

## Artificial Intelligence: Examining the Benefits and Risks of Artificial Intelligence in Age of Social Media and its Legal Implication in India

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### Abstract

*The introduction of artificial intelligence into social media platforms has transformed user interaction, content distribution, and communication in the digital age. However, these changes raise important ethical and legal issues and challenges. The regulatory frameworks controlling AI applications on social media are the main focus of this paper, which explores the nexus between AI and social media, addressing key topics such as content moderation, algorithmic transparency, data privacy, and disinformation, as well as major legal ramifications and issues associated with the use of AI in social media. It is crucial to carefully assess the use of AI, as it has the potential to impact public opinion and behavior. AI algorithms are being utilized more to recognize and eliminate offensive content, including explicit material, disinformation, and hate speech. But these algorithms' opacity begs questions about responsibility, transparency, and possible biases. Legal frameworks must address how to protect free speech while maintaining an appropriate balance in content regulation. Key legal concerns include the possibility of over-censorship, which could lead to the unwarranted removal of legitimate content and the exaggeration of preexisting prejudices in AI systems. Ethical implications of AI in social media are finally being considered. This paper emphasizes the need for ethical standards that focus on the well-being of users and the overall benefit to society. With the aid of literature reviews and various AI and social media-related papers and study of some real incidents of misuse of AI technology And social media, this study has made an effort to offer a thorough and workable framework to solve issues that are anticipated to arise as a result of the growing use of various AI in social media platforms.*

**Keywords:** Artificial Intelligence, Social media, Digital Age, legal implications.

### 1. Introduction

The artificial intelligence (AI) is leading a technological revolution that is radically changing the face of contemporary society. Social media is the one area where this change is most noticeable. AI has been ingrained in online interactions due to its unmatched ability to digest large volumes of data, identify complex patterns, and make judgments on its own.

In recent years, AI has dramatically changed how content is created, filtered, and consumed on social media sites. AI technologies are improving user experiences and streamlining marketing tactics with anything from automatic moderation and real-time data analysis to

tailored content recommendations. For example, chatbots offer real-time customer support, picture recognition tools assist with photo organization and labeling, and algorithms evaluate user behavior to recommend relevant material.

The ethical ramifications of AI-driven decision-making, algorithmic prejudice and privacy are some of the important issues that this integration also brings up. Concerns about AI's ability to reinforce preexisting biases or introduce new ones, as well as its potential to violate user privacy through mass data gathering and analysis, are substantial. Furthermore, there are still arguments for stronger legislative frameworks to guarantee the ethical application of AI, and the accountability and transparency of AI systems continue to be controversial topics.

This research seeks to investigate the complex relationship between artificial intelligence (AI) and social media, looking at both the advantages and drawbacks. We want to comprehend how artificial intelligence (AI) is changing the social media landscape and what this means for consumers, content creators, and society at large by examining existing uses and potential future developments. This research will offer insights into the changing dynamics of AI and social media through a review of the literature and case studies. It will also provide recommendations for striking a balance between innovation and ethical issues.

### **AI-Driven Social Media: Enhancing Connectivity and Content**

Now a days we are living in a digital world it change our way of living, mindsets, with the advancement of information communication of technology Artificial Intelligence came into existence. There is hardly any sector which remains untouched from Artificial Intelligence and Social media is one of them. Social media become a most powerful mean of communication in digital age. Websites, apps, and other digital platforms that facilitate content sharing, interaction, communication, and teamwork are collectively referred to as social media. Social media is used by people to maintain relationships with friends and family. Social media offers countless opportunities for human connection and interaction; Above all, social Media has made it possible to converse and connect instantly through real-time texting. Utilizing a variety of multimedia formats, such as text, pictures, emoticons, audio and video. This has made communication easier to reach and more efficient, especially considering that many people now hold cell phones with remote access capabilities for social media apps. Social media and artificial intelligence are closely related, as AI is crucial to improving user experiences and maximizing marketing tactics. Artificial intelligence (AI) has many positive effects on social media like Personalization, efficiency, and content

suggestions are among the advantages of implementing AI in social media platforms<sup>1</sup>; yet, there are a number of ethical problems, including those related to privacy, algorithmic bias, disinformation, job displacement, and mental health. Effectively utilizing AI in the social media realm requires striking a balance between these benefits and drawbacks.

