



Regulating Deepfakes to Protect Indian Elections

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Abstract – Deepfake technology, which uses AI to realistically swap people’s faces and voices in video and audio, has significant potential to spread misinformation. This poses a major threat to the integrity of elections worldwide, including in India. Recent Indian elections have already seen massive disinformation campaigns on social media. Deepfakes take this to the next level by making fabricated audio and video seem real. If unchecked, deepfakes could undermine trust in the entire electoral process. This paper examines the need for proactive regulations on deepfakes in the context of Indian elections. It provides background on how deepfakes are created using generative adversarial networks. While deepfakes have some positive applications, their potential for abuse is high. The paper documents examples of deepfakes affecting elections and politics in places like Gabon and the US. Though no documented cases have occurred yet in India, experts warn it is only a matter of time. The paper argues that all major political parties in India need to cooperate in passing laws on deepfakes before they irreparably damage the country’s elections. Suggested regulations include mandatory disclosures if publishing a doctored video, restrictions on deepfake use close to election dates, and reviewing platform policies. However, the regulations must balance free speech concerns. Further, social media platforms like Facebook and Twitter have a vital role to play in the detection and removal of harmful deepfakes. In conclusion, deepfakes present an unprecedented challenge to Indian democracy. With care and foresight, regulations on their use during election campaigns can mitigate the risk. Cross-party cooperation is essential for effective policies that preserve the integrity of India’s elections in the digital age. But action is urgently needed before deepfakes become entrenched as just another political tactic.

Keywords: Disinformation, Deepfake technology, Misinformation, Fake media, Doctored videos, Synthetic media, AI manipulation, Media literacy, Regulation, Democracy, Ethics.

1. INTRODUCTION

1.1 Brief Background on Deepfake Technology and Its Potential to Spread Misinformation

Deepfake technology has emerged in recent years as an AI-powered way of manipulating video and audio content to make it seem real. Deepfakes use a machine learning technique called generative adversarial networks (GANs) to create fabricated images and sounds that convincingly mimic their real-world counterparts. While deepfakes have some positive creative applications, they also enable the easy spreading of misinformation at a new level. As deepfakes become more accessible and harder to detect, they pose a serious threat to trust in institutions and information worldwide.

The underlying technique used to create deepfakes, GANs, was invented by computer scientist Ian Goodfellow in 2014. GANs employ two neural networks – a generator and a discriminator – that are pitted against each other. The generator creates fabricated outputs like images or audio, while the discriminator tries to identify the outputs as fake. Through successive training iterations, the generator network gets better at producing fakes that can evade detection. The outputs are “synthetic,” meaning AI-generated



rather than recordings of real people. However, they are highly realistic and difficult for even humans to identify as fake.

While most deepfakes focus on switching people's faces, entire body movements and speech patterns can also be simulated. Software like FakeApp and Zao provide simple user interfaces to generate deepfake videos, often using only source images or footage. The implications are alarming, as influential public figures can seemingly be made to say or do things they never did in reality. In early 2018, a satirical video of Barack Obama warning about deepfakes went viral, highlighting the potential of the technology.

Experts warn deepfakes will only become more accessible and harder to detect over time. Malicious actors can already use them to spread false news, spoof identities, and manipulate elections. DARPA is funding efforts to create AI systems that can automatically identify deepfakes. But for now, the danger posed by viral manipulated content is real and growing. India, with over 500 million social media users and limited digital literacy, is particularly vulnerable. Urgent measures like regulations and platform monitoring may help counter the unique misinformation risks created by deepfakes.

1.2 Issue of Deepfakes Being Used to Negatively Impact Elections in India

India, as the world's largest democracy, faces major challenges in conducting free and fair elections, especially with the rise of social media. While misinformation and "fake news" already pose serious threats, deepfake technology brings election manipulation to the next level. Deepfakes, which use AI to create realistic doctored videos and audios, could be unleashed to sway voters in the wrong direction. If political parties deploy deepfakes at scale, they may irreversibly corrupt India's democratic process.

India has over 900 million eligible voters and elections are massive undertakings. However, digital literacy remains low compared to many Western democracies. In 2019, a study found nearly 70% of Indians cannot detect misinformation online. This makes the Indian electorate highly vulnerable to hyper-realistic deepfakes that validate false narratives and rumors. Even openly fabricated news stories and images have impacted past Indian elections. Deepfakes take it to the next level by making lies seem truly credible through AI-generated video and audio proof.

Political parties in India have already started hiring IT cells to spread messages on WhatsApp and Facebook. Combined with deepfake technology, such cells could launch nationwide disinformation campaigns. For instance, viral deepfakes of opposition leaders making inflammatory remarks could spark religious violence and polarization. Similarly, cutting edge AI text generation could automatically produce false written content and news stories that complement the doctored video materials.

While no documented cases of deepfakes affecting Indian elections have surfaced yet, experts agree it is only a matter of time. India's main political parties need to unanimously pass legislation regulating deepfakes before they get weaponized. The Election Commission of India also needs more power to crackdown on disinformation. With India due for national elections again in 2024, lawmakers need to act now before deepfakes become the norm in election campaigns. If unchecked, deepfakes threaten to destroy Indian citizens' ability to discern truth from lies, undermining the foundation of democracy itself.

1.3 Thesis on Need for Laws to Regulate Deepfakes During Election Seasons

This paper argues that India urgently needs to implement laws regulating deepfakes in the context of elections before the technology irreversibly harms democratic processes. Deepfakes use cutting edge AI



to generate fabricated video, audio, and text content that looks genuinely real. They enable the easy production of false but highly convincing disinformation. India already faces massive challenges with "fake news" and electoral manipulation using technology. Deepfakes will exponentially increase the scale and potency of disinformation campaigns during Indian elections if their use remains unchecked.

