
DEEPIAKES AND CRIMINAL LAW: IS EXISTING LAW ADEQUATE?

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ABSTRACT

Deepfakes creep into our daily digital lives like master illusionists, swapping real faces onto fabricated scandals, scams, and speeches that can topple reputations or swing elections in a nation as online-savvy as India. This research paper takes a hard look at whether the country's criminal law arsenal—anchored by the Bharatiya Nyaya Sanhita 2023's clauses on forgery, personation, and public mischief; the Information Technology Act 2000's punches against identity theft under Section 66C-D, privacy invasions via 66E, and obscene content in 67; plus the 2026 IT Rules' rush for three-hour takedowns and AI labels—truly measures up to this AI-born menace, or if it's a creaky old bike sputtering against a supersonic threat. We break down the tech behind GAN-driven fakes, wrestle with digital evidence headaches under the Bharatiya Sakshya Adhinyam where certificates falter and forensics lag, spotlight enforcement snags from undertrained police to borderless servers, untangle constitutional knots tying Article 19(1)(a) free speech to Article 21 dignity protections, and peek at sharper global tools like the EU AI Act's fines or Korea's jail terms for inspiration. Real-world cases—from political hoaxes to women's targeted nudes—paint a stark picture: existing laws snag the obvious but buckle on intent proof, scale, and speed, demanding bold fixes like a standalone Deepfake Offences Act with 5–10 year penalties, nationwide forensic labs, mandatory watermarks, and public awareness drives to reclaim truth before synthetics shred society's trust.

Keywords: Deepfakes, Bharatiya Nyaya Sanhita, IT Act, digital evidence, legal reforms

I. Introduction

In the digital age, where artificial intelligence weaves illusions so lifelike they blur the line between truth and fabrication, deepfakes have emerged as a shadowy force capable of upending reputations, swaying elections, and eroding the very foundations of trust in our society.¹ These hyper-realistic videos and audio clips, crafted through sophisticated algorithms like Generative Adversarial Networks, can make anyone—from politicians to ordinary citizens—say or do things they never did, often with devastating consequences.² In India, with its massive online population exceeding 850 million and a vibrant democracy under constant scrutiny, the stakes could not be higher; fabricated clips have already fueled political misinformation and targeted women with non-consensual explicit content, sparking outrage and urgent calls for action.³

Yet, as deepfake incidents multiply—from viral hoaxes during state elections to personal vendettas played out on social media—our criminal laws seem woefully out of step, stretched thin across outdated provisions that were never designed for AI-driven deception.⁴ This paper probes a pressing question: Is India's existing criminal framework—anchored in the Bharatiya Nyaya Sanhita, 2023, the Information Technology Act, 2000, and ancillary rules—adequate to confront this technological menace, or does it demand bold reforms to safeguard justice in an era of synthetic reality?⁵ Through a close examination of statutory gaps, judicial responses, and real-world harms, we argue that while patchwork remedies exist, a comprehensive, deepfake-specific regime is essential to restore balance.

II. Understanding Deepfakes: Concept and Technology

Deepfakes represent a startling leap in digital trickery, where artificial intelligence conjures up videos or audio that look and sound utterly convincing, often planting words or actions in

¹ Deepfakes in India: Legal Landscape, Judicial Responses, and a Practical Playbook for Enforcement (NeGD, Oct. 26, 2025), <https://negd.gov.in/blog/deepfakes-in-india-legal-landscape-judicial-responses-and-a-practical-playbook-for-enforcement/> <https://perma.cc/XXXX-XXXX> (noting over 850 million internet users amplifying deepfake risks).

² N R Divyashree, Deepfakes and Indian Criminal Law: Addressing the Gaps in Legal Protection, *Indian J.L. & Legal Rsch.* (May 25, 2025), <https://www.ijllr.com/post/deepfakes-and-indian-criminal-law-addressing-the-gaps-in-legal-protection> <https://perma.cc/XXXX-XXXX> (describing deepfakes as AI-generated media mimicking individuals).

³ Deepfakes in India, *supra* note 1 (highlighting electoral manipulations and gendered abuse, with National Cyber Crime Portal data showing surge in women's complaints).

⁴ *Id.* (discussing threats to democratic integrity and public trust); see also Deepfakes and Indian Criminal Law, *supra* note 2 (critiquing inadequacy of IT Act and IPC equivalents).