## 5 “I” CONCEPT<sup>2</sup>

In his G20 statement on the digital economy and artificial intelligence, Prime Minister Narendra Modi outlined his vision for maximizing the benefits of digital technology for society. The five "I's" are International collaboration, indigenization, innovation, infrastructure investment, and inclusivity, At G-20 Summit Prime Minister of India call the international Co-operation for Artificial Intelligence advancement and to deal with the concerns associated with the Artificial Intelligence. Prime Minister of India said, we are living in the digital world and digital advancement is important not only for individual development but also for international development.

“Ethical issues in artificial intelligence (AI) and spread of fake news are global concerns and India is committed to addressing these challenges through robust debate and responsible innovation, while fixing accountability on social media platforms<sup>3</sup>” *Union Minister of Electronics and Information Technology Ashwini Vaishnaw, said,*

The minister emphasized the need for strong legislative frameworks, social media accountability, and the significant difficulties presented by the developing AI landscape. The minister emphasized how crucial it is to strike a balance between the right to free speech and the need to prevent false news and guarantee truthful stories in the digital era.

## 2. AI Tools in Social Media are Game Changer

Artificial intelligence is still revolutionizing a lot of areas in our lives. One area where this effect is most noticeable is in the social media space. From the automated content moderation to the commercials we view, artificial intelligence (AI) is transforming how we communicate and engage online and personalized suggestions, big data analytics, sentiment analysis, and content creation will help your social media approach. Tools for artificial intelligence (AI)

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<sup>1</sup>“Mohamed, E. A. S., Osman, M. E. & Mohamed, B. A. (2024). The Impact of Artificial Intelligence on Social Media C. Journal of Social Sciences, 20(1), 12-16. <https://doi.org/10.3844/jssp.2024.12.16>”

<sup>2</sup> The Economic Times, June 29, 2019, 08:24:00 AM IST

<sup>3</sup> “Addressing ethical challenges of AI, making social media accountable on fake news: Ashwini Vaishnaw, .ibtimes.co.in,11 dec, 2024”

help to enhance social media platforms' functionality and manage social media operations at scale. In a range of applications, including influencer research, brand awareness campaigns, social media monitoring, ad management, and the creation of textual and visual content, among others This will improve your decision-making, help you comprehend your audience, and free up time for other, more important tasks. Some examples of AI tools: StoryChief, AICarousels, Typeframes, TweetGen, Canva, Typefully, BlogToPin, Perplexity AI, ChatGPT,. Xnapper<sup>4</sup>

**Artificial Intelligence (AI) in social media Can make life significantly easier in several ways<sup>5</sup>:**

- a) ***Personalized Content Recommendations:*** Algorithms with artificial intelligence (AI) are made to learn from user behavior and provide recommendations and tailored information. AI is used, for instance, by social networking sites like Facebook, Instagram, and Twitter to recommend pages, groups, and posts that you might find interesting. Your prior activities with the site, such as your likes, shares, and comments, are the basis for these recommendations. Social media companies may enhance user engagement and lengthen users' stays on their platforms by leveraging artificial intelligence to tailor content.
- b) ***Enhanced User Experience:*** • By offering a more fluid and user-friendly interface, social media networks are using AI to improve the user experience. For instance, image recognition technology can improve the accuracy of photo and video labeling, and chatbots with artificial intelligence (AI) can help clients with their inquiries. In order to increase user safety and reliability, AI can also help platforms identify and remove spam and fraudulent accounts.
- c) ***Recognition of Images and Videos:*** These days, AI systems can identify photos and videos that have been posted to social media sites. Because of this, social media companies are now able to provide additional features like automatic tagging, which recognize objects and individuals in pictures.
- d) ***Trend Evaluation:*** Social media data can be analyzed by AI systems to find trends and patterns. Because of this, social media platforms can now offer

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<sup>4</sup> Ai Social Media tools, <https://www.insidr.ai>

<sup>5</sup> "Tamara Biljman, AI in Social Media: Benefits, Tools, and Challenges, <https://www.sendible.com>," 4 June, 2024

marketers and businesses insightful information. For example, Twitter's, Instagram, Facebook AI algorithms can identify hot topics and hashtags, allowing businesses to stay up to date with the newest trends and modify their marketing tactics appropriately.