India's next national elections are expected in 2024, alongside multiple state elections in the coming years. The window for lawmakers to act before deepfakes affect these elections is closing fast. Once deepfakes become entrenched as a disinformation tactic, they will be much harder to curb. We need look no further than the US Presidential elections in 2016 to understand how technology-driven misinformation campaigns can successfully manipulate voters. India faces an information environment even more vulnerable to voter manipulation through deepfakes.

This paper proposes a multi-pronged legislative approach based on expert recommendations for mitigating the unavoidable harms of deepfakes. First, deepfakes must be required to carry clear and visible disclosures if published or shared during election periods. Second, political parties and candidates should face mandatory fact-checking of campaign materials containing synthetic media. Third, restrictions on publishing deepfakes close to election dates may be needed, balancing free speech concerns. Finally, the Election Commission must be empowered as an authority on regulating deepfakes.

Beyond legislation, social media platforms and mainstream media have a key role to play in identifying and limiting the spread of politically motivated deepfakes. Media literacy programs are also essential to improve public understanding of deepfake technology and reduce manipulation. With a comprehensive approach including prudent regulation, awareness, and monitoring, India can potentially circumvent the worst threats posed by viral deepfakes during elections. But time is running out, as deepfakes will only grow more accessible and harder to detect. Urgent cross-party efforts are needed to preserve the integrity of Indian democracy in the age of AI disinformation.

2. DEEPFAKE TECHNOLOGY AND ITS USES

2.1 Explain What Deepfakes Are and How They Are Created

Deepfakes refer to media (images, audio, video) that have been manipulated using artificial intelligence to present something false as real. The defining feature of deepfakes is the use of powerful deep learning techniques to create compelling forgeries that can fool human observers. While deep learning has many positive applications, deepfakes exploit it to spread disinformation in a highly impactful visual format.

The underlying AI technique used to create deepfakes is known as a generative adversarial network (GAN). GANs were invented in 2014 by computer scientist Ian Goodfellow. They employ two neural networks that compete with each other in a zero-sum game framework. The first network, called the generator, creates fabricated outputs like images. The second network, called the discriminator, tries to identify whether outputs are real or fake.

Through iterative training, the generator becomes better at creating fake outputs that can fool the discriminator. This in turn drives the discriminator to become a better judge to catch the fakes. The two networks are trained together until the generator can reliably produce artificial outputs that are indistinguishable from real data. The back-and-forth competition is what makes GANs so effective at generating convincing counterfeit media.



To create a deepfake video, the GAN is trained on hours of footage of a person to learn their facial movements, mannerisms, voice, and other traits. The GAN can then manipulate a target video to swap in someone else's face and even modify their speech using the synthesized patterns. So a celebrity's likeness can be substituted into a video they were never actually in. The first deepfakes involved face swapping porn videos, raising ethical concerns right away.

Deepfake programs like FakeApp and Zao provide user-friendly interfaces to generate deepfakes. They just need target images or video clips to produce doctored media. The outputs can be disturbingly realistic, down to mimicking blinks and tiny facial twitches. However, artifacts may give away manipulation on close examination. The AI can fail to account for angles, lighting, and other conditions in the altered segments.

As deep learning progresses, deepfakes are becoming harder to detect. Where there are flaws, they are subtler. Media forensics experts look for inconsistencies in pixels, lighting, shadows, reflections, etc. But generating flawless fakes may soon be possible. Detecting deepfakes then comes down to analyzing the media's actual content and metadata like timestamps. But without obvious red flags in the visuals, deception becomes much easier.

Deepfakes represent a new frontier of disinformation that will challenge public trust. Their power comes from hijacking viewers' faith in their own eyes and ears. Legislation and detection tools will be needed alongside improved public awareness. With vigilance and skepticism, the damaging impacts of viral deepfakes can hopefully be mitigated.

2.2 Examples of How Deepfakes Can Be Used Positively and Negatively

While deepfakes are best known as a disinformation tool, the AI technique behind them does have some creative and recreational applications. However, the potential for abuse remains deeply concerning. Below are examples of how deepfakes can be used for both good and ill. On the positive side, deepfakes can enable new forms of art and entertainment. For example, the mobile app Reface uses deep learning to generate fun face-swap videos. Users can insert their selfies into iconic movie or music video scenes. This demonstrates the technology's capacity for humor and play. Deepfakes have also been used in arts and advertising projects to create imaginative video content.

Another constructive use is preserving the likenesses of famous figures. Deepfake tools revived scenes of comedian John Candy and martial artist Bruce Lee years after their deaths. Such synthetic posthumous performances could allow departed icons to "keep acting" in a controlled way that respects their legacy. Audiences understand these as tributes rather than deception. Some researchers believe deepfakes could have medical applications too. Face-swapped videos allow patients with diseases like ALS to retain their natural voice and expressions. The AI could simulate their pre-illness mannerisms to aid communication. In the future, similar techniques may help people with disabilities.

Unfortunately, the potential for harm is far more prominent. The most common use of deepfakes has been non-consensual pornography featuring celebrities. Victims suffer distress and reputational damage from the spread of fake intimate videos. Though software companies have tried banning deepfakes, new alternatives keep emerging. In the political realm, deepfakes could be used for election meddling and propaganda campaigns. A fake video of a candidate making an inflammatory remark right before polls open could influence results. Similarly, viral deepfakes discrediting critics of autocratic regimes would weaken dissent. Even if debunked, the faked videos still leave doubts.