⁵ Bharatiya Nyaya Sanhita, No. 45 of 2023 §§ 111, 319, 336, 353, 356 (effective July 1, 2024); Information Technology Act, No. 21 of 2000 §§ 66C, 66D, 66E, 67 (as amended).

someone's mouth or face that never happened.⁶ Picture a world leader delivering a fiery speech they never gave, or a celebrity caught in a scandalous clip that's pure invention—these aren't Hollywood effects anymore, but tools anyone with a decent computer and some patience can wield.⁷ At their heart, deepfakes rely on machine learning wizardry, particularly a system called Generative Adversarial Networks, or GANs, dreamed up by researcher Ian Goodfellow back in 2014.⁸

GANs operate like a high-stakes game between two rival neural networks: the generator, which dreams up fake images or video frames from scratch, and the discriminator, a sharp-eyed judge that sifts real footage from the counterfeits.⁹ The generator pulls from massive troves of target photos or clips—think thousands of public images scraped from social media—to learn facial quirks, lip sync, and lighting nuances, then spits out approximations that fool the discriminator over countless training rounds.¹⁰ Only when the generator's handiwork passes muster as genuine does the process wrap up, yielding a seamless swap: one person's expressions overlaid onto another's body, with eerie realism that casual viewers rarely spot.¹¹ This tech's dark side shines in real harms, from voice-cloned scams emptying bank accounts to fabricated nudes ruining lives, underscoring why grasping its nuts and bolts is crucial before tackling the law's response.¹²

III. Deepfakes and Criminal Law in India

In India's bustling digital landscape, where over a billion voices echo across social media and

⁶ Deepfake, Merriam-Webster (last visited Feb. 26, 2026), <https://www.merriam-webster.com/dictionary/deepfake> (defining as "an image or recording . . . convincingly altered and manipulated to misrepresent someone").

⁷ What is a Deepfake? Meaning and Examples, Trend Micro (Jan. 14, 2026), https://www.trendmicro.com/en_gb/what-is/ai/deepfakes.html <https://perma.cc/XXXX-XXXX>.

⁸ Deepfake Creation: A Complete Technical Breakdown, Startup Defense (Feb. 22, 2026), <https://www.startupdefense.io/cyberattacks/deepfake-creation> <https://perma.cc/XXXX-XXXX> (attributing GANs to Ian Goodfellow, 2014).

⁹ Deepfake (Generative Adversarial Network), CVisionLab (Apr. 7, 2020), <https://www.cvisionlab.com/cases/deepfake-gan/> <https://perma.cc/XXXX-XXXX> (explaining generator-discriminator rivalry).

¹⁰ How Deepfakes Are Made: AI Technology, Process & Detection Guide, Reality Defender (Feb. 16, 2026), <https://www.realitydefender.com/insights/how-deepfakes-are-made> <https://perma.cc/XXXX-XXXX> (detailing data gathering and iterative training).

¹¹ Deepfakes Generated by Generative Adversarial Networks, Georgia S. Univ. Honors Theses (Nov. 29, 2021), <https://digitalcommons.georgiasouthern.edu/honors-theses/671/> <https://perma.cc/XXXX-XXXX> (describing encoder-decoder for face swaps).

¹² Deepfakes: Definition, Types & Key Examples, SentinelOne (June 24, 2021), <https://www.sentinelone.com/cybersecurity-101/cybersecurity/deepfakes/> <https://perma.cc/XXXX-XXXX> (citing scams and non-consensual content risks).

news feeds, deepfakes have slipped in like uninvited guests, wielding the power to twist truths and ignite chaos with a few clicks. Our criminal laws, pieced together from colonial-era codes now reborn as the Bharatiya Nyaya Sanhita (BNS), 2023, and the tech-savvy Information Technology Act, 2000 (IT Act), scramble to catch up, offering a patchwork shield against these synthetic threats rather than a fortress.¹³ Prosecutors often lean on IT Act sections like 66C for identity theft—snaring those who clone a face or voice to dupe others—and 66D for cheating by personation, both carrying up to three years in jail plus fines, as seen in cases where scammers mimicked executives to siphon funds.¹⁴ Meanwhile, Section 66E guards privacy breaches, hitting hard at non-consensual deepfake nudes that plague women online, with courts swiftly ordering takedowns.¹⁵

The BNS steps in with heavier punches: Section 353 tackles statements stirring public mischief, like election-hoax videos that could sway voters, punishable by up to three years; Section 356 mirrors old cheating laws for fraud; and Section 111 targets organized cybercrimes, fitting gang-run deepfake mills.¹⁶ Add Sections 319 on personation and 356 on forgery for electronic fakes, plus 353 for defamation when reputations shatter under false clips, and you've got a net wide enough for most harms—but riddled with holes.¹⁷ Real-world scraps bear this out: in 2025, Gujarat police nabbed a man for a Prime Minister deepfake using BNS public-order clauses alongside IT provisions, while high courts quashed journalist-targeted videos in hours.¹⁸ Yet, without a tailor-made deepfake offense, proving intent amid AI's fog remains a

¹³ Bharatiya Nyaya Sanhita, No. 45, Acts of Parliament, 2023 (India) [hereinafter BNS]; Information Technology Act, No. 21, Acts of Parliament, 2000 (India) [hereinafter IT Act]; see also Deepfakes in India: Legal Landscape, Judicial Responses, and a Practical Playbook for Enforcement (NeGD Oct. 26, 2025), <https://negd.gov.in/blog/deepfakes-in-india-legal-landscape-judicial-responses-and-a-practical-playbook-for-enforcement/>

<https://perma.cc/XXXX-XXXX>.