- e) **Business and marketing:** Social media influencers may now be found using AI algorithms based on parameters like followers, engagement rates, and other data. Because of this, it is now simpler for companies to find influencers who fit in with their target market and brand.
- f) **Chatbots:** Another area on social media where AI has had a big impact is chatbots. Computer programs that mimic human dialogue are called chatbots. They are frequently employed in customer service, where their ability to reply to questions and offer solutions promptly is valued. For instance, Facebook Messenger leverages chatbots to let companies automate sales and customer support queries<sup>6</sup>.
- g) **Time-Saving:** Artificial intelligence (AI) frees up time for more creative and strategic endeavors by automating repetitive chores like scheduling postings, moderating comments, and answering frequently asked questions.
- h) **Accessibility:** AI makes social media more inclusive for people with diverse needs by enhancing accessibility features like automatic captioning and translation.
- i) **Effective Customer Service:** AI-driven chatbots instantly respond to consumer questions, addressing problems and raising customer satisfaction levels.

### **Risks or Challenges of use of AI technology in social media platforms:**

#### ***Use of Artificial Intelligence technology in Social media: a hub of cyber crime***

Increasingly, individuals of all ages and genders are creating profiles on online social networks so they can communicate with one another in this virtual environment. Some people have thousands or even hundreds of friends and followers split over several accounts. However, the expansion of phony profiles is also occurring at the same time. Oftentimes, fraudulent profiles bombard authentic people with offensive or unlawful stuff. Additionally, false profiles are made, portraying well-known individuals in order to harass them.

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<sup>6</sup> “Yage Liu 2023, AI Chatbots in Social Media: Ethical Responsibilities and Privacy Challenges of Information and Communication Technology, IMMS '23: Proceedings of the 2023 6th International Conference on Information Management and Management Science, <https://doi.org/10.1145/3625469.3625483>”

The most popular targeted websites/apps used to create Fake Profiles are: Facebook, Instagram, Twitter, LinkedIn, WhatsApp, Snapchat.

Use of AI technology in social media is responsible for emergence of cyber crime like-

*Online Threats, Stalking, Cyber bullying:*

People threatening, harassing, stalking, and intimidating people online are the most frequently reported and seen crimes on social media.

*Hacking and fraud:*

Although it may be acceptable among friends to publish a degrading status update on a friend's social media account, doing so is technically against the law. Furthermore, making a phony account or impersonating someone else in order to deceive others may also be considered fraud, depending on the actions of the person utilizing the account.<sup>7</sup>

*Artificial intelligence and social media: privacy concerns:*

The right to privacy is recognized as a fundamental human right by several international and regional human rights treaties, including Article 12 of the Universal Declaration of Human Rights and Article 17 of the International Covenant on Civil and Political Rights. Article 21 of the Indian Constitution guarantees the right to life, including the right to privacy. The ability to live in safety and dignity depends on one's right to privacy. Since algorithms use personal information to choose what information is presented to each person and distort their capacity for autonomous decision-making, the right to privacy and data protection may be violated.

