"Constitutional Resilience in the Age of Synthetic Politics: A Comparative Study of AI-Driven Electoral Governance in Parliamentary and Presidential Systems"

SUBMITTED TO :- **Dr. BHAVNA BATRA**

SUBMITTED BY :- **LAKSHDEEP SINGH** A03104426059

AMITY UNIVERSITY UTTAR PRADESH

AMITY LAW SCHOOL NOIDA

Abstract

Artificial intelligence is fundamentally reshaping how political campaigns communicate, how voters consume information, and how electoral institutions manage allegations of manipulation. Generative AI can now produce incredibly convincing audio, images, and video; automated tools can instantly translate and tailor campaign messages; and recommendation algorithms can dictate which political claims reach massive audiences. While these advancements can boost participation—particularly for those who benefit from accessible formats or local-language content—they also lower the barrier for fabricating evidence, impersonating candidates, hiding the true sponsors of political messaging, and spreading disinformation faster than it can be corrected.

This paper explores the constitutional and legal consequences of AI-driven electoral communication by comparing India's parliamentary system with the United States' presidential system. It examines the tension between voter autonomy, freedom of speech, privacy, electoral fairness, and the independence of election administrators. The Indian legal landscape is analyzed through the lens of the Constitution, the Representation of the People Act of 1951, the regulatory powers of the Election Commission of India, and judicial precedents regarding digital speech. The U.S. offers a contrasting model, defined by the First Amendment, federal election laws, a decentralized administrative structure, and diverse state-level regulations. Additionally, the European Union's frameworks on political advertising transparency and AI provide a useful comparative benchmark.

The paper contends that "constitutional resilience" should not be defined as a government's authority to decide which political opinions are valid. Instead, it should represent the capacity of democratic institutions to safeguard meaningful voter choice while maintaining a space for open debate. Achieving this requires a balanced approach: mandating the disclosure of synthetic campaign content, increasing transparency in paid advertising, preventing invasive micro-targeting, creating rapid yet reviewable complaint processes, preserving digital evidence, and establishing remedies for deceptive impersonation. Ultimately, the analysis suggests that India and the United States should prioritize transparency and procedural accountability over broad, sweeping powers to remove content. The core democratic goal must be to protect a voter's ability to evaluate political claims without granting the state the unchecked power to act as the final arbiter of truth.

Introduction: The Vote in an Age of Manufactured Reality

Elections are often framed as contests between candidates, parties, and platforms. However, these contests are equally shaped by the information environment in which voters operate. For a vote to be meaningful, citizens must be able to hear arguments, weigh promises, hold officials accountable, and decide which claims to trust. The power of the ballot does not rely on every voter having perfect information, but rather on an electoral process that provides a reasonably open arena for political judgment. When that arena is warped by fake evidence, hidden funding, or deliberate

impersonation, the issue transcends mere technology and becomes a fundamental challenge to constitutional democracy.[1]

Political persuasion is nothing new. Campaigns have always relied on slogans, emotional imagery, selective data, and carefully curated appearances. Candidates have long adapted their messages for specific communities using whatever technology is at hand. Artificial intelligence, however, changes the scale, speed, and perceived authenticity of these tactics. A hyper-realistic video can be produced without a candidate ever stepping into a studio; a voice can be perfectly mimicked in a local dialect; and a campaign can churn out hundreds of ad variations to see which phrasing triggers the strongest reaction. Platforms can then amplify this content based on engagement patterns that remain invisible to both the voter and the general public.[2]

These capabilities do not make AI inherently anti-democratic. The same technology can translate manifestos, provide accessible summaries, handle routine inquiries, help officials spot administrative errors, and bring political information to groups that have historically been left out of the conversation. Therefore, a total rejection of AI would be both impractical and counterproductive. The legal challenge is more nuanced: at what point does AI support political engagement, and at what point does it destroy the conditions necessary for independent decision-making?

There is a vast difference between a fake recording of a candidate announcing a policy they never supported and a clearly labeled satirical video. A translated speech is fundamentally different from a cloned voice used to trick voters into thinking a candidate has dropped out of a race. Similarly, an ad targeted toward people interested in farming is distinct from a covert operation designed to exploit personal data or suppress voter turnout. The law must be able to tell these apart.[3] If every manipulated image is banned, we risk stifling satire and journalism; if

[1]*Indira Nehru Gandhi v. Raj Narain*, 1975 Supp SCC 1; *Union of India v. Association for Democratic Reforms*, (2002) 5 SCC 294; *People's Union for Civil Liberties v. Union of India*, (2003) 4 SCC 399.

[2]Richard L. Hasen, "Cheap Speech and What It Has Done (to American Democracy)" 16 First Amendment Law Review 200 (2017); Robert Chesney and Danielle Citron, "Deep Fakes: A Looming Challenge for Privacy, Democracy, and National Security" 107 California Law Review 1753 (2019).

