

Deep Fakes As A Threat to Constitutional Democracy: A Political Perspective

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Abstract: *The rapid proliferation of deep fake technology artificially generated hyper-realistic audio-visual fabrications poses an unprecedented threat to the structural integrity of constitutional democracy. By enabling the mass production of false and convincing representations of public figures, politicians, and institutions, deep fakes destabilise the epistemic foundations upon which democratic deliberation depends. This paper examines deep fakes as a multi-dimensional political and constitutional challenge, analysing their impact on electoral integrity, freedom of speech, the right to privacy, and the rule of law. Drawing upon Indian constitutional jurisprudence, comparative statutory frameworks from the United Kingdom, the European Union, and the United States, and an emerging body of national and international case law, the paper argues that existing legal mechanisms are inadequate to address the distinctive harms posed by deep fakes in democratic societies. The paper further engages with the constitutional doctrine of basic structure in India, proposing that the right to authentic political information may be understood as a constitutional imperative rooted in democratic governance. It concludes by advocating for a comprehensive, rights-calibrated legislative response alongside regulatory and technological interventions designed to preserve the constitutional order.*

Keywords: Deep Fakes, Constitutional Democracy, Electoral Integrity, Freedom of Speech, Right to Privacy, Basic Structure Doctrine, Disinformation, Comparative Law

I. INTRODUCTION

Constitutional democracy rests upon two indispensable pillars: the right of citizens to freely seek and exchange information, and the reasonable assurance that public discourse, particularly around elections and governance, reflects a shared factual reality. When these pillars are undermined by deliberate technological manipulation, democracy itself becomes fragile. Deep fakes synthetic media generated through machine learning techniques such as Generative Adversarial Networks (GANs) and diffusion models represent one of the most potent contemporary threats to this democratic foundation. A deep fake is, at its core, a form of advanced digital forgery. Unlike rudimentary doctored images or selectively edited videos, deep fakes simulate the voice, face, mannerisms, and expressions of real individuals with such fidelity that even trained observers struggle to identify the fabrication without assistance from dedicated detection software.² The political deployment of deep fakes is already documented. In the 2020 United States Presidential Election, fabricated audio clips of candidates circulated widely on social media platforms. In India, the 2024 General Elections witnessed the circulation of deep fake videos of prominent political leaders making statements they never uttered, alongside AI-generated voice clones used in robocall campaigns. The capacity of such content to mislead voters, distort the reputational standing of candidates, incite communal or political violence, and erode institutional trust is not hypothetical it is presently manifesting.³

²Chesney, Bobby, and Danielle Citron. "Deep fakes: A looming challenge for privacy, democracy, and national security." *Calif. L. Rev.* 107 (2019): 1753.

³Pawelec, Maria. "Deepfakes and democracy (theory): How synthetic audio-visual media for disinformation and hate speech threaten core democratic functions." *Digital society* 1.2 (2022): 19.



This paper introduces the phenomenon and its democratic stakes, examines the constitutional framework governing speech, privacy, and democratic rights in India, analyses the merits and demerits of deep fake technology from a constitutional standpoint, examines constitutional concerns including the basic structure doctrine, provides a comparative global perspective, surveying the legislative responses in the UK, the EU, and the United States, examines the adequacy of existing Indian law and presents a policy analysis and recommendations and Part VIII concludes.

1.1 NEED FOR THE STUDY

Deep fake technology has emerged as a major threat to constitutional democracy and electoral integrity. AI-generated fake videos and audio can manipulate voters, spread misinformation, and damage public trust in democratic institutions. Existing Indian laws are insufficient to regulate the constitutional harms caused by synthetic media.

The study is necessary to examine the impact of deep fakes on freedom of speech, privacy, and democratic governance. It also seeks to analyse the need for a specialised legal framework to address AI-generated political disinformation.

1.2 SIGNIFICANCE OF THE STUDY

This study is significant because it examines deep fake technology from a constitutional and political perspective. It contributes to emerging legal scholarship on artificial intelligence, democracy, and misinformation in India.

The study highlights the threat posed by deep fakes to electoral integrity, democratic participation, and public trust. It also evaluates the adequacy of existing Indian legal frameworks and compares them with foreign laws. The research further provides policy recommendations for balancing constitutional freedoms with democratic protection.

1.3 REVIEW OF LITERATURE

1. Robert Chesney & Danielle Keats Citron analyse deep fakes as emerging threats to privacy, democracy, and national security. The authors argue that synthetic media can undermine public trust, facilitate political manipulation, and weaken democratic accountability mechanisms. Their work highlights the “liar’s dividend,” where genuine evidence may be dismissed as fabricated, thereby destabilising democratic discourse.⁴

2. Maria Pawelec examines how deep fakes and synthetic media threaten core democratic functions through disinformation and hate speech. The study argues that democratic governance depends upon reliable public information, and deep fakes disrupt this informational foundation by manufacturing false political narratives.⁵

3. Andrew Ray discusses the urgent need for legislative reform to address deep fake disinformation in democratic societies. The author critiques existing legal frameworks for being technologically outdated and incapable of responding effectively to AI-generated misinformation.⁶

4. Russell L. Weaver studies the relationship between fake news, deep fakes, and democratic discourse. The work explores how technological manipulation affects political communication and public participation in democratic processes, particularly during elections.⁷

5. Subhajit Basu & Jason Newell examine the relationship between deep fakes, democracy, and legal regulation. They emphasise that democratic societies require legal frameworks capable of distinguishing harmful synthetic media from legitimate artistic or satirical expression.⁸

⁴Robert Chesney & Danielle Keats Citron, *Deep Fakes: A Looming Challenge for Privacy, Democracy, and National Security*, 107 *Calif. L. Rev.* 1753 (2019)

⁵Maria Pawelec, *Deepfakes and Democracy (Theory): How Synthetic Audio-Visual Media for Disinformation and Hate Speech Threaten Core Democratic Functions*, 1 *Digital Soc’y* 19 (2022)

⁶Andrew Ray, *Disinformation, Deepfakes and Democracies: The Need for Legislative Reform*, 44 *U.N.S.W. L.J.* 983 (2021)

⁷Russell L. Weaver, *Fake News (& Deep Fakes) and Democratic Discourse*, 24 *J. Tech. L. & Pol’y* 35 (2019)

⁸Subhajit Basu & Jason Newell, *Deepfakes, Democracy and the Law*, 13 *J. Info. Rts., Pol’y & Prac.* 1 (2021)



1.4 RESEARCH GAP

Most existing studies focus on privacy violations, cybercrime, and misinformation caused by deep fake technology. Limited research examines deep fakes specifically from the perspective of Indian constitutional democracy. There is insufficient analysis of electoral integrity, democratic accountability, and the basic structure doctrine in relation to synthetic media. Existing Indian scholarship also lacks detailed comparative constitutional analysis with foreign jurisdictions. Therefore, this study seeks to bridge the gap by analysing deep fakes within the framework of constitutional governance and democratic protection in India.