¹⁴ IT Act, No. 21, Acts of Parliament, 2000, § 66C, 66D (India) (up to 3 years' imprisonment and fine); Are Deepfakes Illegal in India and What Are the Penalties in 2026? Lead India L. (Feb. 20, 2026),

<https://www.leadindia.law/blog/en/are-deepfakes-illegal-in-india-and-what-are-the-penalties-in-2026/>

<https://perma.cc/XXXX-XXXX>.

¹⁵ IT Act § 66E (India); Deepfakes in India, *supra* note 1 (noting surge in complaints via National Cyber Crime Portal).

¹⁶ BNS §§ 111, 319, 353, 356 (India); Deepfake Regulation India 2025: MeitY's Comprehensive IT Law, Khurana & Khurana (Dec. 15, 2025),

<https://www.khuranaandkhurana.com/deepfake-regulation-india-2025-meity-s-comprehensive-it-rules-amendment>

<https://perma.cc/XXXX-XXXX>.

¹⁷ BNS §§ 353 (public mischief), 356 (forgery) (India); N.R. Divyashree, Deepfakes and Indian Criminal Law: Addressing the Gaps in Legal Protection, *Indian J.L. & Legal Rsch.* (May 25, 2025),

<https://www.ijllr.com/post/deepfakes-and-indian-criminal-law-addressing-the-gaps-in-legal-protection>

<https://perma.cc/XXXX-XXXX>.

¹⁸ Are Deepfakes Illegal in India, *supra* note 2 (citing Navsari arrest, 2025, under BNS and IT Act).

prosecutor's nightmare, and penalties rarely deter the bold.¹⁹

IV. Provisions under Information Technology Act, 2000

When deepfakes first crashed onto India's legal radar, few imagined they'd test the limits of the Information Technology Act, 2000 (IT Act), a law born in the dial-up era yet now thrust into battle against AI-fueled mirages.²⁰ This cornerstone statute, with its targeted sections on digital wrongs, offers the first line of defense, snagging creators and sharers who wield synthetic media for fraud or harm, though its age shows in the cracks.²¹ Section 66C zeroes in on identity theft, punishing anyone who nabs electronic signatures or personal details—like facial scans swiped for a deepfake scam—with up to three years behind bars and a steep fine.²² Closely paired, Section 66D cracks down on cheating through personation via computer resources, a perfect fit for clips where a forged voice or face tricks victims into wiring cash or spilling secrets, carrying identical penalties.²³

Privacy takes a hit too, and Section 66E steps up to shield it, criminalizing the intentional capture or spread of private images without consent—think non-consensual deepfake porn that litters WhatsApp groups and shames targets.²⁴ Then come the heavyweights under Section 67, which slams the publishing or transmission of obscene electronic material with up to five years' jail on first offense (and stricter for repeats), often invoked when deepfakes veer into explicit territory that no real person endorsed.²⁵ Bolstered by Section 67A for sexually explicit acts and 67B for child-related content, these provisions pack a punch against gendered abuse, as courts have noted in hurried takedown orders.²⁶ Section 69A empowers the government to block

¹⁹ Deepfakes in India, supra note 1 (highlighting evidentiary and intent challenges).

²⁰ Information Technology Act, No. 21, Acts of Parliament, 2000 (India) [hereinafter IT Act]; Deepfakes in India: Legal Landscape, Judicial Responses, and a Practical Playbook for Enforcement (NeGD Oct. 26, 2025), <https://negd.gov.in/blog/deepfakes-in-india-legal-landscape-judicial-responses-and-a-practical-playbook-for-enforcement/>

<https://perma.cc/XXXX-XXXX>.

²¹ IT Act pmb. (India); N.R. Divyashree, Deepfakes and Indian Criminal Law: Addressing the Gaps in Legal Protection, *Indian J.L. & Legal Rsch.* (May 25, 2025), <https://www.ijllr.com/post/deepfakes-and-indian-criminal-law-addressing-the-gaps-in-legal-protection> <https://perma.cc/XXXX-XXXX>.

²² IT Act § 66C (India) (imprisonment up to 3 years and fine up to ₹1 lakh).

²³ IT Act § 66D (India); Are Deepfakes Illegal in India and What Are the Penalties in 2026? *Lead India L.* (Feb. 20, 2026), <https://www.leadindia.law/blog/en/are-deepfakes-illegal-in-india-and-what-are-the-penalties-in-2026/> <https://perma.cc/XXXX-XXXX>.

²⁴ IT Act § 66E (India); Deepfakes in India, supra note 1 (citing National Cyber Crime Portal surge).

²⁵ IT Act § 67 (India) (5 years' imprisonment and fine on first conviction).

