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LAW IN THE AGE OF ARTIFICIAL INTELLIGENCE

A Fundamental Perspective



ABOUT THE INTERNATIONAL CONFERENCE

The International Conference on “Law in the Age of Artificial Intelligence: A Fundamental Perspective” provided an academic platform to examine the transformative impact of Artificial Intelligence on law, legal systems, governance and society.

The conference explored emerging legal and ethical questions relating to Artificial Intelligence, including intellectual property, authorship and ownership, liability, data privacy, cybersecurity, criminal justice, evidence law, human rights, ethics and accountability. It addressed the implications of Artificial Intelligence for legal education, commercial law, regulatory frameworks, policy development, research and scholarly communication.

The conference brought together academicians, research scholars, legal professionals and students to present research, exchange ideas and engage in interdisciplinary discussions. It encouraged meaningful academic dialogue and contributed towards the development of effective, ethical and inclusive legal responses to the rapidly evolving Artificial Intelligence landscape.

Conference	International Conference
Theme	Law in the Age of Artificial Intelligence: A Fundamental Perspective
Date	24 January 2026
Time	10:00 AM onwards
Mode	Online
Organised by	IQAC, Student Research Society and Library Committee
Publication Partner	LawFoyer International Journal of Doctrinal Legal Research [ISSN: 2583-7753]

PRINCIPAL'S MESSAGE

KES' Shri. Jayantilal H. Patel Law College



It gives me immense pleasure to welcome all academicians, research scholars, legal professionals and students to the International Conference on “Law in the Age of Artificial Intelligence: A Fundamental Perspective.”

Artificial Intelligence is transforming the way societies function and is increasingly influencing legal systems, governance, professional practices and education. These developments bring significant opportunities as well as complex legal, ethical and social challenges.

This conference provided a valuable platform for intellectual exchange and interdisciplinary dialogue on emerging issues such as data privacy, intellectual property, liability, criminal justice, human rights, ethics and the governance of Artificial Intelligence. The scholarly contributions and discussions during the conference encouraged deeper understanding and promoted responsible approaches to the use of Artificial Intelligence.

I extend my best wishes to all the speakers, researchers, presenters, participants and members of the organising team for a meaningful and intellectually enriching conference.

DR. VIRAL DAVE

I/c. Principal

KES' Shri. Jayantilal H. Patel Law College

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DIGITAL IDENTITY PROTECTION IN THE ERA OF AI AND DEEPFAKES

Adv. Nivedita Pandey¹

I. ABSTRACT

In a world heading towards a growing trend in obligation to have an online presence whether for the purpose of business or being a professional influencer, a sudden spike in cyber-crimes related to data identity theft with the aid of AI and Deepfakes have become prevalent. Identity of a person is attached to their reputation and dignity in the society, however, this element of a person's being is being blatantly tarnished for selfish motives by certain individuals. This paper examines the difficulties faced by the government as well as the people in protecting their Digital Identities, the threats posed by the circulation of Deepfakes, the disparity existing between the celebrities and the non-celebrities in effectively finding a remedy against their Identity Theft and protecting their right to privacy as enshrined in Article 21 of Indian Constitution in intersection with the post mortem privacy aspect. It critically examines the global laws of various countries in terms of their effectiveness and swiftness in protecting the identity of their citizens against the Deepfakes with the special focus on Denmark's historic proposal to amend its Copyright law in order to avail its citizens the right to protect their Personal Identity under the same. The legislation, which is still under consideration, if passed, will allow an individual to have complete legal ownership of their Personal Identity. The study concludes by suggesting how Denmark's proposal can be used as a global model to bring about a change in the International IPR laws in protecting Digital Identity.

II. KEYWORDS

Deepfakes, Digital Identity, Personality Rights, Copyright Law, and Artificial Intelligence.

III. INTRODUCTION

Artificial Intelligence (AI) is the product of human innovation. It is a journey towards an unknown technological territory which is continuously being travelled by numerous

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technological experts towards attaining technological advancement for the betterment of the existing world. However, it is a universal truth that every advancement is achieved at an opportunity cost.

AI has made a significant impact on our society since its inception and is considered to be a crucial part of our day-to-day lives. From playing the role of a virtual assistant (Siri) to making navigation easy with the aid of Google Maps, our life has become intertwined with AI to a certain extent. However, the more dependent we have become on AI, the more threat it poses in relation to digital identity protection of an individual, which still remains overlooked.