[3]*Hustler Magazine, Inc. v. Falwell*, 485 U.S. 46 (1988); *United States v. Alvarez*, 567 U.S. 709 (2012); Federal Communications Commission, Declaratory Ruling, *Implications of Artificial Intelligence Technologies on Protecting Consumers from Unwanted Robocalls and Robotexts*, FCC 24-17, CG Docket No. 23-362 (8 February

all synthetic content goes unregulated, deliberate deception will exploit the lightning speed of digital media.

India and the United States serve as ideal points of comparison because their constitutional structures distribute political power in very different ways. India operates under a parliamentary system where the executive is accountable to the Lok Sabha, and the Election Commission of India (ECI)—established under Article 324 of the Constitution[4]—serves as the central authority for managing national and state elections. In the United States, the President is elected separately from Congress, with election administration split between federal, state, and local authorities.[5] While First Amendment jurisprudence provides robust protections for political expression, various federal and state laws regulate specific types of campaign behavior.[6] Every part of this system has its strengths, but each also faces institutional limitations.

Because of this, the real debate isn't just about whether we should ban AI-generated political content. The deeper questions involve how the law can distinguish between actual deception and protected speech, how election officials can act quickly without being arbitrary, how voters can track the true source of political influence, and how to ensure remedies actually work before an election result makes them irrelevant. These issues are incredibly pressing because a deceptive video can cause damage in a matter of hours, while legal battles and fact-checking often drag on for days or weeks.

This paper uses a doctrinal and comparative approach, looking at constitutional provisions, election laws, administrative guidelines, key court rulings, and international regulatory trends. It doesn't suggest that all misinformation should be illegal, nor does it assume that technology can magically end political dishonesty. Instead, it focuses on conduct that could fundamentally distort an election—such as deceptive synthetic impersonations, undisclosed paid influence, illegal targeting, and the coordinated spreading of misleading content. The core argument

is that electoral resilience depends on rules that are clear enough to enforce, narrow enough to allow for dissent, and transparent enough to hold both public and private institutions accountable.

1. From Campaign Posters to Synthetic Persuasion: Understanding the Risk

Artificial intelligence enters the political arena in several distinct ways, and it is a mistake to view them as a single category. Generative AI can draft speeches, design images, create voice-overs, edit videos, and translate campaign materials. Analytical systems can predict which

2024).

[4]INDIA CONST. art. 324; *Mohinder Singh Gill v. Chief Election Commissioner*, (1978) 1 SCC 405.

[5]U.S. CONST. art. I, § 4, cl. 1.

[6]U.S. CONST., supra note 5, amend. I; *Buckley v. Valeo*, 424 U.S. 1 (1976); Federal Election Campaign Act of 1971, 52 U.S.C. §§ 30101–30146.

issues will resonate with specific audiences. Automated accounts can blast or respond to messages at scale, while recommendation algorithms decide which posts get boosted or pushed to users. While some of these tools improve communication, others make deception much more convincing and harder to detect.

Deepfakes are particularly concerning because they break the traditional trust we place in recordings. For most of the history of photography and video, people have treated a recording as proof that an event actually happened, even if they suspected some editing. Synthetic media shatters that assumption. A fake clip could show a candidate making a racist comment, announcing a false policy, or appearing to take a bribe. If such a clip goes viral right before an election, a correction might not arrive until after voters have already made up their minds. Even if the content is eventually debunked, it can still leave a lasting political impact.[7]

The damage isn't just about whether people believe the lie. A short, viral clip can hijack the news cycle, force a candidate to waste precious time defending themselves, or make the public doubt the authenticity of real evidence. Once synthetic media becomes part of the landscape, a politician can simply dismiss an actual, incriminating recording as "AI-generated." This is often called the “liar’s dividend”: the mere existence of deepfakes gives people a convenient excuse to deny reality.[8] Therefore, a proper response must focus on verifying the origin of content, rather than just trying to delete disputed material.[9]

Political microtargeting introduces a different set of problems. Digital campaigns can now tailor messages based on browsing habits, location, and inferred personal interests. Targeted communication isn't inherently bad—a candidate might want to talk about farming to rural voters or transit to city dwellers—but the problem arises when this targeting becomes opaque, invasive, or exploitative. Sensitive traits can be inferred about a voter even if they never shared that information. Messages can be designed to trigger anxiety, discourage people from voting, or make contradictory promises to different groups without anyone noticing.[10]

This lack of transparency is critical because political advertising is more than just private persuasion; it affects public policy and democratic accountability. If one group is promised one thing and another group is promised the opposite, the public may never see the contradiction. Journalists and watchdog groups can’t fact-check claims they don't even know were made.

[7]Chesney and Citron, supra note 2.

[8]*Id.* at 1785.

[9]The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2026 (notified 10 February 2026; in force 20 February 2026), amending the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.

[10]Frederik J. Zuiderveen Borgesius et al., “Online Political Microtargeting: Promises and Threats for Democracy” 14

Utrecht Law Review 82 (2018); The Digital Personal Data Protection Act, 2023 (Act 22 of 2023).