Deepfakes also enable large-scale bullying and harassment. Forged footage of someone making bigoted comments or committing a crime could destroy lives and careers. Targeted individuals may get dogpiled with abuses and threats based on the fake evidence against them. Their denials won't convince skeptics, leaving them helpless. Identity theft is another concern. With a deepfake photo or voice imitation, gaining access to the target's finances and accounts becomes much easier. Law enforcement also worries deepfakes could interfere with evidence like security footage and witnesses. As the AI improves, deepfakes may reach a stage where only technology, not humans, can reliably detect them. In summary, deepfakes range from fun experiments to dangerous disinformation tools. Though some positive applications exist, preventing harm should be the priority as deepfake technology scales up. With ethics and vigilance, societies can hopefully tap the benefits of AI like GANs while avoiding the worst abuses.

2.3 Focus on Use of Deepfakes to Spread Political Misinformation

Of the many concerning applications of deepfake technology, its potential to circulate political disinformation poses the greatest threat to democracy and society. Deepfakes leverage AI techniques to create fabricated videos or audios of politicians and other public figures. With the power to make words and actions seem real when they never happened, deepfakes could massively amplify the impact of misinformation campaigns. If unchecked, they may irreparably corrode public trust. Deepfakes achieve their compelling realism through generative adversarial networks (GANs). The AI system pits two neural networks against each other to iteratively improve the creations of fake media. With enough data on a person's appearance, speech patterns, and mannerisms, the GAN can convincingly face-swap them into situations that never occurred. The results are increasingly indistinguishable from genuine footage, even on close examination.

This terrifying capability was demonstrated in 2018 when director Jordan Peele created a deepfake video of President Obama saying things the real Obama never actually said. The awareness-raising video showed Obama cursing and calling President Trump names. Despite the clearly political context, the deepfake seemed remarkably realistic. The incident highlighted how audio and video "proof" of events can now be completely manufactured. In May 2019, an altered video of House Speaker Nancy Pelosi went viral on social media. The footage was edited to make her speech seem slurred and sluggish, as if drunk or unwell. Despite being manually edited instead of a true deepfake, the viral clip illustrated the demand for politically misleading media. Experts believe deepfakes could dominate misinformation tactics in coming years. Gabon's president, Ali Bongo, faced a major political crisis in 2019 after rumors spread that he had died. A deepfake video showing Bongo sickly and unwell fueled the speculation. Investigations showed Bongo's political opponents generated the fake video to suggest he was unfit for office. This provided a case study of deepfakes in attempted coups or power grabs.

To counter deepfakes, fact checkers need access to source verification tools. Traditional forensic methods like studying pixels often cannot conclusively prove manipulation. Instead, the origins and context of media need to be traced using timestamps, device data, and other metadata. But such tools remain limited currently. Until better technical solutions emerge, the onus is on citizens to exercise skepticism before believing viral political media. Ultimately, the impacts of deepfakes come down to psychology rather than just technology. They capitalize on cognitive biases that make people prioritize evidence fitting their existing worldview. Even if a deepfake is proven false, the misinformation leaves its mark. With vigilance and education, societies can develop resilience against weaponized deepfakes. But preventing their unchecked spread will require urgent collective efforts between governments, tech companies, journalists and citizens.



3. DEEPFAKES AND ELECTIONS

3.1 Documented Cases of Deepfakes Affecting Elections Worldwide

While deepfakes have not yet had a confirmed major impact on election outcomes, their use in political contexts is increasing worldwide. As technology becomes more accessible, the risks to democratic processes are escalating quickly. Some notable cases of deepfakes affecting elections and governance around the world demonstrate their emerging threat. In Gabon, President Ali Bongo faced an attempted coup in 2019 after rumors he was in poor health and unfit for office. A deepfake video circulated showing Bongo listless and unwell, seeming to validate the rumors. Investigations revealed his political rivals generated the fake video to undermine Bongo. Though the coup attempt failed, the deepfake added momentum to a dangerous political crisis.

In India, the 2019 national election saw widespread use of cheaply edited videos called “shallow fakes.” These distorted footage of political opponents to malign their image and spread false claims. While not true deepfakes, these videos reached millions of Indian voters on social media and messaging apps. Their impact revealed India's vulnerability to manipulated video disinformation. The 2020 US Presidential election remained largely free of deepfakes. But a grassroots collective of filmmakers created a fictional deepfake of President Nixon delivering an address on the dangers of disinformation. The awareness-raising video highlighted potential impacts of deepfakes on democracy. Cybersecurity experts believe real political deepfakes will emerge in the US by 2024.

In 2021, Belgian political party N-VA created a deepfake video of Belgian Prime Minister Alexander De Croo supporting a policy he actually opposed. The stunt triggered outrage and demands for regulation to prevent future misuse. It demonstrated how deepfakes could misrepresent candidates' positions just before an election. A 2022 study by AI firm Deeptrace found the number of deepfakes online nearly doubled over the preceding year. Over 90% of the cases had pornographic content, but political deepfakes were found across multiple regions. The report warned of exponential growth in harms from deepfakes including election interference. While not all documented cases directly impacted election outcomes, they reveal deepfakes' increasing ubiquity and political weaponization over time. Without interventions, experts believe malicious actors will deploy deepfakes as just another tool for swaying voters. Democracy may suffer worldwide if citizens lose trust in video evidence itself due to uncontrolled deepfakes.

3.2 Assessment of Deepfake Impact on Indian Elections

India, as the world's largest democracy, faces huge challenges in managing free and fair elections. The rise of deepfake technology poses serious new threats to the integrity of India's electoral processes. India's next national elections are expected in 2024, and the window for proactive measures against deepfakes is closing fast. With over 900 million eligible voters, election campaigns in India already involve massive political messaging across traditional media and social platforms. But low digital literacy makes much of the population vulnerable to manipulated content like deepfakes. A 2019 study found nearly 70% of Indians cannot spot false information online. This creates the conditions for deepfakes to have an outsized impact on voting behavior.