AI induced Deepfakes, though initially thought to be used productively, are now used by the perpetrators for tarnishing a person's identity for their own selfish motives. A legal glossary defines deepfake as "synthetic media which involves the digital manipulation of original source material, and which is intended to deceive."

In the era of Deepfakes, authenticity has taken a backseat, and synthetic fabricated content has become a driving force in ruining the reputation, identity of a person and their whole being. As stated by *Omar Bradley* (Omar N. Bradley Quotes (Author of a Soldier's Story), n.d.), "If we continue to develop our technology without wisdom or prudence, our servant may prove to be our executioner."

Deepfakes tend to distort the reality of a person and depicts a false image of a person's identity, negatively impacting his reputation in the society. "In October 2023 Rashmika Mandanna's face was grafted onto another woman's body in a pornographic clip that raced across WhatsApp and Telegram before police traced it to a young engineer" (Shruti Tripathi, 2025). Recently, Bengaluru police have registered a deepfake case wherein the Union Finance Minister Nirmala Sitaraman is seen promoting a financial investment scheme which was later confirmed to be a deepfake video promoting a bogus scam.

"An estimated 90% of Deepfakes worldwide are pornographic and disproportionately target women; research indicates that reports of cybercrime in India are progressively reflecting this trend"⁵. This reflects that deepfake are not only impacting people who are in the limelight but also the common people. These unsolicited videos are made without the consent of the person who is being targeted. This results in causing physical, psychological, mental trauma to the victim. The celebrities or the privileged people do have legal remedies

to resort to in such cases, but the unprivileged ones seldom do due to lack of awareness, financial resources or their own orthodox thoughts. This paper highlights such disparities and further states how people who are deceased are no exception to this threat and whether the countries have well equipped laws to deal with this kind of offence with special emphasis on whether the laws should include a person's identity integrity as a part of the personality rights. The study further depicts how Denmark has come up with its proposal to grant legal ownership of oneself to its citizens so that they can effectively protect themselves from the negative impact caused by such Deepfakes and whether it can be globally implemented.

A. Research Objectives

The objective of this study is two-fold:

1. To evaluate the effectiveness and swiftness of the current global laws in relation to AI and Deepfakes with special emphasis on India.
2. To evaluate Denmark's proposal to amend its Copyright Law that empowers any citizen to have legal ownership over their Personal Identity and safeguard their Digital Identity and how it would benefit the entire world.

B. Scope and Significance

The scope of this study is to analyse the current laws around the globe with special reference to inclusion of Digital Integrity within the meaning of Digital Identity in conjunction with the post- mortem privacy provisions.

The significance of this study is that it paves a way towards providing effective solutions in protecting the digital identity of the 'people on the front cover of the newspaper' as well as the less privileged ones who have difficulty in accessing the justice mechanism in case of misuse of their identity. Often the underprivileged people have no resources to know about the blatant misuse of their identity in committing cyber-crime and when they do come to know about it, the damage is already done. It examines the proposal placed by Denmark's legislature in bringing about a change in their Copyright laws so as to empower its citizens to have a legal ownership over their own identity as a right. This study further suggests how Denmark can set a standard for the other nations in protecting the rights of their citizens against non-consensual Deepfakes.

C. Research Methodology

The study adopts a doctrinal approach which facilitates a systematic analysis of the current legal statutes and principles in relation to Deepfakes and the lacunae in law that needs to be addressed expeditiously. The doctrinal approach is complemented by the comparative legal methodology which aids in evaluating the similarities and differences in law between select few countries.

D. Research Questions

1. Whether it is the need of the hour to expand the meaning of the term Digital Identity to include Digital Integrity to ensure full proof protection of the Digital Identity of an Individual?
2. Whether there is a need to extend the Digital Protection provisions to deceased individuals?
3. Whether the current laws governing protection of personality rights and Identity give an unfair advantage to the privileged celebrities to protect their rights, however there is a disparity in law in case of non-celebrities?
4. Whether the new Denmark proposals are adequate to provide general protection to all the citizens and can be used as a model to be implemented globally?