²⁶ IT Act §§ 67A, 67B (India); Combatting Deepfake Disruptions: A Review of India's Legal Framework, *Jurists Junction* (June 26, 2024), <https://juristsjunction.in/2024/06/26/combating-deepfake-disruptions-a-review-of-indias-legal-framework/> <https://perma.cc/XXXX-XXXX>.

offending content outright for sovereignty or public order reasons, while Section 79 shields platforms from liability if they play swift referee—yet deepfakes slip through, demanding proactive labels under recent IT Rules tweaks.²⁷ All told, the IT Act arms investigators with versatile tools, but its broad strokes falter against deepfakes' slippery proof burdens.²⁸

V. Digital Evidence Issues

Deepfakes throw a wrench into the heart of courtroom battles, where digital clips once stood as ironclad witnesses, now reduced to suspects in their own right—potentially fabricated phantoms that judges and juries must dissect with forensic scalpels.²⁹ Under India's Bharatiya Sakshya Adhiniyam, 2023 (BSA), electronic records like videos qualify as evidence only if paired with a Section 65B certificate swearing to their authenticity, chain of custody, and unaltered state, a safeguard born from the Supreme Court's *Anvar P.V. v. P.K. Basheer* ruling that deepfakes gleefully mock.³⁰ Picture a viral clip purporting to show a politician's bribe demand: without metadata trails or hash values proving no AI tampering, it risks exclusion or endless expert duels, as seen in a 2025 Delhi theft trial where manipulated CCTV footage nearly derailed convictions.³¹

Proving a deepfake's falsity demands bleeding-edge tools—AI detectors scanning for blending artifacts, facial landmarks, or blink anomalies—but India's cyber labs lag, with police often stumped by accessible apps like those from open-source GANs that leave scant traces.³² The BSA's Section 63 mandates device integrity during seizure, yet volatile cloud-stored deepfakes evade grabs, complicating cross-border fetches under mutual legal aid, while anonymous creators hide behind VPNs and foreign servers.³³ Judges grapple too: a 2025 Bombay High

²⁷ IT Act §§ 69A, 79 (India); Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (as amended 2026).

²⁸ Deepfakes in India, *supra* note 1 (evidentiary hurdles in AI cases).

²⁹ Deepfakes, Digital Evidence & The Crisis of Proof in Courts, *India L.* (Jan. 12, 2026),

<https://www.indialaw.in/blog/deepfakes-and-digital-evidence/>

<https://perma.cc/XXXX-XXXX> (lamenting collapse of visual truth axiom).

³⁰ Bharatiya Sakshya Adhiniyam, No. 47, Acts of Parliament, 2023, §§ 63, 65A, 65B (India) [hereinafter BSA]; *Anvar P.V. v. P.K. Basheer*, (2014) 10 S.C.C. 473 (India) (mandating certificate for electronic evidence).

³¹ Digital Evidence and Deepfake: A Challenge to Criminal Justice, *JETIR* (Aug. 2025),

<https://www.jetir.org/papers/JETIR2508273.pdf>

<https://perma.cc/XXXX-XXXX> (Delhi court case on manipulated footage).

³² Deepfakes in India: Legal Landscape, Judicial Responses, and a Practical Playbook for Enforcement (NeGD Oct. 26, 2025),

<https://negd.gov.in/blog/deepfakes-in-india-legal-landscape-judicial-responses-and-a-practical-playbook-for-enforcement/>

<https://perma.cc/XXXX-XXXX> (detection challenges).

³³ BSA § 63 (India); Legal Challenges of Deepfake Technology and AI-Generated Content in India, *Jus Corpus*

Court order flagged deepfake testimony risks, urging live forensic demos, but without standardized protocols, deepfakes breed reasonable doubt, tilting scales toward perpetrators in defamation or fraud cases.³⁴ Law enforcement's thin AI training compounds woes, turning probes into quagmires where victims bear the proof burden, screaming for BSA amendments to deem uncertified synthetics presumptively inadmissible.³⁵

VI. Comparative Perspective

While India grapples with deepfakes through stretched provisions of the Bharatiya Nyaya Sanhita and IT Act, a glance across borders reveals sharper tools forged in response to the same digital wildfire.³⁶ The European Union's AI Act, rolled out in 2024, brands deepfakes as "high-risk" AI, mandating transparency labels on synthetic media and fines up to €35 million for non-compliance, a proactive clamp that forces creators to watermark fakes before they spread.³⁷ Across the Atlantic, the U.S. leans on a patchwork too—state laws like California's AB 602 criminalize non-consensual deepfake porn with up to a year in jail, while federal DEEPFAKES Accountability Act proposals demand digital signatures on all altered content, though enforcement lags without a unified code.³⁸

China races ahead with blunt force: its 2023 deep synthesis rules ban unlabelled AI faces or voices outright, slapping platforms with content removal in 24 hours and criminal hooks under cyber laws for fraud or slander, curbing election meddling but chilling speech in the process.³⁹

(Apr. 20, 2025),

<https://www.juscorpus.com/legal-challenges-of-deepfake-technology-and-ai-generated-content-in-india/>
<https://perma.cc/XXXX-XXXX> (international enforcement gaps).

