

FAKE NEWS AND DEMOCRACY IN INDIA: CONSTITUTIONAL LIMITS, AI MISUSE, AND THE POLITICS OF REGULATION

by

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Abstract

Recently, however, the question of fake news has acquired relevance and recognition as one of the most important problems facing democratic societies around the world. From an Indian perspective, the problem has been accentuated by the use of technological advancements in communication. As a result of changes in the way that information is produced, distributed, and consumed, there has been a drastic change in the nature of discourses.

As a result of the advent of social media and artificial intelligence, the creation of fake information as well as credible information has become increasingly possible. In this sense, there has been the question of the viability of democracy as a system. The reason for this is that not only have fake news had a bearing on the perspectives held by individuals, but have also influenced how they think and vote. Furthermore, it has also affected how they interact with each other in the varied country of India.

Under these circumstances, the current paper will try to analyze the effect of disinformation on the democratic system in India from the viewpoint of law and constitution. The way the impact of disinformation influences the formation of people's views, elections, and social integration process has been analyzed in the paper. Moreover, factors causing people to be prone to disinformation have been analyzed psychologically in the paper. Finally, the tendency towards growing popularity of the use of artificial intelligence technology for disinformation creation by the author of the paper will be considered in the paper.

Introduction

The democratic government requires the citizens to be enlightened since they must have access to credible information. This has been challenged by the emergence of fake news as it promotes the dissemination of inaccurate news among the populace. The development of technology in the current era has worsened the case as people are able to easily access information through various internet sites. Some of the sources through which people obtain information include WhatsApp, Facebook, and YouTube. Without a doubt, although the use of technology is very important in facilitating the dissemination of information, the problem is caused because the dissemination is not credible. Moreover, messaging platforms are the worst sources of news since people spread their news within the network. Consequently, anything that is being said within the network becomes credible and cannot be questioned.

On the other hand, technology, especially artificial intelligence, has led to increased problems of disseminating fake news. People are able to easily generate audio and video files. In that sense, therefore, the question of fake news in the present setting cannot be taken merely as an issue of the propagation of misinformation, but goes beyond that to cover many more issues. Besides influencing the process of communication, it may have repercussions on governance as well. Taking into account the social complexities of a country such as India, the implications are grave indeed.

Knowledge About Fake News

While fake news can be defined as falsehood, it also includes many other forms of lying news in the form of manipulated photographs, sensational headlines, and false news. Generally speaking, there are two categories of fake news – misinformation and disinformation. The term 'misinformation' refers to the spread of falsehood without any intentions whereas 'disinformation' refers to the spread of facts which will eventually mislead someone.

The dissemination of fake news is greatly influenced by emotions. Truth which provokes emotions such as rage, fear, or even thrill spreads more quickly, and hence fake news is more widespread than factual information¹. As per Vosoughi et al. (2018), authors who have conducted research on fake news say that the dissemination of fake news is more widespread owing to its fascinating nature.

¹ Soroush Vosoughi, Deb Roy and Sinan Aral, 'The Spread of True and False News Online' (2018) 359 Science 1146.

When it comes to India, the dissemination of fake news becomes even more challenging due to a lot of differences in terms of language and technology. Lack of fact checking in regional languages leads to fake news being spread.

The scale of India's digital expansion renders the problem of misinformation structurally acute. As of early 2024, India had approximately 751.5 million internet users, representing a penetration rate of 52.4 per cent of the total population, and was home to approximately 462 million social media users.² Notably, 96 per cent of Indian internet users access the internet through mobile phones, making India one of the world's largest mobile-first digital communities.³ This rapid and largely mobile-led expansion has compressed the timeline between a piece of misinformation being uploaded and its mass circulation, particularly through messaging platforms such as WhatsApp, which had over 500 million registered users in India as of 2023. The asymmetry between the speed of information dissemination and the capacity of fact-checking infrastructure to respond creates a structural vulnerability that is distinct from the misinformation challenges faced by countries with slower or more desktop-centric internet adoption patterns.

Psychological Factors Associated with Fake News

Still, the problem of fake news is not only associated with technology as the role of people in the process of fake information consumption and distribution should not be neglected.

First, confirmation bias can play a major role in making people trust the news as long as it agrees with their opinions. People do not want to listen to news that are contrary to their positions. Thus, they fail to analyse news properly.

