.¹⁶ Therefore, such policy making is solely contributed towards the attainment of constitutional goals.

D. THE UNCALLED RELAXING OF SPECIAL AUDITS AND THE RAMPANT ADVERTISEMENTS BEFORE ELECTIONS

The guidelines suggested the appointment of an Ombudsman to hear complaints of violation of the norms and to suggest amendments thereto from time to time beside special performance audit by the concerned Ministries is also recommended.¹⁷ The court improvised on the recommendations to direct the government to appoint a three-member Ombudsman body of persons with “unimpeachable integrity”. Further, in case of non compliance or default on part of the ministry/department/agency, the regulatory bodies of print and electronic media will be within their powers to impose sanctions against such media groups acting against these Guidelines in seeking or obtaining government advertisements. The Union objected to this recommendation as well seeking cancellation of the direction with regard to separate performance audit of

¹⁴ Delhi Development Authority vs. Skipper Construction Co. (P.) Ltd., (1996) 4 SCC 622 (observed that it is advisable to leave this power undefined and uncatalogued, so that it remains elastic enough, to be moulded to suit the given situation.)

¹⁵ Supreme Court Bar Association vs. Union of India and Anr., 1998 (4) SCC 409

¹⁶ *Common Cause*, *supra* note 5, ¶ 29.

¹⁷ *Common Cause*, *supra* note 5, ¶¶ 6, 12, 25.

each Ministry and publication of the result of such audit.¹⁸ The Union defended its stand on the premise that the Government had inbuilt machinery for redress and for audit purposes. It was reiterated that it was the prerogative of a democratically elected government to decide its expenses and the Supreme Court could not interfere. However, it is well settled by the law laid down in *Vishaka*¹⁹ and *Vineet*²⁰, that framing guidelines does not always amount to judicial law making or breaching the perimeters of Court's jurisdiction. The court would be justified to mould this power into a valuable weapon in order to do complete justice. The same was accepted by the Court in the light of strict adherence to the given guidelines by ensuring that due performance as well as accountability and proper utilization of public money will be carried out. Nonetheless, the fallacious reasoning given by the Union was wrong on the ground that such issues should be left to the discretion of the executive branch of the government.²¹ It is untrue that the expenditure done by the executive is subject to parliamentary scrutiny; rather every penny ought to be subjected to stringent inspection and audit to avert self-aggrandizement and misuse of public money. On the point of restriction on advertising before elections also, the Court relaxed the restriction on the ground that if the objects and parameters are pursued, then it will not be necessary to put a special curb on advertising before elections.²² This Court has a constitutional duty to protect the fundamental rights of Indian citizens. It is an irrefutable fact that the Court, has invariably stepped in and evolved new mechanisms to protect and enforce such rights where there has been on account of absence of law to protect and enforce such socio-economic rights of citizens. Therefore, the erroneous argument of the Union was rightly rejected on the ground that there was a need for substantive guidelines to be issued by the Supreme Court until the legislature enacts a law in this regard.²³

¹⁸ Krishnadas Rajagopal, Centre defends pictures of politicians in ads, The Hindu, Feb. 18, 2015, available at <http://www.thehindu.com/news/national/centre-defends-pictures-of-politicians-in-ads/article6905977.ece>.

¹⁹ *Vishaka*, *supra* note 11 at 242-245.

²⁰ *Vineet Narain*, *supra* note 11 at 265.

²¹ Apex court forays into executive's turf, Deccan Herald, May 16, 2015, available at <http://www.deccanherald.com/content/477812/apex-court-forays-executives-turf.html>.

²² *Common Cause*, *supra* note 5, ¶ 25.

²³ *Lakshmi Kant Pandey vs. Union of India*, (1984) 2 SCC 244 (regulating inter-country adoptions), *Common Cause vs. Union of India*, (1996) 1 SCC 753 (regulating collection, storage and supply of blood for blood transfusions), *M.C. Mehta vs. State of Tamil Nadu*, (1996) 6 SCC 756 (enforcing prohibition on child labour)