Creating a public archive of paid political ads could make these campaigns more transparent without forcing officials to act as the ultimate arbiters of truth.[11]

Algorithmic amplification can also create a false sense of popularity. Through repeated posts, coordinated accounts, and engagement-driven algorithms, a certain viewpoint can be made to look much more popular than it actually is. Automation can bury diverse perspectives or prioritize inflammatory content simply because it drives clicks. However, automation alone doesn't prove manipulation, and a message doesn't lose its constitutional rights just because it spreads quickly.[12] The real question is whether the activity involves actual deception, illegal coordination, or fraud.

Finally, there is the direct danger of spreading false procedural information. Messages that falsely claim voting has been moved, that a polling station is closed, or that certain groups are ineligible to vote can directly suppress voter turnout. This is a clear and immediate threat to the democratic process. This is distinct from a disputed policy claim because it can directly interfere with someone's ability to actually exercise their right to vote. Electoral authorities need to make this a priority, while also ensuring that any genuine corrections are accurate, easy to find, and shared through channels people actually trust.[13]

The risks involved can be sorted into four overlapping areas: false attribution, hidden influence, invasive or discriminatory targeting, and amplification that skews public perception. Each of these needs its own specific approach. For instance, disclosure can help flag synthetic media; ad archives can help track sponsors and targeting; privacy laws can curb the use of sensitive data; and election officials can set up quick complaint processes for serious cases of voter suppression or impersonation. Simply banning "AI in elections" would be too blunt an instrument—it would be nearly impossible to enforce and would likely stifle legitimate innovation. The real goal should be to stop identifiable harms without killing off the freedom to campaign, criticize, parody, or engage in debate.[14]

2. The Constitutional Stakes: Free Speech, Privacy, and Electoral Fairness

Regulating AI-generated political content runs into a fundamental constitutional dilemma: political expression is both a tool for manipulation and a cornerstone of democracy. Citizens must have the right to criticize officials, expose wrongdoing, challenge official narratives, and

---

[11]Regulation (EU) 2024/900 of the European Parliament and of the Council of 13 March 2024 on the Transparency and Targeting of Political Advertising, 2024 O.J. (L 2024/900); Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services (Digital Services Act), 2022 O.J. (L 277) 1, art. 39.

[12]*Reno v. American Civil Liberties Union*, 521 U.S. 844 (1997); *Shreya Singhal v. Union of India*, (2015) 5 SCC 1. [13]The Representation of the People Act, 1951 (Act 43 of 1951), s. 123(2); *Minnesota Voters Alliance v. Mansky*, 585 U.S. 1 (2018); FCC Declaratory Ruling, supra note 3.

[14]Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence (Artificial Intelligence Act), 2024 O.J. (L 2024/1689), art. 50.

push unpopular ideas. If a law gives the government too much power to decide which political statements are "true," it could easily be turned against the very opposition it is supposed to protect. Incumbent governments naturally have political motives, and any regulatory framework must account for that reality.[15]

The real question isn't whether the government should protect voters from every single false claim. Democratic societies are naturally full of mistakes, exaggerations, partisan spin, and opinions that can't be settled by a legal test. A much more defensible question is whether a specific rule targets a clearly defined harm, uses unambiguous language, is backed by evidence, and offers a fair way to challenge decisions. Things like deceptive impersonation, fraudulent voting instructions, or hidden paid sponsorships might justify targeted legal action. However, broad bans on "false" or "harmful" content only create uncertainty and leave the door open for selective enforcement.[16]

In India, Article 19(1)(a) of the Constitution protects freedom of speech and expression.[17] While Article 19(2) allows for reasonable restrictions—such as for public order, defamation, or national sovereignty—any restriction must be grounded in a specific constitutional category and meet standards of legality and proportionality.[18] Simply claiming something is a "public concern" isn't enough to justify regulation. Furthermore, Article 21 protects life and personal liberty, with the Supreme Court recognizing privacy as a fundamental right.[19] Article 14 is also critical to ensure state actions aren't arbitrary or applied unfairly.[20] Finally, under Article 324, the ECI is responsible for managing elections to Parliament, state legislatures, and the offices of the President and Vice-President, all within the bounds of the law.[21]

The right to vote and participate in elections also relies on fair administration. The constitutional framework doesn't require the state to guarantee that every campaign is honest or that every message is equally convincing. It does, however, require election institutions to run the process according to the law and avoid treating people arbitrarily. If synthetic content is used to mislead voters about a candidate, a procedure, or an ad source, the state needs to identify the exact legal interest being violated rather than just making a general claim that "misinformation is harmful."[22]

---

[15]Alexander Meiklejohn, *Free Speech and Its Relation to Self-Government* (Harper & Brothers, New York, 1948); *New York Times Co. v. Sullivan*, 376 U.S. 254, 270 (1964).

[16]*Shreya Singhal*, supra note 12; *Alvarez*, supra note 3.

[17]INDIA CONST., supra note 4, art. 19(1)(a).

[18]INDIA CONST., supra note 4, art. 19(2); *Anuradha Bhasin v. Union of India*, (2020) 3 SCC 637; *Modern Dental College and Research Centre v. State of Madhya Pradesh*, (2016) 7 SCC 353.

[19]INDIA CONST., supra note 4, art. 21; *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1. [20]INDIA CONST., supra note 4, art. 14; *E.P. Royappa v. State of Tamil Nadu*, (1974) 4 SCC 3; *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248.