Social media use of AI raises privacy concerns, especially when it comes to personal information. Social media and AI systems commonly employ vast volumes of data to improve performance and train their algorithms. In addition to private information like names, residences, gender, age, and financial information, this data may also include sensitive information such as social security numbers. The collection and processing of the data may raise questions about how it will be used and made available. The possibility of data breaches and unauthorized access to personal data are the main privacy issues with AI. Due to the volume of data being collected and processed, there is a possibility that it could be

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<sup>7</sup> Danny D'Cruze, Jan 18, 2024, AI is making cyber criminals dangerous with tools like FraudGPT, <https://www.buinesstoday.in>

abused by hackers or other security vulnerabilities. Generative AI can be abused to alter images or create false profiles. Social media accounts provide scammers with enough information to snoop on individuals, steal identities, and perpetrate frauds. Due to loopholes in privacy measures and data protection concerns, user information may be at risk when using social media. Social media accounts may not be as private as people think. For example, everything that a user shares with a friend can be viewed by the friend's friends if it is reposted. A completely different audience now views the content that the user originally uploaded. Posts in closed groups may not be completely private because they can be searched, including comments. Malware that attacks users with advertisements, slows down computers, and steals confidential data can be distributed over social networking networks. Hackers take control of the social media account and spread malware to all of the user's friends and contacts as well as the compromised account.

***Deepfake technology:***

The term "deepfake" describes the creation of textual, audio, visual, or video content (SMS or written content) using cutting-edge artificial intelligence and machine learning technologies. Technology has the ability to create media that mimics the voice and appearance of people. Deepfakes are artificial intelligence (AI) and deep learning algorithm-generated synthetic media, frequently presented as images, audio, or movies. These algorithms seamlessly superimpose the likeness of one person over another by altering or replacing existing content using enormous databases. Shallow fakes are a kind of misleading media that is comparable to but maybe less well-known than artificial intelligence (AI) in that the media is edited using basic editing tools rather than AI. It can be difficult to distinguish between real and false content due to the intricacy of this procedure.

- a) Online controversy has erupted around a purported video of actress Rashmika Mandanna entering an elevator. What looks real at first is actually a "deepfake" of the actress. Zara Patel, a British Indian girl, was featured in the original video; however, Mandana's face was substituted for Zara's. The Union Minister for Electronics and Technology, Rajeev Chandrasekhar, responded to the video by saying on the social networking platform X that deep fakes are the newest and a "more dangerous and damaging form of misinformation" that social media platforms should be handling.

He also mentioned IT regulations concerning digital deception and social media companies' legal responsibilities<sup>8</sup>.

- b) The 73-year-old victim, Radhakrishnan, got a WhatsApp contact from a person posing as Venu Kumar, a former colleague. The caller's appearance and voice were an exact replica of Venu Kumar due to deepfake technology. The caller claimed to be in dire need of money and begged Radhakrishnan for a ₹40,000 loan. With complete confidence that the caller was, in fact, his old colleague, Radhakrishnan sent the money<sup>9</sup>.
- c) According to a ToI report from November 30, thieves used a video that had the voice and face of a retired IPS officer from the UP Police to extort a 76-year-old man. The senior citizen ended up making repeated payments to the thieves out of concern that authorities would take action against him.<sup>10</sup>

***Violence and Indecent Representation of women and children by using AI tools in social media:***

AI technology used in online platform to create illicit, obscene and pornographic content. Artificial intelligence (AI) has been linked to violence and abuse. For example, a person's face could be digitally merged into already-existing pornographic photos or films using AI-assisted applications and tools to produce so-called "deep fake" imagery, as demonstrated in Image-Based Abuse. Because we still live in a society where outdated ideas about a woman's sexual reputation or character still determine her value and appropriateness as a worker, mom, or friend, fake sexual imagery can still be immensely destructive to women. In a case, two siblings in Maharashtra's Palghar district are suspected of using artificial intelligence (AI) to produce and share obscene and pornographic videos of women and girls on social media.<sup>11</sup>

***Will and preferences of the social media users are controlled by the marketing companies using Artificial intelligence technology:***

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<sup>8</sup> Ankita Deshkar, 'Deepfake' video showing Rashmika Mandanna, THE INDIAN EXPRESS JOURNALISM OF COURAGE

November 7, 2023 12:03 IST

<sup>9</sup> Kerala's deep fake Fraud, Indian cyber squad Nov 27, 2023

<sup>10</sup> Times of India report, November 30, 2023

<sup>11</sup> Mayank Kasyap, AI generated obscene videos circulated on social media by sons of mumbai cop, News24, Aug 24, 2023 06:55 IST

