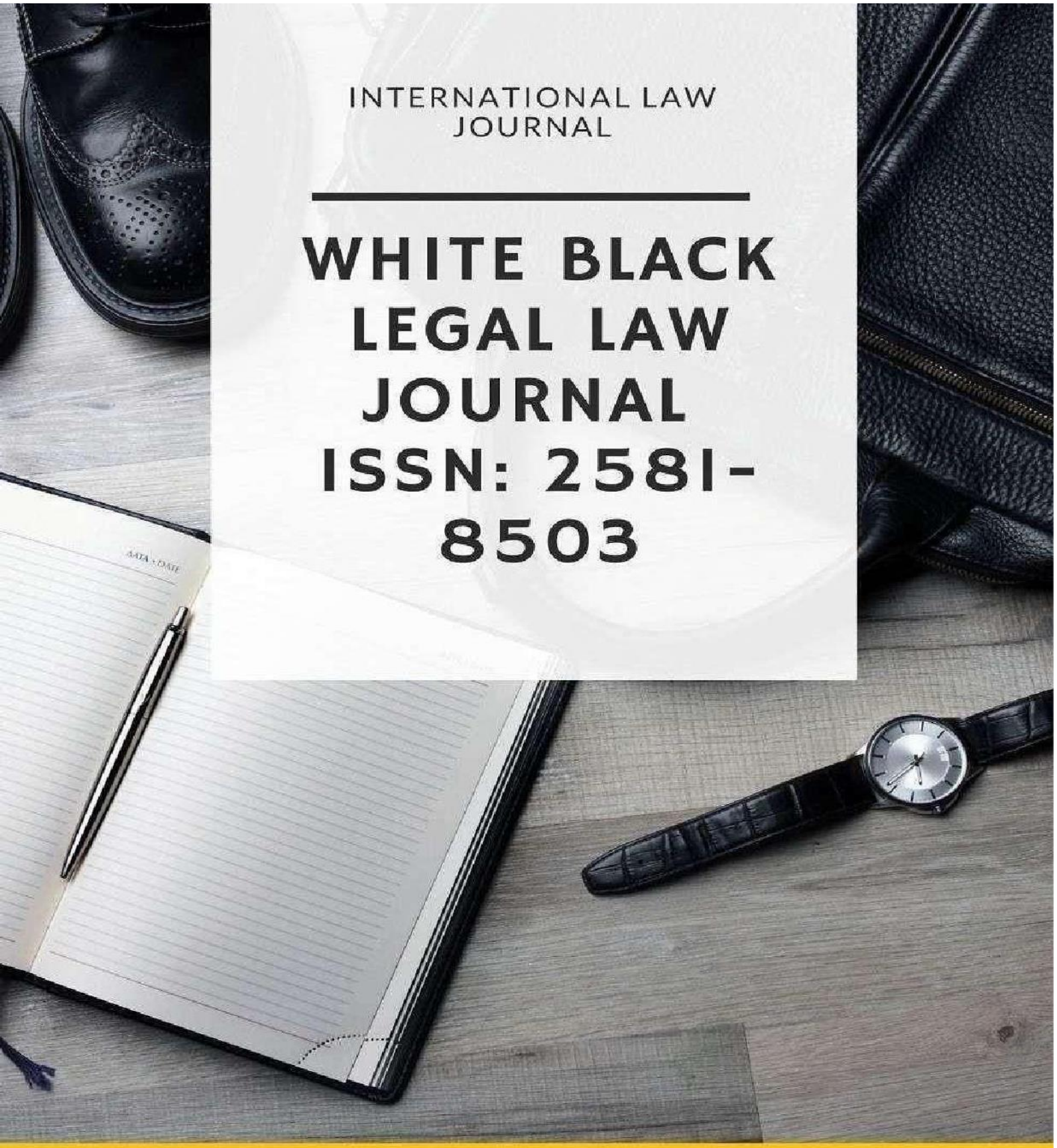


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A STUDY ON DEEPFAKE TECHNOLOGY AND WOMEN'S DIGNITY

AUTHORED BY - TISHAL R

ABSTRACT

Deepfake technology is an emerging application of Artificial Intelligence (AI) that enables the creation or manipulation of images, videos and audio to produce realistic representations of individuals. Although this technology has beneficial applications in entertainment, education, research and digital communication, its misuse has created serious legal and social concerns. One of the major concerns is the creation and distribution of non-consensual intimate images and videos using women's faces or identities. Such misuse may violate women's dignity, privacy, personal autonomy and reputation, while also exposing them to humiliation, harassment, emotional distress and social discrimination.

This study examines the relationship between deepfake technology and women's dignity through the perspective of feminist jurisprudence. It analyses relevant constitutional protections, provisions of the Information Technology Act, 2000, the Bharatiya Nyaya Sanhita, 2023, applicable intermediary rules and selected international legal instruments. The study also compares AI-generated deepfakes with traditional Photoshop-based image manipulation to understand their differences and the legal challenges associated with consent, authenticity, detection, investigation and content removal.

The study highlights the importance of a gender-sensitive and victim-centred legal response. It identifies practical difficulties in applying existing laws, obtaining timely remedies and preventing the repeated circulation of harmful synthetic content. It recommends stronger implementation of existing legal protections, improved platform accountability, effective complaint mechanisms, better digital forensic support and increased public awareness. The study concludes that protecting women's dignity in the digital age requires a balanced approach that addresses harmful uses of AI while respecting fundamental rights and legitimate technological innovation.

KEYWORDS

Deepfake Technology, Artificial Intelligence, Women's Dignity, Feminist Jurisprudence, Gender Justice, Privacy, Image-Based Abuse, Cyber Law, Digital Violence, Consent.

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3	**Shreya Singhal v. Union of India**	(2015) 5 SCC 1	Online speech, intermediary liability and digital regulation
4	**Sharat Babu Digumarti v. Government of NCT of Delhi**	(2017) 2 SCC 18	Information Technology Act and electronic content
5	**Aveek Sarkar v. State of West Bengal**	(2014) 4 SCC 257	Obscenity and changing standards in relation to digital/public content
6	**R. Rajagopal v. State of Tamil Nadu**	(1994) 6 SCC 632	Privacy, publication and individual dignity
7	**K.S. Puttaswamy (Retd.) v. Union of India**	(2019) 1 SCC 1	Informational privacy and data protection principles
8	**Vishaka v. State of Rajasthan**	(1997) 6 SCC 241	Gender equality, dignity and protection against gender-based harm
9	**Apparel Export Promotion Council v. A.K. Chopra**	(1999) 1 SCC 759	Women's dignity and protection against sexual harassment
10	**X v. Principal Secretary, Health and Family Welfare Department, Govt. of NCT of Delhi**	(2022) 10 SCC 1	Bodily autonomy, dignity and constitutional rights

CHAPTER – I INTRODUCTION

1. INTRODUCTION

"WHEN TECHNOLOGY CAN RECREATE AN IDENTITY, THE LAW MUST PROTECT THE DIGNITY BEHIND IT."

The rapid development of artificial intelligence has made it possible to create realistic images, videos and audio through deepfake technology. Although it has legitimate uses in entertainment, education and research, its misuse for impersonation, harassment and non-consensual intimate content raises serious concerns about privacy, autonomy, reputation and dignity.

Women are particularly affected by deepfake abuse. One study identified nearly 35,000 publicly available deepfake model variants and reported that 96% targeted women. Such misuse can cause serious personal, social and professional harm, even when the fabricated content is recognized as false.

In India, deepfake-related harm may be addressed through constitutional, criminal and information-technology laws. The Supreme Court's recognition of privacy as a fundamental right provides an important basis for protecting individual dignity and autonomy. However, victims may still face difficulties in identifying offenders, preserving digital evidence and obtaining the prompt removal of harmful content.[1]

This study examines deepfake technology and women's dignity under Indian law through a feminist jurisprudential approach. It analyzes existing legal protections and considers whether they adequately address issues of consent, privacy, autonomy and gender-based abuse. It also compares AI-generated deepfakes with traditional image manipulation to identify the legal challenges created by modern synthetic media.

1.1 *Background of the Study*

The rapid development of artificial intelligence has brought significant changes to the creation and sharing of digital content. One important development is deepfake technology, which uses artificial intelligence to create or manipulate images, videos and audio recordings in a way that makes them appear genuine. This technology can replace a person's face, imitate their voice or create a false representation of an event that never occurred. Although deepfakes may have legitimate uses in entertainment, education and other fields, their misuse has created serious concerns relating to privacy, consent, reputation and human dignity.

[1] Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1.

Women are particularly vulnerable to certain forms of deepfake abuse, especially when their photographs or identities are used to create non-consensual sexual or intimate content. Such content may be circulated on social media, websites and messaging platforms without the woman's knowledge or permission. Even when the material is completely fabricated, it may cause humiliation, emotional distress, reputational damage and social difficulties. The circulation of such content can also affect a woman's personal relationships, educational opportunities and professional life.