E. Literature Review

The term 'Deepfakes' originated in 2017, from a Reddit user named 'Deepfakes' where he published several pornographic videos wherein the faces of famous actresses were swapped. The legislation in India regarding Deepfakes and AI is still at a nascent stage. There is no comprehensive law that explicitly defines the term Deepfakes as an offence and punishment for the same. However, some legal remedies do exist in the form of defamation, doctrine of personality rights, right to privacy as enshrined under Article 21 through the broad interpretation of *K.S. Puttaswamy v/s UOI*, however the personality rights still do not include in it the right to personal integrity.

"Governmental and regulatory reports have begun highlighting the societal impact of Deepfakes. CERT-IN advisories identify financial fraud, non-consensual sexual content, and political misinformation as major risks posed by synthetic media" (Chandel & Kundu, 2025).

Tech lawyer Salman Waris states that “India still lacks a dedicated deepfake statute. Instead, sections of the IT Act, IPC and DPDP Act cover identity theft, obscenity, defamation, and privacy breaches” “Enforcement is weak without a legal definition of Deepfakes, compounded by technical hurdles, problems proving intent, evidentiary gaps, and jurisdictional limits once content crosses borders.”

IV. ANALYSIS

Deepfakes are synthetic content that are hyper-realistic in nature, generated by using AI algorithms and are capable of realistic imitation/ simulation of an individual’s voice, gestures, face. On one hand it is considered to be one of the most significant tools that humans have been able to create in the 21st century, however, it is being used to inflict harm on individuals as well as the society as a whole. The most fundamental damage that Deepfakes inflict is invading a person’s privacy and intruding upon the way a person is perceived in the society by using an individual’s likeness or voice without their consent, for creating pornographic content or for committing crimes like financial fraud or extracting money from the families of the victims. The Government officials are no exception to this. Impersonation of Police officials and asking the targeted victims to keep their camera on as they are under digital arrest are on the rise.

The analysis of the study can be discussed under the following sub- headings:

1. The Deepfake Menace: Legal Gaps in the Indian Framework

The reason why Deepfakes are gaining momentum is people are very poor at spotting them. In this fast-paced life, people would rather prefer to believe what is circulated on social media platforms like WhatsApp, Instagram etc. and quickly disseminate such information without actually verifying the source of the content. This is the level of ‘awareness’ which people show in order to stay relevant with their peers.

“These are not glitches in the matrix but glimpses of a new, fast-evolving menace. When identity itself can be stolen, repurposed and redeployed at the speed of the feed, the harder question is whether the law can catch up?”⁸

India has no explicit legislation exclusively governing Deepfakes and AI-based privacy infringements. However, the Information Technology Act, 2000, the Bharatiya Nyaya Sanhita, 2023 (which has replaced the Indian Penal Code, 1860 with effect from 1 July 2024,

except for offences governed by the saving provisions), and the Digital Personal Data Protection Act, 2023 collectively address, to a limited extent, offences relating to identity theft, obscenity, defamation, and privacy breaches. In the absence of a dedicated statute defining and regulating Deepfakes, victims are often compelled to pursue remedies under multiple legal provisions, resulting in fragmented enforcement, delayed justice, and continued harm to their digital identity, in addition to the physical, mental, and psychological trauma arising from such privacy violations.

2. Judicial Response: Personality Rights Jurisprudence in India

Although India does not explicitly deal with the law that addresses the issues in relation to Deepfakes, however, Indian judiciary has been playing an active role in recognizing the personality rights of the celebrities so as to grant them protection over their likeness, voice in order to avail them with remedies in situations where their personality rights are infringed for the purpose of committing cybercrimes.

In *Anil Kapoor v. Simply Life India & Ors*, Actor Anil Kapoor received an interim order from Delhi HC, granting him protection over his name, image, persona against AI driven Deepfakes used maliciously to commit crimes. The interim order was granted by the virtue of doctrine of personality rights. However, no law explicitly recognises making one's likeness and voice a statutory right. The need of the hour is to include digital identity integrity as a part of digital identity protection so that the existing digital protection systems are robust in protecting an individual's authenticity in digital spaces.

3. The Celebrity–Non-Celebrity Disparity in Legal Remedies

Further, the personality rights or the right of publicity is widely applicable to instances when an individual's persona is exploited commercially without their consent. It can be implied that certain legal provisions exist in case of celebrities whenever a person tries to tarnish or misuse their digital identity, however, the same is not possible in case of non-celebrities, especially the underprivileged ones who do not have access to technology or the court procedure. "A doctrine tied only to celebrity rights will not suffice in a country of 1.4bn, where teachers, nurses and shopkeepers are as vulnerable as actors or billionaires."¹⁰ Therefore, it becomes very important to study the Denmark's proposal to grant its citizens the right to legal ownership over their Digital Identity.