1.5 RESEARCH PROBLEM

The rapid advancement of deep fake technology has created serious challenges for constitutional democracy, electoral integrity, and public trust in India. Existing Indian laws are inadequate to effectively regulate AI-generated political misinformation and synthetic media manipulation. The absence of a comprehensive legal framework raises constitutional concerns relating to freedom of speech, privacy, democratic governance, and free and fair elections. Therefore, the central research problem of this study is to examine whether India's current constitutional and legal framework is capable of addressing the democratic threats posed by deep fake technology and whether specialised regulation is constitutionally necessary.

1.6 RESEARCH QUESTIONS

1. Whether deep fake technology poses a threat to constitutional democracy, electoral integrity, and democratic governance in India or not.
2. Whether the existing Indian legal framework is adequate to regulate AI-generated deep fake content and protect constitutional rights such as freedom of speech and privacy or not.
3. Whether India requires a comprehensive and constitutionally balanced regulatory framework to address the democratic and legal challenges posed by deep fake technology or not.

1.7 HYPOTHESIS

The study hypothesises that deep fake technology poses a serious threat to constitutional democracy and electoral integrity. It assumes that existing Indian legal frameworks are inadequate to effectively regulate AI-generated political disinformation. The research further proposes that deep fakes undermine public trust, democratic participation, and informed voting. It also examines whether the State has a constitutional obligation to regulate synthetic media. The study ultimately supports the need for a comprehensive and constitutionally balanced regulatory framework in India.

1.8 RESEARCH OBJECTIVES

This paper aims to: (i) examine the nature and constitutional dimensions of deep fake technology; (ii) analyse the impact of deep fakes on electoral integrity, political speech, and democratic governance in India; (iii) evaluate the adequacy of existing constitutional provisions and statutory frameworks in India to address the harms of deep fakes; (iv) examine the constitutional doctrine of basic structure in relation to democratic threats posed by deep fakes; (v) undertake a comparative study of legislative responses in the United Kingdom, European Union, and United States; and (vi) propose a comprehensive legal and regulatory framework for addressing deep fakes in Indian constitutional democracy.

1.9 RESEARCH METHODOLOGY

This study adopts a doctrinal and comparative legal research methodology. Primary sources include constitutional provisions, statutory enactments, judicial decisions of the Supreme Court of India, High Courts, and foreign courts, as well as legislative reports and government documents. Secondary sources include peer-reviewed scholarly articles, books, policy reports from national and international bodies, and media analysis reports. The paper is primarily



normative in character, engaging with constitutional theory, democratic theory, and information law to assess the regulatory responses to deep fakes.

1.10 SCOPE OF THE STUDY

The study focuses on the constitutional and political implications of deep fake technology in India. It examines the impact of synthetic media on electoral integrity, freedom of speech, privacy, and democratic governance. The research analyses laws such as the Information Technology Act, 2000, Bharatiya Nyaya Sanhita, 2023, and the Representation of the People Act, 1951. It also includes a comparative study of legal frameworks in the United Kingdom, European Union, and United States. The study is mainly doctrinal and comparative in nature.

1.11 LIMITATIONS

The study is primarily doctrinal and does not involve extensive empirical or field-based research. Since artificial intelligence technology evolves rapidly, legal developments concerning deep fakes may frequently change. The research mainly focuses on constitutional and political aspects rather than commercial or entertainment uses of deep fake technology. Comparative analysis is limited to selected foreign jurisdictions. Judicial precedents specifically dealing with deep fake regulation in India also remain limited due to the novelty of the subject.

II. UNDERSTANDING DEEP FAKES TECHNOLOGY, TYPOLOGY, AND DEMOCRATIC STAKES

2.1 The Technology of Deep Fakes

The term "deep fake" is a portmanteau of "deep learning" and "fake." It refers to synthetic media produced using deep neural networks, particularly GANs, which consist of two competing networks: a generator creating synthetic outputs and a discriminator evaluating their authenticity. Through iterative training on large datasets of real audio-visual content, GANs can produce fabricated media that is functionally indistinguishable from authentic recordings.⁹

The technology has evolved rapidly. Early deep fake applications were confined to face-swapping in low-resolution video, requiring high-end computing infrastructure and significant technical expertise. Contemporary deep fake tools, however, are freely available as open-source software, operable on consumer-grade hardware, and capable of producing high-resolution fabrications from a limited dataset of source material, sometimes as few as a dozen photographs or audio samples of the target individual.

This democratisation of the technology has dramatically lowered the barriers to malicious deployment.¹⁰

2.2 Typology of Deep Fakes

Deep fakes exist in several forms with distinct harms. Face-swap deep fakes superimpose the facial image of one person onto the body of another, typically in video format, enabling the fabrication of events that never occurred. Voice clones use audio deep learning models to replicate the vocal characteristics of a target, enabling fabricated audio statements to be attributed to real individuals. These have already been weaponised in electoral contexts in India.¹¹ Lip-sync deep fakes alter the mouth movements of a real person in an existing video to match a fabricated audio track, making it appear that the person delivered a speech they never gave. This variant is particularly dangerous in political contexts. Recreating historical videos involve the use of AI to generate footage of historical figures deceased politicians, founders, or leaders making contemporary statements. This form raises specific concerns about electoral manipulation and historical revisionism. Voice cloning in electoral campaigns has been used to create robocall campaigns where candidates appear to discourage voter participation or make inflammatory statements before elections, demonstrating the direct threat to electoral integrity.¹²

⁹Ray, Andrew. "Disinformation, deepfakes and democracies: The need for legislative reform." *The UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL* 44.3 (2021): 983-1013.

¹⁰Jungherr, Andreas. "Political Disinformation: "Fake News", Bots, and Deep Fakes." (2025).



