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Deepfakes and Personality Rights in India: Emerging Legal Challenges in the Digital Age

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Due to the rising use of artificial intelligence and generative tools, there has been a radical shift in the digital ecosystem, which allows the creation of extremely convincing synthetic media. Synthetic media is commonly known as 'deepfakes'. Although there are numerous legitimate uses of such media in the entertainment, educational, communication and creative industries, its illegal use creates serious legal issues since the synthetic content may be created or distributed without the individual's consent. Deepfakes can manipulate the face, voice, identity and likeness of the individual, which means a threat to personality rights, privacy, reputation, dignity and autonomy of an individual. It is rather complicated in the case of India, where there is no legislative act providing a specific framework in relation to deepfakes and personality rights. The article will analyse the legal problems caused by deepfakes in India, taking into account the jurisprudence of personality rights and the existing legal framework regulating digital harms. It will discuss the constitutional right to privacy and dignity provided by Article 21 of the Constitution of India, together with different laws related to intellectual property, information technology, data protection, criminal law and other aspects. The issues related to liability, attribution, consent, liability of intermediaries, evidentiary difficulties and cross-jurisdictional proliferation of deepfake content will be discussed in the article. Disadvantages of using the scattered provisions in order to tackle rapidly developing harms will be considered critically. Therefore, the importance of developing a technology-responsive regulatory framework which ensures balance between personality and fundamental rights protection and innovation and freedom of speech

and expression will be emphasised. It suggests a holistic approach towards consent, transparency, intermediary accountability, prompt removal, effective remedies and liability for malicious deepfakes.

Keywords: *deepfakes, artificial intelligence, personality rights, right to privacy, right to dignity.*

INTRODUCTION

There have been rapid developments in the area of Artificial Intelligence and Generative Technologies, and this has resulted in considerable changes in the creation and distribution of Digital Content. One such development has been that of “deepfakes”, which are highly realistic artificial pictures, videos, and audio recordings created and manipulated using artificial intelligence. While deepfakes may be used in a constructive manner in fields of entertainment, education, communication and creativity, misuse of deepfakes can have several legal repercussions if an individual’s face, voice, appearance, or identity is fabricated without their permission.

It may violate the individual’s privacy, reputation, dignity, autonomy and individuality, which may become even more serious in case the synthetic content is defamatory, pornographic, fraudulent or deceptive in the context of politics and disseminated rapidly through social media or digital media. Lack of statutory regulation in India with respect to deepfakes and personality rights exacerbates the problem. Protection is presently provided in a piecemeal fashion under Constitutional law, personality rights, Information Technology law, data protection, criminal law, intellectual property, and intermediary law.

The paper analyses the emerging legal issues in relation to deepfakes and personality rights in India. It examines the development of synthetic media, recognition of personality rights in law, and the impact of deepfakes on privacy, reputation and dignity. It also analyses the existing legal framework and examines issues of consent, liability, intermediary liability, evidentiary concerns and freedom of expression. It ends with a call for an inclusive rights-based and technology-neutral regulatory framework involving consent, transparency, platform accountability, adequate remedies and protection of legitimate use of artificial intelligence.

DEEPPAKES AND THE EVOLUTION OF SYNTHETIC MEDIA

Technological advancements are being witnessed on an unprecedented scale, where AI is creating deepfakes (synthetic media) at a fast rate, changing the digital space. Deepfakes are videos and images that are manipulated or created using deep learning technology, and they make a person appear to say or perform something that was never done. In turn, the advancement of deepfakes marks a great step forward in the domain of synthetic media because increasingly advanced technological tools help to create realistic digital content with relatively little technical know-how.¹

It is important to notice that deepfake technology is based on the use of artificial neural networks and machine-learning methods, in particular, Generative Adversarial Networks (GANs). Such technological tools enable learning patterns from data and generating increasingly realistic synthetic outputs. Thanks to the development of deepfake technology, today we can manipulate digital content in many different ways, including reconstructing faces, replacing faces, cloning voices, changing facial expressions and movements, etc. In turn, the technological development and widespread use of deepfake tools lead to a decrease in the technical threshold for the creation of convincing synthetic content, thus expanding the usage of such tools outside specialised technological environments.