4. Post-Mortem Digital Identity Protection

Further these Digital Protection provisions should extend to a person not only during his lifetime but also after his death since an individual is entitled to protection of his identity and privacy post-mortem.

India lacks a dedicated law for "digital resurrection" or posthumous rights over voice and likeness.

In *Krishna Kishore Singh v. Sarla A. Saraogi* (2023), the Delhi High Court held that the rights to privacy, publicity and personality are personal in nature, are not heritable, and ordinarily do not survive the death of an individual. Consequently, the Court declined to extend posthumous personality and publicity rights to the legal representatives of the deceased. The judgment therefore underscores the existing legislative gap concerning post-mortem digital identity protection, highlighting the need for statutory intervention if such rights are to receive legal recognition in the context of AI-generated Deepfakes.

On a global level, even the most impactful and comprehensive data legislation on digital data protection i.e. The European Union's General Data Protection Regulation, 2018 excludes the applicability of the regulation to the personal data of the deceased person (Recital 27). However, it does allow the Member States to provide their own set of rules in this behalf.

Under 'Loi pour une République numérique', France permits its citizens to set directives as to how their data is to be processed post-mortem and also nominate an individual who would execute these directives on their behalf. Similarly, Italy through its Data Protection Code empowers the interested party such as the relatives or the family members to deal with the deceased person's data rights just as a copyright subject.

California Civil Code § 3344.1 provides a 70-year post-mortem right of publicity for "deceased personalities," protecting their name, voice, signature, photograph, or likeness from unauthorised commercial use. California Assembly Bill 1836, enacted on 17 September 2024 and effective from 1 January 2025, further expands these protections to regulate AI-generated digital replicas of deceased personalities. Likewise, Denmark's proposed framework extends protection to personal likeness for 50 years after death. India may draw valuable lessons from these developments while considering legislative reforms to extend digital identity protection to deceased individuals in the era of AI and Deepfakes.

5. Global Regulatory Responses: UK, USA, and the EU

The UK, through its Online Safety Act 2023, and the EU, through its AI Act, have introduced provisions on platform liability and AI-generated content. In the US, while the Deepfake Accountability Act remains a proposed bill, the TAKE IT DOWN Act 2025 represents a significant federal step against non-consensual deepfake content."

As U.S. Congresswoman Yvette Clark while proposing the Deepfake Accountability Act had stated that: "With few laws to manage the spread of the technology, we stand at the precipice of a new era of disinformation warfare, aided by the use of new AI tools." This explains the urgency of the situation with which the netizens around the world are currently dealing with. Failure to address these issues with the implementation of robust laws globally against the Deepfakes induced crimes will result in perpetration of grave injustice.

6. Denmark's Proposed Copyright Amendment: A Global Blueprint

Danish Government's proposed bill tends to bring amendment in its Copyright Law by offering a general protection against Deepfakes wherein any citizen can seek IP protection against Deepfakes. This means that a Danish citizen would be able to claim copyright infringement over unauthorized dissemination of their AI generated images, audio recordings or videos. This is a historic and groundbreaking move taken by a nation to curb the menace of Deepfakes and to empower its citizens to fight for their dignity against unlawful and non-consensual misuse of their identity.

V. HIGHLIGHTS OF THE PROPOSAL

1. **Registration not required:** By virtue of birth, the citizens would be able to copyright their identity. No registration would be required for one's likeness.
2. **Protection:** Citizens would be able to claim protection against their Deepfakes as a copyright infringement.
3. **Platform Liability:** Social media platforms can be held liable in case they fail to remove unauthorized Deepfakes within the allotted time.

VI. LIMITATIONS OF THE PROPOSAL

1. **Jurisdiction dilemma:** The most fundamental flaw in the proposal is that it does not address how infringements that have been made outside Denmark's jurisdiction will

be dealt with by the authorities. This will also require a diligent approach while co-ordinating with the existing frameworks such as the GDPR and the current online platform obligations established under the EU's Digital Services Act.