Second, cognitive dissonance is another psychological factor influencing people to spread fake information since it causes psychological distress when people hear something that contradicts their opinions. Thus, people ignore such news and distribute fake news.

Third, selective exposure becomes an option for people thanks to social networks since they are able to pick up that news that support their opinions and are interested in them. Consequently, they start spreading fake news since they agree with them.

² DataReportal, 'Digital 2024: India' (February 2024) <<https://datareportal.com/reports/digital-2024-india>> accessed 11 June 2026.

³ Meltwater, 'Social Media Statistics for India' (March 2025) <<https://www.meltwater.com/en/blog/social-media-statistics-india>> accessed 11 June 2026.

Fourth, it should be noted that fake news becomes more effective as the result of political polarization when there is close connection among people sharing common views.

Social Media Usage

It has been proven that the primary source of fake news is social media. In social media, information spreads quickly across many individuals. Nevertheless, social media lacks mechanisms to verify the spread information.

The social media algorithm works towards distributing information that will interest the user. Therefore, emotional information which may not be truthful is distributed across social media platforms. WhatsApp has become famous in India for circulating fake news among closed circles of friends.

The legal implications of this algorithmic architecture have been examined in Indian constitutional adjudication. The 2021 amendments to the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules introduced due diligence obligations for social media intermediaries, including requirements to appoint grievance officers and comply with government takedown orders within stipulated timeframes.⁴ The constitutional tensions inherent in this regulatory framework became acute when, pursuant to a 2023 amendment to the IT Rules, the Union government notified the establishment of a Fact Check Unit (FCU) authorised to identify information concerning government business as “fake, false, or misleading” and require intermediaries to remove such content on pain of losing their safe harbour protections under Section 79 of the Information Technology Act 2000. In the landmark case of *Kunal Kamra v Union of India*, the Bombay High Court, through a tie-breaking judgment delivered on 20 September 2024, struck down the impugned rule as unconstitutional, holding that it violated Article 14 of the Constitution by conferring unfettered discretionary power on the executive to be the arbiter of truth in matters concerning its own conduct, and that it failed the test of proportionality under Article 19(2).⁵ This adjudication is of direct relevance to any framework for regulating misinformation in India, as it establishes that government-controlled fact-checking mechanisms are constitutionally impermissible and

⁴ Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021 (India), r 3.

⁵ *Kunal Kamra v Union of India* 2024 SCC OnLine Bom 778; see also Rohit Raj and Aakanksha Awal, ‘From Harbour to Hardships? The IT Rules 2021 FCU Amendment Declared Unconstitutional’ (Cyril Amarchand Blogs, November 2024) <<https://disputeresolution.cyrilamarchandblogs.com>> accessed 11 June 2026.

that the neutrality and independence of any fact-checking entity is a non-negotiable requirement.

Hence, information remains credible even when it is untrue.

Impact of Fake News on Democracy

As far as the effects of fake news on the concept of democracy are concerned, a number of issues may be pointed out. First of all, fake news affects the formation of a distorted outlook regarding the politician and his/her policies, as the repetition of fake news results in the belief in everything people see.

What is more, it should be pointed out that the impact of fake news on democracy also involves the distortion of the voting procedure in which citizens can get misleading information regarding the political party and its policies as well as personal characteristics of candidates.

Additionally, one can note that the effect of fake news on democracy can be associated with the splitting of the whole society owing to the provision of false information concerning religions and castes.

Finally, another effect of fake news on democracy refers to the development of distrust among democratic communities as a result of the creation of chaos in the society.

Abuse of Artificial Intelligence

Cases of misuse of artificial intelligence have occurred before. Firstly, there are deepfakes which involve the creation of fake videos or audio recordings that appear to be realistic but are made using artificial intelligence. Such cases of abuse can occur if fake claims or activities are created using AI about a public figure.

Another case of abusing artificial intelligence is through fast content production. With the help of such technology, it is quite easy to fabricate fake news and distribute it.

Furthermore, artificial intelligence has made it possible for people to spread false information through data analytics. In this way, individuals can target specific people using data analytics.

Technological advancement will make it difficult to differentiate fake information from real one.

Legal Regulation in India

There are different laws in India that address the menace of fake news within their jurisdiction. The legal regulation of digital content is carried out through the Information Technology Act 2000.⁶ Furthermore, the liability of the intermediaries has been made compulsory through the Information Technology Rules of 2021.