The development of deepfakes makes a broad range of possibilities concerning synthetic media beyond manipulated videos available. In addition to video, deepfakes can also be created in audio format and include image-based synthetic media. In turn, audio deepfakes can replicate the unique features of someone's voice, while video deepfakes can manipulate facial features, expressions and movements or put one face onto another body.

Moreover, image-based synthetic media can manipulate facial features and other identifying elements. Although deepfake technology has a number of legitimate uses in such domains as entertainment, education, communication, and the creative industry, the growing accessibility of such technologies also increases the potential for abuse. Particularly, the creation and

¹ Akshat Gupta, 'Navigating the Legal Landscape of Deepfake Technology in Indian Political Dimension' (2026) 9(1) Journal of Artificial Intelligence, Machine Learning and Data Science
<<https://doi.org/10.51219/JAIMLD/akshat-gupta/666>> accessed 01 August 2026

distribution of synthetic content can be done without the knowledge or consent of a person depicted in this content.

Deepfakes are being increasingly misused for impersonation, identity theft, fraud, misinformation, and reputational attacks, thus turning deepfakes into a problem of law. Synthetic media can replicate someone's face or voice, and therefore fabricated content can falsely attribute the statements, behaviour, or activities of someone. The rapid distribution of such content on social media platforms can multiply the effects of deepfakes until the authenticity is established. It is very difficult to establish the authorship of this content and identify whether the digital evidence is authentic or not.

The Indian digital environment also poses certain challenges due to the extensive use of social media, linguistic diversity, and differences in the level of digital literacy. Thus, deepfake content can be easily distributed among large audiences and affect public opinion, political communication, and personal reputation. In turn, the growing sophistication of synthetic media makes it more difficult to distinguish real digital content from synthetic content. This technological development gives us the background for the investigation of the legal implications of deepfakes in terms of their influence on personality rights, privacy, reputation, and dignity and the sufficiency of existing legal mechanisms in India for solving this issue.

CONCEPTUAL AND LEGAL RECOGNITION OF PERSONALITY RIGHTS IN INDIA

Personality rights are the rights that belong to the individual to control the commercial and other use of their name, image, likeness, voice and other characteristic features which may be identified as or constitute that person's persona. Even though there is no such statute in India that defines personality rights, their protection has evolved using constitutional principles, judgments and principles inferred from the laws of privacy, publicity and intellectual property. Personality rights have become particularly relevant in today's world due to advances in artificial intelligence and deepfake technology, which allow manipulation of digital technology and replication of someone's identity.²

² Akash Thakur, 'Deepfakes as Cyber Weapons: Reconceptualizing Intellectual Property and Digital Persona Rights' (2025) SSRN <<https://doi.org/10.2139/ssrn.5337427>> accessed 01 August 2026

The development of personality rights in India has always been very much interlinked with the protection of constitutional rights of privacy and dignity of the person. The constitutional validity of the right to privacy as a fundamental right under Article 21³ has made the legal protection stronger with regard to the person's control over their identity and other personal information. Also, Indian Courts have realised that a person's identity has both personal and commercial aspects. Right of Publicity protects the commercial aspects related to a person's identity, whereas personality rights are broader in scope, covering all types of exploitation of an individual's distinctive attributes. Thus, celebrity judicial decisions have played a key role in the development of personality rights.⁴

With the development of deepfakes, the concept of identity appropriation has expanded into the digital domain. AI technology can replicate a person's face, voice or likeness without any authorisation to create a synthetic version of the person, which can be easily confused with the person's original self. This creates a new legal issue about unauthorised use of someone's identity because it becomes possible even before any damage, such as fraud, defamation, or economic losses, takes place. This has led scholars to call for rethinking the scope of personality rights with respect to digital identity and to recognise the unauthorised use of digital reproduction of someone's identity as a new legal harm.⁵

Indian judicial jurisprudence has been consistently improving the protection of individuals against unauthorised exploitation of their identity. In the cases of personality and publicity rights, the unauthorised appropriation of names, images, likeness and other distinctive attributes of the person has been discussed, especially those celebrities whose identities hold economic value. As can be seen in the growing number of uses of these principles in relation to content produced using AI, it has become necessary for personality rights to be technologically neutral so that the protection of identity is independent of the medium of its unauthorised appropriation.