³⁴ Deepfake Evidence and the Indian Criminal Justice System, IJFMR (June 2025),

<https://www.ijfmr.com/papers/2025/6/60298.pdf>

<https://perma.cc/XXXX-XXXX>.

³⁵ Deepfakes in India, supra note 4 (training deficits and reform needs).

³⁶ Deepfakes and the Law: A Comprehensive Comparative Analysis of Indian and International Legal Frameworks, Indian J.L. & Legal Rsch. (Nov. 8, 2025),

<https://www.ijllr.com/post/deepfakes-and-the-law-a-comprehensive-comparative-analysis-of-indian-and-international-legal-framework>

<https://perma.cc/XXXX-XXXX>.

³⁷ Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 Laying Down Harmonised Rules on Artificial Intelligence (AI Act) art. 50, 2024 O.J. (L 248) 13.

³⁸ Cal. Civ. Code § 3344.1 (West 2020) (deepfake intimacy prohibition); DEEPFAKES Accountability Act, S. 3805, 116th Cong. (2020).

³⁹ Provisions on the Administration of Deep Synthesis, Cyberspace Admin. China (Jan. 10, 2023), art. 7-9; Deepfake Technology and Its Legal Regulation in India: A Doctrinal and Comparative Study, Vintage Legal (Aug. 11, 2025),

<https://www.vintagelegalvl.com/post/deepfake-technology-and-it-s-legal-regulation-in-india-a-doctrinal-and-comparative-study>

<https://perma.cc/XXXX-XXXX>.

South Korea's 2024 deepfake statute goes granular, jailing offenders up to five years for election or porn fakes, paired with real-time detection mandates—far beyond India's three-hour takedown under IT Rules.⁴⁰ The UK threads the needle via the Online Safety Act 2023, hitting platforms with duties to quash harmful deepfakes while preserving expression, a model blending civil fines and criminal teeth that courts have upheld in early cases.⁴¹ India trails these pacesetters, lacking deepfake-specific offenses or mandatory provenance tech like C2PA, yet could borrow EU labeling and Korean penalties to plug gaps without reinventing the wheel.⁴²

VII. Constitutional Dimensions

Deepfakes crash headlong into India's constitutional bedrock, pitting the right to free speech against the imperatives of privacy, dignity, and a functioning democracy in ways that demand fresh judicial reckoning.⁴³ Article 19(1)(a) promises unfettered expression, yet reasonable curbs under 19(2)—think public order or defamation—stretch thin when synthetic clips masquerading as truth flood elections or smear reputations, as courts have hinted in striking down overbroad IT Act tweaks.⁴⁴ Article 21 looms larger still, its embrace of privacy via Puttaswamy now encompassing "digital selves," where non-consensual deepfakes strip autonomy, morphing faces into tools of harassment or fraud without recourse against private meddlers.⁴⁵

The rub lies in Article 21's traditional vertical gaze—state versus citizen—leaving horizontal harms from rogue creators or platforms in a constitutional blind spot, despite calls for

⁴⁰ Act on the Promotion of AI Industry and Basic Research for Frontier Technology, No. 20230 (S. Kor.), as amended 2024; Deepfakes in India: Legal Landscape, Judicial Responses, and a Practical Playbook for Enforcement (NeGD Oct. 26, 2025), <https://negd.gov.in/blog/deepfakes-in-india-legal-landscape-judicial-responses-and-a-practical-playbook-for-enforcement/>

<https://perma.cc/XXXX-XXXX>.

⁴¹ Online Safety Act 2023, c. 50, § 233 (UK) (platform duties).

⁴² Deepfakes and the Law, *supra* note 1 (recommending hybrid global model for India).

⁴³ Ind. Const. art. 19(1)(a), 21; Deepfakes in India: Legal Landscape, Judicial Responses, and a Practical Playbook for Enforcement (NeGD Oct. 26, 2025),

<https://negd.gov.in/blog/deepfakes-in-india-legal-landscape-judicial-responses-and-a-practical-playbook-for-enforcement/>

<https://perma.cc/XXXX-XXXX>.

⁴⁴ Shreya Singhal v. Union of India, (2015) 5 S.C.C. 1, ¶¶ 48-50 (India) (invalidating IT Act § 66A); Deepfakes in India, *supra* note 1 (discussing FCU stay).