Decisions by the judiciary cannot be left behind in defining the above legislations. In one instance, in the case of *Shreya Singhal v. Union of India*⁷, the Supreme Court ruled that Section 66A infringes the right of freedom of speech and expression; therefore, such prohibitions ought to be very specific.

Additionally, the ruling of Justice K.S. Puttaswamy v. Union of India⁸ imposes further limitations, and any law that requires surveillance and data collection must pass the test of proportionality.

Responses by the Government and Lawmakers

There have been many steps taken by the government for addressing this issue in India through legislation. The IT Rules will help immensely in bringing more accountability in social media platforms and removal of fake news.

Moreover, the issue of fake news has also been raised at the parliamentary level in India. According to Indian Minister for Information and Broadcasting Ashwini Vaishnaw, there is enormous pressure posed by fake news to democracy. Therefore, it is essential to regulate social media and deepfake news through legislation. In accordance with the IT Rules, all the posted news must be reviewed within 36 hours.

However, it is essential to keep a balance between both the issues of regulating fake news and freedom of speech. This becomes extremely essential in any democratic nation.

Electoral Integrity and Information Manipulation.

Elections constitute a vital element in a democratic process. Firstly, one should pay attention to the fact that elections are based on the assumption that the electorate knows all the information related to the voting process. Misinformation in this regard will undoubtedly cause severe damage to the efficient organization of elections.

⁶ Information Technology Act 2000 (India).

⁷ *Shreya Singhal v Union of India* (2015) 5 SCC 1.

⁸ *Justice K.S. Puttaswamy v Union of India* (2017) 10 SCC 1.

For instance, fake information about candidates, their political parties, or the future direction of policy development can exert significant influence on the decisions made by electors. Given that fake information had been circulated widely among the population, people would consider it credible owing to the polarized state of mind. Hence, the essence of free elections becomes pointless in the conditions when deception plays a key role instead of logic.

Firstly, it is necessary to point out that modern technological progress gives a chance to make misinformation even more intense. This way, politicians start to use targeted propaganda in order to manipulate certain segments of voters. It should be mentioned that nowadays politicians are capable of distributing misleading information precisely at the desired electorate segments due to the analyzed data. Moreover, such strategies are free of any regulations in comparison with conventional political campaigns.

The other issue that arises due to politicians' exploitation of social networks is related to Artificial Intelligence. Forgeries can be used to ruin the image of a candidate or create false impressions that some things happened. Moreover, forged material can travel very quickly before being refuted, impacting public opinion during key moments such as those prior to Election Day.

As far as the legal consequences are concerned, the advent of a new trend creates numerous difficulties for the existing legislation regulating election procedures. As the current legislation on campaigning and the application of innovative technologies appears to be inadequate when tackling newly-emerged problems, some measures should be undertaken to hold fair elections.

Communal Harm and Social Consequences

Nonetheless, in India, fake news could also be linked with sensitive matters, including personal identity. Personal identity includes religion, caste, and regionalism. Fake news would have an adverse impact on India because it would worsen existing social divisions.

Personalized fake news would create fear, hate, and enmity. In the event that fake news makes particular groups of people a threat to other people, conflicts could arise. In fact, there were cases where fake news was followed by assaults. This shows that fake news could precipitate actual events.

The issue is complicated by the fact that news is disseminated at a much faster rate in online platforms. The faster news is disseminated, the more likely it is that fake news evoking negative feelings would also be propagated.

Firstly, the propagation of disinformation within society poses a major threat to the stability of the state from the point of view of governance. Yet, when creating new laws in this context, one must act carefully not to infringe upon the freedom of expression.

Overall, the effects of disinformation on the society go beyond creating conflict among its members. Rather, it creates suspicion among its members, causes the destruction of the society itself, and even of democracy.

Case Studies: Real-World Impact

Cases based on real-world experience provide real-world examples of the dangers of fake news and the nature of misinformation.

The cases of lynching via WhatsApp from 2017-2018 provide excellent illustrations of the dangers posed by misleading news. Misleading news about child kidnapping by strangers caused the deaths of innocent individuals accused of kidnapping children in some Indian states because of the misinformation spread by misleading news.