³ Constitution of India 1950, art 21

⁴ Pragya Sharma and Payodhi Daschadhuri, 'Synthetic Faces, Real Disrepute: Deepfake and the Quest to Safeguard Celebrity Rights and Reputation' (2025) 2(2) Journal of Legal Research and Polity <<https://doi.org/10.64322/JLRP.2025.2210>> accessed 01 August 2026

⁵ Nandini Reddy Kunduru, 'Deepfakes And Identity Appropriation: Re-Examining The Limits Of Indian Criminal Law In The Age Of Generative AI' (2026) SSRN <<https://doi.org/10.2139/ssrn.7007544>> accessed 01 August 2026

Thus, the legal recognition of personality rights in India is becoming less concerned with the issues of publicity and exploitation of identity commercially and more focused on the protection of digital identity, autonomy, privacy and control over one's identity. This becomes especially relevant due to the development of deepfake technology, which allows identity appropriation at large scale and without any physical contact with the individual. So, the legal question raised here is not only whether a deepfake is causing any reputational or financial damage, but whether the unauthorised appropriation and use of someone's digital likeness constitutes an infringement of personality rights.

DEEPFAKES AS A THREAT TO PRIVACY, REPUTATION AND DIGNITY

The widespread application of deepfake technology raises many concerns about privacy, reputation and individual dignity in the digital world. Deepfakes can tamper with or produce a face, voice, image or some other identifying feature and use it without the individual's permission to commit identity theft. The unauthorised manipulation may infringe the private domain of a person, violate the principle of personal autonomy and restrict the right of an individual to manage the representation and use of his/her identity. The issue gets even more complicated when deepfakes are used in malicious ways such as identity theft, fraud, disinformation and so forth.⁶

The infringement of privacy is highly associated with the abuse of personal and biometric data. Deepfake technologies may convert publicly accessible images, videos and audio into a highly realistic representation of people. The resulting manipulation may result in the unauthorised use of personal information and undermine an individual's management of his/her digital identity. In addition, deepfakes can be used to create non-consensual or sexualized materials, which have a considerable effect on personal autonomy and dignity. The harm in such cases does not consist in the disclosure of private information but may concern the appropriation and manipulation of identity itself.

The fabrication of deepfakes may also result in severe reputational harm by presenting individuals as doing something they did not actually do. Because the manipulated content is

⁶ Sheikh Inam Ul Mansoor, 'Legal Implications of Deepfake Technology: In the Context of Manipulation, Privacy, and Identity Theft' (2024) 4 Central University of Kashmir Law Review
<<https://doi.org/10.66498/CUKLR.4.2024.65-92>> accessed 01 August 2026

often presented as authentic, the viewers tend to believe the fabricated statements or actions, causing reputational damage until the verification of the information is done. This issue is especially pertinent for public figures and celebrities whose career and business interests depend on their public image. The unauthorised copying or manipulation of one's likeness is likely to affect not only individual reputation but also the commercial value of individual identity.⁷

Deepfakes affect the broad concept of dignity as well. The fabricated images and videos may result in humiliation, harassment, defamation and stigmatisation of individuals, especially if the content is sexually explicit or intentionally defamatory. The speed of spread of such content on social media platforms amplifies the harm and makes its elimination rather difficult. Hence, deepfakes are likely to affect not only an individual's reputation but also an individual's psychological health, personal autonomy and possibility of safe participation in the digital public sphere.