2. **Exceptions:** Deepfakes made for the purpose of satire, parody and artistic expression are exempted from being prosecuted under the proposal. This creates a state of confusion especially for the courts while taking cognisance of a matter before it due to the reason that as to what degree a thing can be considered as a satire, parody or artistic expression varies from person to person and there is no straitjacket formula to possibly know that.
3. **Burden of proof:** Individuals need to be vigilant in keeping track of any unauthorised use of their likeness to commit Deepfakes induced cybercrime and reporting it immediately to the authorities. This may be challenging as an individual might not have adequate resources and time to keep a continuous check in a rapidly growing AI landscape.

VII. SUGGESTIONS AND RECOMMENDATIONS

Based on the research questions and the analysis undertaken in this study, the following suggestions and recommendations are proposed to address the existing legal and regulatory gaps relating to AI-induced Deepfakes and the protection of digital identity:

Several countries including India are not pre-equipped with laws to deal with the escalating crimes committed using AI induced Deepfakes. The need of the hour is a set of robust legislations that regulate and make AI-generated synthetic media abuses punishable. Denmark's groundbreaking proposal to amend their Copyright Law, to empower their citizens in becoming legally responsible for their identity, gives an innovative example. The framework gives individuals explicit consent rights, treats identity as personal property and makes the perpetrators liable for copyright infringement. Based on the research questions and analysis of the study, the author proposes following suggestions to resolve the existing flaw in the law and to effectively deal with the omnipresent issue of AI induced Deepfakes which are as under:

1. **Clear and Comprehensive laws:** The countries around the world should take initiatives towards developing a precise and standardized definition of what actually constitutes a Deepfake and work towards drafting comprehensive laws addressing

the use of Deepfakes and AI-driven identity abuse, with digital integrity as an integral aspect of digital identity. Efforts should be taken towards devising a proper system which resolves the problem of cross-border jurisdiction issue across countries.

2. **Equal Access to Justice:** Laws must be made, keeping in mind, the difficulties faced by a common man while approaching the courts for availing justice in case of violation of their digital identity rights. The authorities must ensure that the remedies are accessible not only to the celebrities but also to the ordinary and underprivileged individuals who are vulnerable to the digital identity crimes. Efforts should be made towards making people aware of the cybercrimes especially the underprivileged people and how they can take proactive measures towards protecting themselves from falling prey to such crimes. In case their rights have been violated through such AI induced synthetic material then what remedies they can avail for themselves must be made clear to them.
3. **Extending the scope of the digital identity protection posthumously:** Legal provisions should be made to extend rights in maintaining and honouring digital identity post-mortem preventing unauthorized digital resurrection of deceased persons. The rights of a deceased person are as much important as that of any other person. India should follow the France and Italy's approach towards developing laws in this regard.
4. **Global Cooperation:** International cooperation is essential for the laws to be enforced across borders and the standardization of the same.
5. **Denmark's way:** Denmark's move to give a general protection to Citizen's Identity under its Copyright Law is one of its kind and should be implemented by the Nations across the globe as a standard to curb Deepfakes.

Under its framework, consent is explicit, ownership is personal, and violations are actionable. If passed and enforced robustly, it could set a new benchmark for how countries define identity in the digital age. It has a potential in paving a way towards achieving a real solution to the growing menace of Deepfakes and will also act as an inspiration for the other countries to introduce changes in their existing laws such as amendments to existing EU law: the AI Act and Digital Services Act as well introduction of new laws that would specifically address the accountability and answer the loophole in relation to cybercrimes related to AI induced Deepfakes.

VIII. CONCLUSION

With the rise in cases related to AI-generated Deepfakes, the digital identity, dignity, and integrity of people across all sections of society are increasingly at risk. There is a pressing need for robust legal frameworks to effectively regulate AI-generated synthetic media and deter identity-based cybercrimes. As demonstrated in this study, existing legal regimes, including that of India, remain inadequate in addressing the unique challenges posed by Deepfakes. Denmark's proposed copyright reform presents a progressive and innovative model by recognising an individual's control over their personal identity and strengthening consent-based protection against unauthorised AI-generated content. While the proposal is not without limitations, it offers valuable guidance for future legislative reforms. A coordinated global legal approach, coupled with stronger domestic safeguards, is essential to ensure effective protection of digital identity, privacy, dignity, and personality rights in the evolving AI ecosystem.

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