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SYNTHETIC MEDIA IN INDIA: A CRITICAL ANALYSIS OF THE EXISTING LEGAL FRAMEWORK

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ABSTRACT

The proliferation of artificial intelligence technologies has given rise to synthetic media, such as deepfakes, raising several concerns with respect to privacy, impersonation, fraudulent activities, harassment, and copyright violation. The current paper critically reviews the legal position on synthetic media in India, particularly the provisions of the Bharatiya Nyaya Sanhita, 2023, the Information Technology Act, 2000, and the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, as amended, in light of the following: criminal liability, intermediary liability, content removal, copyright protection, and detection of AI-generated media. The relevance of ANI Media Pvt. Ltd. v. OpenAI OpCo LLC is discussed with regard to the issues related to copyright law in the context of AI training. The existing legal regime regulating the area under study is fragmented and subject to various difficulties in terms of its implementation, investigation and evidence gathering, as well as technical issues associated with detection of AI-generated media.

Keywords: *Synthetic Media, Deepfakes, Artificial Intelligence, Indian Legal Framework, Copyright Infringement, Intermediary Liability, Digital Provenance.*

In one such viral incident, actor Rashmika Mandanna became a victim of a deepfake video where her face was imposed on another woman's body through the use of artificial intelligence.¹ This highlighted the dangers and concerns over the way in which artificial intelligence could be used to manipulate someone's image. There is another aspect that was brought into focus

¹ BBC News, Rashmika Mandanna Calls for Action Against 'Scary' Deepfake Video (Nov. 7, 2023), <https://www.bbc.com/news/world-asia-india-67305557>

due to this incident, which is: Are the current laws in India enough to deal with the problems posed by synthetic media?

Synthetic media means any form of pictures, videos, sounds or anything else that has been produced using artificial intelligence. While it is useful for various purposes including entertainment, education and communication, the misuse of artificial intelligence may lead to impersonation, fraud, harassment and other such issues. There are several laws in India, but no consolidated law, that addresses this problem.

1. CRIMINAL LIABILITY FOR SYNTHETIC MEDIA

Criminal remedies are provided under the Bharatiya Nyaya Sanhita, 2023 (BNS) for synthetic media used illegally. While Section 319 deals with cheating by personation, Section 336 deals with forgery and includes forgery of specific kinds of false electronic records. Section 353 may be relevant to specified acts involving statements, rumours or reports amounting to public mischief. Nevertheless, the applicability of these Sections hinges upon the facts of the case and the elements of the specific crime.²

The Information Technology Act, 2000 adds further criminal provisions. Under Section 66D, cheating by personation through a computer resource has been made illegal, whereas Section 66E covers specified acts relating to the publication of images of private parts of one's body. Sections 67 and 67A may be applicable for the electronic publication or transmission of obscene and sexually explicit content. However, these Sections should meet their specific requirements.³

However, there could still be problems for victims related to anonymity of the creator of synthetic media, collection of evidence and prevention from recurrence of the same. There could be specific provisions dealing with certain kinds of misconduct, but these may not necessarily cover all cases of AI generated manipulation.

2. INTERMEDIARY RESPONSIBILITY AND CONTENT REMOVAL

Due diligence provisions have been incorporated by virtue of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, for online

² Bharatiya Nyaya Sanhita, No. 45 of 2023, §§ 319, 336, 353 (India).

³ Information Technology Act, No. 21 of 2000, §§ 66D, 66E, 67, 67A (India).

intermediaries. Such provisions are exercised alongside Section 79 of the IT Act, which offers conditional protection from liability for intermediaries.⁴

The regulatory regime received a boost in light of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2026, notified on 20 February 2026. The amendments have provided a framework for synthetically generated information along with requirements for user declaration, technical validation, labelling and traceability of such information.⁵

This represents an effort to achieve a higher level of transparency and proactive responsibility. However, it continues to be difficult to remove unlawful content in cases where copies continue to be uploaded and distributed across platforms in modified forms. It is possible that automated detection processes fail to detect manipulated content or mark lawful content incorrectly.

Thus, regulation will have to incorporate speedy removal of unlawful content along with adequate processual and procedural checks. Platform accountability should be judged in light of their effectiveness in remedying the situation rather than merely on compliance with law.

3. COPYRIGHT CHALLENGES IN GENERATIVE AI

Synthetic media gives rise to yet another set of issues regarding the use of copyrighted works in training AI. Developers can use large data sets comprised of literary, artistic, musical, and journalistic works. The key question is whether the uses of such protected works are infringing or are covered by statutory exceptions to copyright.

In *ANI Media Pvt. Ltd. v. OpenAI OpCo LLC*, the Delhi High Court examined the issue of whether storing copyrighted news materials in the capacity of training AI was an act of copyright infringement under the Copyright Act, 1957. In its order issued on 24 July 2026, the Court held that *prima facie*, OpenAI's storing of ANI's copyrighted materials for the purpose

⁴ Information Technology Act, No. 21 of 2000, § 79 (India); Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, Gazette of India, Extraordinary, pt. II, sec. 3(i) (Feb. 25, 2021), as amended.

⁵ Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2026, G.S.R. 120(E), Gazette of India, Extraordinary, pt. II, sec. 3(i) (Feb. 10, 2026).

of training was an activity that was falling under Section 52(1)(a): fair dealing of copyrighted work in relation to specified purposes, which include private or personal use and research.⁶

The order is certainly important; however, it cannot be seen as an unrestricted license for all AI developers to use copyrighted works without any authorization. The application of exceptions to copyright will depend on the requirements of specific statutes. Therefore, Indian copyright law has to cater to technological advancements without ignoring the interests of authors and stifling innovation. Clarity in the area of training AI, authorship and licensing could be helpful in setting up a predictable legal regime.

4. TRANSPARENCY AND DIGITAL PROVENANCE

The issue here is whether viewers will be able to differentiate between real footage and synthetic footage at all. This problem might be addressed by means of labelling, watermarking and digital provenance tools that can allow understanding the process of content creation or modification. The 2026 amendments of the IT Rules reinforce the requirements for the identification and labelling of synthetically generated information. Nonetheless, labels do not prove the truthfulness, legality and voluntary creation of any material. Likewise, metadata and watermarks could disappear after the further distribution of content.

Technical standards like Coalition for Content Provenance and Authenticity (C2PA) make it possible to record the information on the origin and editing of digital content.⁷ These measures can be helpful for verification but cannot be regarded as the conclusive proof of authenticity. India should foster interoperability in provenance standards, reliable disclosure procedures and impartial review of technical protection measures. In addition, regulation should provide legal protection for the legitimate use of synthetic media in various spheres, including satire, art, education and accessibility.

CONCLUSION

However, India's approach to regulate its synthetic media involves criminal law, regulation of information technology, copyright law and also transparency rules. Though all these measures

⁶ ANI Media Pvt. Ltd. v. OpenAI OpCo LLC, CS(COMM) 1028/2024, I.A. 45300/2024 (Delhi High Ct. July 24, 2026).

⁷ Coalition for Content Provenance and Authenticity, C2PA Technical Specification, <https://spec.c2pa.org/specifications/> (last visited Oct. 20, 2026).

ensure protection, fragmented implementation and technical constraints have been posing problems for them.

Regulation of synthetic media is not about banning them but distinguishing between dangerous manipulation and normal creativity. A fair regulation policy must ensure adequate protection to the victim, copyright holders, responsible platforms and innovations. The success of any regulation depends on the extent to which existing laws are able to offer necessary protection.