2.3 Democratic Stakes

The threat deep fakes pose to constitutional democracy is not merely reputational but epistemic. Democratic governance rests on informed consent: citizens must be capable of forming reasoned political judgments based on reasonably reliable information about candidates, policies, and public events. Deep fakes systematically corrupt this epistemic foundation by manufacturing false evidence, undermining public trust in authentic evidence, creating a "liar's dividend" whereby authentic footage can be dismissed as fabricated, and enabling large-scale psychological manipulation of voters. Beyond elections, deep fakes threaten the broader legitimacy of democratic institutions. If any video evidence of official misconduct can be plausibly dismissed as artificial, accountability mechanisms collapse. If political opponents can be made to appear endorsing extremism, public polarisation is artificially amplified.

The constitutional architecture designed to produce legitimate, representative governance is subverted not by force but by information pollution.¹³

III. MERITS OF DEEP FAKE TECHNOLOGY CONSTITUTIONAL DIMENSIONS

A constitutionally rigorous analysis must acknowledge that deep fake technology, considered in its totality, is not inherently malevolent. Like all powerful technologies, it has legitimate, rights-protective applications. Understanding these applications is essential for calibrating a proportionate regulatory response that does not unduly burden constitutionally protected activities.¹⁴

3.1 Freedom of Speech and Creative Expression

The most constitutionally significant application of deep fake technology lies in the domain of creative expression. Article 19(1)(a) of the Constitution of India guarantees freedom of speech and expression, which the Supreme Court has interpreted to encompass artistic creativity, satirical commentary, dramatic performance, and political parody. Deep fakes enable entirely new forms of creative and satirical expression. AI-generated parody videos, comedic reconstructions of political events, and dramatised historical re-enactments serve the same expressive functions as political cartoons, satirical sketches, and theatrical impersonation forms of expression that have long been constitutionally protected.

The Supreme Court in *S. Rangarajan v P. Jagjivan Ram* recognised that political satire is a fundamental component of democratic discourse, observing that the right to disseminate ideas through creative means lies at the heart of constitutional freedoms.¹⁵ The harm of deep fakes, in this context, arises not from creative expression itself but from deceptive deployment of the presentation of fabricated content as authentic.

A regulatory framework that criminalises all deep fake generation without distinguishing between deceptive and non-deceptive use would impose an unjustified prior restraint on constitutionally protected expression.

¹¹Weaver, Russell L. "Fake News (& Deep Fakes) and Democratic Discourse." *J. Tech. L. & Pol'y* 24 (2019): 35. ¹²Waldstricher, Bradley. "Deeply fake, deeply disturbing, deeply constitutional: Why the first amendment likely protects the creation of pornographic deepfakes." *Cardozo L. Rev.* 42 (2020): 729.

¹³Chesney, Bobby, and Danielle Citron. "Deep fakes: A looming challenge for privacy, democracy, and national security." *Calif. L. Rev.* 107 (2019): 1753.

¹⁴Pawelec, Maria. "Deepfakes and democracy (theory): How synthetic audio-visual media for disinformation and hate speech threaten core democratic functions." *Digital society* 1.2 (2022): 19.

¹⁵Islam, Masabah Bint E., et al. "AI threats to politics, elections, and democracy: A blockchain-based deepfake authenticity verification framework." *Blockchains* 2.4 (2024): 458-481.



3.2 Education and Historical Reconstruction

The use of AI-generated video to recreate historical figures and events holds substantial educational value. Museums, educational institutions, and documentary filmmakers have deployed synthetic media to bring history to life reconstructing speeches of independence leaders, illustrating historical atrocities for pedagogical purposes, and simulating famous debates for classroom use. Where clearly labelled as reconstructions, such applications facilitate access to history and democratise educational content. Similarly, voice cloning technology has enabled the preservation and dissemination of endangered languages and dialects, allowing communities to create educational materials in native languages without access to professional voice actors. This use advances the constitutional objective of preserving India's linguistic diversity and the cultural rights of minority communities under Article 29 of the Constitution.¹⁶

3.3 Accessibility and Communication

Deep fake technology offers significant accessibility benefits. Real-time lip-syncing and dubbing enable the translation of audio-visual content across languages, potentially enabling broader democratic participation by citizens whose primary language is not represented in mainstream political media. For persons with disabilities, voice synthesis and avatar technologies offer new modes of political participation and communication.¹⁷ In a country of India's linguistic and cultural complexity, these applications carry particular democratic significance. Enabling political information to reach citizens in regional languages and dialects advances the foundational constitutional objective of universal adult franchise enshrined in Article 326 of the Constitution.¹⁸

3.4 Innovation and Technological Advancement

The broader deep learning technologies underlying deep fakes drive substantial research and economic growth. India's ambitions as a technology superpower and the constitutional directive principles relating to equitable distribution of economic resources and scientific progress require that regulatory responses to specific harms do not stifle technological development categorically. The capacity to regulate harmful applications while protecting beneficial research and development requires a nuanced, use-based regulatory framework rather than technology-wide prohibition.¹⁹

IV. DEMERITS CONSTITUTIONAL HARMS OF DEEP FAKES

4.1 Threat to Electoral Integrity: Fake Videos and Manipulation of Voters

Electoral integrity is not merely a statutory value in India it is a constitutional one. The Supreme Court has repeatedly held that free and fair elections constitute a part of the basic structure of the Constitution.²⁰ Deep fakes directly threaten this constitutional imperative. The fabrication of videos depicting candidates making inflammatory, scandalous, or false statements in the days before elections when there is insufficient time for effective rebuttal constitutes a novel form of electoral malpractice with no analogue in pre-digital electoral law. Such fabrications corrupt the formation of voter preferences, violate the constitutional guarantee of informed franchise, and undermine the legitimacy of election results. The Association for Democratic Reforms case established that voters have a constitutional right to information about candidates. Association for Democratic Reforms v Union of India held that the right to information about candidates' backgrounds constitutes a fundamental aspect of the right to vote, itself implied by democratic governance under the basic structure.²¹ If voters have a right to accurate information about candidates, the corollary must be that systematic disinformation campaigns using deep fakes violate this constitutional right.

¹⁶Langa, Jack. "Deepfakes, real consequences: Crafting legislation to combat threats posed by deepfakes." BUL Rev. 101 (2021): 761.

¹⁷Ray, Andrew. "Disinformation, deepfakes and democracies: The need for legislative reform." The UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 44.3 (2021): 983-1013.