The scale and geographic spread of this phenomenon warrants greater specificity. Beginning in Jharkhand in 2017, the spate of mob violence linked to WhatsApp-circulated rumours about child kidnappers and organ harvesters ultimately resulted in at least 36 deaths across approximately 70 incidents in states including Maharashtra, Uttar Pradesh, Assam, and Tripura.⁹ The Maharashtra lynching of 1 July 2018, in which five men described as agricultural workers from a neighbouring district were beaten to death by a crowd of nearly 3,000 people in Dhule district, exemplified the lethal potential of end-to-end encrypted forwarding chains on WhatsApp, where messages customised with locally specific details circulated without any mechanism for verification or retraction.¹⁰ In response to pressure from the Government of India, which publicly blamed WhatsApp for failing to prevent the spread of false information, the platform restricted message forwarding to five chats at a time in India in July 2018, a measure subsequently extended globally in 2019. Academic analysis of these incidents has highlighted the interaction between low media literacy among first-generation smartphone users, existing social anxieties regarding child safety, and the architecture of closed-group

⁹ 'Indian WhatsApp Lynchings' (Wikipedia) <https://en.wikipedia.org/wiki/Indian_WhatsApp_lynchings> accessed 11 June 2026; Ishaan Tharoor and Adam Taylor, 'India's Fake News Problem' Washington Post (3 July 2018).

¹⁰ 'WhatsApp India: Five Lynched after Online Child Kidnap Rumors' CNN (3 July 2018) <<https://edition.cnn.com/2018/07/02/asia/india-lynching-whatsapp-intl/index.html>> accessed 11 June 2026.

messaging as a compounding set of factors that no single regulatory intervention can adequately address.

The Muzaffarnagar riots provide yet another good example of the threats posed by misinformation. This case shows how videos can be used to spread misleading information.

The Muzaffarnagar riots of August and September 2013 resulted in 62 deaths and the displacement of over 40,000 people in Muzaffarnagar and adjoining districts of western Uttar Pradesh.¹¹ The communal clashes were preceded by the viral circulation, primarily through Facebook and early WhatsApp usage, of a fabricated video depicting a lynching that was subsequently established to have originated from a geographically unrelated incident. The video was shared by a local politician and subsequently liked by hundreds of users, who were booked under various provisions of the Indian Penal Code and Section 66 of the Information Technology Act 2000.¹² A government-appointed inquiry commission later attributed the violence in part to the circulation of false and exaggerated information through digital and social media channels, alongside intelligence and policing failures. The Muzaffarnagar episode remains a foundational case study in scholarship on digital misinformation and communal violence in India, illustrating how the velocity of digital communication can compress the timeline between the initial circulation of false information and the outbreak of organised violence to a matter of hours.

Misinformation has led to many issues with the distribution of information about treatment techniques, vaccines, and even the origins of the virus itself. Many people were deceived by misinformation and lost their trust in information about medical care, showing that fake news does not exist in politics alone but can also emerge within other sectors such as medicine.

The COVID-19 pandemic provided a stark empirical demonstration of the lethal consequences of health misinformation in India. The World Health Organisation formally characterised the global phenomenon as an “infodemic”, defined as an overabundance of information, some accurate and some not, that spreads alongside a disease outbreak. Globally, research has suggested that at least 800 people may have died in the first three months of 2020 as a direct consequence of COVID-19-related misinformation, with approximately 6,000 hospitalisations

¹¹ ‘2013 Muzaffarnagar Riots: Fast Track Court Acquits 16 Due to Lack of Evidence’ Deccan Herald (22 April 2025) <<https://www.deccanherald.com>> accessed 11 June 2026.

¹² ‘India Muzaffarnagar Riots Blamed on Police and Intelligence Failure’ BBC News (26 February 2016) <<https://www.bbc.com/news/world-asia-india-35742334>> accessed 11 June 2026.

attributable to acting on false information during the same period.¹³ In the Indian context, the infodemic manifested across multiple registers: fabricated videos circulated claiming to show officials from the Chinese government praying in a mosque; false assertions about the spread of the virus through chicken meat circulated on Facebook and Twitter; and WhatsApp messages promoting dangerous pseudoscientific remedies, including the consumption of bovine urine, were shared by elected representatives.¹⁴ The intersection of health misinformation with pre-existing communal prejudices was particularly damaging: health workers visiting a Muslim neighbourhood in Indore to conduct testing were attacked following social media claims that they intended to inject residents with the coronavirus, an episode that directly impaired the state's pandemic response capacity.