⁴⁵ Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 S.C.C. 1, ¶ 267 (India) (privacy as Article 21 facet); AI-Generated Deepfakes and the Legal Vacuum in India: A Constitutional Analysis, IJRTI (Nov. 2025),

<https://ijrti.org/papers/IJRTI2511099.pdf>

<https://perma.cc/XXXX-XXXX>.

expansion to bind non-state actors and affirm a right to identity or consent over one's likeness.⁴⁶ Free speech warriors balk at watermark mandates, fearing censorship chills satire or dissent, while dignity advocates counter that unchecked deepfakes erode epistemic trust, turning Article 14's equality on its head when marginalized voices drown in fabricated noise.⁴⁷ Bombay High Court's 2024 smackdown of fact-check units underscores this tension: deepfake curbs must thread proportionality's needle, lest they muzzle more than they protect.⁴⁸ Ultimately, these clashes signal not just statutory gaps, but a Constitution straining for the AI age—ripe for interpretive leaps to balance expression with existential safeguards.⁴⁹

VIII. Challenges in enforcement

Catching deepfake crooks in India feels like chasing shadows in a storm—laws on paper look tough but turning them into handcuffs trips over a maze of practical headaches that leave victims high and dry.⁵⁰ Police stations drowning in cyber complaints often lack the gadgets or know-how to spot AI trickery, with frontline officers more versed in pickpockets than pixel forensics, leading to botched seizures where vital metadata vanishes into thin air.⁵¹ Even when cases hit court, the three-hour takedown mandate under amended IT Rules sounds snappy, yet platforms balk at false positives that could censor legit content, while anonymous uploaders duck behind VPNs and overseas servers beyond extradition's reach.⁵²

⁴⁶ Puttaswamy, 10 S.C.C. at 310; AI-Generated Deepfakes, *supra* note 3 (verticality loophole, need for horizontal rights).

⁴⁷ Ind. Const. art. 14, 19(1)(a), 19(2); Deepfakes and the Law: A Comprehensive Comparative Analysis, *Indian J.L. & Legal Rsch.* (Nov. 8, 2025), <https://www.ijllr.com/post/deepfakes-and-the-law-a-comprehensive-comparative-analysis-of-indian-and-international-legal-framework>

<https://perma.cc/XXXX-XXXX>.

⁴⁸ Kaushal Kishor v. State of U.P., 2023 S.C.C. OnLine S.C. 527 (India) (proportionality in speech curbs); Deepfakes in India, *supra* note 1 (Bombay HC ruling).

⁴⁹ AI-Generated Deepfakes, *supra* note 3 (proposing Article 21 expansion for digital dignity).

⁵⁰ Deepfakes in India: Legal Landscape, Judicial Responses, and a Practical Playbook for Enforcement (NeGD Oct. 26, 2025),

<https://negd.gov.in/blog/deepfakes-in-india-legal-landscape-judicial-responses-and-a-practical-playbook-for-enforcement/>

<https://perma.cc/XXXX-XXXX> (highlighting enforcement gaps).

⁵¹ MeitY Moves to Regulate AI-Generated Content Amid Rising Deepfake Risks, *Economic Times L.* (Oct. 22, 2025), <https://legal.economictimes.indiatimes.com/news/law-policy/meity-moves-to-regulate-ai-generated-content-amid-rising-deepfake-ris> <https://perma.cc/XXXX-XXXX> (noting agency detection deficits).

⁵² Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (as amended 2026), rule 3(1)(b)(v) (India); India's New 3-Hour Deepfake Removal Rule: Experts Urge Strict Compliance, *Indian Express* (Feb. 12, 2026),

<https://indianexpress.com/article/legal-news/indias-new-3-hour-deepfake-removal-rule-experts-urge-strict-compliance-10528122/>

<https://perma.cc/XXXX-XXXX>.

Resource crunches bite harder: cyber cells stretched across a billion-plus internet users can't train enough experts in GAN detection or blockchain provenance, and cross-state or international probes crawl under mutual legal aid treaties that ignore deepfakes' borderless zip.⁵³ Add public unawareness—most folks share suspect clips without a second thought—and you get viral wildfires before forensics kick in, as 2025 election hoaxes showed when rural voters fell for fabricated leader rants despite advisories.⁵⁴ Courts echo the frustration, with judges in Delhi and Mumbai staying hasty blocks for free speech fears, demanding balanced enforcement that rarely materializes amid backlogged dockets.⁵⁵ These knots scream for dedicated task forces, AI upskilling grants, and global pacts, lest deepfakes mock India's legal muscle from the digital shadows.⁵⁶

IX. Is Existing Law Adequate?

India's criminal laws, even with the fresh 2026 IT Rules tweaks slashing takedown times to three hours and mandating AI labels, come up short as a full-throated answer to deepfakes' relentless march—offering stopgaps that plug leaks but ignore the flood.⁵⁷ Provisions like BNS Section 353 for public mischief or IT Act Section 66D for personation snag obvious frauds, yet falter on proving synthetic intent when creators cloak malice in "satire" or apps erase trails, leaving courts to wrestle inconclusive forensics.⁵⁸ Detection lags too: cyber labs can't scale against viral clips, and 2025 election fakes evaded blocks despite advisories, exposing democracy's soft underbelly.⁵⁹

⁵³ Deepfakes in India, *supra* note 1 (capacity and jurisdictional hurdles).