[21]INDIA CONST., supra note 4, art. 324; *Mohinder Singh Gill*, supra note 4.

[22]*PUCL*, supra note 1; *Association for Democratic Reforms*, supra note 1.

The Representation of the People Act, 1951, outlines specific election offenses and corrupt practices. For example, Section 123(4) deals with publishing false statements about a candidate's personal character, subject to certain statutory rules, while Section 125 addresses the promotion of enmity between groups during elections.[23] These rules might apply to some AI-generated or digital content depending on the specifics, but they don't automatically turn every false claim or synthetic video into a crime.[24] Every case must be looked at individually, considering the content, the intent, who is being attributed, and the timing.

The ECI's Model Code of Conduct and various election-period directions add another layer of oversight.[25] These can set expectations for candidates and help manage behavior that threatens a fair contest. However, administrative directions shouldn't be used as a shortcut for actual legislation, especially when a new criminal offense or a major restriction on fundamental rights is involved.[26] Keeping a clear line between advisory expectations, platform policies, civil remedies, and criminal liability helps both voters and campaigners understand exactly where they stand.

In the United States, the First Amendment provides particularly strong protections for political speech. The Supreme Court has repeatedly emphasized that debating public issues is central to the constitutional order, meaning content-based restrictions face extremely high scrutiny.[27] This protection often extends to statements that are inaccurate or unfair, especially if the government is trying to punish a specific political viewpoint.[28] That said, the First Amendment isn't a blank check for all speech. Fraud, unlawful threats, certain types of impersonation, and other recognized categories can still be regulated, provided the rules meet constitutional standards.[29]

Federalism adds another layer.[30]

---

[23]The Representation of the People Act, 1951, supra note 13, ss. 123(4), 125.

[24]The Bharatiya Nyaya Sanhita, 2023 (Act 45 of 2023), ss. 319, 356; The Information Technology Act, 2000 (Act

21 of 2000), s. 66D.

[25]Election Commission of India, Model Code of Conduct for the Guidance of Political Parties and Candidates; Election Commission of India, Advisory to Political Parties on Responsible and Ethical Use of Social Media Platforms in Election Campaigning (New Delhi, 6 May 2024); Election Commission of India, Advisory for Labelling Synthetic or AI Generated Content Used by Political Parties for Election Campaigning (New Delhi, 16 January 2025); Election Commission of India, Advisory on Disclosure and Labelling of Synthetically Generated or AI-Altered Content in Election Campaigns (New Delhi, 24 October 2025).

[26]INDIA CONST., supra note 4, art. 19(2); *S. Rangarajan v. P. Jagjivan Ram*, (1989) 2 SCC 574.

[27]*Reed v. Town of Gilbert*, 576 U.S. 155 (2015); *Brown v. Hartlage*, 456 U.S. 45 (1982).

[28]*Alvarez*, supra note 3.

[29]Federal Election Campaign Act of 1971, supra note 6, § 30124; *281 Care Committee v. Arneson*, 766 F.3d 774 (8th Cir. 2014); *Susan B. Anthony List v. Driehaus*, 573 U.S. 149 (2014).

[30]U.S. CONST., supra note 5, art. I, § 4, cl. 1.

6. Courts, Election Authorities, and Digital Platforms: Who Should Bear the Responsibility?

Tackling AI-driven election manipulation is not a job for any single institution. The process involves a complex web of actors: political parties and candidates who commission or publish campaign content; consultants and agencies that create it; digital platforms that distribute and monetize it; election authorities who enforce the rules; courts that settle disputes; journalists and civil society groups who investigate claims; and ultimately, the voters who decide what to believe. Rather than placing the entire burden on voters or expecting one regulator to catch every lie, we need a resilient framework that assigns responsibility based on each actor's specific role.

Political parties must be held accountable for synthetic content they authorize, publish, or knowingly spread. They should be required to clearly label any significant AI-generated campaign materials, keep the original files and production data, and promptly correct any content that falsely attributes actions or words to an opponent.[31] However, this responsibility shouldn't automatically cover every rogue post made by a random supporter or a stranger. At the same time, parties shouldn't be allowed to bypass their duties by outsourcing deceptive content to contractors, informal groups, or "independent" accounts that are actually working for them.

The legal standard here needs to distinguish between knowledge, intent, and control. There is a massive difference between a party creating a deceptive video and passing it off as real, and a party whose logo happens to appear on an unrelated parody. If a campaign is notified that one of its own ads contains a major fabrication, it should have a clear way to withdraw or correct it. Legal obligations must be precise enough so that being part of a political movement doesn't result in automatic liability for everything a third party says.[32]

Digital platforms carry a different kind of weight because they control the actual infrastructure of distribution. They should offer easy-to-use reporting tools for election-related impersonation, preserve evidence when a serious complaint is filed, and be transparent about whether they are taking action based on a legal order, their own policies, or technical detection. If content is restricted, users should generally be notified and given a chance to appeal. However, a platform shouldn't be forced to scrub every disputed political claim just because one party calls it "misinformation." Doing so would only encourage "over-removal" and give an unfair advantage to those with the resources to flood the system with complaints.[33]

---

[31]ECI Advisory (24 October 2025), supra note 25.