The problem is complicated further by the high speed and volume of the spread of such content in the digital world. As soon as a deepfake is posted, it can be easily copied, modified and re-posted on various platforms, making its complete removal very difficult. The issue is further complicated by questions about legal enforcement due to the problems of authenticity of digital content, attribution of liability and identification of the content producer. Thus, the harm is not negligible and demonstrates that deepfakes are more than mere disinformation: they can interfere with individual control of identity, reputation and dignity.⁸

Therefore, deepfakes legislation should take into account privacy, reputation and dignity as interrelated interests. The challenge for Indian law consists in the need to provide for protection against unauthorised manipulation of individual identity while securing free expression and technological development. This would include the examination of such issues as consent, personality rights, responsibility of platforms, appropriate remedy and mechanisms for quick identification and removal of harmful synthetic content.⁹

⁷ Dr Kuldeep Singh Panwar and Nilutpal Deb Roy, 'RISING MENACE OF DEEPFAKES WITH THE HELP OF AI: LEGAL IMPLICATIONS IN INDIA' (2024) 4(3) Indian Journal of Integrated Research in Law <<https://ijirl.com/wp-content/uploads/2024/05/RISING-MENACE-OF-DEEPFAKES-WITH-THE-HELP-OF-AI-LEGAL-IMPLICATIONS-IN-INDIA.pdf>> accessed 01 August 2026

⁸ *Ibid*

⁹ Sourav Mandal, 'Deep Fake Technology and Identity Theft: An Emerging Challenge for Cyber Laws in India' (2025) <<https://doi.org/10.2139/ssrn.5161545>> accessed 01 August 2026

EXISTING INDIAN LEGAL FRAMEWORK FOR ADDRESSING DEEPFAKES

Indeed, there is no single statute in India dealing with deepfakes specifically. Instead, legal remedies to harms caused by deepfakes are fragmented among various areas of law, including information technology, criminal law, privacy and data protection, intellectual property law, defamation and intermediary liability law. Thus, depending on the specificities of the deepfake and the harm caused, the current legal framework provides for various remedies. Nevertheless, the fragmented nature of the legislation poses certain challenges in addressing the particularities of synthetic media created using AI.¹⁰

First of all, the Information Technology Act, 2000¹¹ is one of the elements of the existing framework. In case of any unauthorised use of private photos or sexually explicit content, privacy violations, offences related to identity and publication or transmission of prohibited electronic information may be considered. The amendment to the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 also imposes additional obligations to intermediaries in terms of the unlawful content and grievance redressal procedures. Nevertheless, provisions in the law were created not for generative AI and may not be enough for addressing the issues related to the creation and dissemination of sophisticated synthetic media.¹²

Apart from the conduct being a crime according to the Indian Penal Code, 1860,¹³ criminal liability may also arise pursuant to the Bharatiya Nyaya Sanhita, 2023,¹⁴ in case of cheating, personation, forgery, defamation, intimidation and other crimes. The transition to the Bharatiya Nyaya Sanhita, 2023 is noteworthy since earlier research on the topic used the Indian Penal Code, 1860 provisions on the above-stated crimes to address deepfakes. Thus, it may be

¹⁰ Dr R N Mangoli, 'DEEPFAKE TECHNOLOGY AS AN EMERGING TOOL OF CYBERCRIME: LEGAL CHALLENGES AND REGULATORY RESPONSES IN INDIA' (2025) 1(3) International Journal of Business Management and Legal Affairs <<https://ijbmla.com/index.php/home/article/view/20>> accessed 01 August 2026

¹¹ Information Technology Act 2000

¹² Devesh Kumar, 'Deepfakes, Free Speech, and the Right to Truth: A Comparative Legal Study on Regulating Synthetic Media in the USA, UK, and India' (2025) 6(4) Advanced International Journal for Research <<https://doi.org/10.63363/aijfr.2025.v06i04.1117>> accessed 01 August 2026

¹³ Indian Penal Code 1860

¹⁴ Bharatiya Nyaya Sanhita 2023

necessary to apply multiple crimes to the deepfake-related conduct, not a particular one, designed for synthetic media.¹⁵

Another important area of law that provides for additional protection for individuals is privacy and data-protection law. The Digital Personal Data Protection Act, 2023¹⁶ is applicable especially in the case of the processing of personally identifiable data during the creation or sharing of deepfakes. Additionally, the Indian judiciary has developed personality and publicity rights which provide for additional civil remedies in case of appropriation of one's name, likeness or other personal identifiers without authorisation. Thus, the developing digital identity jurisprudence offers another level of statutory protection in case of violations by deepfakes.