⁵⁴ India's New Rules for AI-Generated Content and Deepfakes, LiveLaw (Feb. 20, 2026), <https://www.livelaw.in/articles/ai-generated-content-deepfakes-524064> <https://perma.cc/XXXX-XXXX> (election misuse examples).

⁵⁵ Pixelated Perjury: Addressing India's Regulatory Gaps in Tackling Deepfakes, Tech L. F. (May 28, 2025), <https://techlawforum.nalsar.ac.in/pixelated-perjury-addressing-indias-regulatory-gaps-in-tackling-deepfakes/> <https://perma.cc/XXXX-XXXX> (judicial stays).

⁵⁶ Deepfakes in India, *supra* note 1 (proposing task forces and training).

⁵⁷ Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2026 (India); Deepfakes in India: Legal Landscape, Judicial Responses, and a Practical Playbook for Enforcement (NeGD Oct. 26, 2025), <https://negd.gov.in/blog/deepfakes-in-india-legal-landscape-judicial-responses-and-a-practical-playbook-for-enforcement/> <https://perma.cc/XXXX-XXXX>.

⁵⁸ Bharatiya Nyaya Sanhita, No. 45, Acts of Parliament, 2023, § 353 (India) [hereinafter BNS]; Information Technology Act, No. 21, Acts of Parliament, 2000, § 66D (India) [hereinafter IT Act]; Deepfakes, Digital Evidence & The Crisis of Proof in Courts, India L. (Jan. 12, 2026), <https://www.indialaw.in/blog/deepfakes-and-digital-evidence/> <https://perma.cc/XXXX-XXXX>.

⁵⁹ India's New Rules for AI-Generated Content and Deepfakes, LiveLaw (Feb. 20, 2026), <https://www.livelaw.in/articles/ai-generated-content-deepfakes-524064> <https://perma.cc/XXXX-XXXX>.

Recent amendments shine in platform accountability—traceability and two-hour urgent removals curb spread—but they sidestep criminal teeth, exempting parody while overburdening intermediaries with censorship risks, as Bombay High Court stays warn.⁶⁰ Gaps yawn wider in evidence rules under BSA, where deepfakes mock Section 65B certificates, and enforcement chokes on untrained police plus borderless servers.⁶¹ Comparative lenses confirm the limp: unlike EU AI Act fines or Korea's five-year jail terms, India lacks bespoke offenses, letting harms like gendered deepfake porn fester despite National Cyber Crime Portal pleas.⁶² Verdict clear: existing law patches symptoms, not roots—demanding a Deepfakes Act with mens rea carve-outs, watermark mandates, and forensic hubs to match the threat's speed.⁶³

X. Recommendations

India's patchwork approach to deepfakes demands more than Band-Aids; lawmakers must craft a standalone Deepfake Offences Act that spells out creation, distribution, or possession of synthetic media with intent to harm—think five to ten years' rigorous imprisonment scaled by harm type, carving out clear exceptions for parody or journalism to dodge free speech snares under Article 19(1)(a).⁶⁴ Such a law would plug BNS and IT Act gaps by defining "deepfake" as AI-altered content indistinguishably mimicking real persons, with mandatory mens rea proof sidestepping satire defences that now let fraudsters skate.⁶⁵

Bolster enforcement with nationwide Cyber-Forensic Hubs under MeitY, stocked with GAN detectors, blockchain verifiers, and C2PA watermark mandates for all AI tools—mirroring EU AI Act transparency—while funnelling grants to upskill 10,000 police in digital triage, slashing probe times from months to days.⁶⁶ Amend Bharatiya Sakshya Adhinyam Section 65B to

⁶⁰ IT Amendment Rules, 2026, supra note 1; Deepfakes in India, supra note 1.

⁶¹ Bharatiya Sakshya Adhinyam, No. 47, Acts of Parliament, 2023, § 65B (India) [hereinafter BSA]; Pixelated Perjury: Addressing India's Regulatory Gaps in Tackling Deepfakes, Tech L. F. (May 28, 2025), <https://techlawforum.nalsar.ac.in/pixelated-perjury-addressing-indias-regulatory-gaps-in-tackling-deepfakes/> <https://perma.cc/XXXX-XXXX>.

⁶² Regulation (EU) 2024/1689 art. 50; Deepfakes and the Law: A Comprehensive Comparative Analysis, Indian J.L. & Legal Rsch. (Nov. 8, 2025), <https://www.ijllr.com/post/deepfakes-and-the-law-a-comprehensive-comparative-analysis-of-indian-and-international-legal-framew> <https://perma.cc/XXXX-XXXX>.

⁶³ Deepfakes in India, supra note 1 (policy priorities for bespoke offense).

⁶⁴ Deepfakes in India: Legal Landscape, Judicial Responses, and a Practical Playbook for Enforcement (NeGD Oct. 26, 2025), <https://negd.gov.in/blog/deepfakes-in-india-legal-landscape-judicial-responses-and-a-practical-playbook-for-enforcement/> <https://perma.cc/XXXX-XXXX> (urging dedicated legislation).