¹⁸Downes, Robert TF. "Generative AI's Implications for Democratic Elections in a World at Risk: A Dahlian Perspective." Electoral Integrity Project, Technology and the Future of Democracy, Pre-APSA Workshop. 2025.



The Model Code of Conduct administered by the Election Commission of India does not presently contain provisions addressing AI-generated content, creating an enforcement vacuum that needs urgent legislative attention.

4.2 Violation of Right to Privacy The Puttaswamy Dimension

The landmark nine-judge bench decision in *K.S. Puttaswamy v Union of India* established privacy as a fundamental right under Article 21, encompassing informational autonomy, the right to control one's own narrative, and the right to dignity. The judgment recognised that autonomy over one's personal information including one's likeness, voice, and persona is constitutionally protected.²² Deep fakes constitute a profound violation of the right to privacy thus understood. When a person's likeness is used without consent to fabricate video or audio content whether for political smear campaigns, non-consensual intimate imagery, or financial fraud the individual's right to control their own representation in public discourse is violated. Justice Chandrachud's concurring opinion in *Puttaswamy* specifically identified "decisional autonomy" and "contextual integrity" as dimensions of the right to privacy that apply to the digital domain.²³ The Section 66E of the Information Technology Act 2000 addresses certain forms of privacy violation in digital media but does not specifically address the creation of synthetic representations of real persons without their consent.

4.3 Defamation, Character Assassination, and False Speeches

The creation of deep fake videos depicting real persons making statements they never made constitutes a potentially more harmful form of defamation than any traditional means of character assassination. Under Sections 499 and 500 of the Indian Penal Code 1860, defamation through false representations that harm a person's reputation is a criminal offence.²⁴ However, the deep fake context introduces complexities that the existing defamation framework does not adequately address. Traditional defamation law relies on the distinction between fact and opinion and the availability of truth as a defence.

Deep fakes collapse this distinction; they present fabrications as fact in audio-visual form, exploiting the forensic credibility that video evidence has historically carried. The reputational harm caused by a convincing deep fake video may be irreversible even after correction, as corrections rarely achieve the same circulation as the original fabrication.²⁵ Political deep fakes targeting candidates, opposition leaders, or sitting officials serve both to destroy individual reputation and to distort democratic deliberation more broadly. The harm is simultaneously private and constitutional.

4.4 Erosion of Public Trust and the Accountability Weakness

Perhaps the most insidious democratic harm posed by deep fakes is the general corrosion of epistemic trust in public institutions and authentic media. When citizens can no longer reliably distinguish authentic documentation of political events from fabrication, the entire informational architecture of accountability collapses.²⁶ Investigative journalism, which depends on the evidentiary weight of audio-visual documentation, is undermined when any compromising footage can be dismissed as a deep fake.

¹⁹Mammadzada, Ibrahim. *Deepfakes And Freedom Of Expression: European Perspective*. Diss. Master's thesis, Tallinn University of Technology]. <https://digikogu.taltech.ee/et/Download/ec6ea9ff-bd47-49e4-986d-3a115c00300b/SvavltsingjaviJendusvabadusEuroopaperspekt.pdf>, 2021.

²⁰Wright, R. George. "Political Deepfakes and the Limits of the Law." *Notre Dame Journal of Law, Ethics & Public Policy* 39.3 (2025): 713.

²¹Raj, Shubham. "Digital Misinformation and Deepfakes: Threats and Responses to Democratic Integrity."

²²Mammadzada, Ibrahim. *Deepfakes And Freedom Of Expression: European Perspective*. Diss. Master's thesis, Tallinn University of Technology]. <https://digikogu.taltech.ee/et/Download/ec6ea9ff-bd47-49e4-986d-3a115c00300b/SvavltsingjaviJendusvabadusEuroopaperspekt.pdf>, 2021.

²³Judge, Elizabeth F., and Amir M. Korhani. "A Moderate Proposal for a Digital Right of Reply for Election-Related Digital Replicas: Deepfakes, Disinformation, and Elections." *Holly Ann Garnett and Michael Pal* (2021).



Parliamentary accountability, judicial proceedings relying on video evidence, and police investigations are all potentially compromised by the proliferation of synthetic media. This epistemic collapse sometimes called the "liar's dividend" may represent the most significant long-term democratic harm from deep fakes, transcending any particular fabrication.²⁷

4.5 False Emergencies and National Security Risks

The national security dimensions of deep fakes are no less serious than their democratic harms. A fabricated video depicting a head of government announcing a declaration of war, the assassination of a leader, or the launch of a military strike could trigger real-world conflict before the fabrication is detected. Intelligence analysts have identified deep fake video as a tool of hybrid warfare employed by state actors to destabilise adversary societies.

Within India, the potential for communally inflammatory deep fake content to trigger riots, displacement, or ethnic violence is particularly acute given the country's diverse and occasionally tense communal landscape. The Supreme Court in *Indra Das v State of Assam* recognised that speech capable of threatening public order and national integrity may be subjected to reasonable restrictions under Article 19(2) without violating the constitutional guarantee of free expression.²⁸

4.6 Cyber Crime and Extortion

At the individual level, deep fakes have been widely used as instruments of extortion, online harassment, and financial fraud. The creation of non-consensual intimate imagery using deep fake technology targeting predominantly women and public figures constitutes a serious harm that intersects privacy, dignity, and criminal law.²⁹ Financial fraud using voice-cloned deep fakes impersonating corporate executives, family members, or government officials has resulted in substantial economic losses globally. The Information Technology Act 2000 addresses identity fraud under Section 66C and impersonation under Section 66D, but the specific challenge of synthetic media-based fraud demands more targeted legislative intervention.

V. CONSTITUTIONAL CONCERNS DEEP FAKES AND THE INDIAN CONSTITUTIONAL FRAMEWORK

5.1 Freedom of Speech and Reasonable Restrictions

Article 19(1)(a) of the Constitution guarantees freedom of speech and expression to all citizens. Article 19(2) permits the State to impose reasonable restrictions on this freedom in the interests of sovereignty and integrity of India, security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence.³⁰ The challenge of regulating deep fakes arises from the need to calibrate restrictions that address genuine harms without disproportionately burdening legitimate expression.

24AGASHVARMA, PB, and D. E. V. I. T SAROJA. "DEEPFAKE TECHNOLOGY AND LAW: A CRITICAL STUDY OF ITS LEGAL, CONSTITUTIONAL, AND REGULATORY IMPLICATIONS."