The invention of deepfakes created with the faces of public figures is an entirely new way of spreading misinformation through modern technologies. The production of videos with the faces of politicians leads to a high level of panic among the audience because they are very realistic.

The 2024 Lok Sabha elections provided an unprecedented real-world demonstration of the deployment of deepfake technology in democratic processes. Investigative reporting by *India Today* and *Al Jazeera* revealed that digital manipulation firms were receiving commissions from political campaigns to produce AI-generated content, including videos falsely depicting opposition candidates making inflammatory statements and audio clips cloning the voices of local politicians to deliver personalised campaign messages.¹⁵ In the two months preceding the commencement of voting in April 2024, over 50 million AI-generated voice calls were reportedly made to voters, a technology that was eight times cheaper than equivalent human call-centre operations, thereby lowering the barrier to deployment at mass scale.¹⁶ A documented earlier instance from the Telangana state assembly elections of November 2023 involved a deepfake video posted on the official social media account of the Indian National

¹³ World Health Organisation, 'Fighting Misinformation in the Time of COVID-19, One Click at a Time' (27 April 2021) <<https://www.who.int/news-room/feature-stories/detail/fighting-misinformation-in-the-time-of-COVID-19-one-click-at-a-time>> accessed 11 June 2026.

¹⁴ Friedrich Naumann Foundation for Freedom, 'Misinformation and Healthcare: The Infodemic in India' <<https://www.freiheit.org/india/misinformation-and-healthcare-infodemic-india>> accessed 11 June 2026.

¹⁵ Sruthi Gottipati, 'Deepfake Democracy: Behind the AI Trickery Shaping India's 2024 Election' *Al Jazeera* (20 February 2024) <<https://www.aljazeera.com/news/2024/2/20/deepfake-democracy-behind-the-ai-trickery-shaping-indias-2024-elections>> accessed 11 June 2026.

¹⁶ James Char and Rohan Gunaratna, 'Deep Fakes, Deeper Impacts: AI's Role in the 2024 Indian General Election and Beyond' (GNET, September 2024) <<https://gnet-research.org/2024/09/11/deep-fakes-deeper-impacts-ais-role-in-the-2024-indian-general-election-and-beyond/>> accessed 11 June 2026.

Congress, falsely showing a senior leader of the rival Bharat Rashtra Samiti calling on voters to support the Congress, which had been viewed over 500,000 times before it was identified as fabricated. These developments illustrate a qualitative shift in the character of electoral misinformation, from false textual claims to synthetic audio-visual material that exploits the cognitive bias towards trusting audiovisual evidence, and demand a regulatory response that goes beyond the existing framework of electoral laws.

The application of AI in scams based on voice cloning is an example of the use of AI in economic frauds rather than political disinformation.

Thus, these case studies proved that fake news is a real issue that must be discussed further.

Global Context

Misinformation is not an isolated problem facing India. It has emerged as one of the key threats to democracy throughout the world and, as such, can be categorized among the key threats facing democracy in general. Research conducted around the world shows that misinformation has emerged as one of the biggest threats in the contemporary world especially in the context of politics.¹⁷

There are many reasons why India is vulnerable to misinformation. These range from its large population, wide use of social media sites, and political consciousness within its citizenry. Unlike other countries where information spreads slowly, information spread within India takes place rapidly making it much more devastating when misinformation takes place.

From the experiences shared by countries around the world, misinformation poses a number of challenges to include the threat to democracy, political instability, and reduction in public confidence in state institutions.

Despite the difference in nature of misinformation between countries depending on sociopolitical and constitutional environments, there is no doubt that India will take an intermediate path in dealing with the menace.

Fake News Amplification through Algorithms and Architecture of Misinformation

The question concerning fake news in India cannot be analyzed from any individual standpoint or in terms of a certain event. On the contrary, the problem of false information stems from the structural features of the platform. Namely, the algorithms of social media are designed so that

¹⁷ World Economic Forum, *The Global Risks Report 2024*.

people can interact with it, which is achieved by delivering messages that will cause some kind of reaction. Therefore, the amplification process becomes possible owing to the structure of social media.

Generally, misinformation architecture means the presence of a structure when information is being spread. In this way, it becomes hard to control its delivery, meaning that the users have little to no impact on what information they consume, and it gets distorted by algorithmic choices of the platform.