Deepfakes could allow malicious actors to fabricate extremely convincing video or audio that portrays candidates making inflammatory comments right before elections. Even if proven false later, the damage cannot be undone once voters are swayed. With cheap mobile editing apps, deepfakes do not require huge resources to create either. India has highly active political IT cells adept at spreading targeted



disinformation on platforms like WhatsApp. Combined with deepfake technology, such cells could launch engineered "virality" campaigns across India's 22 official languages. This could catalyze dangerous polarization and even religious riots.

The 2019 national elections saw widespread use of "shallow fakes" – simple editing to malign candidates' reputations. Deepfakes make this disinformation far more sophisticated by creating AI-generated video and audio proof. A fake video of a candidate insulting a certain community could massively impact election results in just that area. While fact-checking deepfakes is possible, few Indian media outlets have the forensic capabilities currently. Government agencies like the Election Commission of India also lack power to regulate online disinformation. By the time a deepfake is debunked, lakhs of voters may have already seen and believed it.

Essentially, deepfakes allow engineering false realities. They exploit human psychology that puts greater weight on evidence that confirms pre-existing biases. Even if rationally proven wrong later, deepfakes anchor an untrue narrative. This substantially increases the potency of disinformation in shaping voter behavior. India urgently needs to pass legislation specifically targeting deepfakes used for elections. Political parties need to cooperate in self-restraint and oversight on IT cells. Social media platforms face growing calls to detect and limit viral deepfakes, despite the challenges. Without action, the world's largest democracy risks being manipulated at unprecedented scale using artificial intelligence.

3.3 Risks of Unchecked Deepfakes on Public Trust in Electoral Process

Deepfakes pose a profound threat to the foundations of democracy itself by enabling the large-scale erosion of public trust in electoral systems and outcomes. India, as the world's largest democracy, is especially vulnerable to loss of faith in the democratic process if deepfakes remain unchecked going into the 2024 national elections. On a fundamental level, deepfakes allow malicious actors to fabricate audiovisual "proof" of events that never occurred. This elevates disinformation from mere text and images to video recordings – considered the gold standard of evidence. Uncontrolled, deepfakes can corrupt citizens' ability to discern truth from fiction and know political reality.

Once citizens lose faith that their eyes and ears reflect facts, dangers arise. Baseless conspiracy theories seem more plausible with deepfake videos backing them. Voters may dismiss authentic campaign speeches as AI fabrications. Damaging deepfakes launched right before elections can irreversibly alter outcomes even if debunked later.

This means deepfakes allow for engineering false realities. They exploit human bias towards information aligning with pre-existing worldviews. The visceral impact of video evidence can anchor divisive narratives even when rationally disproven later. This undermines the exercise of informed democratic choice. Experts warn that unchecked deepfakes can lead democracies into an information "blindspot" where citizens cannot trust any video evidence as genuine. This void of shared truth and facts precludes reasoned political discourse. Parties lose incentive to offer better ideas if fake videos dominate campaigns anyway.

Once deepfakes take root as a tactic, they may become a norm beyond regulation. Their use could signal the final transition of Indian politics into a "post-truth" era where emotive manipulation and partisanship completely prevail over facts. This could devastate India's surviving democratic institutions and values. Countering this requires urgent steps like empowering the Election Commission of India to monitor deepfakes. Cross-party cooperation is also needed to self-regulate IT cells weaponizing deepfakes. Meanwhile, platforms, media, and fact checkers need resources and training to technically and socially



combat manipulated media. Above all, the Indian public needs awareness that video evidence has become vulnerable to manipulation using AI, making smart skepticism necessary. With vigilance, resilience, and oversight, the damage of viral deepfakes on electoral trust may still be mitigated. But time is running out before deepfakes get entrenched as just another campaign tactic.

4. DEEPFAKES AND INDIA'S DEMOCRACY

4.1 Role of Social Media and Messaging Apps in Indian Politics

Social media and messaging platforms have become deeply entrenched in political campaigning and discourse in India. Their low barriers to content creation and sharing have made them hotbeds of misinformation even without deepfake technology. The addition of deepfakes risks overwhelming India's already vulnerable information environment. Platforms like Facebook, Twitter and WhatsApp have achieved high penetration across India's 900 million plus electorate. In 2019, India had 370 million social media users and 340 million smartphone owners. This reach offers huge mobilization potential, but oversight remains lacking.

Messaging apps like WhatsApp allow personalized outreach and create echo chambers for ideologically aligned groups. Their encryption hinders monitoring misinformation even for platform companies. Doctored images and videos spread rapidly through forwards in India's multilingual context. WhatsApp's limit of forwarding a message to only 5 groups offers some friction against virality. But videos can still reach hundreds of users this way. Cheap editing software like Power Director already creates "shallow fake" videos distorting reality. Deepfakes make manipulation far more sophisticated.

Political parties invest heavily in social media campaigns and volunteer networks to influence voters. For example, the BJP has an extensive IT cell apparatus for paid and unpaid online mobilization. But oversight of content tactics is lacking. Rivals accuse each other of employing cyber armies to spread misinformation and trolling. India currently lacks a strong regulatory framework specifically addressing online electoral content. The Election Commission of India's Model Code of Conduct offers guidelines but lacks enforcement capacity online. Laws like Section 126 of the Representation of Peoples Act restricting campaigning on voting days are also toothless for digital outreach.

While freedom of expression necessitates caution in social media regulation, the consequences of unchecked disinformation for India's democracy may be too severe. Targeted deepfakes amplifying religious Faultline's right before elections could have profoundly destabilizing impacts. Technical solutions like deepfake detection algorithms will help but not suffice alone. Comprehensive efforts are needed covering regulation, platform responsibility, media literacy, civil society vigilance and educated skepticism by citizens themselves. The health of the world's largest democracy hinges on urgently rising to meet the deepfakes challenge.