[32]*New York Times*, supra note 15, at 279–80.

[33]*Shreya Singhal*, supra note 12, para 119; The Information Technology Act, 2000, supra note 24, s. 79; The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2026, supra note 9.

Platforms also need to be much more transparent about paid political ads. A public archive that shows who sponsored

an ad, how long it ran, the target audience, and how much was spent would be invaluable. Meaningful data on targeting can help researchers spot patterns that would otherwise stay hidden.[34] These transparency measures must be built with privacy in mind, ensuring they don't expose the identities or sensitive data of individual voters.[35] Ultimately, transparency is only useful if the public can actually understand, search, and compare information across different campaigns.

Election authorities need to have their procedures ready before the campaign season even starts. A reliable complaint process should clearly define who can file a complaint, what evidence is needed, who makes the first call, how urgent matters are handled, and how to challenge a decision. The process must prioritize preserving the original material and its context. A simple screenshot often isn't enough to prove whether a video was doctored, who actually posted it, or if a clip was cut from a much longer recording.[36] Evidence standards need to be practical, but they cannot be careless.[37]

Any emergency restrictions should clearly state which rule was broken and why immediate action was required. There is a big difference between a temporary step taken to prevent imminent voter suppression and a final ruling that a candidate committed an offense. Decision-makers must respect these stages and avoid presenting preliminary findings as settled facts.[38] By publicly reporting on total complaints, response times, and appeal outcomes, authorities can show whether their process is working or if it is being applied unevenly.

Courts are vital because election regulations can easily infringe on constitutional rights. Judicial review must be available whenever an order significantly limits political speech, hurts a candidate's ability to campaign, or carries heavy legal penalties.[39] While courts may need to act fast, speed shouldn't come at the expense of evidence, reasoned explanations, and a fair chance for the accused to respond.[40] The legal system must also stay vigilant against "strategic litigation"—attempts to use the courts to silence journalists or political opponents during critical moments of public scrutiny.

Independent journalists, fact-checkers, academics, and civil society organizations play a crucial role by verifying viral content, explaining the nuances of technical detection, and correcting errors in the public eye. Their methods should be transparent, and if they get something wrong,

---

[34]Regulation (EU) 2024/900, supra note 11; Regulation (EU) 2022/2065, supra note 11, art. 39.

[35]The Digital Personal Data Protection Act, 2023, supra note 10.

[36]*Anvar P.V. v. P.K. Basheer*, (2014) 10 SCC 473; *Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal*, (2020) 7 SCC 1; The Bharatiya Sakshya Adhiniyam, 2023 (Act 47 of 2023), s. 63.

[37]*Anoop Baranwal v. Union of India*, (2023) 6 SCC 161; *Mohinder Singh Gill*, supra note 4.

[38]*Anuradha Bhasin*, supra note 18; *Maneka Gandhi*, supra note 20.

[39]INDIA CONST., supra note 4, arts. 32, 226.

[40]*Maneka Gandhi*, supra note 20.

they should issue visible corrections. However, the government should never treat any single private organization as the ultimate judge of political truth. A diverse verification environment
—where conclusions can be debated and evidence examined—is much more aligned with democratic accountability.[41]

Finally, voters need practical media literacy. They should be encouraged to check sources, look for corroboration, examine the context of clips, and think twice before sharing something sensational. But media literacy is not a substitute for legal accountability or platform responsibility. We cannot expect every individual to act as a forensic analyst every time they see a political message. Public education is a necessary layer of defense, but it should never be used as an excuse for institutions to walk away from their responsibilities.

The most sensible way to distribute responsibility is through a model of shared but differentiated accountability: political parties must answer for the campaign materials they control; platforms need to ensure transparency and fair procedures; election authorities must enforce clear rules; courts must uphold constitutional boundaries; independent researchers should scrutinize claims; and voters need the right tools to evaluate information. This approach acknowledges that the digital information landscape functions as a single interconnected system, rather than just a

random collection of individual posts.

7. A Rights-Respecting Framework for Electoral Resilience

A framework that respects fundamental rights must start with a basic premise: the law should target specific harmful behaviors and hidden influence, not attempt to enforce a single political orthodoxy. There is a massive difference between a controversial opinion, a satirical video, and a fabricated recording designed to falsely show a candidate announcing a policy. Each of these requires a different response based on the content's nature, how likely it is to deceive, the context in which it is shared, and the actual legal harm it causes. The sharper these distinctions are, the less likely regulation will end up stifling legitimate debate.

First, any campaign content that is materially synthetic must be subject to clear disclosure rules whenever it is likely to be mistaken for a real person or a genuine event. These labels should be prominent, easy to understand, and stay attached to the content even when it is reposted, wherever technically possible. Rather than making sweeping judgments about whether a video is "politically accurate," the label should simply explain that the material is synthetic. We should avoid catching routine editing, translations, accessibility features, or obvious satire in these nets. The goal is to provide voters with context, not to stigmatize the use of AI in general.[42]

[41]Meiklejohn, supra note 15.