Also, copyright law and related intellectual property law principles may be applicable in case of deepfakes using works protected by copyright or related rights, such as photos, videos, recordings and other protected works. Defamation law can also be applied if the damage to the reputation is caused by the untrue content. Thus, copyright law and defamation law are relevant in the case of deepfakes, but the applicability is heavily dependent on the facts of each case. The present regime in India only has overlapping solutions, but not a definite regime for dealing with deepfakes.

EMERGING LEGAL CHALLENGES IN REGULATING DEEPFAKES

One of the challenges of regulating deepfakes lies in the fact that harms associated with synthetic media cannot easily be categorised into any known categories of criminal, civil, or constitutional liability. First, there is no Indian law on deepfakes. Although there could be some laws that deal with some of the forms of misuse, there is no comprehensive law that covers the production, manipulation, distribution, and detection of content created through AI. The rapidly changing nature of technologies involved in the production of such media leads to regulatory lag between technology and the legal system.¹⁷

¹⁵ Shambhu Prasad Chakrabarty & Shrabana Chattopadhyay, 'Criminal Liability of Artificial Intelligence-Generated Deepfakes in India' in Mohuya Chakraborty et al., (eds), *Proceedings of 5th International Ethical Hacking Conference* vol 1148 (Springer Nature Singapore 2025)

¹⁶ Digital Personal Data Protection Act 2023

¹⁷ Dr Shinu Vig, 'Regulating Deepfakes: An Indian Perspective' (2024) 17(3) *Journal of Strategic Security* <<https://digitalcommons.usf.edu/jss/vol17/iss3/5/>> accessed 01 August 2026

Secondly, it can be challenging to establish liability in terms of identification of the perpetrator of the crime, separation between the original producer and distributors of the fake and determination of responsibility of intermediaries. Digital platforms often operate in a cross-border context, making such investigation more difficult.

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Deepfakes are also a threat to personality rights and digital identity, as it can happen that an artificial intelligence system creates a copy of an individual's face, voice, or appearance without permission of the owner. In this way, a digital persona becomes protected, raising concerns regarding the extent of control a person should have over their identity, including digital representations. It can be questioned whether the existing principles of personality rights are sufficient in the case of artificial imitation of a person's face or voice.

Finally, the political use of deepfakes poses a serious threat to the integrity of democracy, as such political manipulations can mislead voters through false political declarations and speeches of politicians. It is further complicated by the rapid distribution of synthetic content via digital media. Thus, in order to solve the problem, one needs not only to establish liability, but also to implement technical methods of detection of deepfakes.

NEED FOR A COMPREHENSIVE REGULATORY FRAMEWORK FOR DEEPFAKES IN INDIA

This fragmented legal landscape demonstrates the need for a comprehensive technology-sensitive regulation of deepfakes in India. Yet, the lack of legislation concerning the development, manipulation, and distribution of synthetic media generates certain loopholes regarding the protection of the right to privacy, identity, reputation, and digital autonomy. Although existing legal remedies may serve as a solution in case of some cases of misconduct, these remedies fail to tackle all peculiarities of content created by AI, including scalability, fast dissemination, lack of attribution, and ever-increasing capability of impersonation of a real

person. Thus, a comprehensive framework should cover this problem by means of substantive rights, preventive measures, intermediary liability, and remedies.

One of the key aspects of such a framework should be the acknowledgement of the right to the digital persona. As the capabilities of artificial intelligence to replicate faces, voices, images, and other aspects of personal identity grow, the legal framework should transcend the concepts of publicity rights and personality rights. Thus, acknowledging a special right to the digital persona could enable people to control the development, reproduction, and commercial or non-commercial usage of such representation of personal identity. This recognition should also include the issues of consent, autonomy, and control over personal identity while not limiting legitimate uses of artistic, educational, journalistic, and political expression.

One of the pillars of the regulatory framework in question should be the concept of consent. The use of a deepfake involving reproductions of someone's face, voice, or likeness should always be authorised if it interferes with personal interests. Additional regulations should be applied to sexually explicit, defamatory, fraudulent, or otherwise harmful synthetic content. However, the framework should also include the idea that consent to the use of an ordinary photograph or audio recording of an individual cannot be interpreted as consent to the use of deepfake content. Thus, the framework would enhance personal autonomy and decrease identity appropriation.