⁶⁵ Ind. Const. art. 19(1)(a); Deepfakes and Indian Criminal Law: Addressing the Gaps in Legal Protection, Indian J.L. & Legal Rsch. (May 25, 2025), <https://www.ijllr.com/post/deepfakes-and-indian-criminal-law-addressing-the-gaps-in-legal-protection> <https://perma.cc/XXXX-XXXX>.

⁶⁶ Regulation (EU) 2024/1689 art. 50 (AI Act watermarking); Deepfakes in India, supra note 1 (forensic infrastructure needs).

presume uncertified synthetics inadmissible unless provenance-proven, and forge MLAT addendums targeting deepfake havens like Southeast Asia servers.⁶⁷ Public awareness campaigns via Doordarshan and NCW helplines could arm citizens against scams, paired with platform bounties for tip-offs on viral fakes.⁶⁸ Finally, draw from Korea's penalty heft and UK's safety duties to birth a hybrid: criminal deterrence meets proactive curbs, ensuring India's laws don't just react but outpace the tech demons at our gates.⁶⁹

XI. Conclusion

Deepfakes have muscled their way into India's legal arena as unstoppable digital doppelgangers, exposing the frayed edges of our criminal laws where BNS and IT Act provisions bend but rarely break the tide of synthetic harms.⁷⁰ From identity scams snagged under Section 66D to privacy gut-punches via Section 66E, existing tools offer reactive jabs—bolstered by 2026's hasty IT Rules tweaks—but they stumble on proof puzzles, enforcement snarls, and constitutional tightropes that leave victims chasing ghosts.⁷¹ This paper lays bare the verdict: no, the law falls short, a pre-AI relic gasping against GAN-fueled frauds that mock democratic trust and personal dignity alike.⁷²

The path ahead gleams clear if lawmakers seize it—a bespoke Deepfakes Act with teeth, forensic backstops, and global handshakes to outrun the tech, lest unchecked fakes fracture society's very glue.⁷³ India stands at the cusp: act boldly now, or watch illusions rewrite reality

⁶⁷ Bharatiya Sakshya Adhinyam, No. 47, Acts of Parliament, 2023, § 65B (India); Pixelated Perjury: Addressing India's Regulatory Gaps in Tackling Deepfakes, Tech L. F. (May 28, 2025), <https://techlawforum.nalsar.ac.in/pixelated-perjury-addressing-indias-regulatory-gaps-in-tackling-deepfakes/> <https://perma.cc/XXXX-XXXX>.

⁶⁸ India's New Rules for AI-Generated Content and Deepfakes, LiveLaw (Feb. 20, 2026), <https://www.livelaw.in/articles/ai-generated-content-deepfakes-524064> <https://perma.cc/XXXX-XXXX>.

⁶⁹ Deepfakes and the Law: A Comprehensive Comparative Analysis, Indian J.L. & Legal Rsch. (Nov. 8, 2025), <https://www.ijllr.com/post/deepfakes-and-the-law-a-comprehensive-comparative-analysis-of-indian-and-international-legal-framew> <https://perma.cc/XXXX-XXXX> (hybrid model advocacy).

⁷⁰ Bharatiya Nyaya Sanhita, No. 45, Acts of Parliament, 2023 (India) [hereinafter BNS]; Information Technology Act, No. 21, Acts of Parliament, 2000 (India) [hereinafter IT Act]; Deepfakes in India: Legal Landscape, Judicial Responses, and a Practical Playbook for Enforcement (NeGD Oct. 26, 2025), <https://negd.gov.in/blog/deepfakes-in-india-legal-landscape-judicial-responses-and-a-practical-playbook-for-enforcement/> <https://perma.cc/XXXX-XXXX>.

⁷¹ IT Act §§ 66D, 66E (India); Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2026 (India); Deepfakes, Digital Evidence & The Crisis of Proof in Courts, India L. (Jan. 12, 2026), <https://www.indialaw.in/blog/deepfakes-and-digital-evidence/> <https://perma.cc/XXXX-XXXX>.

⁷² Deepfakes and Indian Criminal Law: Addressing the Gaps in Legal Protection, Indian J.L. & Legal Rsch. (May 25, 2025), <https://www.ijllr.com/post/deepfakes-and-indian-criminal-law-addressing-the-gaps-in-legal-protection> <https://perma.cc/XXXX-XXXX>.

⁷³ Deepfakes and the Law: A Comprehensive Comparative Analysis, Indian J.L. & Legal Rsch. (Nov. 8, 2025), <https://www.ijllr.com/post/deepfakes-and-the-law-a-comprehensive-comparative-analysis-of-indian-and-international-legal-framew> <https://perma.cc/XXXX-XXXX>.

unchecked.⁷⁴

⁷⁴ Deepfakes in India, supra note 1 (policy urgency).