[42]Regulation (EU) 2024/1689, supra note 14, art. 50; The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2026, supra note 9; ECI Advisory (16 January 2025), supra note 25.

Second, political advertising needs much more transparency. We need a searchable public archive that shows who sponsored an ad, how long it ran, how much was spent, and the specifics of how audiences were targeted. Rules should focus on paid ads and coordinated campaign efforts, while making sure they don't place an unfair burden on individuals expressing themselves for free. Compliance needs to be practical for local candidates and small-scale campaigns; a system that only major political parties can afford to navigate would undermine equal participation rather than protect it.[43]

Third, privacy protections should limit how sensitive personal data is used for political micro-targeting. Voters shouldn't be covertly profiled based on sensitive traits or psychological vulnerabilities just because a campaign has the tools to predict their reactions. We must distinguish between broad, issue-based communication and predatory targeting that exploits personal information or attempts to suppress voter turnout. Being transparent about targeting categories can allow for public scrutiny without compromising the privacy of individual voters.[44]

Fourth, election authorities and digital platforms must have a rapid-response system for high-stakes issues like deceptive impersonation, fake voting instructions, or other content that could cause immediate electoral damage. This process should identify the specific rule being broken, require sufficient evidence before acting, preserve the original content for the record, and always allow for an appeal. While India's 2026 election-related directives show the importance of acting quickly, speed shouldn't mean that every complaint leads to an automatic takedown. A political actor shouldn't be able to silence an opponent simply by flooding the system with unsubstantiated reports.[45]

Fifth, all restrictions must be logical and subject to review. Whether a platform or an authority takes action, they should explain whether they are acting based on law, election directives, or private policy. Maintaining public records of these decisions—while protecting necessary privacy—can show whether standards are being applied fairly across the political spectrum. Independent audits can then look at complaint outcomes, response times, and potential patterns of bias. Any emergency restrictions should be temporary and reviewed quickly. Being transparent about how regulators make their own decisions is just as vital as being transparent about the campaigns themselves.[46]

[43]*Association for Democratic Reforms v. Union of India*, (2024) 5 SCC 1; *Buckley*, supra note 6, at 64–68; *Citizens United v. Federal Election Commission*, 558 U.S. 310, 366–71 (2010).

[44]*Puttaswamy*, supra note 19; The Digital Personal Data Protection Act, 2023, supra note 10; Zuiderveen Borgesius et al., supra note 10.

[45]ECI Advisory (24 October 2025), supra note 25; The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2026, supra note 9.

[46]*Anuradha Bhasin*, supra note 18; *Maneka Gandhi*, supra note 20.

Sixth, responsibility must be tied to conduct and control. Political parties should be held accountable for content they commission, authorize, or knowingly spread, but they shouldn't be automatically blamed for every single statement made by an unaffiliated citizen. A person who shares a fake clip in good faith before they realize it's false shouldn't be treated the same way as a campaign that deliberately manufactures and pushes it as real. Setting clear standards for intent, attribution, and materiality helps prevent the punishment of ordinary political participation.[47]

Seventh, technical tools should support human judgment, not replace it. Watermarks, metadata, and content credentials can help us identify how a file was created or edited. However, these markers can be forged or removed, and genuine content often lacks them entirely. Furthermore, AI detectors frequently make mistakes, especially with content that has been compressed or translated. No single automated score should ever be the sole reason a candidate is accused of an offense or a post is removed. Decisions must look at the source, corroborating evidence, context, and the actual intent to deceive.[48]

Eighth, the law must protect satire, parody, journalism, whistle-blowing, and political criticism. Public figures have to be prepared for robust scrutiny, including creative or exaggerated expression. A politician shouldn't be allowed to shut down an inconvenient critique simply by labeling it a "deepfake." Disclosure requirements should only be as strict as necessary to prevent a reasonable viewer from mistaking synthetic content for a real event. Any restriction should be as narrow as possible to address the specific harm.[49]

Ninth, remedies should be proportionate to the harm and the timing of the election. Sometimes, a correction, a label, a right of reply, a preservation order, or a public notice might be a better way to handle issues than simply removing content. Removal should really be reserved for specific, high-stakes cases—like when content impersonates a candidate to mislead people about how to vote, or when it falsely attributes a major statement right before an election. Criminal penalties shouldn't be the go-to response for every disputed post; they should be strictly saved for conduct that clearly breaks a defined law.[50]

Tenth, institutions need to publish post-election evaluations. These reports should detail the number and types of complaints, how long it took to respond, the decisions made, any reversals, and appeals, all while keeping sensitive info private. The goal isn't just to tally up how many posts were taken down; it's to figure out if voters were actually better informed, if the rules were

---

[47]*New York Times*, supra note 15, at 279–80; The Information Technology Act, 2000, supra note 24, s. 79.

[48]The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2026, supra note 9; Regulation (EU) 2024/1689, supra note 14, art. 50.

[49]*Hustler Magazine*, supra note 3; *Shreya Singhal*, supra note 12; INDIA CONST., supra note 4, art. 19(1)(a).

