
GUARDING DEMOCRATIC DISCOURSE FROM SYNTHETIC REALITIES: CONFRONTING THE DEEPPFAKE DILEMMA IN ELECTORAL INTEGRITY

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ABSTRACT

Artificial intelligence has revolutionized the electoral politics in India via data-centric campaigns, individualized voter contact, AI-enabled communication and enhanced political participation. At the same time, the spread of deepfakes and synthetic media has become one of the gravest threats to democratic integrity. During the 2024 Indian General Elections, AI-generated videos, manipulated speeches and fabricated political content showed how misinformation can skew public opinion, affect voter behaviour, damage reputations and erode trust in democratic institutions. India does have some piecemeal legal protections such as the Information Technology Act, 2000, the Digital Personal Data Protection Act, 2023 and the Representation of the People Act, 1951, but these laws are not enough to deal with the specific challenges of AI-generated electoral manipulation. This essay critically analyses the opportunities and risks of AI in electoral process in India, examines the existing regulatory framework and its constitutional implications for free and fair elections, freedom of speech, equality and informed democratic participation. It also calls for a holistic policy framework with specific legislation on deepfakes, enhanced electoral regulations, platform accountability, institutional oversight and countrywide digital literacy drives. The paper argues that safeguarding democracy in the age of artificial intelligence requires a nuanced equilibrium between technological innovation and constitutional values to preserve electoral integrity, public trust and the enduring ethos of India's independence and democracy.

Key Words: - Artificial Intelligence, Deepfake, Gen AI, Data Privacy, Democracy

"The use of technology is intrinsically linked to the values of transparency, democracy, and equitable access to justice, which lie at the cornerstone of our republic,"

-Justice D.Y. Chandrachud

I. Introduction

As a thread in the fabric of India's independence, democracy has been an essential element in uniting the people and maintaining the spirit of independence. With its diverse cultures, traditions, and even its convoluted election system, it has been evolving in the 21st century. At the core of this transformation lies the technology that has redesigned the way elections are contested and political campaigns are conducted.

The inception of artificial intelligence has impacted how people interact, receive information, and participate in the democratic system. The amalgamation of AI into Indian elections and political campaign processes has led to significant changes in voting profiling, social media campaigning, making decisions based on data collected from voters, AI-governed chatbots, understanding the challenges, statistical vote targeting, and many more.

However, with this revolution comes the pressing issue of the rise of deepfakes. It is a form of artificial intelligence that can create a fake image or video convincingly depicting someone saying or doing something which they never did. In India, during the 2024 elections, many deepfakes went viral, depicting many Bollywood actors criticizing Narendra Modi in his election campaign. Furthermore, one of the fake video clips showed two aides of the prime minister interfering in the police investigation and arrest of some people of his rival party.

While AI helps to enhance the democratic procedures and governance, the spreading of misinformation and political manipulation hampers and poses a threat to the spirit of the nation and the very fabric of democracy and citizens' rights enshrined under the Grund norm, that is, The Constitution of India.

This essay highlights the contemporary gaps and threats regarding the AI and deepfakes and proposes a visionary structure that circumscribes the spirit of Indian democracy and independence at its core.

II. Understanding Deepfakes and AI In the Indian Context and Its Usage in Indian Elections Of 2024

Deepfakes incorporate hyper-realistic digital falsification that uses artificial intelligence to make fake images and videos. They hamper the dignity and reputation of the individuals on whom the videos are made. They undermine trust in democratic institutions. Its major impact has been on political elections. Many fake speeches and videos went viral during the 2024 political campaigning. For instance, short videos and reels went viral depicting the prime minister singing in regional languages, which were made using Genn AI. Reports have mentioned that the holding company of WhatsApp, that is, Meta, approved some 14 AI-generated electoral ads depicting Hindu supremacist language and calling for the killing of Muslims, while some videos contained false statements like “wanted to erase Hindus from India.”

The Election Commission of India notified all political parties to use social media platforms in a responsible and ethical manner and not to incorporate any wrongful use. However, this notice came after pervasive abuse and spread of fake content generated by the use of AI.

Indian political parties have long since realized the character-driven and psychological effect and influence on their constituents, and they started using artificial intelligence to amplify their voices and validate their position. As a result, the political parties in India spent around d US\$50 million on authorized AI-generated content to support their claims and ensure that it hits the target constituencies during elections.

