

# Digital Constitutionalism in India: Regulating Free Speech, Misinformation, and Electoral Integrity in the Age of Artificial Intelligence and Social Media

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**Abstract**—The recent development of Artificial Intelligence (AI) and social media has significantly altered political communication and posed immense challenges to free speech, misinformation, and electoral integrity in India. This study explored how digital constitutionalism, the spread of misinformation through AI, algorithmic amplification and deep fakes relate to democratic governance in India. This study was conducted with a qualitative research approach, descriptive and explanatory research design and multiple secondary data obtained from scholarly articles, legal judgment, policy documents and government reports. It found that public discourse, voter autonomy and electoral fairness were significantly impacted by AI-generated misinformation and social media manipulation, as well as highlighting gaps in current policy and regulatory frameworks. The study highlighted the importance of establishing a "balanced co-regulatory framework" to ensure the protection of democratic values, comprising constitutional protection, platform responsibilities, transparency in AI governance, and digital literacy. It had found that collaborative governance, which features India's governments, technology platforms, civil society and autonomous bodies are crucial for promoting the responsible usage of AI and maintaining the integrity of democracy in India's changing digital landscape.

**Index Terms**—Digital Constitutionalism; Artificial Intelligence; Social Media; Misinformation; Electoral Integrity

integration brings about a significant qualitative shift in political involvement and political governance<sup>1</sup>.

Digital democracy represents the latest paradigm change that brings together technology and politics. Berg and Hofmann have documented the progression of digital democracy, demonstrating how each stage has broadened the extent and profundity of political participation via technology. It provides three compulsory steps: electronic democracy (e-democracy), virtual democracy, and network democracy. E-Democracy began in the 1980s and tapped into early technology like cable TV and bulletin board systems to create opportunities for direct engagement, like electronic town halls<sup>2</sup>. The 1990s period of virtual democracy followed this, and operated via the Internet to create global communities that affirmed a techno-libertarian agenda and championed a liberal democracy that transcended national boundaries. The beginning of the 2000s heralded an era of network democracy with very high levels of interactive possibilities and with less clear-cut communications duties and obligations for digital platforms that had to balance democratic ideals with commercial interests. It also marked the beginning of the era of social media, a remarkable shift in the contexts in which people access and produces content

## I. INTRODUCTION

Digital democracy is the result of the fusion of democracy and the computer mediated communication. This integration is usually a substantial shift in the nature of the political paradigm, whether it's to add to it or to change it. The

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<sup>1</sup> C. Novelli & G. Sandri, "Digital Democracy in the Age of Artificial Intelligence", arXiv Preprint, arXiv:2412.07791 (2024).

<sup>2</sup> N. Bontridder & Y. Poulet, "The Role of Artificial Intelligence in Disinformation" 3 Data & Policy e32 (2021).

and, consequently, has an impact on the democratic public sphere<sup>3</sup>.

There is an opportunity to enhance political discourse and engagement through the use of social media tools. Some empirical studies suggest that social media can be used to empower citizens, especially those with less means, by eliminating barriers to information access, as well as by allowing the expression of opinions and dissemination of mobilizations around topics of interest. One concern is that (generative) Artificial Intelligence and its impact on communication and the social media ecosystem could exacerbate an unhealthy democratic discourse<sup>4</sup>.

In today's information landscape, fabricated and misinformation are recurring challenges that are particularly problematic because of the dissemination of information on social media, the quick dissemination and the use of recommendation algorithms, and the spread across platforms. In times of heightened attention, deceptive or manipulated material may reach a larger audience of people faster than they are able to verify. At the same time, a coordinated group can use platform functions to shape narratives, create a consensus or attack institutions<sup>5</sup>.

Electoral environments are particularly susceptible to these dynamics. Elections draw attention and competition to the political arena, often leading to a coordinated communication campaign that complements real political debate. Within this context, disinformation activities can harm democratic processes by influencing informational bases, increasing polarization and engaging in harmful language, such as hate speech or extremist

speech. Moreover, the spaces that enable citizen participation in political expression can also be manipulated using automated accounts, coordinated inauthentic actions and increasingly sophisticated kinds of synthetic media.