AI is significantly changing the way businesses utilize social media. Facebook, Instagram, Twitter, LinkedIn, and other social media platforms are more than just instruments for communication. They are now an essential part of any company's marketing toolkit for those looking to build a significant internet presence. In order to properly utilize these dynamic platforms, businesses need to stay up to date on the latest advances in social media trends, which are always evolving. It may be perfectly fine to use social media to communicate with people for commercial purposes or to buy legal goods or services. Nonetheless, it is most likely unlawful to use social media to purchase narcotics or other regulated, controlled, or prohibited goods. In one the report it is stated that digital data collected by unauthorized agencies is a big concern they control the mind and activities of the user of Social media. Collected data is used for the purpose of profit earning as they show their product and sell on online platform according to the interest of individual<sup>12</sup>. Sometimes business companies share and transfer collected data even cross boundaries for profit earning.

***Artificial technology and the spread of fake, misinformation and disinformation:***

Artificial intelligence Technology poses a challenge to democratic representation, democratic accountability, and social and political trust because of its capacity to spread false information and misinformation at large. It is true that social media sites and artificial intelligence (AI) are major contributors to the propagation of hate speech, rumors, and false information. AI techniques exacerbate the disinformation phenomenon online AI methods are opening up new possibilities for text creation and manipulation, as well as for image, audio, and video content. The efficient and quick spread of misinformation online is greatly aided by the artificial intelligence (AI) algorithms that internet platforms design and implement to increase user engagement.

***Artificial intelligence and social media: threat to democratic values:***

The rapidly developing field of generative AI revolutionizing the fields of journalism, economics, and medicine, and also has a significant impact on politics. WhatsApp, YouTube, Instagram, and other social media channels are now essential to Indian political campaigns. By utilizing these channels, political parties may communicate with voters directly and go beyond traditional news gatekeepers like journalists. On social media, falsehoods, twisted messages, malevolent assertions, and artificial intelligence-powered fabrications are

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<sup>12</sup> Clodagh O'Brien, AI in Social Media, digital marketing institute, May 01, 2024

commonplace. These components are frequently employed with little accountability in order to malign opponents and sway voter opinions. Deepfake films, AI-generated memes, and other synthetic media are being used more frequently to spread misinformation and sway public opinion. Election Commission rules<sup>13</sup> pertaining to the use of AI and social media in campaigns are difficult to implement. It is challenging to control hate speech and false information online due to the large volume of activity and the usage of shadow accounts.

***Artificial intelligence and social media: threat to national security:***

Because of its revolutionary implications, the employment of AI in national security poses special challenges. In the context of the changing security landscape, artificial intelligence (AI) has caused disruption due to the emergence of hybrid warfare, cyber security threats like ransomware, and the development of technologies like the Internet of Things (IoT). The situation has become more complex due to cyber-physical systems. The dual use of AI (military and civil applications) has made it easier and more accessible for non-state actors, making efforts to control the flow of technology even more difficult. Additionally, artificial intelligence (AI) has become a key element of social media as its popularity has increased, and it is being used to spread false information, hate speech, and radicalization, hence increasing national security risks.<sup>14</sup>

***Artificial Intelligence and social media: threat to human rights and values:***

The fundamental, inalienable rights that every individual possesses, regardless of gender, nationality, ethnicity, religion, or any other distinction, are known as human rights. Civil and political rights like the right to life, liberty, privacy, expression, and participation are among them, as are economic, social, and cultural rights like the right to work, health care, education, and culture<sup>15</sup>. Numerous people's human rights have continued to be infringed and abused as the use of AI has risen. Some of the rights like right to privacy and data protection, right to freedom of speech and expression, right to profession and right to livelihood, right against indecent representation of women in online platforms using AI tools and right against defamation. The advancement of AI technology in India has given rise to grave concerns over

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<sup>13</sup> “<https://www.eci.gov.in/eci-backend/public/api/download?url=LMAhAK6sOPBp%2FNFF0iRfXbEB1EVSLT41NNLRjYNJJPIKivrUxbfqkDatmHy12e%2FzftbUTpXSxLP8g7dpVrk7%2FeVrNt%2BDLH%2BfDYj3Vx2GKWdqTwl8TJ87gdJ3xZOaDBMndOFtn933icz0MOeiesxvsQ%3D%3D>”