Women's dignity is closely connected with the constitutional values of equality, privacy and personal liberty. The Constitution of India protects these values through provisions including Articles 14, 15 and 21. The Supreme Court has also recognised privacy as a fundamental right in *Justice K.S. Puttaswamy (Retd.) v. Union of India* (2017). Although these constitutional principles are relevant to digital abuse, the specific challenges created by deepfake technology require careful examination of existing legal protections and their practical application.

In India, several legal provisions may be relevant to deepfake-related offences, depending on the facts of each case. These include provisions of the Information Technology Act, 2000, the Bharatiya Nyaya Sanhita, 2023, and applicable information technology rules. The legal framework relating to data protection may also be relevant in appropriate circumstances. However, the rapid development of artificial intelligence, the difficulty of identifying offenders and the speed at which manipulated content spreads can create challenges for investigation, evidence collection and victim protection.

Another important concern is that victims may not always know how to report deepfake abuse or obtain effective legal remedies. Social stigma, fear of public exposure, limited awareness and difficulties in securing the removal of online content may discourage women from seeking assistance. Therefore, the issue must be examined not only as a technological problem but also as a question of women's dignity, gender equality and access to justice.

This study examines deepfake technology and its impact on women's dignity, with particular attention to feminist jurisprudence, the Indian legal framework and the challenges involved in protecting women from the non-consensual misuse of their identities. It seeks to understand whether existing legal protections adequately address these harms and what measures may improve the protection of women in the digital environment.

1.2 *Significance of the Study*

The study of deepfake technology and women's dignity is significant because artificial

intelligence can be used to create highly realistic content that misrepresents a person's identity or actions. When such technology is misused against women, the resulting harm may extend beyond the digital environment and affect their privacy, dignity, reputation and social relationships. The issue is therefore important from legal, social, technological and human rights perspectives.

The study is significant because it examines the relationship between technological development and the protection of fundamental rights. The Constitution of India recognises equality, non-discrimination and personal liberty as important principles. However, the practical application of these principles to AI-generated content raises questions about consent, responsibility, privacy and the availability of effective remedies. Examining these questions helps explain how constitutional values can remain meaningful as technology develops.

Another important aspect of the study is the examination of existing laws. Legal provisions relating to online offences, sexually explicit content, privacy and the circulation of harmful digital material may provide remedies in appropriate cases. Nevertheless, victims may face difficulties in identifying the offender, preserving electronic evidence, reporting the incident and obtaining the removal of content. Studying these issues helps identify areas where legal interpretation, enforcement and victim support may need improvement.

The study also has significance from the perspective of feminist jurisprudence. Feminist legal analysis examines how law and social institutions respond to gender inequality and whether women's experiences receive adequate recognition. Deepfake abuse can be examined through this perspective because the non-consensual manipulation of women's identities may reinforce harmful gender stereotypes and unequal power relations. This approach helps explain why the impact of deepfake abuse should not be assessed only in terms of technology or reputation.

Furthermore, the study may contribute to public awareness about responsible AI use, digital consent and online safety. It highlights the importance of cooperation between law enforcement agencies, courts, technology companies and civil society organisations. Therefore, the study seeks to contribute to a better understanding of the legal and social measures required to protect women's dignity in the digital age.

1.3 *Review of Literature*

The review of literature examines existing books, legal materials, research articles and reports relevant to deepfake technology, women's dignity, privacy and gender-based digital abuse.

It helps identify the issues already examined by researchers and the areas that require further legal analysis.

Books and Legal Literature

1. Danielle Keats Citron – *Hate Crimes in Cyberspace*

Danielle Keats Citron examines the harm caused by online abuse and the difficulties faced by victims seeking effective legal protection. Her work is relevant to the present study because deepfake abuse may involve harassment, humiliation, threats and the non-consensual circulation of intimate material.

The discussion of online abuse helps explain why digital harm should be considered in relation to personal dignity and access to legal remedies.

2. *Mary Anne Franks – Legal Scholarship on Non-Consensual Pornography and Online Abuse*

Mary Anne Franks has written on privacy, gender-based abuse and the non-consensual distribution of intimate images. This scholarship is relevant because AI-generated intimate content may be created without the participation or consent of the person depicted. Her work provides a useful framework for examining the legal and social consequences of image-based sexual abuse and the need for effective victim protection.

3. *Clare McGlynn, Erika Rackley and Other Scholars – Research on Image-Based Sexual Abuse*

Legal scholarship on image-based sexual abuse examines the creation and distribution of intimate images without consent and the harm caused to victims. This body of research is relevant to deepfake pornography because fabricated intimate images may produce consequences similar to those associated with other forms of image-based abuse. It helps place deepfake-related harm within the broader discussion of consent, privacy and gender justice.

Journal and Research Literature

1. Research on Deepfakes and Gender-Based Abuse

Research on deepfake technology has examined the use of AI-generated images and videos for impersonation, deception and non-consensual sexual content. This literature draws attention to the potential for women to be disproportionately targeted by certain forms of deepfake abuse. It is relevant to the present study because it helps establish the connection between technological misuse, gender inequality and violations of dignity.

2. *Research on Digital Privacy and Non-Consensual Intimate Imagery*

Studies concerning digital privacy and non-consensual intimate imagery examine the consequences of creating or distributing sexual content without permission. These works discuss the difficulties involved in removing online material, identifying offenders and preventing further circulation. They support the present study's examination of the legal and practical challenges faced by women affected by deepfake abuse.

3. *Research on Artificial Intelligence and Legal Responsibility*

Legal research on artificial intelligence examines questions of responsibility, accountability, authenticity and the regulation of AI-generated content. This literature is important because deepfake offences may involve several persons, including the creator, uploader and individuals who knowingly redistribute the material. Such research provides a basis for examining whether existing legal provisions can effectively address the different forms of involvement.

Legal Literature and Judicial Decisions

1. *Justice K.S. Puttaswamy (Retd.) v. Union of India* (2017)

The Supreme Court recognised privacy as a fundamental right under the Constitution of India. The judgment is relevant to the present study because deepfake misuse may involve the unauthorised use of a person's identity and intimate information. However, the judgment does not specifically decide the legal position concerning deepfake technology.

2. *Vishaka v. State of Rajasthan* (1997)

The Supreme Court addressed workplace sexual harassment and recognised the importance of protecting women's fundamental rights in that context. The judgment is relevant to the broader discussion of gender justice and institutional responsibility. Its principles may inform the study of women's protection, although the case itself did not concern deepfake abuse.

The literature reviewed provides important foundations for understanding online abuse, privacy, gender inequality and legal accountability. However, the legal treatment of deepfakes requires continued examination because the technology creates distinctive questions about fabricated evidence, consent, identity manipulation and the rapid distribution of harmful content.

Note: Before submitting the research paper, verify the exact titles, publication details and editions of the books and articles used in the final bibliography. The above review identifies relevant literature areas; it should not be treated as a complete verified bibliography.

1.4 *Research Gap*

Existing literature has examined deepfake technology, online harassment, digital privacy, non-consensual intimate imagery and women's rights from different perspectives. Some studies focus mainly on the technical process of generating manipulated content, while others examine the psychological and social consequences of online abuse. Legal research has also considered privacy, cybercrime, gender-based violence and the responsibility of online platforms.

However, these areas are not always examined together through a focused analysis of women's dignity and the Indian legal framework. Deepfake abuse raises questions that go beyond the falsity of digital content. It may affect a woman's autonomy, privacy, reputation and ability to participate freely in social and professional life. The harm may continue even after the content is identified as fabricated because copies can remain available or circulate through different platforms.

There is also a need to examine how existing Indian constitutional principles and statutory provisions apply to the different stages of deepfake abuse, including creation, publication and redistribution.

Questions relating to consent, identification of offenders, preservation of electronic evidence, content removal and effective legal remedies require careful consideration. The relevance and application of particular legal provisions may also differ according to the nature of the content and the circumstances of the case.

Furthermore, feminist jurisprudence provides a useful framework for examining whether deepfake abuse reflects wider patterns of gender inequality and whether the law adequately recognises the experiences of affected women. A combined analysis of feminist legal principles, constitutional protections, statutory remedies and technological challenges can provide a clearer understanding of the problem.

Therefore, the present study seeks to address the gap by examining deepfake technology and women's dignity through a combined legal and feminist perspective. It focuses on the relationship between AI-generated abuse, privacy, consent, equality, existing legal remedies and the practical challenges involved in protecting women. The study aims to understand the adequacy of the current legal framework and identify possible measures for improving protection in the digital environment.