In this context, artificial intelligence (AI) has arisen as a viable solution for tackling the magnitude and velocity of internet disinformation. Machine learning and natural language processing techniques can be used to help with detection and classification; to support with verification; to analyse stance; and to characterise coordinated activity in a network. At the same time, technological progress does not automatically lead to evidence that is ready for use; model purposes, the formulation of the data, limitations of the platforms, as well as evaluation methods, have a profound impact on the conclusions about the actual effectiveness, particularly over time for narratives, subjects and strategies<sup>6</sup>.

#### 1.1 Case laws related to the study

“Shreya Singhal v. Union of India (2015): The Supreme Court struck down Section 66A of the IT Act, cementing online free speech. It set the precedent that to restrict speech; there must be a clear link between the expression and actual "incitement", rather than just being offensive”<sup>7</sup>.

“Anuradha Bhasin v. Union of India (2020): The Court declared access to the internet as integral to the freedom of expression under Article 19(1)(a), mandating that any government restriction or internet shutdown must be proportionate and temporary”<sup>8</sup>.

“K.S. Puttaswamy v. Union of India (2017): Established the fundamental Right to Privacy under Article 21, which acts as the constitutional cornerstone against algorithmic profiling, mass surveillance, and unauthorized data use”<sup>9</sup>.

<sup>3</sup> M. Cinelli, W. Quattrociochi, A. Galeazzi, C. M. Valensise, E. Brugnoli, A. L. Schmidt, P. Zola, F. Zollo & A. Scala, "The Echo Chamber Effect on Social Media" 118(9) Proceedings of the National Academy of Sciences e2023301118 (2021).

<sup>4</sup> S. Vosoughi, D. Roy & S. Aral, "The Spread of True and False News Online" 359(6380) Science 1146 (2018).

<sup>5</sup> S. Bradshaw & P. N. Howard, *The Global Disinformation Order: 2019 Global Inventory of Organised Social Media Manipulation* (Oxford Internet Institute, University of Oxford, 2019).

<sup>6</sup> F. Díaz, N. Cerna, R. Liza & B. Motta, "Artificial Intelligence for Detecting Electoral Disinformation on Social Media: Models, Datasets, and Evaluation" 17(3) Information 292 (2026).

<sup>7</sup> <https://indiankanoon.org/doc/110813550/>

<sup>8</sup> <https://indiankanoon.org/doc/82461587/>

<sup>9</sup> <https://indiankanoon.org/doc/127517806/>

"Editors Guild of India v. Union of India (2024): The Bombay High Court struck down the 2023 IT Rules amendment that sought to establish a government-run Fact Check Unit (FCU) to identify "fake news". The court deemed it unconstitutional, citing it as an instrument of censorship capable of stifling legitimate political criticism"<sup>10</sup>.

The study seeks to explore the influence of AI and social media on freedom of expression, misinformation, and electoral integrity in the context of digital constitutionalism in India. The study aims to examine the impact of AI technologies such as deep fakes, algorithmic amplification, and automated dissemination of content on democratic participation, political communication, and constitutional rights, as well as the need for a balance between freedom of expression and regulatory accountability of platforms, and free and fair electoral processes.

## II. REVIEW OF LITERATURE

Chugh (2025)<sup>11</sup> studied how artificial intelligence (AI) affects political communication, electoral integrity and intellectual property rights in the Indian digital campaign environment. This study aimed at evaluating the effectiveness of existing laws and regulations in relation to electoral activities and identifies the gaps. The study employed a doctrinal research methodology to analyse the extent of protection offered by various laws in the United States, the European Union and the United Kingdom, and compared the findings to conclude that Indian laws provide only partial protection against electoral manipulation by AI. The study identifies specific legislation to ensure transparency, accountability and good governance of artificial intelligence to protect democracy and intellectual property rights.