25Downes, Robert TF. "Generative AI's Implications for Democratic Elections in a World at Risk: A Dahlian Perspective." Electoral Integrity Project, Technology and the Future of Democracy, Pre-APSA Workshop. 2025. 26Santos, Gustavo Ferreira. "Fake Democracy: The Threats of the Internet to Constitutional Democracy and the Risks of Democratic Governmental Countermeasures." *Communication Law Review* 20.01 (2021): 20-57.

27Jacob, Paul, and Ms Rani George. "DEMOCRACY, CONSTITUTION AND SOCIAL JUSTICE: CONTEMPORARY CHALLENGES AND FUTURE DIRECTIONS."

28Männikkö, Malin. "Computational disinformation and its impact on freedom of expression: An analysis on disinformation on Meta's platforms impact on Swedish constitutional freedom of expression." (2022).

29van den Hoven, Jeroen, et al. "Democracy in the Digital Age." (2024).

30Khastkhodaei, Payvand. "The Double-Edged Sword of AI in Elections: Navigating Risks and Opportunities in Washington State." *Seattle J. Tech. Env't & Innovation L.* 16 (2026): 1.



The Supreme Court's proportionality jurisprudence anchored in the decision in *Shreya Singhal v Union of India* requires that any restriction on speech satisfy the triple test:

(i) the restriction must be prescribed by law; (ii) it must pursue a legitimate constitutional objective; and (iii) the means employed must be proportionate to the objective sought.³¹ A deep fake-specific statute targeting demonstrably false audio-visual representations made with knowledge of their falsity and with intent to deceive would satisfy this proportionality test. Such a statute would be prescribed by law, pursue the legitimate objective of protecting electoral integrity and individual dignity, and would be proportionate if it is narrowly tailored to deceptive uses rather than sweeping creative expression within its prohibitions. The Supreme Court in *Romesh Thappar* cautioned that restrictions on speech must not be so broad as to imperil the very political discourse that democracy requires.

5.2 Rule of Law and Digital Governance

The rule of law, a foundational constitutional principle affirmed across Indian constitutional jurisprudence, requires that state authority be exercised according to known, stable, and fairly applied legal rules. The current legal vacuum in which deep fakes operate undermines the rule of law in multiple respects.³² First, the absence of specific legislation means that authorities must invoke scattered provisions of the Information Technology Act, the Indian Penal Code, and the Representation of the People Act in improvised and inconsistent ways, creating legal unpredictability. Second, the inability of law enforcement agencies to effectively detect and attribute deep fake content means that violations go unprosecuted, eroding deterrence. Third, the absence of platform-specific obligations to detect and disclose deep fake content creates governance gaps that private actors are not incentivised to fill voluntarily.³³ The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021 impose certain obligations on intermediaries to take down content upon government or court orders, but do not require proactive detection or labelling of synthetic media.

5.3 Basic Structure Doctrine and Electoral Democracy

The basic structure doctrine, first enunciated in *Kesavananda Bharati v State of Kerala*, holds that Parliament cannot amend the Constitution in a manner that destroys its basic structure. Among the features identified as part of the basic structure are democracy, the rule of law, separation of powers, judicial review, and the supremacy of the Constitution. The Supreme Court in *S.R. Bommai v Union of India* emphatically confirmed that free and fair elections constitute a part of the basic structure, the destruction of which Parliament cannot authorise even by constitutional amendment. By extension, a fortiori, the executive cannot license through inaction the systematic destruction of free and fair elections by private technological means.³⁴ This constitutional logic has significant implications for deepfakes regulation. The State's failure to enact legislation protecting electoral integrity against deep fakes may itself be constitutionally challengeable as a violation of the basic structure. If free and fair elections are a constitutional imperative that the State must protect, the State cannot permissibly stand aside while powerful technological actors systematically undermine them. The basic structure doctrine thus provides an affirmative constitutional mandate for legislative action on deep fakes in the electoral context, going beyond the merely permissive frame of reasonable restrictions under Article 19(2). The State is not merely permitted to regulate deep fakes it may be constitutionally obligated to do so where electoral integrity is at stake.³⁵

31Ejmadu, Tochukwu Peterjames. "The Evolving Roles of Artificial Intelligence and the Future of Democracy: Comparative Study on Germany, France, US and UK." (2021).

32Goldman, Alvin I., and Daniel Baker. "Free speech, fake news, and democracy." *First Amend. L. Rev.* 18 (2019): 66.

33Paterson, Thomas, and Lauren Hanley. "Political warfare in the digital age: cyber subversion, information operations and 'deep fakes'." *Australian Journal of International Affairs* 74.4 (2020): 439-454.

34Lucchi, Nicola. "Constitutional Accountability in the Platform Age: A Three-Dimensional Framework for Algorithmic Governance." (2026).

35Gomez, James, and Robin Ramcharan, eds. *Fake news and elections in Southeast Asia: Impact on democracy and human rights.* Taylor & Francis, 2022.



VI. COMPARATIVE GLOBAL PERSPECTIVE

A comparative examination of legislative responses to deep fakes across major jurisdictions reveals both the urgency with which democratic states are addressing this challenge and the diversity of regulatory approaches adopted. India can draw valuable lessons from these frameworks while tailoring its response to its specific constitutional structure and democratic context.

6.1 United Kingdom

The United Kingdom has addressed deep fakes through two principal legislative instruments: the Online Safety Act 2023 and an amendment to the Criminal Justice Bill 2024. The Online Safety Act 2023 introduced a new offence of sharing intimate images without consent, including AI-generated and manipulated intimate images of real persons. Sections 35–37 of the Online Safety Act 2023 create specific criminal offences relating to the non-consensual sharing of intimate photographs or films, with enhanced penalties where the material is shared with intent to cause distress. Critically, the Act extends to generated intimate imagery that depicts a real person in circumstances they have not consented to be depicted in, thereby encompassing deep fake intimate imagery within its prohibitions.³⁶ The UK approach reflects a rights-calibrated balance, criminalising specific harmful deployments rather than the technology itself. The Communications Act 2003 and the Malicious Communications Act 1988 provide additional bases for prosecution in cases where deep fake content is used to harass, threaten, or menace. However, the UK framework does not yet contain specific provisions addressing politically motivated electoral deep fakes, a gap that legal commentators have identified as requiring legislative attention before the next general election cycle.