**E. CURIOUS CASE OF GOVERNMENT DISCRETION AND THE
RESULTANT WASTAGE**

The Court in the present case has taken adequate steps to curb the issues, albeit the previous judgments in this regard, which have been indeed relied upon by the Union in its arguments. The case of Umesh Mohan Sethi vs. Union of India & Anr.²⁴, wherein the tax payer's right to challenge expenditure of public monies by Government was out rightly rejected by the Court. It was pleaded before the Court that despite complaints being made to the Election Commission, there were no measures taken for the regulation or deliberation of such inadvertent misuse of public money towards the naming of development schemes, national programmes in the names of leaders of a certain political parties. Furthermore, the expenditure so incurred, propelled for mileage to the political parties in power, was alarmingly wasteful, and yet the Delhi Lokayukta only expressed futile concern over the matter. The position remained unchanged as it was contended that public funds cannot be utilized by the political parties in power for building their own brand. Even then the Court only empowered the Government with wide discretion, declaring that the business of governing the State is entrusted by the Constitution to the executive government. The Court itself affirmed that it was not the right forum to criticism or restrain government actions; rather it was the Legislature or the Appropriation Committee.²⁵ It was noted that the Government has the discretion to spend money on individual cases as and when occasion arises, and it is for the legislature to decide upon the propriety of the expenditure or otherwise.²⁶ Another disconcerting view was taken by the Apex Court in the case of Manzoor Ali Khan & Anr. Vs. Union of India & Ors.²⁷, wherein Court refrained from interfering in the existence of guidelines framed by DVAP, Union of India and by Department of Information of States, being nodal agencies for releasing government advertisements. The contentious decision taken by the Court premised on the same issue of wasteful expenditure incurred on advertisements funded by the Central Government, State Government and PSU's to enhance the image of political leaders. The writ of mandamus sought to direct the Government and PSU's to produce the respective

²⁴ 20131AD(Delhi)53

²⁵ *Id.* ¶ 7.

²⁶ Laxman Moreshwar Mahurkar v. Balkrishna Jagannath Kinikar and Ors., AIR 1961 Bom 167

²⁷ (2014) 7 SCC 321

records regarding expenditure incurred for giving advertisements was dismissed and the Court refrained from interfering.²⁸ It was held that there is no dispute that “primary cause of government advertisement is to use public funds to inform the public of their rights, obligations, and entitlements as well as to explain Government policies, programmes, services and initiatives.” It was further held that only such government advertisements which do not fulfill the above requisites will fall foul of the area of permissible advertisements. On the other hand, the government, it seems, only enjoyed the discretion and not self regulation which it could have undertaken to control its internal mechanism.²⁹

An RTI application filed by NDTV in 2012 had established that the Central Government has spent Rs. 58 crore on ads between 2009-2012. Rs. 15 crore had been spent on advertisements honoring Mahatma Gandhi; another 12 crore for advertisements in honor of BR Ambedkar. While adverts on the Gandhi family (Jawaharlal Nehru, Rajiv Gandhi and Indira Gandhi) added up to roughly Rs. 22 crore.³⁰ The RTI also reveals that state governments are equally generous with their advertising expenditure - Andhra Pradesh, Delhi and Uttarakhand are the big spenders. In Andhra Pradesh, Rs. 8 crore have been spent in three years on advertisements for former chief minister YSR Reddy who died in a helicopter crash in 2009.³¹ It has been observed that PSU's and other ministries have generously opened their reserves as well for expensive advertising campaigns. While parts of the country are still in the dark, the Power Ministry spent Rs. 3.1 crore in just two years between 2008-2009. In fact, the Tourism Ministry spent one crore in 2011 on Rajiv Gandhi's death and birth anniversaries — events that are hardly high on tourism value.³²

²⁸ *Id.* at 322.

²⁹ See Prashant Jha, 'Statutory, mandatory self-regulation' emerging as consensus model for media, *The Hindu*, Aug.6, 2013, available at <http://www.thehindu.com/news/national/statutory-mandatory-selfregulation-emerging-as-consensus-model-for-media/article4996150.ece>

³⁰ Sidharth Pandey, Explain Policy on Use of Political Leaders' Faces in Advertisements,' *CIC Asks Government*, NDTV, Jan. 19, 2015, available at <http://www.ndtv.com/india-news/explain-policy-on-use-of-political-leaders-faces-in-advertisements-cic-asks-government-729115>.

³¹ Sunetra Choudhury, Stop govt from wasting money on ads, says new petition in court, NDTV, Aug. 20, 2012 available at <http://www.ndtv.com/india-news/stop-govt-from-wasting-money-on-ads-says-new-petition-in-court-497343>.

³² Taxpayer funded poster boy: SC ruling on govt ads offers unfair loophole for PM Modi, *First Post*, May 13, 2015, available at

The same decision if taken years ago would not have pushed the already gloomy financial condition in its austerity mode compelling the Court to appoint a separate Ombudsman. The situation has only exacerbated because of the continued support of the Court until now, when crores of public money has wasted gone down the drain. Had these figured been adumbrated before the Court, it would have applied its mind and mapped the disturbing expenditures before they hit new parameters.