[50]*Alvarez*, supra note 3; *Modern Dental College*, supra note 18.

applied fairly, and if legal speech was accidentally suppressed. Bringing in independent academics and civil society can help spot weaknesses that election officials might miss.

Eleventh, India and the United States should work more closely together across borders. Synthetic content can be made in one country, hosted in another, and used to target voters in a third. Better cooperation could help preserve evidence, track coordinated foreign interference, and allow for the sharing of technical expertise. This teamwork should focus on transparency and stopping unlawful interference, not on forcing everyone to share the same political views or letting foreign governments weigh in on domestic speech. Any information-sharing deals must have strict legal limits and safeguards to prevent misuse.

In India, these reforms could come through ECI directions, targeted legislation, platform transparency rules, and accessible judicial reviews.[51] Before rolling out detailed procedures, the Commission should talk to political parties,

technical experts, journalists, civil society, and election administrators. While consultation won't stop everyone from disagreeing, it will make the rules much clearer and easier to enforce in practice.

For the United States, state-level experiments and federal disclosure rules might offer a way forward, provided they follow the First Amendment and have clear legal backing. While national consistency could help with political advertising transparency, a single uniform rule shouldn't become a way for the government to control political content. The courts need to be able to tell the difference between narrow measures against fraud and impersonation and broad restrictions that stifle legitimate debate.[52]

The core principle is that voters deserve to know who is talking to them, whether a campaign message was synthetically created, and how paid political influence is being directed.[53] At the same time, the government shouldn't be the one deciding what is or isn't "political truth." A resilient democracy isn't one where there is no disagreement or misinformation; it's one where institutions can respond to proven harm through lawful, fair, and accountable methods.

Conclusion: Protecting the Voter Without Policing Every Opinion

AI hasn't invented political manipulation, but it has certainly scaled it up, making it faster and harder to spot. A synthetic video can make a fake event look real. Automated targeting can allow campaigns to make different promises to different groups in secret. Recommendation engines can amplify inflammatory content, making it seem like there is a wider consensus than there actually is. Yet, AI also has benefits, like making information more accessible, translating

---

[51]INDIA CONST., supra note 4, art. 324; *Mohinder Singh Gill*, supra note 4; The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2026, supra note 9.

[52]Bipartisan Campaign Reform Act of 2002, Pub. L. No. 107-155, 116 Stat. 81; *281 Care Committee*, supra note 29.

[53]*Citizens United*, supra note 43, at 366–71.

campaigns into regional languages, and helping with election administration. A democratic response needs to embrace both the pros and the cons rather than treating the technology itself as the enemy.

Comparing India and the United States shows that while different constitutional structures provide different tools, the fundamental dilemma remains the same. India's Election Commission provides a central body that can coordinate responses, but its challenge is to ensure its directions are clear, applied consistently, and subject to review—especially regarding fundamental rights. In the United States, the strong tradition of First Amendment protections keeps political debate safe from government overreach, but the decentralized nature of elections can leave gaps in transparency. Meanwhile, the European Union shows how transparency in political advertising can curb hidden influence without making the government the ultimate judge of political claims.[54]

Current laws can handle some issues like false statements, impersonation, or harmful content, but they don't yet form a complete framework for the age of AI-driven elections. The ECI's guidance on labeling synthetic material is a good start, but its success will depend on clear definitions, easy ways to report issues, reliable evidence, platform cooperation, and the ability to challenge decisions.[55] The U.S. needs similar care; a rule meant to protect voters could easily violate constitutional rights if it is too broad or gives officials too much power.[56]

The most effective response is a layered one. Political parties should be transparent and take responsibility for the synthetic content they use or spread. Platforms need to preserve evidence, be transparent about political ads, and explain why they restrict content. Election authorities should act quickly in cases of clear deception but must provide reasoning and allow for appeals. Finally, the courts must protect both the integrity of the election and the right to free political expression. Independent researchers and journalists need the freedom to scrutinize evidence, just as voters deserve the practical tools necessary to evaluate what they see online. The core of a healthy democracy isn't a guarantee that every voter will always have access to perfectly accurate information. Such a promise is simply impossible, and trying to force it through widespread censorship would only end up undermining the very freedoms elections are supposed to safeguard. Instead, our real goal should be to ensure people have a fair chance to weigh political claims, figure out who is actually funding a campaign, and spot blatant deception before the damage is done. People are

allowed to vote for candidates based on emotion, misunderstanding, or even poor judgment; that is part of being free. What we shouldn't accept as the new normal is the intentional fabrication of evidence, hidden

[54]Regulation (EU) 2024/900, supra note 11; Regulation (EU) 2022/2065, supra note 11, art. 39.

[55]ECI Advisory (24 October 2025), supra note 25; The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2026, supra note 9.

[56]*Alvarez*, supra note 3; *Reed*, supra note 27.

manipulation, or impersonation designed to keep voters in the dark about what they are actually judging.