When it comes to the regulation problem, it is necessary to discuss the role of digital intermediaries. Namely, social media try to present themselves as intermediaries who do not bear responsibility for any actions performed within them. Yet, it cannot be claimed since algorithmic decisions make the delivery possible. Generally, regulations have to cover this problem while protecting free speech rights.

Erosion of Trust in Democratic Institutions due to Fake News

Aside from the direct implications of fake news, there is also the process that could be referred to as a long-term one because fake news erodes trust towards democratic statehood institutions, which include media organizations, government, and judicial organs. As the result of receiving conflicting or inaccurate information from various sources, people are likely to stop believing in institutions that belong to democratic statehood.

Clearly, in such conditions, the functioning of democracy as the mechanism of state governance is affected in a negative way because people are no longer involved in this mechanism and resort to using alternative ways to get information or even form radical attitudes that do not require any proof. This indicates that people do not make the distinction between information and opinion anymore; hence, any discussion becomes meaningless.

Significance of the Problem of Erosion of Trust in Institutions in India.

Challenges in Solving the Problem of Fake News and Protecting Freedom of Expression

First of all, among numerous difficulties that may arise during an attempt to solve the considered problem, it should be noted that the protection of the right to freedom of expression should be taken into account. To begin with, the right to freedom of speech is a fundamental right of each individual, which should be guaranteed by the state.

If any excessively general regulations were established, they would definitely be vulnerable to the so-called chilling effect. It presupposes that people would refrain from speaking for fear of being punished. It is especially relevant in that case since all citizens have the right to freely express their opinion on the issues that affect the entire country.

To resolve the mentioned difficulty, the principle of proportionality can be applied. It should be noted that any restriction on freedom of speech should be justified and reasonable in relation to what has already happened. It is crucial to adopt the least restrictive measures in this regard.

A balance needs to be found between these two issues.

Constitutional Challenges

Any form of regulatory intervention for addressing the problem of fake news raises certain important issues in light of the Constitution. It must be noted that any form of intervention in regard to speech should comply with Article 19(1)(a).¹⁸ On top of meeting the criteria established in Article 19(1)(a), it must also satisfy the conditions of Article 19(2).¹⁹

Specifically, one must pay attention to the need for proportionality. It should be understood that any vague or general law has the potential of impacting freedom of speech. However, an ineffective regulation means that there will be room for the spread of the news in question.

The court rulings suggest that a regulation needs to be precise. In other words, being proportional means adopting the least restrictive approach.

However, there are certain problems associated with the use of judicial directives. Lack of clarity may lead to the abuse of power by using these regulations.

Thus, there remains a conflict between the requirements to preserve the democratic order and ensure fundamental freedoms.

Solutions: A Rights-Based Approach

Combating fake news calls for a multi-dimensional strategy. There must be an enhancement of the legal system in order to ensure that any curtailment of the right to free expression does not infringe upon the constitution. Judicial intervention might be necessary in order to make sure that there is no abuse of power and accountability.

¹⁸ Constitution of India, art 19(1)(a).

¹⁹ Constitution of India, art 19(2).

There should be independent entities established in order to authenticate facts. They should maintain a neutral stance while not punishing people who criticize and simply correct errors.

Moreover, social media platforms will be partly responsible for the dissemination of false information. There will be a need to guarantee the presence of impartiality and transparency regarding algorithms and moderation of posts.

AI regulation is equally important. There should be standards for dealing with fake news created through AI.

Nonetheless, equally important in this scenario are digital literacy and awareness. Citizens should be able to evaluate information and resist any attempts at manipulation. This type of awareness campaign could play a huge role in the fight against misinformation.

All in all, this problem isn't about controlling information; it's about ensuring its accessibility, reliability, and credibility.

Conclusion

Nevertheless, the problem of fake news has evolved from being a matter of misinformation to one that is fundamentally structural. It entails technology, human behavior, and institutional response. For example, in India, the problem's importance to democracy is immense due to the high level of digital engagement and diversity.

First, the spread of disinformation influences public opinion, election outcomes, and social polarization. Second, the misuse of artificial intelligence has further complicated the problem since the production of misinformation has become more accessible. The regulation of fake news poses complex constitutional issues.

For instance, measures intended to limit the spread of misinformation should be carefully crafted to avoid violating constitutional freedoms. There should be a rights-based approach to regulating fake news without compromising freedom of expression.

The survival of democracy hinges on the integrity of information. Consequently, ensuring that citizens receive accurate and trustworthy information is a constitutional necessity.