1.5 *Research Objectives*

The main objectives of the study are:

1. To examine the meaning, development and forms of deepfake technology and analyse its impact on women's dignity, privacy and reputation.
2. To analyse the relevance of feminist jurisprudence to deepfake abuse and the protection of women's rights in the digital environment.
3. To examine the constitutional provisions and statutory laws in India that may be applicable to deepfake-related offences and the protection of women.
4. To identify the legal, technological and practical challenges involved in investigating deepfake abuse and providing effective remedies to victims.
5. To suggest appropriate legal, institutional and technological measures for strengthening the protection of women's dignity against the misuse of deepfake technology.

1.6 *Research Questions*

The study seeks to answer the following questions:

1. What is deepfake technology, and how can its misuse affect women's dignity, privacy and reputation?
2. How can feminist jurisprudence help explain the gender-related harms caused by deepfake abuse?
3. What constitutional and statutory protections are available in India to address deepfake-related offences and protect affected women?
4. What challenges arise in identifying offenders, establishing the authenticity of digital evidence and obtaining the removal of harmful content?
5. What legal, institutional and technological measures may improve the protection of women's dignity against deepfake abuse?

1.7 *Research Methodology*

The present study follows the doctrinal method of legal research. Doctrinal research involves the systematic study and analysis of existing legal materials to understand the legal position on a particular subject. This method is suitable for the present study because it examines the application of constitutional principles, statutory provisions and judicial decisions to deepfake technology and women's dignity.

The primary sources of research include the Constitution of India, relevant statutes,

applicable rules and regulations, judicial decisions and other official legal materials relating to privacy, dignity, cyber offences and the protection of women. Particular attention is given to the Information Technology Act, 2000, the Bharatiya Nyaya Sanhita, 2023, relevant information technology rules and applicable data protection legislation, wherever relevant to the issues examined.

The secondary sources include books on feminist jurisprudence, legal commentaries, research articles, academic journals, scholarly publications and credible reports relating to deepfake technology, artificial intelligence, digital privacy and gender-based online abuse. These sources are used to understand the technological background of deepfakes and the legal and social consequences of their misuse.

The study analyses the relevant legal provisions and judicial decisions to understand the existing legal framework and identify difficulties in its application. It also uses feminist legal analysis to examine the relationship between deepfake abuse, gender inequality and women's dignity. The research is primarily analytical and does not claim to be based on an empirical survey or interviews unless such research is separately conducted.

1.8 *Limitations of the Study*

The study has certain limitations:

1. The study primarily focuses on deepfake technology and its impact on women's dignity in the Indian legal context.
2. It does not examine every possible application of artificial intelligence in detail, but concentrates on deepfakes and their misuse against women.
3. The study mainly follows doctrinal research methodology and relies on available legal materials, academic literature and credible reports. It does not claim to represent the personal experiences of all women affected by deepfake abuse.
4. The technology used to create and detect deepfakes develops rapidly. As a result, technical methods and detection capabilities may change after the completion of the study.
5. The extent of legal protection and the availability of remedies may vary according to the facts of each case, the nature of the content and the applicable legal provisions.
6. The study may not cover every difficulty involved in identifying offenders, preserving

   electronic evidence, obtaining platform cooperation or removing content from all

online services.

7. The study does not claim that every form of deepfake creation is unlawful. The legal consequences depend on the purpose, content, consent, circumstances and applicable law.

1.9 *Scheme of the Study*

The present study is organised into seven chapters. Each chapter examines a specific aspect of deepfake technology and women's dignity.

Chapter I – Introduction explains the background and significance of the study. It includes the review of literature, research gap, research objectives, research questions, research methodology, limitations and scheme of the study.

Chapter II – Deepfake Technology and Women's Dignity explains the meaning, concept and evolution of deepfake technology. It examines the relationship between deepfakes, women's dignity and digital gender-based violence.

Chapter III – Feminist Jurisprudence discusses the meaning and development of feminist jurisprudence, its major theories, its critique of the legal system and its relationship with gender justice and women's dignity.

Chapter IV – Legal Framework for the Protection of Women examines the constitutional provisions and relevant Indian legal frameworks applicable to deepfake-related offences. It discusses
the Information Technology Act, the Bharatiya Nyaya Sanhita, applicable IT Rules, the data protection framework and the international legal framework.

Chapter V – Deepfake Technology and Its Forms examines AI-generated deepfakes, traditional image manipulation, the differences between them, non-consensual intimate imagery, consent, detection methods, technological challenges and the impact of deepfakes on women.

Chapter VI – Feminist Analysis and Legal Challenges critically analyses deepfake abuse from a feminist perspective. It examines legal challenges, enforcement difficulties, victim protection, investigation and digital evidence, and the adequacy of available legal remedies.

Chapter VII – Findings, Suggestions and Conclusion presents the major findings of the study and offers suggestions for improving legal protection, technological safeguards, victim support and public awareness. It concludes by highlighting the importance of protecting women's dignity, privacy and fundamental rights in the digital age.

CHAPTER – II

DEEPFAKE TECHNOLOGY AND WOMEN'S DIGNITY

2.1 DEEPFAKE TECHNOLOGY

Deepfake technology uses artificial intelligence and deep-learning techniques to create or manipulate images, videos and audio. It can replace faces, modify expressions and imitate voices, making fabricated content appear genuine.

Although deepfakes have legitimate uses in entertainment, education and research, their misuse can violate privacy, consent, reputation and dignity. Unlike traditional manual editing, AI-based tools can create manipulated content quickly and on a large scale.

A study of publicly available deepfake models identified nearly 35,000 model variants and reported that 96% targeted women, many for creating intimate imagery without consent. The easy availability of these tools increases the risk of creating, copying and distributing harmful content. Even when the content is identified as fake, the person depicted may suffer serious personal and social consequences.[2]

Deepfake technology therefore raises important legal concerns, particularly when women's identities are manipulated without consent. Its impact must be examined in relation to dignity, privacy, autonomy and gender justice.

2.2 Meaning and Concept of Deepfake Technology

The term “deepfake” combines the words deep learning and fake. It refers to synthetic media created or altered using artificial intelligence to manipulate a person's face, voice, expressions or behaviour.

Deepfakes can make it appear that a person performed an act or made a statement that never actually occurred.

Deepfakes include face-swapping, facial expression manipulation, lip-syncing and voice imitation.

These techniques can produce realistic content that is difficult to distinguish from genuine recordings. This creates challenges for individuals, investigators, courts and online platforms in identifying manipulated material.

Unlike traditional editing methods such as Photoshop, deepfake technology relies on AI-based processes to generate or modify content. Its speed, automation and accessibility allow manipulated material to be created and distributed more easily.

[2] Will Hawkins, Chris Russell & Brent Mittelstadt, Deepfakes on Demand (2025).

From a legal perspective, the important considerations are whose identity is used, whether consent was given, how the content is distributed and what harm results. Deepfakes created for entertainment may raise different issues from intimate images generated using a woman's identity without her permission. Therefore, this study examines deepfakes in relation to consent, privacy, dignity and gender-based harm.

2.3 Evolution of Deepfake Technology

Deepfake technology developed gradually from traditional digital image editing to AI-based systems capable of generating realistic synthetic media. Earlier manipulation involved manually cutting, combining or retouching images and generally required technical skill and considerable time.

The development of machine learning enabled computers to identify patterns in faces, voices and other digital data, making media manipulation increasingly automated. The term "deepfake" became widely associated with online face-swapping videos around 2017, including videos that placed celebrities' faces into pornographic material without their consent.

Advances in deep learning and generative AI have since made it possible to create realistic images, videos and voices using accessible tools. A 2025 study identified nearly 35,000 publicly downloadable deepfake model variants, downloaded almost 15 million times since November 2022, and reported that 96% targeted women.[3]

These developments have increased the scale and accessibility of synthetic media misuse. Deepfakes can now be created, copied and distributed rapidly, raising legal questions concerning consent, identity, evidence and removal. This evolution highlights the need to examine the impact of synthetic media on women's dignity and protection from digital abuse.

2.4 Deepfakes and Women's Dignity

Human dignity protects an individual's ability to live with respect and exercise control over personal identity. Deepfakes may undermine women's dignity by using their faces, voices or identities to create representations they never authorized.

Such misuse can affect privacy, autonomy and reputation. For example, a publicly available photograph may be manipulated to create an intimate image without the woman's consent. The fact that the original photograph was publicly accessible does not mean that permission

[3] Will Hawkins, Chris Russell & Brent Mittelstadt, Deepfakes on Demand (2025).

was given for its use in fabricated intimate content. The resulting material may also affect family relationships, education, employment and social standing.

The harm is not limited to whether viewers believe the content is genuine. A woman may suffer humiliation and distress even when others know that the material is artificially generated. A legal approach focused only on misinformation may therefore overlook the harm suffered by the person whose identity has been misused.

