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Snapshot

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A Tough Balance Between Caution and Consensus

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The year 2024 has been termed the "ultimate election year," (Ewe, 2023) with general elections in approximately 60 countries. These include the oldest and largest (populous) democracies in the world—the USA and India. This case study focuses on the latter—India, the fifth largest economy, which held its 18th general elections. Approximately 650 million out of one billion registered voters voted across seven phases of elections. In the prelude, these elections were poised to be the most expensive in history (The Economist, 2024), with an estimated expenditure exceeding $16 billion thus transcending the $14.4 billion spent during the 2020 US Presidential elections (Evers-Hillstrom, 2021). The vast nature of elections, coupled with the rise of digital media and AI has transformed the landscape of campaign expenditure.

While traditional campaigning still holds the fort, the last decade has witnessed a significant shift towards digital media, with a substantial demonstration of the growing importance and usage of social media and GenAI in voter outreach and mobilization.

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The use of GenAI in Indian elections can be categorized into three key functions: perception building, voter mobilization, and manipulation. AI-generated tools have been instrumental in shaping public perception of political figures, such as by using 3D hologram projections (Thakkar, 2012), allowing them to campaign simultaneously across multiple locations. Further, linguistic barriers have been bridged by enabling politicians to communicate with diverse audiences in their local languages (Lyons, 2020) through AI-generated deepfake models, which translate speeches and create an illusion of fluency and personal connection. AI has boosted voter mobilisation by making personalized calls that mimic specific leaders' voices, creating a sense of personal connection (Shukla, 2024). This technology replaces traditional call centres with AI-generated ones, increasing efficiency and the scale of outreach, with an extended argument of cost efficiency.

Alongside facilitating wider voter outreach, GenAI raised concerns about manipulation and disinformation. The coupling of digital media and GenAI has birthed the perfect mechanism to spread disinformation and influence public opinion through AI-generated deepfake videos and audio. A deep fake video circulated during a 2023 election showed a ruling party leader seemingly supporting the opposition, who ultimately won. While the video's impact is unproven, it may have been one of the deciding factors in the election's outcome (Kurmanath, 2023). Similar notable instances were reported during and in the lead-up to the 2024 general elections. Several misleading videos of film celebrities criticising Prime Minister Modi were circulated which were later identified to be altered by AI voice clones of the actors (Das & Boom, 2024). There was also an instance when the ruling government supporters spread AI-generated misleading videos about rival politician Rahul Gandhi’s possible resignation from his party (Nisos, 2024).

GenAI has amplified the reach of political campaigns and the election process in India, but it has raised serious concerns about disinformation. While disinformation is largely quantifiable, its impact on voter behaviour, trust in the democratic process, or even electoral outcomes is not. Additionally, the legal boundaries shaping the utilisation of GenAI and its impact on elections are very fluid due to the absence of direct laws. Currently, the interpretation and combination of existing laws guide the legal route on this subject. Thus, the current debate and discussion on GenAI-led disinformation revolves largely around the legal, ethical and qualitative nature of its impacts on the overall structure of the electoral process and society.

EXISTING REGULATORY FRAMEWORK

Regulations have largely been unable to keep pace with technology and have been reactionary. The evolving nature of GenAI and its impact on elections in India is understood moderately, with almost no regulations to tackle this impact. The Indian government is known to be struggling with a fragmented approach towards AI regulations. According to a Carniege paper titled 'India's Advance on AI Regulation' (Mohanty, Sahu; 2024), the Indian government has taken a fluctuating stance on AI regulation since 2022. While they generally favour a "pro-innovation" approach, aiming to harness AI's potential while mitigating risks, their actions have sometimes contradicted this. India's position is evident in the G20 Ministerial Declaration and the government's statement in Parliament (G20, 2023), both of which prefer a non-interventionist regulatory approach. But the Ministry of Electronics and Information Technology (MeitY) issued a strict AI advisory requiring companies to obtain permission for certain AI models and prevent discrimination and deepfakes. Following widespread criticism, this advisory was withdrawn and replaced with a less restrictive one that remains in effect (The Hindu Bureau, 2024).

Overall, it seems that the Indian government is still building consensus while adopting a cautious approach.

Thus, it is through existing general electoral and criminal regulations that GenAI can be regulated in a limited manner. The primary regulation of conducting elections in India is found in the constitution of the country.

The Constitution of India, which came into effect on 26 January 1950, laid down guidelines under Article 324 allocating power to the Election Commission of India (ECI) to conduct free and fair elections in the country. Under this authority, the ECI formulates a Model Code of Conduct (MCC) right before every election. It is through MCC that the ECI keeps in check all aspects of political campaigning in India, thus making the ECI, its MCC and the overall Article 324 of the Indian constitution the central pillars of conducting every election in India. This regulation can be termed the mothership of conducting elections in India.