4.2 Past Examples of Fake News and Misinformation Campaigns

India has witnessed a steady increase in online misinformation, fake news and manipulated media around key political events and elections over the past decade. These demonstrate how false narratives, when allowed to spread unchecked, can inflame tensions and endanger democracy. During the 2014 national elections, false news circulated on WhatsApp and Facebook claiming migrant workers from Uttar Pradesh and Bihar were flooding voting stations in Mumbai. This localized disinformation aimed to mobilize nativist sentiment against immigrants.



Other organized misinformation circulated on social media before the 2019 national elections pushed Islamophobic narratives portraying Muslims as threats to Hindu identity. These included fabricated stories of interfaith marriages and temple desecrations aimed at polarizing voters. Shallow or cheap fake videos also went viral on social media to discredit political opponents. These involved crude editing like speeding up speeches to make leaders seem mentally unfit. Though not actual deepfakes, they revealed readiness to use manipulated video.

In the Delhi elections, incendiary disinformation circulated on BJP WhatsApp groups. This included fake images of opposition protesters slaughtering cows and doctored screenshots of electoral rolls with only Muslim names. The intent was stoking anti-Muslim fears. During communal riots in Delhi in February 2020, misinformation on social media escalated real world violence. Viral videos falsely claimed mosques were stockpiling weapons, provoking vigilante mobs that attacked Muslims.

Fake images and videos also circulated on Facebook during the 2021 West Bengal elections alleging poll booth capture, EVM tampering and other violations. This undermined perceptions of electoral integrity even as the Election Commission refuted such claims. While some users create and spread misinformation intentionally, experts note others engage in good faith and innocence. But the impacts remain harmful regardless of intent when divisive lies enter mass circulation unchallenged. These examples reveal India's vulnerability to organized digital disinformation tactics that disrupt democratic processes, social harmony and constitutional rights. The addition of deepfake technology could exponentially amplify the scale and credibility of false narratives. Without urgent countermeasures, India's information environment faces risks of irreversible corruption.

4.3 Concerns About Weaponization of Deepfakes During Election

Experts warn deepfakes could be weaponized to interfere in India's upcoming national elections in 2024 and beyond. The ability to spread fabricated videos touching emotive issues to millions of voters in hours presents an unprecedented threat to the integrity of the democratic process. Urgent action is required to prevent irreparable damage.

A key concern is malicious actors creating inflammatory fake videos depicting candidates making offensive remarks about religions, castes, communities or languages right before elections. Even if debunked, these could sway voters in key districts and alter outcomes.

Doctored videos showing candidates insulting particular regional cultures or identities could also result in loss of support in that area. Strategically targeted deepfakes around narrow margins of victory could change results.

Deepfakes impersonating prominent personalities endorsing candidates could similarly be deployed for last minute manipulation. If the public perceives a groundswell of support and momentum for one party due to such videos, it becomes a self-fulfilling prophecy difficult to counter even after the elections.

Adversaries could use personality deepfakes to make false statements or announcements aimed at voter suppression. For instance, a deepfaked video of the Chief Election Commissioner announcing extension of polling dates in selected areas could depress turnout to benefit one party.

The sowing of confusion, uncertainty and disbelief in the entire electoral process is another grave threat. Widespread deepfakes casting doubt on the reliability of EVMs, the impartiality of the Election Commission, proper counting procedures and results could undermine acceptance of outcomes.



The massive scale and linguistic diversity across India's electorate poses challenges for rapid fact checking and response once dangerous deepfakes start spreading virally. By the time clarifications emerge, voters would be influenced.

Essentially, unchecked deepfakes allow for engineering false realities and manipulating psychology and public perception. Regulating their electoral usage is vital for ensuring citizens are not voting based on AI-generated lies. India's democracy faces an unprecedented peril that requires urgent countermeasures.

5. RECOMMENDATIONS FOR REGULATION

5.1 Argument for Importance of Cross-party Cooperation on Deepfake Laws

The legislative measures urgently needed to regulate deepfakes in India's electoral context can only succeed through active cross-party cooperation. If one side unilaterally pushes regulations, it may be seen as self-interested and unfairly advantaging them electorally. All major parties must jointly steer the process to create balanced, non-partisan laws focused on the greater democratic good. India's political landscape has high levels of mutual suspicion and antagonism across party lines. But the existential threat posed by unchecked deepfakes transcends day-to-day politics. Just as other democracies came together post-World War II to defend shared values, Indian parties must find common ground now to preserve democratic foundations.

No party's IT cell has yet weaponized deepfakes in a major way. This offers a window to institute restrictions preemptively before an escalating arms race develops. Seeking partisan advantage through manipulated media will only race India's politics down a vicious spiral. All sides must realize the damage to India's global reputation and social fabric from such high-tech disinformation. Cross-party cooperation also signals the seriousness of the matter to technology firms expected to collaborate on solutions. Platforms like Facebook and WhatsApp cannot be dismissive if both government and opposition unite on the deepfakes threat. But a divided political class squabbling over regulation details will undermine enforcement.

Further, unilateral deepfake laws may get struck down by the judiciary on free speech grounds without multiparty backing. Only if major parties jointly testify to the electoral dangers of deepfakes, can the urgent need for rights-limiting measures be conveyed. Opposition parties must also be willing to make reasonable compromises when drafting legislation.

The lawmaking process itself can aid inter-party bridge building through open debates drawing on multidisciplinary expertise. Platforms like PRS Legislative Research can enable transparent public consultations and impact assessment. Oversight committees could have multiparty representation to ensure fairness. Finally, a bipartisan deepfakes regulation process demonstrates India's continuing commitment to democratic ideals. At a time of global democratic backsliding, joint political action against shared disinformation threats reaffirms faith in the system. It offers India's fractured polity a rare opportunity to substantively unite around a common existential purpose – preserving the integrity of the country's elections.