Transparency and provenance of AI-generated or significantly manipulated content should also be required as an integral part of the regulatory framework. It would be possible to make users distinguish synthetic content from genuine recordings via proper labelling, watermarking, metadata, or content-provenance systems. Nevertheless, such measures should be technology-neutral and updated periodically in accordance with the evolution of generative technologies and techniques used for their identification. Therefore, the responsibilities of the regulatory framework should encourage both developers and platforms to establish reliable technical standards capable of identifying synthetic content.

Accountability of intermediaries should form the crux of the other. Digital platforms play a crucial role in influencing the pace of distribution of deepfake content among the public. Platforms must be obliged to have a functional grievance redressal mechanism, be swift in reacting to valid complaints about unlawful deepfakes, and have adequate measures in place to detect and curb the distribution of harmful synthetic content. At the same time, intermediary

regulations should not put them under the onus of unlimited monitoring or automatic removal of legal content. A risk-based regulation to distinguish between malicious deepfakes and satire, parody, artistic expression and legitimate political commentary will serve to strike a balance between individual rights and freedom of expression.

The regulatory framework must also provide effective and accessible redress to the victims. The latter may include speedy takedown measures, injunctions, compensation, restoration of reputation, and imposition of adequate civil and criminal penalties for malicious creation and distribution of deepfakes. In the case where deepfakes lead to identity theft and financial fraud, the victims must have access to efficient tools for reporting and investigation that can handle the technical intricacies involved in such crimes. Rules regarding jurisdiction and cross-border cooperation should not be overlooked either, as the harmful synthetic content can be created in one jurisdiction, stored in another, and then distributed globally.

It should be noted that the framework must encourage cooperation between government institutions, technology companies, social media platforms, researchers and civil society organisations. Investments into artificial intelligence-based detection systems, digital forensics, public awareness and technological literacy would be able to supplement the regulatory approach. Moreover, the Indian approach to regulation should borrow from the comparative developments wherever relevant, especially when the foreign approaches contain some useful instruments to tackle content identification, data protection and accountability. Nevertheless, this comparison should take into account both constitutional and technological specifics of the Indian experience.

In essence, what India needs is a rights-based and proportionate framework for regulation of deepfakes rather than blanket prohibition of synthetic media content. Regulation should promote the rights of individuals (personality, privacy, dignity and democratic integrity) as well as the freedom of expression and innovation. Such a comprehensive framework that combines digital-persona protection, consent, transparency, provenance, intermediary accountability, remedies, technological detection and institutional cooperation would offer a more holistic approach to fast-developing challenges of deepfakes. This approach will help to regulate not only the present synthetic media but the future AI-based technology of identity manipulation.

CONCLUSION

Deepfakes create a critical risk for the interplay between artificial intelligence, digital identity and the law. There are lots of beneficial uses of synthetic media. However, there are risks of misuse which may negatively affect the right of the individual to privacy, dignity, reputation, autonomy, and the right to control one's identity. It means that the threat presented by the deepfake problem is not only the problem of misinformation, but the unauthorized manipulations with and theft of an individual's identity.

The analysis shows that the Indian legal system offers plenty of legal mechanisms which can be used to combat deepfakes from the perspective of constitutional protection, personality and publicity rights, information technology, data protection, criminal, intellectual property and intermediary liability laws. However, those mechanisms are scattered, and they were not developed in light of the deepfake problem.

Thus, the country needs a comprehensive and technically proficient regulatory regime which will ensure protection of digital identity while promoting freedom of expression and innovation. This framework should include such principles as consent, transparency and provenance requirements, intermediary liability rules, deepfake takedown procedures, and civil and criminal sanctions. Moreover, it should pay special attention to the detection of deepfakes, promotion of digital literacy and international cooperation.

Finally, regulation of the deepfake problem should not aim at the prohibition of artificial intelligence and synthetic media. Instead, it should guarantee that technological development will not harm the fundamental rights of individuals. A rights-based and proportional framework that is technology-neutral would help India to solve its deepfake problem and remain flexible for the future.