<sup>14</sup> “Sharma Sanur, AI and National Security: Major Power Perspectives and Challenges, Manohar Parrikar Institute for Defence Studies and Analyses, New Delhi September 12, 2022”

<sup>15</sup> Universal Declaration of human right 1948

human rights. The human rights of women, children, migrants, and refugees have been negatively impacted by AI, which frequently results in bias, discrimination, inequality, and privacy abuses. Artificial intelligence technologies provide significant obstacles to India's well-established human rights law frameworks. The swift advancements in artificial intelligence have often left conventional laws in India behind, leading to substantial legal issues due to uncertainty and confusion over legal personality, responsibility, accountability, and liability.

### **3. Ethical implications:**

The digital ecosystem's AI techniques provide up new avenues for efficiently and widely manipulating people, rising or exacerbating a number of ethical issues.

One of the first ethical values that the modern digital ecosystem challenges is human dignity. Regardless of the quality of the material, AI algorithms are designed to modify what is displayed to users based on their data-ficated profile in order to maximize engagement; these users are viewed as nothing more than tools for profit. Most of the time, people are unaware of how AI approaches in the digital ecosystem alter reality, which increases the potential for successful opinion manipulation. Targeted persons do, in fact, rarely understand the present digital ecology and typically believe that the misinformation they encounter online is universal and objective.

Second, the inability to obtain knowledge and the prevalence of false information on the internet significantly reduce people's ability to make free and informed decisions, which is a necessary condition for their autonomy. The value of autonomy “refers to the capacity of individuals to construct their own identity, to determine their own ‘good’, their own vision of a good life in respect of others’ similar capacity, and therefore to contribute fully to collective deliberation.”<sup>16</sup>

### **4. Legal Implication of AI in Content Moderation and Censorship**

Monitoring, evaluating, and controlling user-generated information on websites and social media platforms are referred to as content moderation and censorship. Content moderators are essentially in charge of making sure user-posted content conforms to community

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<sup>16</sup> Goutham Krishnan and Adv Rebecca Sara George, *THE IMPACT OF AI ON HUMAN RIGHTS*”, Academic

standards and legal requirements, including those pertaining to hate speech, harassment, violence, and nudity. Content moderation and censorship are significant because they are essential to preserving a polite and safe online environment. They aid in stopping the dissemination of damaging information that might encourage hatred, prejudice, and violence. Additionally, they safeguard the privacy and rights of users of social media platforms and websites,

The rapid expansion of social media and the democratization of content production in recent years have increased the urgency of the need for efficient content filtering. It is nearly difficult to manually examine and control all of the content on social media platforms, as billions of individuals create and share content every day. The need for automated solutions that can instantly scan and filter massive amounts of data is therefore growing.

Important moral and legal questions are also brought up by content moderation and restriction. For instance, there are worries about how censorship affects the right to free speech as well as the possibility of prejudice and discrimination in automated content moderation. Therefore, it's critical to find a balance between shielding people from damaging content and making sure that their freedom of speech isn't unfairly curtailed.

#### **5. Role of judiciary:**

*“Relying on AI for legal research comes with significant risks as there have been instances where platforms like CHAT GPT have generated fake case citations and fabricated legal facts while Ai can process vast amounts of legal data and provide quick summaries, it lacks the ability to verify sources with human level discernment. This led to situations where lawyers and researchers, trusting AI generated information, have unknowingly cited non-existent cases or misleading legal precedents, resulting in professional embarrassment and potential legal consequences,” JUSTICE GAVAI*

The judiciary plays a crucial role in analyzing the advantages and dangers of artificial intelligence (AI), especially in the age of social media.

- a) The Indian Supreme Court affirmed the right to privacy as a basic right guaranteed by the Indian Constitution in the historic decision of Justice K.S. Puttaswamy (Retd.) v. Union of India (2017)<sup>17</sup>. This decision highlights how important it is to protect personal information from AI-based systems.

