



# The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2026

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

---

## TRUTH IN THE AGE OF SYNTHETIC MEDIA: DEEPAKES, EPISTEMIC MANIPULATION, AND THE CONSTITUTIONAL CRISIS OF DEMOCRACY

~*Sakshi Soni*

### I. INTRODUCTION

This article is the assertion for the interrogation of ‘When seeing is no longer believing?’ It examines the convergence of AI-generated synthetic media commonly termed "deep fakes" with the constitutional foundations. When citizens can no longer truth from fabrication, democratic discourse ceases to function. Elections lose legitimacy, journalism loses credibility, and constitutional democracies begin to suffer from what may aptly be termed an “epistemic breakdown.” In the age of synthetic media, however, this epistemic certainty has begun to collapse. Deep fakes are the hyper-realistic manipulated audio, video, or visual content generated through artificial intelligence have transformed deception from an occasional political tactic into a technologically scalable threat against democratic consciousness itself. Democracy has faced propaganda in the past, but the real problem lies in the loss of faith in reality itself. India is especially susceptible to such an occurrence.

Key Words: Deep fakes, epistemic manipulation, synthetic media, constitutional democracy, AI governance, disinformation, India, media laws

### II. DEEP FAKES AND THE NEW ARCHITECTURE OF MANIPULATION: THE DEEP FAKES PHENOMENON

In 1964, media theorist Marshall McLuhan declared that "the medium is the message." He could not have foreseen a world in which the message itself its very pixels, its voice, its face would become indistinguishable from fabrication.<sup>1</sup> Deepfakes, defined broadly as AI-

---

<sup>1</sup> McLuhan, M. (1964). *Understanding Media: The Extensions of Man*. McGraw-Hill, New York. p. 7.

synthesised audio visual content that plausibly mimics real persons or events, have crossed the threshold from novelty to instrument of organised political warfare.

However, the underlying technology behind deep fakes, Generative Adversarial Networks (GANs), diffusion models, and neural voice cloning has advanced at an unprecedented rate to the extent that the legislative imagination cannot catch up<sup>2</sup>. Unlike traditional misinformation, deep fakes possess a uniquely persuasive force because they exploit the psychological authority of audio-visuals evidence. The consequences are seismic and fundamentally destabilizes democratic accountability.<sup>3</sup>

Democracy requires the existence of a shared epistemic commons a space where citizens can argue about facts. Deep fakes do not attack speech; they attack the precondition of speech itself. Consequently, the existence of deep fakes weakens trust not only in false media but also in genuine truth.

### **III. THE ARCHITECTURE OF EPISTEMIC MANIPULATION: HOW SYNTHETIC MEDIA REWIRES DEMOCRACY**

The term "epistemic manipulation" describes the deliberate corruption of citizens' belief-forming processes.<sup>4</sup> Synthetic media operates by severing the evidential relationship between event and representation altogether. A deep fake only generates sufficient doubt to delay the appropriate institutional response by critical hours. Existence of documented deep fakes incidents in Democratic Elections<sup>5</sup>.

Political theorist Jason Stanley has argued that the structural precondition of fascism is the erosion of shared reality.<sup>6</sup> Synthetic media industrialises this erosion. The adversarial epistemic environment<sup>7</sup> it creates cannot be remedied by after-the-fact fact-checking alone.<sup>8</sup> The

---

<sup>2</sup> Chesney, R., & Citron, D. K. (2019). "Deep Fakes: A Looming Challenge for Privacy, Democracy, and National Security." *California Law Review*, 107(6), 1753–1820.

<sup>3</sup> Vaccari, C., & Chadwick, A. (2020). "Deepfakes and Disinformation: Exploring the Impact of Synthetic Political Video on Deception, Uncertainty, and Trust in News." *Social Media + Society*, 6(1).

<sup>4</sup> The concept of "epistemic manipulation" as distinct from ordinary deception is developed in Fricker, M. (2007).

<sup>5</sup> Parliamentary Standing Committee on Communications & Information Technology Report No. 52 (2023).

\*Section 66E and 67 Ministry of Electronics and Information Technology (MeitY), Government of India. *Information Technology Act, 2000*\*

<sup>6</sup> Stanley, J. (2018). *How Fascism Works: The Politics of Us and Them*. Random House, New York. Chapter 1: "The Myth of Shared Reality." pp. 3–22.

<sup>7</sup> Wardle, C., & Derakhshan, H. (2017). *Information Disorder: Toward an interdisciplinary framework for research and policy making*.

<sup>8</sup> Benkler, Y., Faris, R., & Roberts, H. (2018). *Network Propaganda: Manipulation, Disinformation, and Radicalization in American Politics*.

reputational harm operates faster than correction, an asymmetric temporal logic of disinformation. Constitutional democracy is deeply epistemic, relies upon public reason, informed participation, ability to distinguish authentic from deception and the circulation of trustworthy information. Deepfakes threaten each of these foundations simultaneously.

#### **IV. THE CONSTITUTIONAL LACUNA: INDIA'S REGULATORY FRAMEWORK AND ITS LIMITS**

The existing legal framework in India has sought to combat the harms posed by deep fakes through an array of laws, designed for categorically different technological contexts.<sup>9</sup> While there are provisions of diligence that platform intermediaries owe, there are no clear requirements regarding the detection, identification, or deletion of deep fake content. Nor are there any means of removing such content rapidly enough to prevent virality. The recognition of the right to receive information in Article 19(1)(a) allows for an extension of this right to ensure the quality of information.

However, until now, no judicial opinion has recognized whether the State owes the duty to protect citizens from disinformation via artificial intelligence technologies, which could impede democratic participation in the process. This is the lacuna that jurisprudence must urgently fill.

#### **V. EPITHEMIC CONSTITUTIONALISM: A DICTATE OF DEMOCRATIC SUSTENANCE**

Epistemic constitutionalism mandates that constitutional democracies ensure not just the security of elections but also that of freedom of expression. In an era of deepfakes and generative AI technologies, which can conjure up alternate realities for political discourse and manipulate the trust of the populace, there should be a move towards guaranteeing to citizens a reliable evidentiary ground.

The constitutionally balanced approach should, in turn, include the incorporation of rights-based measures like compulsory AI-content labelling and watermarking, instant action against malice-intentioned synthetic media in elections, enhanced protection against biometric and facial data misuse, and efforts to build public digital literacy to foster “epistemic resilience.”

---

<sup>9</sup> Section 66E and Section 67 of the Information Technology Act, 2000

Just as important, there has to be an institution created for regulating the matter independently, insulated from executive and corporate influence so as to deal with synthetic disinformation without lapsing into censorship. The aim should not be government monopoly on truth, but a constitutional defense of democracy from technological deception.

## **VI. CONCLUSION**

Constitutional democracies therefore face a new responsibility: protecting not merely freedom of expression, but the informational integrity that makes meaningful democratic participation. The preservation of epistemic trust must become central to constitutional governance. In the age of synthetic media, defending truth is no longer simply a moral or political obligation it is a constitutional necessity for democratic survival.