Goswami and Sachdeva (2025)<sup>12</sup> explored the impact of artificial intelligence (AI) on democratic

governance and electoral systems. The objective of this study was to evaluate the impact of AI tools on voter behaviour and the integrity of democratic processes. The authors, after a qualitative review of modern election cases, policy challenges and documented uses of AI, found that the use of deep fakes, predictive analysis and targeted political advertisements and misinformation was a significant threat to electoral manipulation and posed strong ethical questions. The study revealed that comprehensive rules, standards of conduct and strong governance systems played a key role in protecting democratic principles and the integrity of the electoral process from threats from AI.

Hwang (2025)<sup>13</sup> examined the constitutional challenges raised by laws regarding the control of misinformation on social media, under the condition of freedom of speech. The study aimed to identify the bounds of the government's intervention in content moderation and to propose a fair and balanced regulatory framework for this. The study used a qualitative constitutional approach to constitutional principles and precedent to outline a broad range of possible involvement by government which, on one end of the spectrum, could result in a violation of the protections of freedom of speech, and on the other end of the spectrum, could result in more transparency and less of a restriction on government involvement. Concerted action by governments, digital platforms and citizens was key to effectively addressing misinformation, while respecting constitutional rights, the study concluded.

Irfan et al. (2025)<sup>14</sup> explored the legal and regulatory complexities of the conflict between hate speech, misinformation, and freedom of expression in the

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Responses in Modern Democracy" in *AI and the Future of Democracy* 126 (Chapman and Hall/CRC, 2025).

<sup>13</sup> L. Hwang, "Regulation of Misinformation in the Digital Age: First Amendment Rights and Government's Role in Social Media" 5(2) *Critical Debates in Humanities, Science and Global Justice* (2025).

<sup>14</sup> A. Irfan, N. Hussain, M. Zakir & S. H. J. Bukhari, "Hate Speech, Misinformation, and Free Speech: Navigating Legal Challenges in the Digital Age" 3(5) *Research Journal for Social Affairs* 105 (2025).

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<sup>10</sup> <https://indiankanoon.org/doc/19001133/>

<sup>11</sup> R. Chugh, "Artificial Intelligence, Deepfakes, and Electoral Integrity in India: Legal and Intellectual Property Challenges" 4(2) *Panjab University Law Magazine (MAGLAW)* 69 (2025).

<sup>12</sup> P. Goswami & N. Sachdeva, "AI and Electoral Integrity: Challenges, Cases, and Regulatory

digital age. It examined the challenges of hate speech, misinformation and freedom of expression in the digital age in terms of law and regulation. The main goal of the study was to evaluate the effects of different governance structures of platforms across jurisdictions. The authors found both interventionist and libertarian approaches to interventions led to a reduction in harmful content, but concerns were raised about censorship in both, and interventionist approaches were not effective enough at reducing misinformation. The study found that a governance system that is transparent, hybrid, with a legal dimension, artificial intelligence, human oversight, digital literacy, and international collaboration is key to the proper regulation of online contents.

Kan (2024)<sup>15</sup> explored how AI technologies affect the field of democracy and human rights. The study aimed to evaluate the effects of Artificial Intelligence on rights issues like freedom of expression, right to vote, right to privacy and personal data protection. The study approached the topic qualitatively and analytically from a multi-layered perspective of legislation, ethical standards and international policy views to determine that AI presented opportunities and risks to democratic governance and human rights. The research revealed that there is a need for a comprehensive legal framework, ethical guidelines, and international cooperation to ensure responsible and democratic governance of AI technologies.

Yu (2024)<sup>16</sup> analysed the changing landscape of political campaigns and elections in the era of Artificial Intelligence (AI). The study aimed to review the potential and challenges of AI in democratic governance with a focus on voter targeting, misinformation and cyber security and electoral integrity. A qualitative and descriptive study of the existing legal, technological and policy literature identified opportunities for AI to enhance the efficiency of the campaigns and new levels of disinformation, cyber-attacks and voter manipulation

risks. The researchers discovered that strong governance, transparency, cybersecurity, and public education and international cooperation will play critical roles in securing democratic elections in an age defined by AI.