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<sup>17</sup> AIR 2018 SC (SUPP) 1841

- b) The Delhi High Court ruled in the *Gramophone Company of India Ltd. v. Super Cassettes Industries Ltd*<sup>18</sup>. case that computer-generated music without human originality is not entitled to copyright protection. This case makes it clear that AI-generated output in India is copyrightable.
- c) The *Prajwala v. Union of India* case highlights the shortcomings of the current legal system, specifically the Protection of Children from Sexual Offenses (POCSO) Act, and centers on the concerning problem of child sexual abuse material (CSAM) being extensively disseminated online. A proactive move was made by Hyderabad-based NGO Prajwala, which sent a letter to the Supreme Court of India that was later turned into a Public Interest Litigation (PIL). This case highlights the need for stricter legislation to prevent child sexual exploitation online, an area in which the POCSO Act was deemed deficient. After considering the case, the Supreme Court noted that the POCSO Act was not prepared to handle the difficulties posed by child-related cybercrimes.

The Court emphasized the need for a comprehensive strategy that would include more accountability for internet intermediaries, stronger rules, and better technology for identifying and eliminating unlawful content. The Court ordered the government to form a committee to create policies that would better prevent and combat child exploitation online, acknowledging the growing menace of this crime.

- d) *Arijit Singh v. Codible Ventures LLP, COM IPR SUIT (L) NO.23443 OF 2024*<sup>19</sup> The Bombay High Court upheld the singer's personality rights, ruling that unauthorized use of his name, voice, and image by the defendants, including AI-generated replicas, violated his rights. The court emphasized that celebrities have the right to control it.
- e) The court granted Mr. Anil Kapoor temporary relief to protect his name, likeness, voice, persona, and other aspects of his personality from unauthorized commercial use in *Anil Kapoor vs. Simply Life and Others*, 30 April 2024<sup>20</sup>, after the defendants were found to have violated Anil Kapoor's personality rights by using generative artificial intelligence to superimpose his face on the bodies of other well-known actors and create cartoon characters.

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<sup>18</sup> 2010 SCC Online Del 4743

<sup>19</sup> <https://www.livelaw.in>

<sup>20</sup> [Ipandlegalfilings.com](https://www.ipandlegalfilings.com)

## **6. Laws related to Ai technology in India<sup>21</sup>**

### **Information Technology Act, 2000 (IT Act)**

India's primary legislation governing cyber security, digital governance, and electronic commerce is the Information Technology Act of 2000. Even though the IT Act was enacted before AI technology gained popularity, a few of its restrictions still apply to actions involving AI.

### **Digital personal data protection act 2023**

India has a thorough framework for securing personal data thanks to the Digital Personal Data Protection Act, 2023, which was signed into law on August 11, 2023. The Act is extremely pertinent to AI systems that manage vast amounts of personal data since it addresses the collection, storage, processing, and sharing of data.

- a) **Data Protection Principles:** These guidelines require AI systems to get user consent before processing personal information, maintain openness, and provide users the option to revoke their consent.
- b) **Data Localization:** AI systems that depend on cross-border data transfers are impacted by the Act's requirement that some sensitive data be kept in India.
- c) **Data Breaches:** To further ensure accountability, businesses using AI are required to notify regulatory bodies of data breaches within a certain amount of time.

### **Information Technology (Intermediary Guidelines and Digital Media Ethics Code)**

#### **Rules, 2021 (IT Rules 2021)**

Intermediaries including social media sites, digital news outlets, and over-the-top (OTT) services are governed by the IT Rules 2021. These regulations require intermediaries to make sure that their platforms don't host, show, or send illegal content, which is relevant for AI systems that produce content like automated media or deep fakes.

**Rule 3(1) (b):** "This rule specifically mandates that intermediaries should not allow users to upload or share any information that is "grossly harmful, harassing, or defamatory." AI platforms that fail to comply with these provisions may lose their intermediary "safe harbour" protections and face legal penalties".