6.2 European Union The AI Act

The European Union's Artificial Intelligence Act (AI Act), adopted in 2024 and representing the world's first comprehensive binding statutory framework for artificial intelligence, addresses deep fakes through provisions requiring transparency and disclosure.³⁷ Article 50 of the AI Act requires providers of AI systems that generate synthetic audio, image, video, or text content to ensure that the output is clearly labelled as artificially generated or manipulated. This "watermarking" obligation applies specifically to "deep fake" content defined as AI-generated or manipulated audio or video that bears resemblance to existing persons, places, objects, or events in a manner that would falsely appear to a person to be authentic. The AI Act further prohibits the use of AI systems for social scoring of natural persons by public authorities and for real-time remote biometric identification in public spaces, with limited exceptions.

While these prohibitions do not directly address deep fakes, they reflect the EU's broader concern with AI-enabled manipulation of political processes and individual rights.³⁸ The General Data Protection Regulation (GDPR) provides an additional layer of protection. Processing of biometric data which includes the facial geometries and voice patterns from which deep fakes are generated constitutes processing of special category data under Article 9 of the GDPR, requiring explicit consent or another specific legal basis.³⁹ The Digital Services Act (DSA) imposes obligations on very large online platforms to assess and mitigate systemic risks arising from the dissemination of illegal content and disinformation, which encompass deep fake electoral content.

6.3 United States

The United States has adopted a fragmented approach to deep fakes regulation, reflecting the tension between the First Amendment's strong free speech protections and the recognised harms of synthetic media.

³⁶Sarkar, Diya, and Sudipta De Sarkar. "Combatting Deep-Fakes in India-An Analysis of the Evolving Legal Paradigm and Its Challenges." *Indian JL & Just.* 15 (2024): 346.

³⁷Bradford, Anu. "Europe's Digital Constitution." *Va. J. Int'l L.* 64 (2023): 1.



Federal legislation has focused on electoral and national security contexts, while states have enacted more comprehensive protections in specific domains. At the federal level, the National Defense Authorization Act 2020 required the Department of Defense to study deep fake technologies and their national security implications.⁴⁰

The DEEPFAKES Accountability Act and the DEEP FAKES Accountability and Elections Act proposed criminal penalties for the creation and distribution of deep fake content intended to influence federal elections. While these bills have not yet been enacted into law, they reflect Congressional acknowledgment of the democratic threat posed by synthetic media. The DEFIANCE Act of 2024 created a federal civil right of action for victims of non-consensual AI-generated intimate imagery, enabling victims to sue creators and distributors for damages. At the state level, California AB 602 prohibits the use of deep fake content to defame candidates or disrupt elections within 60 days of a general election. Texas SB 751 criminalises the creation and distribution of deep fake videos of candidates made with intent to influence elections. Virginia Code § 18.2-386.2 prohibits the non-consensual distribution of altered intimate images, including AI-generated content.

These state-level provisions collectively demonstrate the viability of targeted, harm-specific statutory regulation of deep fakes.⁴¹ However, the US framework remains incomplete, with no comprehensive federal deep fakes statute, and the First Amendment has been interpreted to cast doubt on overly broad content-based restrictions that could encompass protected satire and parody.

6.4 Comparative Analysis and Lessons for India

The comparative survey reveals several key regulatory design lessons. First, the most effective frameworks are use-specific rather than technology-specific, targeting demonstrably harmful deployments electoral manipulation, non-consensual intimate imagery, impersonation rather than the technology itself. Second, transparency and disclosure obligations (as in the EU AI Act) complement criminal prohibitions by creating a baseline of informational honesty without burdening expression. Third, platform liability frameworks (as in the UK's Online Safety Act and the EU's DSA) are essential complements to individual liability, given that deep fakes achieve their harm through mass distribution on social media platforms. Fourth, electoral-specific legislation with temporal scope (as in California and Texas) provides targeted protection for the most democratically sensitive period without imposing permanent restrictions on creative expression.⁴²

VII. ADEQUACY OF EXISTING INDIAN LAW

7.1 Information Technology Act, 2000 and Its Limitations

The Information Technology Act 2000 (IT Act) provides the primary statutory framework for regulating digital content in India. Several provisions are potentially applicable to deep fakes. Section 66C addresses identity theft in digital form; Section 66D addresses cheating by impersonation using a computer resource; Section 66E prohibits the publication of obscene material and the violation of privacy through electronic means.

Sections 67, 67A, and 67B address obscene and sexually explicit content in electronic form.⁴³ However, the IT Act was enacted in 2000 and substantially amended in 2008 a period when deep fake technology was not foreseeable, let alone regulated. Its provisions are not calibrated to address the specific harms of synthetic media. Section 66E, while addressing the publication of private images, does not specifically extend to AI-generated synthetic representations of real persons. Sections 67–67B address sexual content but do not encompass the full range of politically motivated deep fake harm, such as electoral manipulation or political defamation.⁴⁴ The

³⁸Rahming, Rashon. "The Constitutional Architecture for Digital-Age Self-Government." Available at SSRN 6381298 (2026).

³⁹Djeffal, Christian. "AI, Democracy and the Law." *AI Critique* | Volume (2019): 255.

⁴⁰Mahashreshthy Vishweshwar, Shalini. "Implications of Deepfake technology on individual privacy and security." (2023).

⁴¹Simiyu, Marystella Auma. "Freedom of expression and African elections: Mitigating the insidious effect of emerging approaches to addressing the false news threat." *African Human Rights Law Journal* 22.1 (2022): 76-107. ⁴²George, A. Shaji. "Regulating deepfakes to protect Indian elections." *Partners Universal Innovative Research Publication* 1.2 (2023): 75-92.



Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021 impose obligations on social media intermediaries to take down flagged content, but the 36-hour takedown window for unlawful content is frequently insufficient in the context of rapidly viral deep fake material, which can achieve mass circulation within hours of upload. Furthermore, the Rules do not impose proactive monitoring obligations or require AI-generated content labelling.