Barroso and Barroso (2023)<sup>17</sup> discussed the impact of the digital revolution and the internet on democracy, social media and freedom of expression. The study set out to explore challenges to the constitution presented by digital platforms and their impact on democratic governance. The authors' qualitative and conceptual analysis of the constitutional principles, structures and current digital developments revealed that social media have increased access to information and contributed to the speed of misinformation, hate speech and conspiracy theories. The study concluded that "balanced regulation and the protection of freedom of expression, together with increased media literacy, are crucial for building a positive and democratically healthy online world.

Marsden et al. (2020)<sup>18</sup> analysed regulatory measures in the European Union (EU) on the use of artificial intelligence (AI) for social media moderation of disinformation. The study was designed to assess governance mechanisms to reconcile the need to control misinformation, with the democratic values. Through a qualitative policy analysis of EU regulations, Codes of Conduct, and national legislative reactions, the authors discovered that an absence of government or platform regulation was insufficient. The study found that a co-regulatory approach – one that combines self-regulation by platforms with democratic oversight – was more effective and accountable for combating online disinformation.

## 2.1 Research Gap

There are several gaps in existing literature, despite the current development of the field of AI,

<sup>15</sup> C. H. Kan, "Artificial Intelligence (AI) in the Age of Democracy and Human Rights: Normative Challenges and Regulatory Perspectives" 9(25) International Journal of Eurasian Education and Culture 145 (2024).

<sup>16</sup> C. Yu, How Will AI Steal Our Elections? (Center for Open Science, 2024).

<sup>17</sup> L. R. Barroso & L. V. B. Barroso, "Democracy, Social Media, and Freedom of Expression: Hate, Lies, and the Search for the Possible Truth" 24(1) Chicago Journal of International Law 3 (2023).

<sup>18</sup> C. Marsden, T. Meyer & I. Brown, "Platform Values and Democratic Elections: How Can the Law Regulate Digital Disinformation?" 36 Computer Law & Security Review 105373 (2020).

misinformation, governance of digital platforms and electoral integrity. While comparative and international analysis is the most common approach, the majority of existing studies focus on the European Union, the United States and other global governance arrangements, with a particular emphasis on the latter. In spite of the recent debates around electoral manipulation with AI technology and regulatory issues in India, there is little research which has provided a holistic analysis of digital constitutionalism in the context of India, taking into consideration the constitutional rights to free speech, the role of AI-generated misinformation, platform accountability and electoral integrity in one study. More importantly, there is a lack of focus on the role of India's constitutional principles in designing a balanced co-regulatory framework which aims at protecting and upholding democratic rights, holding platforms accountable, and maintaining electoral fairness in the era of artificial intelligence and social media. To fill this gap, this study aims to explore the nexus between constitutional governance, regulation of AI, misinformation and democratic integrity in India.

#### 1. Research Objectives

1. To assess the impact of AI-generated content, deep fakes, algorithmic amplification, and social media misinformation on free speech, public discourse, and democratic participation in India.
2. To investigate the implications of AI-driven misinformation and social media manipulation for electoral integrity in India, particularly in relation to voter autonomy, political communication, and the fairness of democratic processes.

#### 2. Research Methodology

This research employed a qualitative research methodology to gain a deeper insight into how artificial intelligence generated fake news, deep fakes and social media manipulation influence freedom of speech, electoral integrity and democratic processes in India. The study was conducted in all the regions of India which helped in conducting the study on a National level. The descriptive and explanatory research design was used to systematically describe the current trends and explain the relationship between misinformation and implications in democratic governance with the help of artificial intelligence. Secondary data were used in the study

scholarly journal articles, government reports, policy documents, law, media reports, and publications from national and international organizations. The collected data were analysed, organized and presented in MS Excel and qualitative analysis was done in MS Word for data organisation, analysis, documentation, interpretation and presentation of the research findings.

### III. RESULTS BASED ON HYPOTHESIS

H1: AI-generated content, deep fakes, algorithmic amplification, and social media misinformation have a significant impact on free speech, public discourse, and democratic participation in India.