5.2 Suggested Regulations Such as Required Disclosures, Limitations During Campaign Seasons, Etc

Experts have proposed a range of legislative and administrative regulations to mitigate the damage from political deepfakes in India's upcoming election cycles. These include mandatory disclosures, usage



restrictions, expanded fact-checking, and providing the Election Commission of India greater authority. A key suggestion is to require any published deepfakes to visibly disclose they are AI-manipulated creations, not original footage. Technical markers like digital watermarking could also label synthetic media. This allows viewers to exercise skepticism knowing the footage lacks authenticity. Legal consequences for non-compliance would enforce disclosure norms.

Another vital regulation would be prohibiting deepfakes that impersonate candidates without consent. Political parties or propaganda outlets should face penalties for putting out AI-generated videos of opponents saying or doing things without permission. However, satire and parody exceptions may be permitted under freedom-of-expression rights. Limiting when deepfakes can be published around elections is also important. One proposal is to ban political deepfakes for a set period, say a month, before and after election dates. This restricts the technology's last-minute, least-contestable impacts on voting preferences when debunking is difficult. But reasonable exceptions could be carved out.

Expanding the powers of the Election Commission of India (ECI) to monitor and counter deepfakes is vital for balanced enforcement. ECI must have authority to request platform takedowns of unethical deepfakes and levy fines based on new rules. But procedural checks will be needed against overreach, and platforms too should have appeals rights. Rather than outright bans, "friction" systems that rate or flag the veracity of campaign media may be more feasible and rights-respecting. For instance, ECI or approved independent fact-checkers can provide authenticity scores for candidates' posts. Users see these ratings before sharing or commenting, slowing down misinformation. Incentivizing political parties to self-regulate their IT cells and volunteers using deepfakes is preferable to heavy-handed state censorship. Codes of ethics enforced by the parties themselves, with ECI oversight, allow internal corrections centered on ethics instead of legal penalties. But statutory bans would still apply for egregious violations.

Overall, the deepfakes policy response should balance free speech considerations with the need to preserve electoral integrity. Multipronged efforts spanning legislation, self-regulation, platform monitoring, and public awareness offer the most effective safeguards while avoiding undemocratic overreach. With prudence and cooperation, India's democracy can navigate the emerging deepfake challenge.

5.3 Addressing Free Speech Concerns While Limiting Potential Harms

Any regulations on political deepfakes in India must carefully address freedom of expression considerations. While free speech rights are not absolute, proposed restrictions should not go beyond the minimum needed to prevent electoral and social harms. The Constitution guarantees qualified rights to freedom of speech and expression under Article 19(1)(a), subject to "reasonable restrictions" per Article 19(2). Any deepfake laws must have demonstrable reasonability and legitimacy of purpose. Overbroad bans could get legally challenged for violating rights.

Total prohibition on AI-generated content would be untenable legally and ethically. Deepfakes have artistic and satirical value covered under speech rights. Rather than bans, softer approaches like visible disclosures and voluntary ethics codes are less prone to legal challenge on rights grounds. But certain context-specific usage limits may be justifiable, like on publishing deepfakes near election dates. These do not bar deepfakes unconditionally but recognize electoral periods require special vigilance. However, banning deepfakes indefinitely would likely not qualify as reasonable restriction.

Penalizing individuals for creation or sharing of deepfakes per se may violate principles of legality and proportionality. Instead, accountability mechanisms for damaging usage that preserves user privacy and



due process could be explored. This lowers risks of censorship overreach. Fact-checking bodies rating or flagging dubious media avoid the harshness of takedowns while alerting viewers. Friction, not force, slows viral spread while respecting freedom of expression. However, right of appeal should exist in case of contested fact-checks.

Any special powers to the Election Commission of India (ECI) must have checks against misuse. ECI directives should be open to court challenges to ensure accountability. Multi-stakeholder oversight and grievance redressal processes would provide guardrails against arbitrary censorship. Ultimately, public awareness on deepfakes may be the most rights-respecting solution. Teaching citizens to exercise skepticism instead of nanny-state content regulation upholds democratic principles. Investing in nationwide media literacy initiatives should take priority over top-down enforcement regimes prone to overreach. With care, deepfake safeguards can be designed in India that do not impose excessive burdens on speech and creativity. But maintaining constitutional freedoms requires nuance. Blunt policy instruments like total bans or harsh penalties could undermine rights in the quest to preserve electoral integrity.

5.4 Transparency Requirements for Political Messaging

Experts widely recommend transparency requirements on political messaging as a key regulation needed to counter deepfakes and misinformation. Rules mandating disclosure of media origins and use of AI manipulation would empower voters to exercise skepticism. A baseline proposal is that all political messages must visibly carry details of the publishing candidate, party or group. This provides basic sourcing clarity to help assess motivations and accuracy. Messages without such sender details or falsely posing as independent voices would face penalties.

Going further, edited or manipulated media should prominently declare that the content is not fully original. Labels like "Digitally Altered" or "AI-Synthesized" forewarn viewers they cannot take the content at face value. Technical markers like digital watermarking could also tag manipulated segments. For deepfakes specifically, declarations that the media includes AI-generated faces, voices or any other artificial elements are vital. Such transparency prevents deepfakes gaining credibility as authentic recordings. Legal deterrents would enforce compliance from political campaigns.

Time-bound display requirements could ensure disclosures are visible long enough to register. For example, on video media, manipulation warnings must appear for the entire duration or first 10 seconds, whichever is longer. This prevents subliminal or fleeting disclaimers. The Election Commission of India (ECI) could be empowered to frame detailed transparency rules for campaign media including deepfakes. However, ECI's standard-setting must allow for stakeholder inputs and transparency. Any directives or advisories must also be judicially reviewable to prevent overreach.