In India, the Supreme Court's recognition of privacy as a fundamental right provides an important basis for examining deepfake-related harm. Protecting women's dignity requires attention to consent, personal autonomy, the purpose of the manipulation, its distribution and its consequences.

2.5 Deepfakes as a Form of Digital Gender-Based Violence

Gender-based violence can occur through digital technologies as well as physical acts. Deepfake technology can facilitate harassment, sexual exploitation, intimidation and humiliation, particularly when used to create or distribute intimate imagery without consent. Such conduct may constitute a form of image-based sexual abuse.

Research published in 2025 found that 96% of the deepfake models examined targeted women, demonstrating the gendered nature of much deepfake misuse.[4] This does not mean that only women can be victims, but it highlights the need for gender-sensitive legal protection.

Deepfake abuse can reproduce sexual objectification and unequal power relationships by attaching a woman's identity to fabricated content without her involvement. Once uploaded, the material may be copied, modified and redistributed across platforms, allowing the harm to continue even after the original content is removed. Victims may experience fear, humiliation, anxiety, reputational damage and difficulties in their personal or professional lives.

The existence of legal prohibitions alone may not provide effective protection. Victims also need accessible reporting systems, prompt content removal, effective enforcement and appropriate support. A gender-sensitive, victim-centred approach is therefore necessary to address deepfake abuse while protecting women's dignity, equality, privacy and autonomy.

[4] Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1.

CHAPTER – III

FEMINIST JURISPRUDENCE AND WOMEN'S DIGNITY

1.1 Meaning of Feminist Jurisprudence

Feminist jurisprudence is an approach to law that examines whether legal systems protect women's rights and provide genuine equality. It questions whether laws that appear neutral may still fail to address the social, economic and gender-based disadvantages experienced by women.

It focuses on power, discrimination, bodily autonomy and women's lived experiences. It also distinguishes between formal equality, where everyone receives the same treatment, and substantive equality, which considers whether people can actually enjoy their rights equally. In relation to deepfake technology, feminist jurisprudence examines whether laws adequately protect women whose identities are manipulated without consent. It focuses on dignity, privacy, autonomy and effective legal remedies.

1.2 Development of Feminist Jurisprudence

Feminist jurisprudence developed through the struggle for women's equal rights in education, employment, property ownership and political participation. Initially, it focused on removing laws that expressly discriminated against women.

Later, feminist scholars recognized that equal treatment alone might not remove existing disadvantages. Attention therefore shifted towards patriarchy, social power, sexuality, discrimination and women's actual experiences.

Different approaches emerged, including liberal, radical, cultural, postmodern and intersectional feminism. In India, Joseph Shine v. Union of India emphasized women's dignity, autonomy and equal status.[5] Feminist jurisprudence continues to develop by examining new forms of inequality, including online harassment and deepfake abuse.

3.3 *Theories of Feminist Jurisprudence*

Feminist jurisprudence includes several theories that explain gender inequality from different perspectives. These theories examine the relationship between law, gender and society and analyse how legal rules and institutions influence women's rights and social position. They question whether existing laws provide meaningful equality or whether certain legal practices continue to disadvantage women. Each theory offers a different approach to understanding

[5] Joseph Shine v. Union of India, (2019) 3 SCC 39.

discrimination, unequal power relations and the protection of women's dignity.

These theories are important for studying deepfake technology because the misuse of women's images and identities raises questions about consent, privacy, equality and justice. A purely technological understanding of deepfakes may not fully explain the social and gender-related harm experienced by victims. Feminist jurisprudence helps examine the wider circumstances in which such abuse occurs and whether legal remedies adequately address the consequences. It also provides a framework for evaluating whether laws and enforcement mechanisms protect women's dignity in both physical and digital spaces.

3.3.1 *Liberal Feminism*

Liberal feminism emphasizes equal rights, individual freedom and autonomy. It opposes laws that discriminate against women and supports equal opportunities in education, employment and other areas.

In deepfake cases, this approach asks whether women receive equal legal protection and effective remedies when their images or identities are misused without consent.

3.3.2 *Radical Feminism*

Radical feminism examines patriarchy and unequal power relationships. It focuses on the control of women's bodies and sexuality, including sexual harassment, exploitation and objectification.

This theory helps explain how sexualized deepfakes may be used to humiliate, intimidate or control women. It encourages the law to consider whose consent is ignored and how gender-based power contributes to the abuse.

3.3.3 *Cultural Feminism*

Cultural feminism emphasizes women's experiences and the social circumstances in which harm occurs. It argues that legal decisions should consider the affected person's actual experiences rather than relying only on general legal rules.

In deepfake cases, it highlights the emotional, social and reputational consequences experienced by women and the need for victim-sensitive remedies.

3.3.4 *Postmodern Feminism*

Postmodern feminism questions the idea that all women share the same experiences or identity. It examines how society constructs and interprets gender and identity.

Deepfake technology can create false representations of women that do not reflect their actual conduct or choices. This approach highlights how fabricated representations can nevertheless influence public perception and cause real harm.

3.3.5 *Intersectional Feminism*

Intersectional feminism explains how gender interacts with factors such as caste, class, religion, disability and economic circumstances. Women may experience different levels of disadvantage and may not have equal access to legal assistance.

In deepfake cases, this approach asks whether remedies are accessible and effective for women from different social backgrounds, particularly those with limited resources or support.

3.4 *Feminist Critique of the Legal System*

Feminist jurisprudence examines whether laws, judicial decisions and legal institutions adequately recognise women's experiences and protect their rights. It questions the assumption that laws are always neutral and equally effective for everyone. Although the law may formally provide equal protection, women may continue to face social, economic and institutional barriers that prevent them from obtaining justice. Therefore, feminist legal analysis focuses not only on the existence of legal rights but also on their practical enforcement and effectiveness.

One important criticism raised by feminist jurisprudence is that traditional legal systems may fail to consider the unequal power relationships that contribute to violence and discrimination against women. Legal provisions may address particular offences without fully recognising the wider social conditions in which the harm occurs. In cases involving technology-facilitated abuse, the law must consider not only the act itself but also the victim's loss of privacy, control over personal identity, autonomy and dignity. This approach is particularly relevant to deepfake technology, which can be used to create false representations of women without their knowledge or consent.

Deepfake abuse presents several practical challenges for the legal system. Victims may find it difficult to identify the person who created or distributed the content, particularly when anonymous accounts or multiple online platforms are involved. Preserving electronic evidence can also be challenging because digital material may be deleted, altered or repeatedly circulated. Even after a complaint is made, obtaining prompt removal of the content may be difficult when copies remain available on different websites or social media platforms. These obstacles can delay justice and increase the distress experienced by affected women.

A feminist critique also examines whether the legal system adequately understands the gendered nature of deepfake-related harm. When a woman's face is placed in fabricated sexual

or intimate content, the harm may extend beyond reputational damage. It can involve sexual objectification, humiliation, intimidation and the loss of control over how her identity is represented. Such misuse may reinforce existing stereotypes that judge women based on their sexuality or perceived conduct. A response that focuses only on whether the content is genuine may fail to recognise the harm caused by the unauthorised use of a woman's identity.

Another concern is the difference between having a legal remedy and being able to access it effectively. Women may hesitate to report deepfake abuse because of fear of social stigma, victim-blaming, exposure of personal information or further circulation of the material. Limited awareness of legal procedures and difficulties in obtaining legal assistance may create additional barriers.

Therefore, effective legal protection requires accessible complaint mechanisms, sensitive investigation procedures, confidentiality where legally appropriate and timely action by the authorities and relevant online platforms.

In India, constitutional principles relating to equality, privacy, personal liberty and dignity provide an important foundation for addressing such concerns. The Information Technology Act, 2000, the Bharatiya Nyaya Sanhita, 2023, and applicable intermediary rules may provide remedies depending on the facts and legal requirements of a particular case. However, the application of existing provisions to different forms of AI-generated content must be carefully assessed. Feminist jurisprudence encourages legal institutions to examine whether these provisions provide practical and meaningful protection to women affected by deepfake abuse.

A feminist approach does not suggest that every use of deepfake technology is unlawful or that women's experiences should replace the requirement to establish legal liability. Instead, it calls for a balanced legal response that recognises the seriousness of gender-based harm while respecting due process and lawful expression. The law should distinguish between legitimate technological applications and the creation or distribution of synthetic content intended to exploit, harass or violate another person's rights.

Therefore, feminist criticism of the legal system highlights the need to move beyond formal recognition of rights towards effective protection in practice. Legal reform, improved enforcement, digital forensic capacity, platform accountability and victim-sensitive support mechanisms are important components of such protection. This perspective provides a useful basis for evaluating whether India's legal response to deepfake technology adequately safeguards women's dignity, privacy, autonomy and equality in the digital environment.