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<sup>21</sup> AI Laws in India, <https://LawBhoomi.in>

### **Principles for Responsible AI (2021)**

In 2021, NITI Aayog published the Principles for Responsible AI. These guidelines, which emphasize ethical issues, direct AI development in India<sup>22</sup>.

The society concerns center on how AI will affect the automation of industries and the generation of jobs, while the system considerations address concepts like accountability, transparency, and inclusion in decision-making. By establishing rules for AI governance, this paper makes sure that AI systems follow morally righteous and open procedures.

### **Digital Advertisement Policy, 2023<sup>23</sup>**

On November 10, 2023, a groundbreaking Digital Advertisement Policy, 2023 was authorized by the Ministry of Information and Broadcasting. Its goal is to give the Central Bureau of Communication (CBC), the government's advertising arm, the ability and authority to run campaigns in the digital media space. The Policy will allow CBC to include agencies and organizations in the video-on-demand and over-the-top (OTT) space.

### **Bhartiya Nyaya Sanhita, 2023**

Section: 196, 197,353etc, which deals with the creation, dissemination, or publication of false assertions, false statement, rumors through electronic means that cause public harm and mischief.

### **Solutions for Addressing the Benefits and Risks of AI in Social Media**

**Enhanced Privacy Protection:** Use strong data encryption techniques to safeguard user information, and anonymize data to prevent the disclosure of personal information.

**Regulation Compliance:** Verify that AI systems abide by data protection laws like the GDPR and the Personal Data Protection Act of India. Establish clear guidelines for data collection, storage, and usage.

**Regular Audits:** Conduct regular audits and assessments of AI algorithms to detect and correct biases. Implement transparent reporting mechanisms to track the performance and fairness of AI systems.

### **Combating Misinformation by fact checking**

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<sup>22</sup> “Principle of Responsible AI, NITI Aayog, <https://www.niti.gov.in>”

<sup>23</sup> “Ministry of Information and Broadcasting approves Comprehensive “Digital Advertisement Policy, 2023, <https://pib.gov.in>”

Create and integrate artificial intelligence (AI) techniques that can recognize and highlight misleading material. Work together with fact-checking groups to ensure the accuracy of the content.

**Public Awareness:** Educate users about the risks of misinformation and the importance of verifying sources before sharing content. Promote digital literacy programs that teach users how to critically evaluate information online

**Comprehensive AI Legislation:** Develop comprehensive AI legislation that addresses ethical, legal, and social implications. Ensure that the legal framework covers data protection, algorithmic accountability, and user rights.

**Multi-Factor Authentication (MFA):** Promote the adoption of MFA to strengthen user accounts' security and make it more difficult for hackers to access them without authorization.

**Biometric Authentication:** To improve security and confirm user identities, use biometric authentication techniques like fingerprint scanning and facial recognition. Never divulge private information to somebody you've only spoken to on the phone or online.

## **7. Conclusion**

It seems sense to infer that artificial intelligence (AI) is currently one of the most important factors in a person's life after taking into account all of its features and how it relates to social media platforms. Artificial intelligence is the foundation of modern technology, which affects social networking sites. Since this is a relatively young industry, the majority of Indian consumers are not aware of the implications. AI has the potential to be just as harmful as it is helpful; it might interfere in some way and disturb a person's daily life and tranquility.

India is leading the way in the development of AI. But developing a strong legal framework for AI remains a difficulty for the nation. The framework for regulating AI is provided by current laws such as the IT Act, Digital Personal Data Protection Act, and IT Rules; but, in order to handle the intricacies and moral dilemmas of AI technologies, legislation tailored to AI is obviously required. as AI continues to change sectors and societies India must find a balance between encouraging innovation and guaranteeing acceptable, ethical AI practices comprehensive legislation that address bias, discrimination, accountability, and privacy issues while promoting AI's enormous potential to propel economic growth and societal advancement are probably going to be a part of India's future AI regulations. These days, social media and artificial intelligence permeate every aspect of our life. All we can do is be vigilant and proactive, and cautious enough to steer clear of any scams or damage that can arise from using these online portals.