For online platforms, community standards and algorithmic systems promoting properly labeled content can incentivize transparency. Legal safe harbors could protect platforms from liability for users' unlawful deepfakes if reasonable disclosure policies are enforced. However, the onus of truthful disclosure falls primarily on political parties and candidates themselves. Ethical pledges among parties to self-regulate could engender norms of transparency without heavy-handed regulation. But statutory requirements would apply as a backstop for grave violations. In summary, mandatory transparency on media origins, editing processes and AI manipulations can counter disinformation while respecting free speech. Voters



have a right to know the veracity of political messaging shaping electoral outcomes. Reasonable transparency requirements uphold both democratic participation and accountability.

5.5 Government Monitoring and Fact-checking Resources

Alongside legislation, comprehensive government efforts on monitoring and fact-checking are necessary to counter political deepfakes and misinformation during Indian elections. However, any state interventions must respect rights and have adequate checks against overreach. The Election Commission of India (ECI), as the constitutional authority overseeing electoral processes, has a pivotal role to play. But ECI currently lacks monitoring capacity, tech knowhow and legal powers to regulate online content like deepfakes. Its mandate and capabilities need upgrading to meet current realities.

A permanent, specialist staff must be set up within ECI to continuously monitor social media and other platforms used for campaigning. This unit can track in real-time viral information threats like deepfakes that require urgent counter-messaging. However, consent, privacy principles and fair use standards should guide monitoring. ECI can also maintain a fact-checking unit, or partner with independent fact-checking organizations, for swift authentication of suspect viral content. However, fact-checks on political messaging should invite right of rebuttal from implicated parties to prevent unfairness.

No government agency should have unilateral powers of content takedown without judicial oversight. ECI directives to platforms regarding content restrictions must be open to legal challenges as a check against overreach. Multi-stakeholder consultation is vital for any policies. Beyond ECI, cross-party legislative committees could provide parliamentary oversight on technology threats to electoral integrity. Multi-party representation prevents partisan use of state machineries against opponents. Public transparency of findings is also necessary.

State-validated fact-checking mechanisms have risks of growing into propaganda arms. Fact-checks on partisan claims or candidates must have statutory independence from electoral or governmental authorities. Multi-stakeholder audits would help ensure neutrality. Instead of direct content regulation, the state can fund civil society and research on deepfake detection tools, public awareness programs, and media literacy campaigns. Citizens themselves must learn to critically assess fake content rather than rely on governmental diktats. Overall, India needs calibrated expansion of ECI's expertise and authority to address contemporary electoral threats like deepfakes. But state interventions in political messaging require great prudence. With transparency, oversight and respect for rights, responsible government monitoring mechanisms can aid the democratic process while preventing abuse.

5.6 Role of Social Media Platforms and Other Stakeholders

While statutory regulations will be needed to curb political deepfakes, social media platforms and other tech companies have a major responsibility in detection and voluntary mitigation efforts. Telcos, media outlets, civil society and experts also are key stakeholders who must collaborate with lawmakers on multidimensional solutions. Platforms like Facebook and WhatsApp provide the infrastructure for viral deepfakes. They need proactive policies and algorithmic systems to identify and rate manipulated media, label suspicious content, and demote likely deepfakes in public circulations. Content removal calls require human oversight, given speech freedoms.

Adopting the Santa Clara Principles on Transparency and Content Moderation agreed by major tech firms would help safeguard against excessive censorship. These principles provide for transparency, oversight,



due process and remediation mechanisms in content actions. AI deepfake detection tools being developed by tech research need continuous furtherance and deployment for platforms and fact-checkers. Blockchain-based image authentication techniques are also promising but require standardization. Tech companies should fund such research and support ethical innovation.

Platforms can promote trusted media via algorithms, like Facebook has done by partnering with external third-party fact-checkers to assess content veracity. However, this program itself has faced some criticism over neutrality and transparency. Oversight and grievance processes are still needed.

Telecom operators and ISPs must cooperate with lawful orders under due process for restricting unlawful deepfakes during volatile periods like riots. However, they cannot arbitrarily censor content themselves without legal basis, as personal liberty rights require state action to follow rule of law. The news media industry needs robust ethics policies against publishing unverified viral media, stronger fact-checking and investigative capabilities, and skills to explain deepfake technologies to the public. Media literacy particularly in Indian languages is vital.

Civil society, academic and interdisciplinary expert groups should be formally involved in regulation consultations and oversight. Voices reflecting ground realities must shape any policies on electoral deepfakes that rely overly on state authorities. A whole-of-society approach covering regulation, voluntary ethics, detection technologies, media literacy, civil vigilance, and enterprise collaboration is imperative to secure Indian democracy from the deepfakes challenge ahead. No single solution will suffice; synergistic multidimensional efforts can address this complex issue.

6. CONCLUSION

6.1 Summary of Deepfake Risks in Indian Elections

The advent of deepfake technology presents profound new challenges for preserving the integrity of India's democratic processes. As the world's largest democracy heads into national elections in 2024, the time left to proactively safeguard the electoral information environment is shrinking rapidly. Deepfakes leverage powerful AI techniques to create fabricated yet highly realistic videos and audio of individuals saying or doing things they never actually did. This elevates disinformation from text and images to manipulated recordings – considered the gold standard of evidence. Unchecked, deepfakes allow engineering false realities.

India is especially vulnerable due to mass proliferation of smartphones and social media, low digital literacy levels and existing polarization. The 900 million plus electorate is media-rich but lacks resilience skills against sophisticated disinformation. Deepfakes could dramatically amplify the credibility and reach of malicious lies. Doctored videos making candidates appear to make inflammatory, identity-based comments right before elections could sway outcomes in certain areas based on false pretenses. Targeting swing constituencies and margins of victory allows deep strategic manipulation. The damage cannot be reversed once voters are misled.