3.5 *Feminist Jurisprudence and Gender Justice*

Gender justice requires more than the absence of discrimination. It requires women to enjoy substantive equality, dignity and effective protection of their rights.

The Indian Constitution provides an important foundation through Article 14, which guarantees equality before the law; Article 15, which prohibits discrimination on specified grounds, including sex; and Article 21, which protects life and personal liberty.

In Vishaka v. State of Rajasthan, the Supreme Court addressed workplace sexual harassment as a violation of women's fundamental rights and laid down guidelines in the absence of specific legislation.[6] In Joseph Shine v. Union of India, the Court rejected legal assumptions that subordinated women and emphasized dignity, autonomy and equality.[1]

These principles are relevant to deepfake abuse. Gender justice requires accessible remedies, timely action, preservation of evidence and effective protection for women whose privacy and dignity are violated.

3.6 *Feminist Jurisprudence and Women's Dignity*

Women's dignity requires recognizing women as independent individuals with equal legal status, personal autonomy and control over their identities. Dignity involves more than protection from physical harm; it also includes privacy, personal choice and freedom from degrading treatment.

In Justice K.S. Puttaswamy (Retd.) v. Union of India, the Supreme Court recognized privacy as a fundamental right connected with dignity and autonomy.[7] This principle is important when artificial intelligence is used to manipulate a woman's identity without consent.

A fabricated image may be false, but its consequences for the woman depicted can be real. A feminist approach therefore examines whether the law adequately protects her identity, privacy, autonomy and dignity. These principles provide the theoretical foundation for assessing the Indian legal framework governing deepfake technology.

[6] Vishaka v. State of Rajasthan, (1997) 6 SCC 241.
[7] Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1.

CHAPTER IV

LEGAL FRAMEWORK FOR DEEPFAKE TECHNOLOGY IN INDIA

4.1 *Constitution of India*

The Indian Constitution provides the foundation for protecting equality, privacy, personal liberty and human dignity. These constitutional values apply to different areas of life, including the use of modern technology and digital communication. Although the Constitution does not specifically mention deepfake technology, its fundamental rights remain relevant when artificial intelligence is used to manipulate a person's identity without consent.

Deepfake technology raises important constitutional concerns because manipulated images, videos and audio can affect an individual's privacy, reputation and freedom to live with dignity. When a woman's image is used to create false or sexually explicit content, she may experience humiliation, discrimination and social pressure even though the content does not represent a real event. Such misuse shows the importance of applying constitutional principles to emerging technological challenges.

Articles 14, 15 and 21 are particularly relevant to this issue. Article 14 provides equality before the law and equal protection of the laws, while Article 15 prohibits discrimination on specified grounds, including sex, subject to the scope of its provisions. Article 21 protects life and personal liberty and has been interpreted by the Supreme Court to include important aspects of privacy and dignity.

Together, these constitutional protections provide a framework for examining the rights of women affected by deepfake abuse.

The Constitution also places importance on the rule of law and the responsibility of the State to protect fundamental rights within the applicable constitutional framework. Effective laws, fair investigation and accessible legal remedies are therefore important in responding to digital abuse. Constitutional principles can guide the interpretation and application of existing laws, even when the technology causing the harm is relatively new.

4.1.1 *Article 14 – Right to Equality*

Article 14 of the Indian Constitution guarantees equality before the law and equal protection of the laws to every person within the territory of India. Equality before the law means that no person is above the law, while equal protection requires the law to be applied fairly to persons in similar circumstances. This provision forms an important foundation for preventing arbitrary treatment and ensuring equal access to legal protection.

Deepfake abuse targeting women may reinforce gender inequality and expose victims to humiliation, discrimination and damage to their personal or professional reputation. For example, a woman's photograph may be manipulated to create false sexual content and circulated online without her consent. The victim may then face social criticism or threats, even though she did not create or participate in the content. Such situations demonstrate how technological misuse can place women at a disadvantage and interfere with their ability to enjoy equal protection in practice.

Article 14 is relevant because women affected by deepfake abuse should have access to the same effective protection of the law as other persons facing comparable violations. Complaints should be assessed fairly, and appropriate legal procedures should be available without discrimination. The authorities must consider the nature of the harm and the available evidence rather than dismissing a complaint merely because the offence involves digital technology or because the content is fabricated.

The principle of equality also requires attention to the practical barriers victims may face when seeking justice. Women may encounter difficulties in identifying the offender, preserving electronic evidence, obtaining legal assistance or requesting the removal of harmful content. If these barriers prevent victims from obtaining meaningful protection, the formal existence of legal remedies may not be sufficient in practice. Fair investigation and effective access to justice are therefore important when applying equality principles to deepfake-related complaints.

However, Article 14 does not automatically make every instance of deepfake misuse a constitutional violation. Its application depends on the facts, the conduct of the relevant authorities and the legal issues involved. Nevertheless, Article 14 provides a constitutional basis for examining whether women receive fair and equal legal protection against the misuse of artificial intelligence. It reinforces the principle that technological development should not result in weaker protection for women's rights, dignity and access to justice.

4.1.2 *Article 15 – Prohibition of Discrimination*

Article 15 of the Constitution of India prohibits discrimination on grounds including sex. It reflects the constitutional commitment to equality and protects individuals against discriminatory treatment on the specified grounds. Article 15(3) also permits the State to make special provisions for women and children.

The misuse of deepfake technology to create sexualised images or videos of women without their consent raises concerns about gender-based harm and unequal treatment. Such content may expose women to humiliation, harassment, social stigma and reputational damage.

When women's identities are disproportionately used for sexual exploitation or intimidation, the issue must also be examined in the wider context of gender inequality.

Article 15 provides an important constitutional principle for addressing discrimination against women.

However, its application to a particular deepfake incident depends on the facts and the relevant constitutional or statutory framework. It should not be assumed that every privately created deepfake automatically constitutes a direct violation of Article 15. The provision nevertheless supports the broader constitutional objective of promoting gender equality and protecting women against discriminatory disadvantage.

4.1.3 *Article 21 – Right to Life, Personal Liberty and Dignity*

Article 21 of the Constitution of India provides that no person shall be deprived of life or personal liberty except according to procedure established by law. The Supreme Court has interpreted this protection broadly, recognising that the right to life includes the right to live with dignity. In *Justice K.S. Puttaswamy (Retd.) v. Union of India*, the Supreme Court recognised privacy as a fundamental right connected with dignity, autonomy and personal liberty.[1]

This constitutional protection is relevant to deepfake technology because a person's image, voice or identity may be manipulated without consent. For example, a woman's photograph may be used to create a fabricated intimate video that falsely represents her as participating in an act that never occurred. Such misuse can interfere with her privacy, personal autonomy and ability to control the representation of her identity.

The harm may continue even after the content is identified as artificial. The woman concerned may experience emotional distress, humiliation, harassment and damage to her personal or professional reputation. The unauthorised use of her identity may therefore raise serious concerns about dignity and privacy, even where the content does not persuade viewers that the depicted event was genuine.

Article 21 provides an important constitutional foundation for examining these harms. However, whether a particular act amounts to a legal violation depends on the circumstances, the parties involved and the applicable law. The constitutional principles of privacy, dignity and personal liberty should be considered alongside relevant criminal provisions and information-technology laws.

Protecting women against harmful deepfakes requires more than recognising constitutional rights in principle. Effective remedies, appropriate investigation, protection of personal information and timely action against unlawful content are also important. Article 21

consequently plays a significant role in assessing how the legal system can protect women's dignity and autonomy in the digital environment.

4.2 *Information Technology Act, 2000*

The Information Technology Act, 2000 addresses several forms of digital misconduct, including identity misuse, privacy violations and the electronic publication or transmission of certain unlawful content. Although it is not a law exclusively dealing with deepfakes, some of its provisions may apply depending on the nature of the content and the conduct involved.

4.2.1 *Identity Theft and Personation*

Section 66C deals with identity theft involving the fraudulent or dishonest use of another person's electronic signature, password or other unique identification feature. Section 66D addresses cheating by personation using a communication device or computer resource. These provisions may be relevant where deepfake technology is used for fraudulent impersonation, although their application depends on the facts and statutory requirements.

4.2.2 *Violation of Privacy*

Section 66E addresses the capture, publication or transmission of images of a person's private area without consent in circumstances covered by the provision.[8] It may apply to certain forms of digitally manipulated intimate imagery where the legal requirements are satisfied. However, not every deepfake or privacy violation automatically falls within this section.

4.2.3 *Obscene and Sexually Explicit Digital Content*

Sections 67 and 67A address the publication or transmission of obscene material and sexually explicit material in electronic form, respectively. These provisions may be relevant to deepfakes involving prohibited sexual or obscene content. Their applicability depends on the nature of the material and the elements of the particular offence.