Apart from these core regulations, few specific laws regulate disinformation and digital technology concerning elections. It is under these regulations that GenAI can find a small space for itself if deemed necessary. It is to be noted that these are a few core laws that provide an outline but regulations are not limited to only these many laws. These sets of laws can be divided into two parts: first, disinformation regulations and second, digital regulations.

Disinformation regarding candidates is regulated under The Representation of the People Act, 1951 and Section 171G; Section 465; Section 469; Section 505 of the Indian Penal Code (IPC). The 1951 Act through its section 123(4) makes it a corrupt practice to publish false statements about a candidate's character, conduct, or candidacy if those statements could harm their election prospects. The four sections of the IPC primarily focus on punishments and regulations for spreading false information and forgery and

together form a strong bedrock to regulate disinformation. The existing digital regulations are crucial to understanding the base structure on which the limited regulations for GenAI are active in the present day. The Information Technology Act, of 2000 (IT Act) legalizes electronic transactions, including those done through electronic data interchange and other forms of electronic communication, commonly known as electronic commerce. This act has become the controller for everything digital on the Indian internet with its extension through IT (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021. These rules aim to regulate social media intermediaries, OTT platforms, and digital news media, among others.

These existing set of regulatory laws do not tackle GenAI directly. It is through interpretation and combinations of these existing laws that GenAI-led disinformation can be countered, albeit moderately and reactively. Moderately because only a few of these rules are hard laws and there is always a grey area for operation and regulation. There is enough space available to twist and manipulate these regulations as per the suitability of the parties involved. Further, regulations like the IT Act and its rules have been under extreme scrutiny for concerns regarding online privacy, freedom of speech and expression, and access to information.

ROLE OF THE CIVIL SOCIETY

Alongside the government regulations, it is pertinent that private sector entities, civil society organizations, academic institutions etc. come together and play their respective roles to strengthen the regulatory as well as awareness principles for GenAI-powered disinformation. While in nascent stages few visible interventions from civil society do show some promise. Few civil society and media-related organizations such as Alt News (The Continent, n.d.) and BOOM (Boom, n.d.) have been playing a crucial role in fact-

checking news and information circulated online. Disinformation in politics and elections is a crucial focus area for such organisations. Certain collaborative projects such as Misinformation Combat Alliance (MCA) (Misinformation Combat Alliance, n.d.) have attempted to create a cross-industry alliance bringing companies, organizations, institutions, industry associations and government entities together to combat disinformation. They have collaborated with META to launch a WhatsApp Helpline to curb the Spread of AI-generated disinformation In India. Similarly, a group of Indian fact-checkers and news outlets created Project Shakti (Shakti – India Election Fact-Checking Collective, 2024) to combat online disinformation and deepfakes related to the 2024 elections. This project, supported by the Google News Initiative, conducts several training sessions for journalists and fact-checkers and publishes subject-related media stories.

External actors have many limitations. Firstly, the collaborative structure of various stakeholders is a tricky path with several divergent stakes in place, leading to trust deficiency. Lack of resources is a major hurdle for civil societies, with the additional burden of trust as they align with big corporations with questionable ethical records.

CONCLUSION AND RECOMMENDATION

Elections are a multi-layered phenomena which require constant scrutiny at every step of its functioning. This becomes the toughest in a country like India which conducts the largest general election every five years and has several state and local elections every year. Existing issues such as the usage of illicit and access money, horse-trading of candidates, hate speech, and polarisation amongst many others continue to thrive in Indian elections. These issues have been further fueled by the arrival of GenAI which not only aggravates the existing issues but also works independently.

The entry of GenAI into elections is a dichotomy between progressive and regressive politics in India. It has progressively impacted the outreach and mobilisation methods of electoral campaigning with an opportunity to cut down on campaigning costs. The regressive side of it has further escalated the existing issues of disinformation, hate speech, polarisation etc. making it tougher to monitor and regulate.

Going further, it is pertinent that regulations to counter GenAI-powered disinformation are proactive rather than reactive. In India, the Election Commission of India needs to take the lead. This will require a multi-aligned approach where the ECI should create a consortium of sorts inviting active participation of people from civil society, technocrats, academia, policy researchers and most importantly private entities. A multi-aligned approach is a way to go forward as it not only will pool varying resources but will also help in overcoming the issue of mistrust and build an overall consensus between the private and public sectors. While this consortium could take on a long-term vision, certain important steps need to be taken as well from a short-term perspective. Media and public literacy programmes need to be fueled much more to increase their outreach and this too needs to be done in partnership between public, private and civic institutes. To tackle the GenAI-powered disinformation devil, a multi-pronged strategy along with a multi-aligned consortium is the need of the hour in India and the world at large.

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