Ultimately, the strength of a constitution shouldn't be measured by how much political speech a government can silence, but by how well it protects open debate while stopping the machinery of influence from operating in the shadows. A democratic system needs to be able to call out deceptive behavior without mistaking political disagreement for illegal manipulation. It has to act quickly without sacrificing fairness, and it must regulate massive digital platforms without turning them into unaccountable gatekeepers of public discourse. When algorithms begin to shape the outcome of an election, the law must step in to protect the individual voter-while still respecting that person's right to hear, question, and decide for themselves.

BIBLIOGRAPHY

A. Table of Cases

(i) Indian Cases

Anoop Baranwal v. Union of India, (2023) 6 SCC 161. *Anuradha Bhasin v. Union of India*, (2020) 3 SCC 637. *Anvar P.V. v. P.K. Basheer*, (2014) 10 SCC 473.

Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal, (2020) 7 SCC 1.

Association for Democratic Reforms v. Union of India, (2024) 5 SCC 1.

E.P. Royappa v. State of Tamil Nadu, (1974) 4 SCC 3.

Indira Nehru Gandhi v. Raj Narain, 1975 Supp SCC 1.

Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1.

Maneka Gandhi v. Union of India, (1978) 1 SCC 248.

Modern Dental College and Research Centre v. State of Madhya Pradesh, (2016) 7 SCC 353.

Mohinder Singh Gill v. Chief Election Commissioner, (1978) 1 SCC 405.

People's Union for Civil Liberties v. Union of India, (2003) 4 SCC 399.

S. Rangarajan v. P. Jagjivan Ram, (1989) 2 SCC 574.

Shreya Singhal v. Union of India, (2015) 5 SCC 1.

Union of India v. Association for Democratic Reforms, (2002) 5 SCC 294.

(ii) Foreign Cases (United States)

281 Care Committee v. Arneson, 766 F.3d 774 (8th Cir. 2014).

Brown v. Hartlage, 456 U.S. 45 (1982).

Buckley v. Valeo, 424 U.S. 1 (1976).

Citizens United v. Federal Election Commission, 558 U.S. 310 (2010).

Hustler Magazine, Inc. v. Falwell, 485 U.S. 46 (1988).

Minnesota Voters Alliance v. Mansky, 585 U.S. 1 (2018).

New York Times Co. v. Sullivan, 376 U.S. 254 (1964).

Reed v. Town of Gilbert, 576 U.S. 155 (2015).

Reno v. American Civil Liberties Union, 521 U.S. 844 (1997).

Susan B. Anthony List v. Driehaus, 573 U.S. 149 (2014).

United States v. Alvarez, 567 U.S. 709 (2012).

B. Constitutions and Statutes

(i) India

The Bharatiya Nyaya Sanhita, 2023 (Act 45 of 2023).

The Bharatiya Sakshya Adhiniyam, 2023 (Act 47 of 2023).

The Constitution of India, 1950.

The Digital Personal Data Protection Act, 2023 (Act 22 of 2023). The Information Technology Act, 2000 (Act 21 of 2000).
The Representation of the People Act, 1951 (Act 43 of 1951).

(ii) United States

Bipartisan Campaign Reform Act of 2002, Pub. L. No. 107-155, 116 Stat. 81. The Constitution of the United States of America, 1787.
Federal Election Campaign Act of 1971, 52 U.S.C. §§ 30101–30146.

(iii) European Union

Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services (Digital Services Act), 2022 O.J. (L 277) 1.

Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence (Artificial Intelligence Act), 2024 O.J. (L 2024/1689).

Regulation (EU) 2024/900 of the European Parliament and of the Council of 13 March 2024 on the Transparency and Targeting of Political Advertising, 2024 O.J. (L 2024/900).

C. Rules, Regulations and Official Documents

Election Commission of India, Advisory for Labelling Synthetic or AI Generated Content Used by Political Parties for Election Campaigning (New Delhi, 16 January 2025).

Election Commission of India, Advisory on Disclosure and Labelling of Synthetically Generated or AI-Altered Content in Election Campaigns (New Delhi, 24 October 2025).

Election Commission of India, Advisory to Political Parties on Responsible and Ethical Use of Social Media Platforms in Election Campaigning (New Delhi, 6 May 2024).

Election Commission of India, Model Code of Conduct for the Guidance of Political Parties and Candidates.

Federal Communications Commission, Declaratory Ruling, *Implications of Artificial Intelligence Technologies on Protecting Consumers from Unwanted Robocalls and Robotexts*, FCC 24-17, CG Docket No. 23-362 (8 February 2024).

The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2026 (notified 10 February 2026; in force 20 February 2026), amending the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.

D. Books

Meiklejohn, Alexander, *Free Speech and Its Relation to Self-Government* (Harper & Brothers, New York, 1948).

E. Articles and Papers

Zuiderveen Borgesius, Frederik J. et al., "Online Political Microtargeting: Promises and Threats for Democracy" 14 Utrecht Law Review 82 (2018).

Hasen, Richard L., "Cheap Speech and What It Has Done (to American Democracy)" 16 First Amendment Law Review 200 (2017).

Chesney, Robert and Citron, Danielle, "Deep Fakes: A Looming Challenge for Privacy, Democracy, and National Security" 107 California Law Review 1753 (2019).