7.2 Indian Penal Code / Bharatiya Nyaya Sanhita

Under the Indian Penal Code 1860 (and its successor, the Bharatiya Nyaya Sanhita 2023), several offences are potentially applicable to deep fake creation and distribution. Defamation under Sections 499–500 IPC is applicable to false representations that harm reputation. Cheating under Section 415 is applicable where deep fakes are used to defraud. Criminal intimidation under Section 503 and extortion under Sections 383–385 are applicable to deep fakes used to threaten or coerce.⁴⁵ However, these provisions present significant enforcement challenges in the deep fake context. The mens rea requirements of offences like defamation and cheating may be difficult to establish against anonymous creators. Attribution of deep fake authorship requires sophisticated forensic capabilities that are not uniformly available to investigating agencies. Additionally, the absence of a specific deep fake provision means that prosecutors must adapt general criminal provisions in improvised ways, creating unpredictability in enforcement.⁴⁶

7.3 Representation of the People Act, 1951

The Representation of the People Act 1951 (RPA) contains provisions prohibiting corrupt electoral practices including the making of false statements about candidates. Section 123(4) of the RPA defines "the making of a statement of fact which is false" as a corrupt practice when done in relation to a candidate's personal character or conduct with reason to believe it is false or with reckless disregard for its truth. A deep fake video of a candidate making inflammatory or false statements would prima facie constitute this corrupt practice. However, Section 123(4) is not a criminal provision per se but grounds for challenging an election a remedy that is inherently retrospective and therefore inadequate to prevent the harm, which may have already influenced the election outcome. The RPA does not empower the Election Commission to require platforms to take down deep fake content or to impose interim injunctions against electoral deep fakes.

7.4 Ministry of Electronics and IT Guidelines (2023)

In November 2023, following significant public controversy over deep fake videos of film celebrities, the Ministry of Electronics and Information Technology issued advisory guidelines directing platforms to take down deep fake content and reminding citizens of existing legal provisions applicable to synthetic media. These guidelines, however, lack statutory backing, impose no specific enforcement mechanism, and represent a significantly inadequate response to the constitutional harms identified in this paper.⁴⁷ The guidelines represent an acknowledgment of the problem but not a solution. They do not require content labelling, impose platform obligations for proactive detection, establish a dedicated regulatory authority, or provide a civil remedy for victims. A dedicated legislative framework is urgently required.

⁴³Mansoor, Sheikh Inam Ul. "Legal implications of deepfake technology: In the context of manipulation, privacy, and identity theft." *Central University of Kashmir Law Review* 4 (2024): 65-92.

⁴⁴Kumar, Devesh. "Deepfakes, free speech, and the right to truth: A comparative legal study on regulating synthetic media in the USA, UK, and India." *Advanced International Journal for Research* 6.4 (2025): 1117.

⁴⁵Shirish, Anuragini, and Shobana Komal. "A socio-legal inquiry on deepfakes." *Cal. W. Int'l LJ* 54 (2023): 517. ⁴⁶Kumar, Devesh. "Deepfakes, free speech, and the right to truth: A comparative legal study on regulating synthetic media in the USA, UK, and India." *Advanced International Journal for Research* 6.4 (2025): 1117.

⁴⁷AGASHVARMA, PB, and D. E. V. I. T SAROJA. "DEEPFAKE TECHNOLOGY AND LAW: A CRITICAL STUDY OF ITS LEGAL, CONSTITUTIONAL, AND REGULATORY IMPLICATIONS."



VIII. POLICY ANALYSIS AND RECOMMENDATIONS

8.1 The Case for Comprehensive Legislation

The foregoing analysis demonstrates that existing Indian law is fundamentally inadequate to address the constitutional harms posed by deep fakes. The gap is not merely technical but structural: existing provisions were not designed for the age of synthetic media, and their improvised application to deep fakes creates legal uncertainty, enforcement asymmetry, and constitutional risk.

The constitutional magnitude of the threat encompassing electoral integrity, privacy, dignity, and the basic structure demands a proportionate legislative response.⁴⁸A comprehensive Deep Fakes Regulation Act should be enacted, containing the following core elements, designed to be constitutionally compatible with the freedom of speech under Article 19 while addressing the legitimate constitutional objectives of protecting electoral integrity, individual dignity, and the rule of law.⁴⁹

8.2 Mandatory Disclosure and Watermarking

Following the model of the EU AI Act's Article 50, any deep fake content defined as AI-generated or AI-manipulated audio-visual material depicting real persons in circumstances they did not occur in must carry a prominent and persistent disclosure label. This obligation should apply to both creators and distributors. Platforms should be required to implement technical watermarking systems for AI-generated content and to display consumer-facing disclosures when AI-generated content is presented.⁵⁰

Disclosure obligations address the epistemic harm of deep fakes without restricting the content itself, and are therefore the least restrictive means of protecting citizens' right to accurate political information. They are also fully compatible with freedom of expression as they restrict no content but mandate transparency about its origin.

8.3 Electoral Deep Fakes Prohibition

Specific legislation should prohibit the creation and distribution of deep fake content depicting candidates for public office making statements or engaging in conduct they did not make or engage in, within a defined pre-election period (of at least 90 days before a general, state, or local election). The prohibition should apply to those who create deep fakes with knowledge of their falsity and intent to influence electoral outcomes, and to platforms that continue to host such content after receipt of a takedown notice.⁵¹This electoral prohibition would be constitutionally justified under Article 19(2) as a reasonable restriction in the interest of the integrity of democratic processes, which constitute part of the basic structure. The temporal limitation ensures proportionality and prevents the prohibition from operating as a permanent restriction on political expression.⁵²

8.4 Civil Remedies for Victims

Following the model of the US DEFIANCE Act 2024, Indian law should provide a specific civil cause of action for individuals whose likeness, voice, or persona is used without consent in deep fake content. Victims should be entitled to statutory damages, injunctive relief, and recovery of profits made from the unlawful deep fake. This civil remedy should operate independently of criminal prosecution, enabling victims including those targeted by anonymous or foreign actors to obtain relief through civil courts.

⁴⁸Raza, Syed Mohsin. "AI-Generated Misinformation and Deepfakes: Legal Challenges and Regulatory Responses in India."

⁴⁹Chugh, Riya. "ARTIFICIAL INTELLIGENCE, DEEPFAKES, AND ELECTORALINTEGRITY IN INDIA: LEGAL AND INTELLECTUAL PROPERTYCHALLENGES." PANJAB UNIVERSITY LAW MAGAZINE-MAGLAW 4.2 (2025): 69-83.

⁵⁰Khaan, Sarferaz. "Countering Deepfakes: A Strategic Blueprint for Modernizing Indian Criminal Law." (2025).