CONCLUSION

The judgment is correct and it indubitably clears the law, with the positive implications of enforcing the much needed guidelines in the area of law where the Legislature has been silent and our financial resources have been depleted. Most definitely it guides the way for the Legislature for the future course of law on the issue of large scale advertising and malpractices that are undertaken under the garb of informative advertising. The public will no longer be deceived by politicians and political parties who are seeking to gain political mileage and make their own personality cult. The Court adopted the Recommendations and issued directions under Article 142 of the Constitution of India, with the intention of filling the gaps on the issue as a conjoint responsibility of the three organs of the State under Article 12 for the attainment of constitutional goals and values enshrined in Part IV of the Constitution. Publication of photographs of the Government functionaries and political leaders along with the advertisements intended to develop personality cult and the image individuals is a direct antithesis of democratic functioning. Therefore only PM, President, Chief Justice and Father of the Nation can feature in the advertisements. Surely, there is a blur between instructive advertising and politically motivated advertising. The said judgment clarifies that the latter is unacceptable and it will be open to inquiry and examination by a separate Ombudsman with unimpeachable neutrality and impartiality. There will be no necessity of special audit if the machinery ensures due performance, accountability and proper utilization of public money. However it should not be forgotten that while allowing the Prime Ministers photograph to be attached to advertisement, the same will become a concern, considering that the PM also belongs to the ruling party. If this is allowed, its rampant use in

<http://www.firstpost.com/politics/taxpayer-funded-poster-boy-sc-ruling-on-govt-ads-offers-unfair-loophole-for-pm-modi-2241812.html>

popular imagination to the state or central government's largesse will give that candidate and party an unfair advantage in future elections. While other parties may have to spend their own cash for advertisements, the ruling party will have the PM as a taxpayer-funded gimmick. Hence, unfettered and uncontrolled use of any party's candidate irrespective of their post will be no service to democracy. However, if there is an element of Informative content or if such advertisements have the effect of keeping the citizens informed of the government functioning then such advertisements should be permissible.

Due reference was drawn to the practices existing in countries like UK and Australia, and the best practices prevailing in such other jurisdictions were considered. It should be noted that the advertisement ought not to foster a positive impression of the ruling government or a negative impression of a person critical to the ruling government. The guidelines lack the description of unfair and best practices and are unclear as to what constitutes "public interest" with regards to broadcasting information.

The embargo on advertising before elections has been removed by the Court maintaining proper adherence to objects and parameters. It is duly revered that the concept of fairness has been introduced to give a better exposure to the issue, however what is fair to the majority may not be the same for certain classes which might lead to oppression. Also, it is best if the issuance of advertisements on the eve of elections is left to the Election Commission. The EC should frame proper and adequate guidelines with regards to the same. Since the political parties are far from self regulation the provisions could include penalties for non-compliance, as well. The expenditure should be focused on the Action Plans rather than advertising them. The emphasis should be solely upon the development of the nation rather than harping on the achievements of the parties.

REFERENCES

- Andrea Prat, 'The Wrong Kind of Transparency' (2005) *American Economic Review* 95(3): 862-877.
- Ansolabehere, Stephen & Iyengar, Shanto, 'Going negative: How political advertisements shrink and polarize the electorate' (1995) New York, The Free Press.
- Brader, Ted., 'Striking a responsive chord: How political ads motivate and persuade voters by appealing to emotions' (2005) *American Journal of Political Science*, 49(2), 388–405
- Djankov, Simeon, Caralee McLiesh, Tatiana Nenova, and Andrei Shleifer, "Who Owns the Media?" *Journal of Law and Economics*, (2003) 46(2): 341–82
- Gerber, Alan S., Dean Karlan, and Daniel Bergan, "Does the Media Matter? A Field Experiment Measuring the Effect of Newspapers on Voting Behavior and Political Opinions." (2009) *American Economic Journal: Applied Economics*, 1(2): 35–52
- Glaser, Jack, & Salovey, Peter. 'Affect in electoral politics' (1998) *Personality and Social Psychology Review*, 2(3), 156–172.
- Interactive Advertising Bureau Australia (2013) *Social Advertising Best Practice Guidelines*, available at https://www.iabaustralia.com.au/uploads/uploads/2013-09/1380474000_4e7b1ea67b2b9243ff4fb8a96b367455.pdf
- La Porta, Rafael; Lopez-de-Silanes, Florencio; Shleifer, Andrei; and Vishny, Robert W. 'The Quality of Government.' (1999) *Journal of Law, Economics, and Organization* 15: 222–79.
- Nesbitt-Larking, Paul W. 'Reframing campaigning: Communications, the media and elections in Canada' (2009) *Canadian Political Science Review*, 3(2), 5-22.
- Prat, A. 'Campaign advertising and voter welfare' (2002) *The Review of Economic Studies* 69(4), 999–1017
- Schenck-Hamlin, William J., Procter, David E., & Rumsey, Deborah J., 'The influence of negative advertising frames on political cynicism and politician accountability' (2000) *Human Communication Research*, 26(1), 53–74

- Shaw, Daron, 'The effect of TV ads and candidate appearances on statewide presidential votes' (1999) American Political Science Review, 93(2), 345–361.