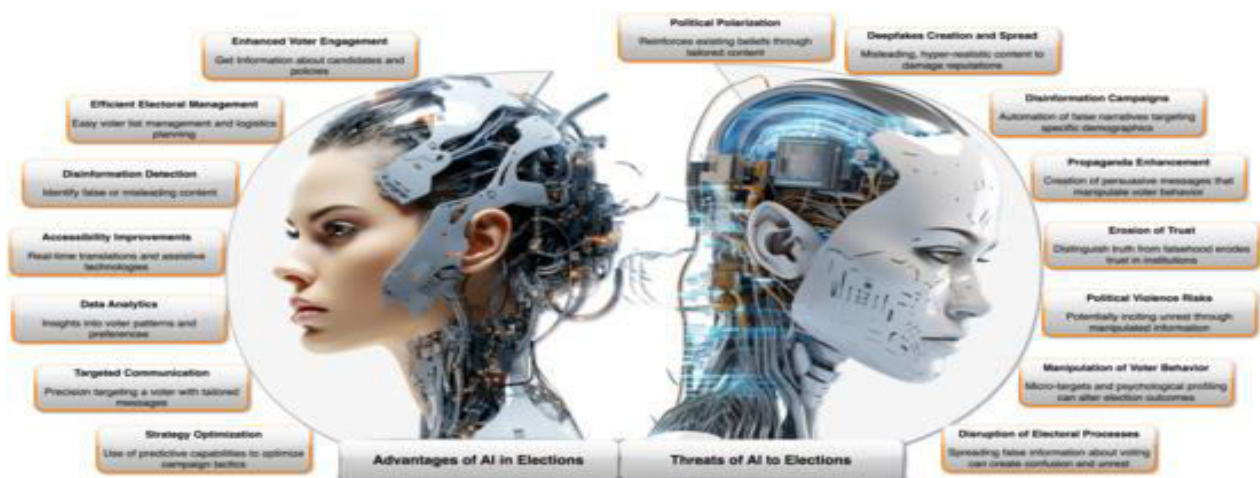


Figure: The image shows the advantages and menaces of using AI-generated content in elections and political campaigns.

III. Current Statutory Framework

Currently, India does not have a proper law regulating the use of AI-generated content and deepfakes, but some provisions related to addressing misinformation and impersonation are provided under different enacted legislations.

- **Information Technology Act, 2000:** The rules made under this act provide a framework to prevent and protect against unlawful activities to ensure cyber safety. For instance, Section 66D of Act addresses punishment for cheating by personation using computer and section 69A gives power to the central government to block any computer-generated information for public access.
- **Digital Personal Data Protection Act, 2023:** This Act deals with data privacy and personal data protection laws and indirectly, to some extent, regulates AI and deepfake content.
- **Election laws:** The Representation of Peoples Act 1951 contains some of the election-related offences. Section 123(2) and (4) restrict false statements from being made about the candidate's character or conduct in the election. A deepfake-generated content that impersonates someone saying incendiary comments could be termed false under this section.
- **PIL:** In May 2024, the lawyers group Lawyers Voice filed a PIL regarding the use of AI to create deepfake videos of Amit Shah, Rahul Gandhi, Aamir Khan, and Ranveer Singh and using them in the election campaign of 2024 election. The PIL also sought directions from ECI and government to take regulatory measures. The petitioners argued that this would "threatens the pillar of free and fair election." The court stated that it could not pass any order during the election but directed and trusted the ECI to take action and asked them to think of dynamic injunctions to stop future retweets of deepfake videos.

IV. Democratic Risks and Threats

The use of AI and deepfakes poses menaces to the integrity of elections and the democratic process. It can prioritize contents on social media, thereby promoting sensitive and emotionally

charged content that may polarize public opinion and incite violence, inflame tensions among different communities against each other. Deepfakes enable fake videos that may defame candidates in elections, hampering their specific voter demographics and influencing their perceptions. Disinformation due to deepfake campaigns can sabotage the principle of fair elections.

V. Relating the Issue to the Spirit of Indian Democracy and Independence

Indian democracy, since the 1947 independence, has been built upon the rule of law, participation of people, electoral integrity, and unity in diversity. At the heart of democracy resides the vision of an informed and empowered citizenry. This was the foresight of the independence movement. The emergence of deepfakes directly menaces these democratic ideals. The Constitution of India guarantees freedom of speech and expression under Article 19(1) but also guarantees the right to information, equality, and protection from unnecessary exploitation. Deepfakes transgress these rights enshrined in the Constitution, compromising the spirit of democracy.

VI. Certain Legal and Policy Recommendations

Some recommendations to combat these pressing issues are as follows:

Legislature may draft a statute that would define and penalize deepfakes. The laws relating to elections should be amended to provide a more transparent and fair electoral process and eliminate the use of synthetic media for making false statements. Social media platforms must be regulated by electoral law if they are used for political campaigns. The Delhi high court suggested that A deepfake committee must be established. Lastly, democratic resilience requires informed citizens. Government must take measures to run campaigns on how to be aware in this era of artificial intelligence and encourage the healthy spreading of sensational content.

VII. Conclusion

As India leads its way to technological advancements and digital democracy, the regulation of AI and deepfakes is not just a legal requirement but a democratic obligation. The abuse of these technologies may dishearten the democratic ideals, but we have to harmonize the innovation with the democratic values. It is time to act....!

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