⁵¹Kashyap, Sommya. "The Digital Mirage: India's Evolving Legal Battle Against Deepfake Technology." SCRIPTed: A Journal of Law, Technology & Society 22.2 (2025): 162-226.

⁵²Raza, Syed Mohsin. "AI-Generated Misinformation and Deepfakes: Legal Challenges and Regulatory Responses in India."



8.5 Platform Obligations and Due Diligence

Social media platforms, search engines, and video-sharing services operating in India should be required to implement and maintain AI-generated content detection systems; provide users with tools to label voluntarily created deep fakes; comply with takedown orders within four hours for electoral deep fakes during pre-election periods and within 24 hours for other harmful deep fakes; publish quarterly transparency reports on deep fake takedowns; and appoint a designated Grievance Officer for deep fake complaints.⁵³

Platforms that fail to comply with these obligations should be subject to civil penalties proportionate to their revenue, graduated according to the severity of non-compliance. Repeated non-compliance should expose platforms to liability as publishers rather than intermediaries.⁵⁴

8.6 Election Commission Powers

The Election Commission of India should be specifically empowered by statute to issue mandatory directions to platforms requiring the immediate takedown of deep fake content relating to elections, to require platforms to restrict the circulation of flagged content during pre-election periods, and to register complaints regarding electoral deep fakes for investigation by a specially constituted unit.

These powers should be exercised subject to judicial review and procedural safeguards to prevent misuse.⁵⁵

8.7 Forensic Capacity and Enforcement Infrastructure

The legislative framework will be effective only if enforcement agencies have the technical capacity to detect and attribute deep fakes. The Central Government should invest in building specialised forensic units within the Central Bureau of Investigation and state cyber crime units, equipped with state-of-the-art deep fake detection tools.

Collaboration with academic institutions and international law enforcement bodies should be formalised through appropriate institutional mechanisms.⁵⁶

8.8 Constitutional Safeguards in Legislation

Any deep fakes statute must include robust constitutional safeguards to prevent misuse as an instrument of political censorship. Specifically: the definition of "deep fake" must be precise and technically grounded, not susceptible to broad construction;

criminal offences must require proof of knowledge of falsity and deceptive intent; clear safe harbours must be provided for satire, parody, education, journalism, and research; an independent adjudicatory body, not an executive ministry, should have primary responsibility for contested takedown orders; and all orders under the Act should be subject to judicial review.⁵⁷

IX. SUGGESTIONS AND RECOMMENDATIONS

1. India should enact a comprehensive Deep Fake Regulation law specifically addressing AI-generated misinformation and electoral manipulation.
2. Mandatory disclosure labels and digital watermarking should be imposed on all AI-generated audio-visual content to ensure transparency.

⁵³Giusti, Serena, and Elisa Piras. "Introduction: In search of paradigms: Disinformation, fake news, and post-truth politics." *Democracy and fake news*. Routledge, 2020. 1-16.

⁵⁴Makanadar, Ashish. "Digital surveillance capitalism and cities: data, democracy and activism." *Humanities and Social Sciences Communications* 11.1 (2024): 1-7.

⁵⁵Monti, Matteo. "Italian populism and fake news on the internet: A new political weapon in the public discourse." *Italian populism and constitutional law: Strategies, conflicts and dilemmas*. Cham: Springer International Publishing, 2020. 177-197.

⁵⁶Maras, Marie-Helen, and Kenji Logie. "Countering the complex, multifaceted nature of nude and sexually explicit deepfakes: an Augean task?." *Crime Science* 13.1 (2024): 31.



3. The Representation of the People Act, 1951 must be amended to specifically prohibit electoral deep fakes and empower the Election Commission to order immediate takedowns during elections. Social media platforms should be subjected to stronger due diligence obligations, including proactive detection systems and time-bound removal mechanisms.
4. The Government should establish specialised cyber forensic units and invest in advanced deep fake detection technology.
5. Public awareness and digital literacy programs must be introduced to educate citizens about identifying synthetic media and misinformation.
6. Strong civil remedies and penalties should also be provided for victims of malicious deep fake content.
7. Further, India should cooperate with international organisations and foreign jurisdictions to develop global standards for AI regulation and democratic protection.

X. CONCLUSION

Deep fakes represent a technological threat of constitutional magnitude to democratic governance. They attack simultaneously the epistemic conditions for democratic deliberation, the integrity of electoral processes, the dignity and privacy of individuals, and the institutional credibility upon which the rule of law depends. The analysis in this paper demonstrates that these harms are not hypothetical concerns for the future they are present realities that are already influencing electoral outcomes, damaging individual reputations, and eroding public trust in democratic institutions in India and globally. The constitutional framework of India particularly the fundamental rights to free speech and privacy, the right to vote as an implied fundamental right, the basic structure doctrine protecting electoral democracy, and the rule of law as a constitutional imperative both enables and mandates a vigorous regulatory response. The comparative survey of the United Kingdom's Online Safety Act, the European Union's AI Act, and state-level legislation in the United States reveals that democratic societies are developing diverse but convergent regulatory strategies, all premised on the recognition that the harms of deep fakes cannot be addressed by general-purpose criminal law alone. India's current legal framework comprising scattered provisions of the IT Act, the IPC, and the RPA is fundamentally inadequate to the challenge. The Ministry's 2023 advisory guidelines, while acknowledging the problem, do not constitute a solution. A comprehensive legislative response, calibrated to constitutional proportionality principles, is urgently required. Such legislation must combine mandatory disclosure obligations, specific electoral prohibitions, civil remedies for victims, platform due diligence obligations, and enhanced enforcement infrastructure. The stakes are existential for constitutional democracy. When citizens cannot distinguish authentic statements by their elected representatives from fabricated ones, when electoral outcomes can be influenced by synthetic disinformation campaigns, and when no effective legal remedy exists for these harms, the democratic compact is profoundly compromised. India's constitutional jurisprudence, with its rich tradition of purposive interpretation and its commitment to the basic structure of democratic governance, provides both the tools and the mandate for a decisive legislative response. The constitutional democracy that India's founders constructed through deliberate political architecture cannot be allowed to be dismantled by algorithmic convenience.

57Grogan, Joelle. "COVID-19, the rule of Law and Democracy. Analysis of legal responses to a Global Health Crisis." Hague Journal on the Rule of Law 14.2 (2022): 349-369.



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