4.3 *Bharatiya Nyaya Sanhita, 2023*

The Bharatiya Nyaya Sanhita (BNS), 2023 provides criminal-law protections against various offences affecting women, personal safety and reputation. Although it does not create a separate offence covering every form of deepfake, certain provisions may apply depending on the conduct and circumstances.

[8] Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, as amended by the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2026, G.S.R. 120(E), dated 10 February 20 26

4.3.1 *Offences Relating to Women*

Sections 75, 77 and 78 of the BNS deal with sexual harassment, voyeurism and stalking, respectively.

These provisions may be relevant in particular cases involving deepfake-related harassment or the misuse and dissemination of intimate material. However, their application depends on whether the specific legal elements of each offence are established.

Deepfake abuse may also cause humiliation, fear and reputational damage. A victim-centred interpretation of applicable laws is important to ensure that women can seek appropriate legal remedies.

4.3.2 *Offences Involving Impersonation and Digital Misuse*

Deepfakes may be used to impersonate individuals, deceive others or damage a person's reputation.

Depending on the facts, such conduct may attract relevant provisions of the BNS dealing with cheating, forgery or defamation, where their statutory requirements are satisfied.

The BNS and Information Technology Act may apply to different aspects of the same incident. However, not every fabricated image automatically constitutes a criminal offence; the nature of the content, intention and other legal requirements must be examined.

4.4 *Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021*

The Information Technology Rules, 2021 regulate intermediary responsibilities and due diligence in relation to online content. The framework became particularly significant for deepfake regulation following the 2026 amendments concerning synthetically generated information.

4.4.1 *Regulation of Synthetically Generated Information*

The 2026 amendments introduced specific requirements concerning synthetically generated information, including certain AI-generated audio, visual and audio-visual content. The framework includes measures addressing unlawful synthetic content and labelling requirements for permitted content.[9]

These requirements are relevant to deepfakes because they seek to improve transparency and reduce the misuse of artificial content for impersonation, deception and other unlawful purposes.

[9] Digital Personal Data Protection Act, 2023; Digital Personal Data Protection Rules, 2025

Digital Sansad+1

4.4.2 *Intermediary Responsibility*

Intermediaries, including relevant social media platforms, have due diligence obligations under the IT Rules. The 2026 amendments strengthen certain requirements relating to synthetic content, including user declarations, technical verification and clear labelling by significant social media intermediaries.

These measures can help users identify artificial content and improve platform accountability. Their effectiveness, however, depends on implementation and the ability of victims to access complaint mechanisms.

4.4.3 *Removal of Unlawful Synthetic Content*

The IT Rules provide mechanisms for dealing with unlawful online information, including applicable grievance procedures and removal obligations. The 2026 amendments further address the handling of synthetically generated information.

Prompt action is particularly important where deepfakes contain non-consensual intimate imagery or impersonate women. Rapid removal can reduce further circulation, although it may not eliminate copies already shared elsewhere.

4.5 *Digital Personal Data Protection Framework*

The Digital Personal Data Protection Act, 2023 establishes a framework for processing digital personal data in India. Its relevance to deepfake technology depends on whether the particular activity involves processing personal data within the Act's scope and whether the applicable provisions are in force.

A woman's identifiable image or voice may raise data-protection concerns when used to create synthetic content. However, the Act should not be treated as a complete solution to deepfake abuse, as issues of impersonation, intimate imagery and criminal conduct may also require remedies under other laws.

The Digital Personal Data Protection Rules, 2025 provide for phased commencement of different provisions. Therefore, the applicable legal requirements must be assessed according to the relevant commencement dates.

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4.6 *International Legal Framework*

International instruments provide important principles for protecting women against discrimination and violence. Although they were not specifically designed for AI-generated deepfakes, their principles can guide the development of gender-sensitive laws and

remedies.

4.6.1 *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)*

CEDAW requires states parties to take measures to eliminate discrimination against women. Its principles are relevant to deepfake abuse where synthetic media reinforces gender inequality, sexual objectification or discriminatory treatment.

The Convention supports the broader objective of ensuring that women receive effective legal protection. In the digital context, this includes considering whether existing laws and institutions adequately respond to technology-facilitated abuse.

4.6.2 *Declaration on the Elimination of Violence Against Women*

The Declaration on the Elimination of Violence Against Women, adopted by the United Nations General Assembly in 1993, recognizes violence against women as a human-rights concern.[10] Its broad approach to violence and discrimination provides a useful framework for examining technology-facilitated abuse.

Non-consensual sexualized deepfakes may reproduce humiliation, intimidation and gender-based harm through digital means. The Declaration therefore supports the need for prevention, accountability and victim support, although its application to specific deepfake incidents depends on the circumstances and relevant legal framework.

CHAPTER – V

AI-GENERATED DEEPFAKES AND PHOTOSHOP-BASED IMAGE MANIPULATION

5.1 *AI-Generated Deepfakes*

AI-generated deepfakes use artificial intelligence and deep-learning techniques to create or modify images, videos and audio. These technologies can replace a person's face, imitate their voice, alter facial expressions and generate realistic representations of individuals performing acts or making statements that never occurred. As AI tools become more accessible, the creation of synthetic media no longer requires the same level of manual editing skill that was traditionally necessary for complex image manipulation.

Deepfake technology works by analysing patterns in digital data and using them to generate or modify content. Depending on the technique used, an AI system may learn facial features,

[10] Declaration on the Elimination of Violence Against Women, G.A. Res. 48/104, U.N. Doc. A/RES/48/104 (20 December 1993).

voice characteristics, expressions or movements from available material. It can then produce content that resembles the person whose characteristics have been used. Some deepfakes involve replacing a face in an existing video, while others generate artificial speech or alter a person's lip movements to match a different audio recording. These methods can make manipulated content appear convincing, although the level of realism varies.

AI-generated deepfakes have several legitimate applications. In the entertainment industry, they may be used for visual effects, dubbing and film production. Educational institutions and researchers may use synthetic media for demonstrations, simulations and experiments. AI-generated voices and visual representations may also support certain accessibility and creative applications. Therefore, deepfake technology itself should not automatically be treated as unlawful. Its purpose, method of use, consent and consequences are important considerations when assessing whether a particular use is harmful.

However, the misuse of deepfake technology creates serious concerns when a person's identity is used without permission. A photograph obtained from a social media account may be manipulated to produce a false or intimate representation of the person depicted. Similarly, a person's voice may be imitated to make it appear that they made statements they never made. Such content can mislead viewers, damage reputation, facilitate impersonation or be used for harassment and intimidation.

Women face particular risks from the creation and circulation of non-consensual sexualised deepfakes.

Their faces may be placed into fabricated intimate images or videos without their knowledge or consent. This misuse can violate their privacy and autonomy and may expose them to humiliation, social stigma, emotional distress and professional difficulties. The harm is not limited to whether viewers believe the content is genuine. Even when the material is identified as artificial, the unauthorised use of a woman's identity can still cause significant personal and social consequences.

Research into publicly available deepfake models has highlighted the disproportionate targeting of women, particularly in connection with sexually explicit synthetic content. This pattern raises concerns about the relationship between AI technology, gender inequality and digital sexual abuse.

Deepfake tools can reproduce existing forms of sexual objectification while increasing the speed and scale at which harmful material may be created and distributed. However, the extent and nature of this harm can vary according to the technology used, the purpose of the content and the circumstances of the victim.

Another major concern is the rapid circulation of AI-generated content through websites, messaging services and social media platforms. Once uploaded, a deepfake may be downloaded, copied, edited and redistributed by different users. Removing the original post may therefore not eliminate every copy. Victims may also face difficulties identifying the creator, preserving evidence and obtaining prompt assistance from online platforms or law-enforcement authorities.

From a legal perspective, AI-generated deepfakes raise questions concerning consent, identity misuse, privacy, reputation and accountability. The legal assessment should consider the nature of the content, the conduct of the person responsible, the harm caused and the requirements of the applicable law.

Not every AI-generated image or video constitutes an offence; however, the use of AI to facilitate harassment, impersonation or non-consensual intimate content may engage legal protections depending on the facts.

Therefore, AI-generated deepfakes must be examined from both technological and legal perspectives.

While responsible applications of artificial intelligence may provide social and creative benefits, its harmful use can undermine women's dignity, privacy and autonomy. An effective response requires public awareness, responsible technological practices, appropriate platform accountability and accessible legal remedies for individuals whose identities have been misused.

5.2 *Photoshop and Traditional Image Manipulation*

Traditional image manipulation involves editing photographs using software such as Photoshop. Users can remove objects, combine images, alter facial features or place a person into a different background. Such editing may be used for artistic, commercial and educational purposes.

However, manipulated photographs can also be used to mislead, harass or damage a person's reputation. When a woman's image is altered without consent to create humiliating or intimate material, the consequences may affect her dignity, privacy and social relationships.