The digital landscape in India is being transformed by AI, as it can produce AI content, algorithmically enhanced information and deep fakes, leading to the creation of a digital environment rife with real and fake information. AI has already revolutionized the digital information landscape in India, making it easy to create and disseminate AI-generated content, deep fakes, and algorithmically amplified information, leading to a digital landscape laced with both real and fake information. Although these technologies increase the efficiency of communication and personalisation of the content, it can also be used to spread misinformation, influence public opinion and lead to loss of trust in digital platforms<sup>19</sup>. The problem is that people are increasingly finding it difficult to distinguish truth from fiction in the field of political communication, election campaigns and public debate due to the spread of fake news and deep fake videos created using the technique of artificial intelligence (AI). Sensational and misleading information are even more apparent and visible, with algorithmic amplification of such content further increasing its visibility on social media platforms, and engagement systems promoting emotionally charged information instead of factual information<sup>20</sup>.

<sup>19</sup> R. Chesney & D. K. Citron, "Deep Fakes: A Looming Challenge for Privacy, Democracy, and National Security" 107(6) California Law Review 1753 (2019).

<sup>20</sup> M. Cinelli, W. Quattrocioni, A. Galeazzi, C. M. Valensise, E. Brugnoti, A. L. Schmidt, P. Zola, F. Zollo & A. Scala, "The Echo Chamber Effect on

A recent study also found that misinformation is more likely to be shared than verified information, which impacts informed democratic engagement and trust in the public. Also, the opaque nature of AI algorithms and content moderation by AI has sparked many questions about the freedom of expression, transparency and accountability of digital governance<sup>21</sup>.

The findings for H1 have shown that the influence of AI-generated content, deep fakes, algorithmic amplification and social media misinformation on freedom of expression, public discourse and democratic engagement in India is quite significant. The role AI can play in the dissemination of misinformation can result in the citizens believing the false narratives, thereby affecting the public discourse based on evidence. It is especially worrying that deep fake technologies have opened up new avenues for election manipulation and political abductions that threaten the integrity of the electoral process and democratic legitimacy<sup>22</sup>. Likewise, in terms of recommendations, the algorithms can produce polarization by not showing the user a diversity of ideas within the “filter bubble” and the “echo chamber”. Likewise, when it comes to recommendations, the algorithms tend to create “filter bubbles” and “echo chambers”, which give the end user a limited number of other recommendations. Automated systems for moderation can also lead to the unintended side effects of limiting legitimate forms of political expression or their inability to adequately take down harmful misinformation, which might cause conflicts between the regulation of content and the freedom of speech<sup>23</sup>. The ongoing developments stress the need for comprehensive programs to enhance digital literacy, to set guidelines

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Social Media" 118(9) Proceedings of the National Academy of Sciences e2023301118 (2021).

<sup>21</sup> R. Gorwa, R. Binns & C. Katzenbach, "Algorithmic Content Moderation: Technical and Political Challenges in the Automation of Platform Governance" 7(1) Big Data & Society 1 (2020).

<sup>22</sup> UNESCO, Guidance for the Governance of Digital Platforms (UNESCO Publishing, 2023).

<sup>23</sup> S. Vosoughi, D. Roy & S. Aral, "The Spread of True and False News Online" 359(6380) Science 1146 (2018).

for digital platforms, and to be properly and oriented towards responsible governance of AI in India to protect the principles of democracy and have informed discussion in the public sphere<sup>24</sup>.

H2: AI-driven misinformation and social media manipulation have a significant impact on electoral integrity in India, particularly voter autonomy, political communication, and the fairness of democratic processes.

The application of Artificial Intelligence in India to manipulate and propagate misinformation is very harmful in the context of democracy, as it is a threat to the autonomy of voters, affects the political narrative and affects the transparency of the electoral process. As AI becomes more popular, it is possible for politicians to produce convincing synthetic media, enable autonomous political propaganda campaigns, and artificially manipulate their audiences with political messages to specific voters during the election period, which can influence electoral preferences<sup>25</sup>. There is also some research on how coordinated social media manipulation and computational propaganda can impact political communication, emphasizing falsehoods and burying the facts<sup>26</sup>. Other studies on online political activity show that recommendation engines that use AI technology exacerbate preferential exposure to political information, which further strengthens citizens' opinions on political matters and undermines their capacity to make their own political judgments<sup>27</sup>. Moreover, it has been found that digital

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<sup>24</sup> C. A. Bail, L. P. Argyle, T. W. Brown, J. P. Bumpus, H. Chen, M. B. F. Hunzaker, J. Lee, M. Mann, F. Merhout & A. Volfovsky, "Exposure to Opposing Views on Social Media Can Increase Political Polarization" 115(37) Proceedings of the National Academy of Sciences 9216 (2018).

