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THE RISE OF DEEPFAKE TECHNOLOGY AND ITS LEGAL CHALLENGES IN INDIA

Sharmila Kalwaniya

"The technology is a useful servant but a dangerous master."

- Christian Lous Lange

1. Introduction

"Truth walks behind lies like a lame dog." This is a well-known statement by Jonathan Swift and more relevant in the digital era of Artificial Intelligence. With the advancement of technology, today fake videos, audio recordings and images can be seen convincing. A particularly disturbing form of technological manipulation is deep fakes. Deepfakes are synthetic media created with AI technology that manipulate a person's face, voice or expressions to produce misleading content.

In recent years, the use of deepfake technology poses a significant legal and ethical issue globally and in India as well. Whether it's deepfaked celebrity videos or fake political speeches, deepfakes can be used to spread misinformation, tarnish reputations, invade privacy, and compromise democratic systems.

While deepfake technology has tremendous potential in areas such as cinema, education, and entertainment, its applications in the wrong hands have become a major risk for the Indian Legal System. The lack of any specific legislation devoted to deepfakes poses challenges for privacy and consent, cybercrime, and digital evidence.

2. Meaning of Deepfake Technology

Deepfake is a blend of the terms "deep learning" and "fake." It is also known as manipulated media, which are videos and audio clips created using Artificial

Intelligence and machine learning algorithms, particularly Generative Adversarial Networks (GANs)[1], by analyzing facial expression, speech tones and voice recordings.

Deepfakes are becoming increasingly sophisticated and accessible due to the availability of AI- based applications and editing tools. Today, even the common man with basic level of technical understanding can produce manipulated digital content

In India, one of the most interesting instances of a deepfake video was of actress Rashmika Mandana in 2023. The event raised national alarm about women's privacy and online safety, as well as the potential for technology to be misused against people without their permission.

According to a report of 2026, approximate 93% of deepfakes cases target women and nearly 62% of such cases in India remain unreported due to fear and stigma.[2]

3. Violation of Privacy and Dignity

The issue of privacy is one of the most important legal ones linked to the deepfakes. A deep fake often takes the face, image, voice of another person without permission, which is an invasion of their autonomy and dignity.

In Justice K.S.Puttaswamy v. Union of India, the Supreme Court of India has noted that privacy encompasses privacy of personal identity, dignity and informational autonomy.[3] Women are particularly vulnerable to deepfake abuse. Content created by AI that is explicit or obscene- often featuring women- can cause mental trauma, social humiliation and cyber harassment. Deepfake are thus a potential threat to gender justice and digital safety.

4. Threat to Democracy and Public Trust

The deepfake technology is also a significant challenge to democracy and trust in the public. Political speeches can be claimed as fake and fake campaign videos can be made to sway elections

This is the "liar's dividend" effect- true evidence can also be labeled as false.[4]

[1] Robert Chesney & Danielle Citron, Deep Fakes and the New Disinformation War, FOREIGN AFFS, Jan.–Feb. (2019), at 147

[2] The Economic Times REprt on Deepfakes, (2026).

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

[4] Bobby Chesney & Danielle Citron, The Deep Fake Dilemma: Synthetic Media and Democracy, 74 Foreign Affs. 145, 149 (2019).

Within a blink of an eye, a manipulated video that promotes communal hatred can cause an out-of- control situation and social unrest.

5. Legal Framework in India

There is no dedicated law in India that focuses on Deep Fakes Technology. Existing legal remedies are spread throughout the cyber laws and constitutional principles.

As for deepfake offences, the information Technology Act, 2000 has some provisions that may be considered indirect. The Information Technology Act, 2000 punishes identity theft, impersonation, privacy violations, and circulation of obscene electronic material under Sections 66C, 66D, 66E, 67, and 67A.[5] But these provisions were introduced prior to the rise of sophisticated AI-powered media.

Likewise, the Bharatiya Nyaya Sanhita, 2023 might be applicable to defamation, forgery, impersonation and spreading false information cases

The Digital Personal Data Protection Act, 2023 also becomes relevant because deepfakes often misuse personal data, images, and voices without consent.[6] Further, recent government advisories require digital platforms to identify and remove harmful AI-generated deepfake content to ensure greater accountability.[7]

The Delhi High Court and Bombay High Court have found the unauthorized use of celebrity names and AI-generated content to be a breach of the rights to personality and reputation.[8]

6. Evidentiary Challenges

Deepfakes create serious problems regarding electronic evidence. AI-generated videos and audio recordings make it difficult to determine whether digital content is genuine or manipulated. This affects the reliability of electronic evidence under the Bharatiya Sakshya Adhiniyam, 2023 and creates challenges for courts and investigating agencies.[9]

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[5] Information Technology Act,(2000), sections 66C, 66D, 66E, 67, 67A, No. 21, Acts of Parliament, 2000 (India).
[6] Digital Personal Data Protection Act (, 2023), No. 22, Acts of Parliament, 2023 (India).
[7] Ministry of Electronics and Information Technology, Advisory to Intermediaries on AI-Generated Content and Deepfakes (2024).
[8] Anil Kapoor v. Simply Life India,(2023) SCC OnLine Del 6914.
[9] Bharatiya Sakshya Adhiniyam,(2023), sections 61–63, No. 47, Acts of Parliament, 2023 (India).

7. Need for Regulation

India currently lacks a specific law regulating deepfake technology. Existing laws under cyber and criminal law provide only limited protection. Therefore, India needs a comprehensive legal framework that defines deepfakes, ensures platform accountability, and protects victims while balancing freedom of speech and technological innovation.

8. Conclusion

Deepfake technology is rapidly transforming the digital world and creating serious threats to privacy, dignity, and democracy. Although India has certain legal provisions addressing cyber offences, they are insufficient to regulate AI-generated manipulation effectively. Stronger laws, digital awareness, and responsible use of AI are necessary to combat the growing misuse of deepfake technology.