5.3 *Difference Between AI-Generated Deepfakes and Photoshop Manipulation*

The main difference lies in the method used to create the manipulated content. Traditional Photoshop editing generally involves manual changes, whereas deepfake technology uses AI models to generate or alter visual and audio material automatically.

Deepfakes may also create realistic facial movements, imitate voices and generate entire scenes. Both methods can cause harm when misused, but AI can increase the speed, scale and realism of manipulation. Therefore, legal assessment should consider the nature of the content, consent, purpose and harm rather than relying only on the technology used.

5.4 *Deepfake Pornography and Non-Consensual Intimate Imagery*

Deepfake pornography involves the use of AI to place a person's identity into fabricated sexual content. Non-consensual intimate imagery may be created and circulated without the person's knowledge or permission. Such conduct can amount to image-based sexual abuse and may cause humiliation, fear, reputational damage and emotional distress.

Women are disproportionately affected by this form of misuse. The harm may continue even after the original material is removed because copies can be downloaded, modified and redistributed. Legal responses must therefore consider consent, accountability, prompt removal and support for affected individuals.

5.5 *Consent and Digital Image Manipulation*

Consent is an essential consideration in digital image manipulation. A person sharing a photograph publicly does not automatically consent to its alteration into intimate or sexual content. Similarly, permission to use an image for one purpose does not necessarily permit its use for another.

When a woman's identity is used to create a deepfake without consent, her autonomy and dignity may be affected. Legal protection should distinguish between legitimate creative expression and manipulation that violates personal rights. Consent, purpose, distribution and the consequences of the manipulation are important factors in assessing the conduct.

5.6 *Detection and Identification of Deepfake Content*

Deepfake detection involves examining digital content to determine whether it has been artificially generated or manipulated. Methods may include analysing facial movements, lighting, audio inconsistencies, metadata and other digital features. Specialised forensic tools can also assist in examining suspicious material.

However, detection is not always reliable because AI technology continues to improve. A visual inspection alone may not establish whether content is genuine. Expert examination and proper preservation of electronic evidence may therefore be necessary in legal proceedings.

5.7 *Technological Challenges*

Deepfake technology creates challenges because synthetic content can be produced quickly, distributed across different platforms and repeatedly modified. Identifying the original creator may be difficult, particularly when anonymous accounts or services operating in different countries are involved.

Detection tools may also produce inaccurate results, while the removal of one copy may not prevent further circulation. These difficulties create obstacles for victims seeking timely relief. Effective responses require cooperation among investigators, platforms, forensic experts and legal authorities.

5.8 *Impact of Deepfakes on Women*

Deepfakes can affect women's dignity, privacy, autonomy and reputation. Fabricated intimate content may expose women to humiliation, harassment, social stigma and difficulties in their personal, educational or professional lives. The harm may continue even when the content is known to be artificial.

The disproportionate targeting of women also raises concerns about gender inequality and digital sexual abuse.[11] A victim-centred approach should therefore provide effective complaint mechanisms, prompt removal of unlawful material, appropriate legal remedies and protection against further misuse.

CHAPTER – VI

FEMINIST JURISPRUDENTIAL ANALYSIS AND LEGAL CHALLENGES

6.1 *Feminist Analysis of Women's Lived Experiences*

Feminist jurisprudence examines law from the perspective of women's experiences and the social conditions in which inequality occurs. In deepfake cases, it considers not only the creation of artificial content but also the humiliation, fear, reputational damage and loss of control experienced by the affected woman.

This approach questions whether existing laws adequately recognise these experiences. It emphasises the need for legal remedies that are accessible, timely and sensitive to the victim's circumstances.

[11] Information Technology Act, 2000, ss. 66C, 66D, 66E, 67 and 67A

6.2 *Deepfakes, Dignity and Autonomy*

Dignity and autonomy are essential elements of individual freedom. Deepfakes can undermine these interests by using a woman's face, voice or identity to create representations that she did not authorise.

The Supreme Court's recognition of privacy as a fundamental right supports the protection of personal autonomy and dignity. A feminist approach therefore requires the law to consider the harm suffered by the person depicted, even when the fabricated content is recognised as false.

6.3 *Deepfakes, Privacy and Digital Identity*

Digital identity includes identifiable features such as a person's image, voice and other personal characteristics. Deepfake technology can misuse these features to create false representations without consent.

The right to privacy is relevant because public availability of a photograph does not automatically authorise its use in fabricated intimate content. Protecting digital identity requires effective measures against unlawful creation, distribution and continued circulation of harmful material.

6.4 *Consent in the Age of Artificial Intelligence*

Consent is central to the ethical and legal use of personal images and identities. Permission to take or share a photograph does not necessarily amount to permission to create an AI-generated intimate image.

Deepfake technology makes this distinction particularly important because a person may be represented as participating in an event that never occurred. Legal responses should consider the presence or absence of consent, the purpose of the content and the harm caused by its creation or distribution.

6.5 *Gender Bias in the Existing Legal Framework*

Existing Indian laws provide remedies for certain forms of identity theft, privacy violations, obscene content and harassment. However, these provisions were not all designed specifically to address AI-generated deepfakes.

The disproportionate targeting of women raises concerns about whether the existing framework adequately addresses gender-based digital abuse. A feminist analysis examines whether the law recognises the combined effects of sexualisation, identity misuse, humiliation

and continuing online circulation.

6.6 *Adequacy of Existing Legal Remedies*

The Information Technology Act, 2000, the Bharatiya Nyaya Sanhita, 2023 and applicable intermediary rules may provide remedies depending on the facts of a case.[245] However, victims may face difficulties identifying offenders, proving the manipulation and obtaining rapid removal of harmful material.

The availability of legal provisions does not always guarantee effective relief. Stronger implementation, accessible reporting systems, prompt responses and victim support are important for ensuring meaningful protection.

6.7 *Challenges in Investigation and Digital Evidence*

Investigating deepfake offences presents several challenges because digital content can be created, modified and distributed without the knowledge or consent of the person affected. Offenders may use fake accounts, anonymous profiles or foreign online platforms to hide their identities. As a result, identifying the original creator and establishing responsibility for the offence may be difficult. In some cases, the person who creates the deepfake may be different from the person who uploads or circulates it.

Another major challenge is the rapid spread of deepfake content through social media, messaging applications and websites. Even if the original content is removed, copies may continue to circulate on other platforms. This makes it difficult to completely control the damage caused to a woman's dignity, privacy and reputation. Investigators may need to identify the original source, trace the circulation of the content and determine whether the accused person was involved in its creation, publication or further distribution.

The preservation of electronic evidence is also important. Investigators may need to collect the original image, video or audio file, relevant metadata, account details, timestamps, communication records and available platform information. Proper preservation helps reduce the risk of evidence being altered, deleted or lost. A clear record of how the evidence was collected, stored and examined is necessary to maintain its reliability during legal proceedings.

Deepfake technology creates an additional difficulty because manipulated content may appear genuine. A video or audio recording cannot always be treated as authentic merely because it looks or sounds realistic. At the same time, the claim that a file is AI-generated must also be examined carefully. Digital forensic experts may analyse inconsistencies,

editing patterns, file information and other technical indicators to assess whether the content has been manipulated. However, detection tools may not always provide conclusive results, particularly when the content has been compressed, edited repeatedly or processed using different AI systems.

Electronic evidence must also be handled according to the applicable rules of criminal procedure and evidence law. Investigators and courts must consider the authenticity, integrity and relevance of the material produced. Where required, appropriate certification and expert assistance may be necessary for the admissibility and proper evaluation of electronic records. The investigation should also distinguish between the existence of manipulated content and proof that a particular person created or knowingly circulated it.

Therefore, effective investigation of deepfake offences requires cooperation between law enforcement agencies, digital forensic experts and online platforms. Investigators should receive appropriate technical training, and procedures should be developed for preserving evidence and requesting relevant information from platforms in accordance with the law. These measures can help protect victims, improve the reliability of digital evidence and support fair legal proceedings while ensuring that the rights of the accused are also respected.

6.8 *Intermediary and Platform Accountability*

Online platforms play an important role in the circulation and removal of deepfake content. Their reporting systems, grievance mechanisms and responses to unlawful material can affect how quickly victims receive relief.

The Information Technology Rules, 2021, as applicable and amended, establish due diligence obligations for intermediaries.[12] Effective platform accountability requires appropriate handling of complaints, compliance with applicable removal obligations and measures to limit the continued circulation of unlawful content.

6.9 *Identification of Legal Gaps*

The existing Indian legal framework addresses several forms of digital misconduct, but challenges remain in dealing with the specific characteristics of deepfake abuse. These include uncertainty about the application of existing offences, difficulties in identifying creators, repeated distribution and the time required to obtain relief.