<sup>25</sup> S. Bradshaw & P. N. Howard, The Global Disinformation Order: 2019 Global Inventory of Organised Social Media Manipulation (Oxford Internet Institute, University of Oxford, 2019).

<sup>26</sup> T. Dobber, R. Ó Fathaigh & F. J. Zuiderveen Borgesius, "The Regulation of Online Political Micro-targeting in Europe" 8(4) Internet Policy Review 1 (2019).

<sup>27</sup> C. A. Bail, L. P. Argyle, T. W. Brown, J. P. Bumpus, H. Chen, M. B. F. Hunzaker, J. Lee, M.

misinformation harms the confidence in electoral institutions and is linked to an increase in polarization in the political arena, which can lead to negative effects on democratic fairness and citizens' participation in electoral processes<sup>28</sup>. The findings illustrate the important role that AI-manipulation plays in shaping the credibility and inclusiveness of contemporary electoral systems.

The findings of the study in favour of H2 also show that the flow of misinformation and manipulation on social media platforms does have a huge impact on the electoral integrity in India, especially on the voters' autonomy, political communication and fairness of electoral processes. Instead of allowing voters to make their own decisions without the influence of AI, the use of AI in political micro-targeting enables the creation of personalized campaign messages for specific groups of voters, and thus influences election decisions<sup>29</sup>. Moreover, the rapid dissemination rate of manipulated political information via digital platforms also undermines the credibility of election information, leading some to become misinformed or even bewildered during an election<sup>30</sup>. Furthermore, computational propaganda and coordinated bot networks may help to strengthen partisan narratives and to challenge fair political competition by blocking political counter-arguments<sup>31</sup>. Recent studies on the electoral context

in India then illuminate the dangers of the free and fair election being sabotaged by political misinformation created with the help of AI, which can impact the perception of citizens and their trust in electoral institutions (Garimella & Chauchard, 2024). Overall, this study underscores the importance of strengthening the existing rules, clarifying the guidelines regarding the governance of AI, expanding digital literacy initiatives, and hold platforms accountable to ensure electoral integrity and democratic legitimacy in India.

#### IV. DISCUSSION

Artificial intelligence (AI) and social media have revolutionized political communication in India, opening up avenues for greater democratic engagement but also contributing to the proliferation of "misinformation" and algorithms-based digitally manipulated content. The politics of India has been reshaped by AI and social media, making it easier to engage in the democratic process but also making it easier for "misinformation" and algorithms-based digitally manipulated content to spread.<sup>32</sup> suggest a change to the constitutional culture in India using the light of 'Digital Constitutionalism' for a balance between freedom of speech guaranteed by Article 19(1)(a) and reasonable restrictions in the name of democratic values. They are backed by<sup>33</sup> who suggests that as the volume and scale of misinformation grows, there is a need for greater transparency and accountability on digital platforms in line with the advent of algorithmic amplification and Generative AI. However,<sup>34</sup> suggests that excessive regulations may stifle innovation and freedom of expression in digital space, as they create

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Mann, F. Merhout & A. Volfovsky, "Exposure to Opposing Views on Social Media Can Increase Political Polarization" 115(37) *Proceedings of the National Academy of Sciences* 9216 (2018).

<sup>28</sup> Y. Benkler, R. Faris & H. Roberts, *Network Propaganda: Manipulation, Disinformation, and Radicalization in American Politics* (Oxford University Press, 2018).

<sup>29</sup> T. Dobber, R. Ó Fathaigh & F. J. Zuiderveen Borgesius, "The Regulation of Online Political Micro-targeting in Europe" 8(4) *Internet Policy Review* 1 (2019).

<sup>30</sup> E. Ferrara, *Charting the Landscape of Nefarious Uses of Generative Artificial Intelligence for Online Election Interference* (2024), available at: <https://arxiv.org/abs/2406.01862> (last visited on 9 July 2026).