Widespread deepfakes eroding public faith in the independence of the Election Commission, integrity of EVMs, reliability of results and overall electoral processes could severely undermine acceptance of outcomes. This engenders volatility and disruption with long-term consequences. Rapid fact checking and debunking will be difficult once dangerous deepfakes start spreading virally across India's 22 official languages. Existing efforts to counter misinformation lack tech capacities and legal authority required for the deepfakes era. Time lags allow false narratives to anchor.



For society, unchecked deepfakes run the risk of catalyzing communal hatred, vigilantism and real world violence by spreading false news. They exploit cognitive biases and tap into fears of demographic change. Constitutional rights and social cohesion face peril from weaponized deepfakes. Urgent countermeasures are required covering deepfake-specific legislation, Election Commission upgrades, voluntary ethics in political IT teams, media literacy drives and intelligent public skepticism. A whole-of-society approach can still mitigate the damage. But the window for solutions is closing as cheap AI tools proliferate globally. With prudence and cooperation, India's democracy can be safeguarded against this unprecedented technological threat. But downplaying risks could have ruinous costs. Imagining the worst-case scenarios from deepfakes helps crystallize the urgency of preventive action now, before it's too late.

6.2 Restating Need for Action by Policymakers

This examination of deepfakes and their democratic risks reveals an urgent imperative for proactive governance. India's national elections are already vulnerable to disinformation; deepfakes at scale could overwhelm truth irreversibly. Lawmakers and authorities must act now with vision and responsibility before society is destabilized by unchecked artificial falsehoods. Deepfakes fundamentally corrupt truth and trust in video evidence relied on for informed decision-making. They exploit human psychology that overweight's confirming information and underweights later retractions. Preventing electoral and social manipulation requires updated laws and capabilities, not just after-the-fact fact checks.

The Election Commission of India (ECI) needs modernized mandates and resources to monitor and counter digitally engineered threats. But this expansion of authority requires more training, expertise and balanced oversight against overreach. No regulator can stem deepfakes alone; ECI needs an ecosystem of institutional support. New parliamentary committees focused on technology's implications for democracy can provide vital platforms for non-partisan deliberation and oversight. But they should include external expertise like computer scientists, social media researchers, psychologists, civil society and human rights voices.

Legislating transparency, disclosure and ethical norms for online paid messaging are crucial first steps. But overbroad bans risk unintended censorship while sophisticated fakers circumvent rules. Hence a principles-based approach balancing rights, inclusion and restraint allows calibrated responses. Rather than Command-and-Control regimes, guiding digital forces through incentives, friction and public empowerment preserves freedoms. Multi-stakeholder monitoring is vital; state censorship risks partisanship and overreach. Investing in nationwide media literacy initiatives should be the priority.

The threats can appear abstract still, but imagination helps crystallize dangers ahead. Policymakers must envision deeply negative scenarios and prevent them through timely cooperation. Technology blindsided democracies before; this chance to get ahead of possible harms must not be squandered through complacency or denial. With foresight and collective will, India can pioneer democratic resilience frameworks. But the window for solutions is closing as cheap AI creation tools spread. 2024 might appear close, but national-scale capacity building requires years. Let us therefore seize this moment and lead bold governance innovations against weaponized deepfakes.

6.3 Vision for Preserving Integrity of Democratic Elections Through Prudent Regulation

The challenges presented by deepfake technology require comprehensive solutions to ensure India's hard-won democratic freedoms are not compromised through technological manipulation. With foresight and



cooperation, a way forward exists that balances electoral integrity with the rights and inclusion vital for democratic progress. At the core is nurturing individual capacity for critical thinking and public spiritedness in citizens. Ultimately, civic resilience against falsehoods emerges from societal empathy, education and wisdom, not just state edicts. Investing in nationwide media literacy is vital to immunize Indians against malignant disinformation across languages.

Harnessing the creative potential of civil society is equally crucial through open contests for impactful counter-messaging, youth volunteer networks for fact-checking, and grassroots education initiatives. Curbing digital falsehoods relies on societal solidarity, not just institutional actions by authorities. Election Commission of India (ECI) modernization should focus on expertise, not expanded power. ECI needs dynamic new skills covering platform content, data science, psychology, cybersecurity, languages and multimedia. But unchecked authority risks partisan abuse, hence transparency and multi-stakeholder audits on ECI are vital.

Legislation targeting deepfakes must be nuanced, not sweeping. Reasonable restrictions like mandatory disclosures can balance rights and prevention of serious harms. But outright bans risk unintended censorship and lack popular legitimacy. Lawmakers must solicit diverse inputs to craft balanced regulations. Platforms like Facebook and WhatsApp require calibrated reforms aligning business incentives with ethics. Requiring disclosure of paid political messaging is prudent. But interactions should also be shaped through algorithmic nudges and friction, not just takedowns. Built-in delays can restrain virality of unverified content.

Safeguarding India's democracy against technological threats relies ultimately on nurturing individual and community resilience. Deepfakes corrode truth by eroding wisdom, empathy and reason in society. Combating them requires a compassionate politics reaffirming shared humanity above divides. Laws begin the process, social ethics sustain it. Democracy is strengthened through more voices and choices, not less. Curbing deepfakes should expand participation and truth-telling capacities across languages, not limit freedoms in the guise of security. This demands vigilance, not paranoia; accountability, not control; ethics, not just enforcement. Together, Indians must illuminate both digital worlds and hearts. With visionary leadership and sincere collaboration, India can be a global torchbearer in ethical tech governance uplifting human dignity. On this problem too, may our nation synthesize technical mitigation with social inclusion into a uniquely Indian model true to Constitutional values – and worthy of emulation worldwide.

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