A gender-sensitive legal approach should clarify the protection available against non-

[12] Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, as applicable and amended.

consensual synthetic intimate imagery, improve cooperation between platforms and authorities, and ensure accessible remedies for victims. The objective should be to protect women's dignity, privacy and autonomy while respecting lawful expression and legitimate uses of AI.

CHAPTER – VII

FINDINGS, SUGGESTIONS AND CONCLUSION

7.1 *Major Findings of the Study*

The study finds that deepfake technology has both beneficial and harmful uses. However, its misuse to create fabricated images, videos and audio without consent raises serious concerns regarding privacy, dignity, autonomy and reputation.

The study also finds that AI-generated deepfakes can be created and circulated rapidly, making detection, removal and legal enforcement difficult. Women are disproportionately affected by certain forms of deepfake abuse, particularly non-consensual intimate imagery.

7.2 *Findings Relating to Women's Dignity*

The study finds that deepfake abuse affects more than the authenticity of digital content. It may interfere with a woman's control over her identity and cause emotional distress, humiliation, social stigma and reputational damage.

Even when viewers know that the content is artificial, the affected woman may continue to suffer harm. Therefore, the protection of dignity requires attention to consent, privacy, autonomy and the actual experiences of victims.

7.3 *Findings Relating to Feminist Jurisprudence*

Feminist jurisprudence provides an important framework for understanding deepfake abuse as a gender-related issue. It examines the influence of unequal power, sexual objectification and social discrimination on women's experiences.

The study finds that legal protection should not be assessed only by the existence of laws. It should also consider whether women can access remedies effectively and receive timely protection against digital abuse.

7.4 *Findings Relating to the Indian Legal Framework*

The Indian legal framework provides several possible remedies through constitutional

protections, the Information Technology Act, 2000, the Bharatiya Nyaya Sanhita, 2023, and applicable intermediary rules.

However, the application of these provisions depends on the circumstances of each case. Difficulties in identifying offenders, preserving electronic evidence and removing content promptly may limit effective protection. The study therefore identifies a need for improved implementation and victim-centred legal responses.

7.5 *Suggestions and Recommendations*

The following measures may improve the protection of women against deepfake abuse:

1. Clearer legal protection: Clarify how existing laws apply to non-consensual AI-generated intimate imagery and identity misuse.
2. Prompt content removal: Improve reporting and grievance mechanisms to enable timely action against unlawful synthetic content.
3. Stronger platform accountability: Encourage effective detection, complaint handling and compliance with applicable legal obligations.
4. Better investigation: Provide appropriate training to law-enforcement authorities in digital forensics and electronic evidence.
5. Victim support: Improve access to legal assistance, counselling and practical guidance for affected women.
6. Public awareness: Educate users about consent, responsible AI use and the consequences of creating or sharing harmful synthetic content.
7. Gender-sensitive enforcement: Ensure that investigations and remedies consider the dignity, privacy and circumstances of victims.

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7.6 *Answers to the Research Questions*

The study indicates that deepfake technology can threaten women's dignity when their identities are manipulated without consent. The harm may extend to privacy, autonomy, reputation and social relationships.

Feminist jurisprudence helps explain why these harms require a gender-sensitive response. Although Indian law provides several possible remedies, their effectiveness depends on proper application, timely enforcement and accessible victim support. A coordinated approach involving legal institutions, online platforms and technology providers is therefore important.

7.7 *Conclusion*

Deepfake technology represents a significant advancement in artificial intelligence, offering various benefits in entertainment, education, research and digital communication. However, its misuse has created serious challenges for protecting women's dignity, privacy, autonomy and reputation. The ability to create realistic images, videos and audio without a person's participation makes it possible to misrepresent an individual's identity and associate them with acts or situations that never occurred.

The problem becomes particularly serious when women's images are used to create non-consensual intimate content, leading to humiliation, emotional distress, social stigma and damage to personal and professional relationships.

The study establishes that the harm caused by deepfakes cannot be understood merely as the circulation of false information. Even when viewers know that the content is artificially generated, the woman whose identity has been misused may continue to experience serious consequences. The unauthorized manipulation of personal identity raises fundamental questions about consent, individual freedom and the ability of women to control their own representation. Therefore, the protection of women's dignity must remain central to the legal response to deepfake-related abuse.

The Indian legal framework provides several forms of protection through the Constitution, the Information Technology Act, 2000, the Bharatiya Nyaya Sanhita, 2023, and the applicable intermediary rules. Constitutional protections relating to equality, privacy, personal liberty and dignity provide an important foundation for addressing these issues. However, the practical effectiveness of legal remedies may be affected by difficulties in identifying offenders, collecting reliable electronic evidence, obtaining prompt removal of harmful content and preventing its repeated circulation across online platforms. The existence of legal provisions alone cannot guarantee that every affected woman will receive timely and effective justice.

Feminist jurisprudence provides an important approach for understanding the gendered nature of deepfake abuse. It highlights how unequal power relationships, sexual objectification and existing social inequalities may influence the creation and consequences of harmful synthetic content. It also demonstrates the importance of examining legal protection from the perspective of affected women. A legal system should not merely determine whether an offence has occurred; it should also consider the victim's dignity, autonomy, lived experience and practical ability to obtain relief.

The study therefore emphasises the need for a comprehensive and victim-centred approach.

Clearer legal standards, effective platform accountability, prompt complaint mechanisms, improved digital forensic capabilities and greater public awareness can strengthen protection against deepfake misuse.

Women should also have access to appropriate legal assistance and support without being subjected to further humiliation or discrimination. At the same time, regulatory measures should distinguish harmful misuse from legitimate applications of artificial intelligence and lawful creative expression.

In conclusion, the development of deepfake technology requires the legal system to respond to new forms of digital harm while preserving fundamental rights. Protecting women's dignity in the digital age requires more than technological detection or content removal; it requires meaningful respect for consent, privacy, autonomy and equality. Technological progress can be considered truly beneficial only when it is accompanied by accountability, responsible use and effective protection of human dignity. A gender-sensitive legal framework, guided by constitutional principles and feminist jurisprudence, is essential to ensure that women can participate in the digital world with security, freedom and equal respect.

7.8 *Scope for Future Research*

Future research may examine the effectiveness of Indian laws in addressing non-consensual synthetic intimate imagery, the role of online platforms in preventing repeated circulation and the reliability of deepfake detection technologies. Comparative research on international legal approaches may also help identify effective regulatory practices. Further empirical studies could investigate victims' experiences and the practical barriers they face in obtaining justice.

8. REFERENCES

A. *Cases*

1. Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1 — privacy as a fundamental right, including its connection with dignity and autonomy.
2. K.S. Puttaswamy (Retd.) v. Union of India, (2019) 1 SCC 1 — identify this separately as the Aadhaar judgment.
3. Suchita Srivastava v. Chandigarh Administration, (2009) 9 SCC 1 — reproductive choice and personal autonomy.

4. Shreya Singhal v. Union of India, (2015) 5 SCC 1 — online speech, section 66A and intermediary liability.
5. Sharat Babu Digumarti v. Government of NCT of Delhi, (2017) 2 SCC 18 — the relationship between the IT Act and general criminal law in the context of electronic obscenity.
6. Aveek Sarkar v. State of West Bengal, (2014) 4 SCC 257 — the legal test for obscenity.
7. R. Rajagopal v. State of Tamil Nadu, (1994) 6 SCC 632 — privacy and publication.
8. Vishaka v. State of Rajasthan, (1997) 6 SCC 241 — workplace sexual harassment and protection of women's fundamental rights.
9. Apparel Export Promotion Council v. A.K. Chopra, (1999) 1 SCC 759 — sexual harassment and women's dignity.
10. X v. Principal Secretary, Health and Family Welfare Department, Government of NCT of Delhi, (2022) 10 SCC 1 — reproductive autonomy and constitutional rights.
11. Joseph Shine v. Union of India, (2019) 3 SCC 39 — equality, dignity and autonomy.

These cases provide relevant legal principles, but none should be represented as a direct ruling on AI-generated deepfakes unless you can identify a judgment that specifically addresses that issue.

B. *Statutes and legal instruments*

- Constitution of India, arts. 14, 15 and 21.
- Information Technology Act, 2000, ss. 66C, 66D, 66E, 67 and 67A.
- Bharatiya Nyaya Sanhita, 2023, including ss. 75, 77 and 78 where the facts satisfy the relevant offence.
- Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, as amended and in force on the date relevant to your discussion.
- Digital Personal Data Protection Act, 2023.
- Digital Personal Data Protection Rules, 2025, together with the applicable commencement notifications.
- Convention on the Elimination of All Forms of Discrimination Against Women, 1979.
- Declaration on the Elimination of Violence Against Women, G.A. Res. 48/104, U.N. Doc. A/RES/48/104 (20 December 1993).

For statutes and rules, use the official text and check amendments and commencement dates before describing a provision as currently operative.