<sup>31</sup> S. Bradshaw & P. N. Howard, *The Global Disinformation Order: 2019 Global Inventory of*

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*Organised Social Media Manipulation* (Oxford Internet Institute, University of Oxford, 2019).

<sup>32</sup> B. H. Desai & A. Surendranath, *Digital Constitutionalism and Constitutional Governance in India* (Oxford University Press, 2023).

<sup>33</sup> R. Dara, *Governing Generative AI and Platform Accountability in Democratic Societies* (Observer Research Foundation Occasional Paper, 2024).

<sup>34</sup> N. Nilekani, *The Digital Public Infrastructure Approach to Responsible Technology Governance* (Infosys Foundation, 2023).

conditions for the use of technology, digital literacy, governance of platforms and regulations. All of these views suggest that there is consensus about the importance of tackling misinformation in the era of AI, with some arguing for more stringent regulation and others for less.

The results also indicate that the integrity of the electoral process in the era of AI demands a multi-layered governance system, comprising constitutional protection, oversight bodies, and active management of electoral platforms. <sup>35</sup>Recommends emphasizing transparency, procedural fairness and citizens' rights in the digital space in the regulations, to prevent arbitrary restrictions on political speech. This has been echoed by <sup>36</sup>who states that explainable AI systems and accountable content moderation are crucial to ensure the public trust during elections. However, <sup>37</sup>contends that this may not be a good thing for government oversight due to concerns about censorship, and for freedom of speech because of the potential for lax standards of regulating free speech with the aid of a constitution. Similarly, <sup>38</sup>suggests that the government, tech companies, civil society groups, and election officials should work together to address the issue of misinformation spread through AI, but not stifle democratic participation. No one single solution, whether it be government intervention or platform self-regulation, should be seen in isolation as the solution to effective digital constitutionalism in India, which should include a constitutional right to platforms and platforms' accountability in the spirit of collaborative governance.

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<sup>35</sup> A. Gupta, Digital Rights, Constitutional Freedoms, and Platform Governance in India (Internet Freedom Foundation, 2024).

<sup>36</sup> A. M. Sukumar, AI Governance, Transparency, and Democratic Accountability in India (Carnegie India Working Paper, 2024).

<sup>37</sup> P. Prakash, Regulating Online Speech While Preserving Constitutional Liberties (Centre for Internet and Society Working Paper, 2023).

<sup>38</sup> Rohit Kumar, "Collaborative Governance for AI-enabled Electoral Integrity in India" 18(1) Journal of Asian Public Policy 45 (2025).

## V. CONCLUSION

The study reveals that AI and social media have significantly transformed the landscape of political communication, citizen participation and electoral dynamics in India, with their rapid integration into the digital sphere. While AI can help make information more accessible and engage citizens, it can also be leveraged to spread misinformation, create deep fakes, manipulate algorithms and run targeted political campaigns focused on free speech, voter autonomy, and electoral integrity. The results reveal that current legal and regulatory frameworks need to be strengthened by adopting a balanced digital constitutional framework that strikes a balance between safeguarding fundamental rights and promoting transparency, accountability and responsible governance of AI. A co-regulatory partnership between the government and digital platforms, civil society and independent institutions is needed to safeguard democratic values while not infringing on constitutional freedoms. To conclude, promoting digital skills, responsible utilization of AI and clear regulation of platforms will play a pivotal role in ensuring trust in the democratic process in India in the age of AI.

### ✓ Implications, Limitations and future research directions

The study serves to advance the discussion on digital constitutionalism and to provide guidance for the development of well-balanced frameworks for AI governance in the interests of free speech and electoral integrity by the policy makers, election authorities and technology platforms. The study, however, has some limitations due to its qualitative research approach and secondary data collection, which might not reflect the latest trends in public perceptions and rapidly advancing AI technologies. Future studies could use quantitative or mixed methods, include primary sources from citizens and decision makers, and comparative analysis of democracies to assess the effectiveness of different governance models of AI and constitutional protection of digital tools to combat misinformation and safeguard democratic processes.