Unmasking the Truth: The Rise of Deepfakes and Its Implication on Society

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This paper explores the legal implications of deepfakes in India. It focuses on how it plays a role in today's scenario and its advantages and disadvantages. This paper also explores its various impacts in every sphere and specific laws concerning this issue. This paper primarily focuses on the legal aspect of this and how it is used for various illegal activities in the eyes of the law and is against basic principles. The main question that arises in this respect is how this can be curtailed and the requirements of some new and strong laws to combat this due to its impacts on our society. Through conclusion and suggestion, this paper gives a way forward to combat this evil having implications that aren't acceptable to one. Deepfakes is an AI that performs several functions. The role of AI has been increasing rapidly in every sphere and has given our society an edge for improvements and development. It has been helping our society and reducing the workload among people, primarily in the legal industry. It has led to improvements in terms of making things more accurate, quicker, and efficient, and also it does every work efficiently and is less time-consuming. However, focusing on its impacts on society and its disadvantages makes one think of its usage in the future. So, one must decide whether a particular thing is helpful after considering its merits, demerits, and impacts on society. AI is imposing many disadvantages nowadays. Therefore, considering all these points, efforts need to be put up for this AI that is deepfakes, and through awareness among the people and the requirement of strong laws and also with certain other steps, certainly, this can be combatted and hence, looking forward to achieving a society and democracy with a free society in terms of illegal activities and attain law and order. The way this technology of AI is being used in today's time in terms of making fake content that seems real and not at all fake keeps society with incorrect information. Also, it makes content that can be in any medium, doing something, speaking, etc.

but in reality, the person isn't doing it, which creates a challenge to people and our society as a whole as it is against the basic ideals of our society.

Keywords: *deepfakes, exploitation, threat, risks, harmful.*

INTRODUCTION

The old maxim 'Things aren't always as they seem' seems more accurate than ever in the ages of deepfakes. Deepfake AI is a type of Artificial Intelligence used to create convincing images, audio, and video hoaxes[1]. This type of technology shows things parallel to it, which means it shows the content may be visual, audio etc. of a person. However, it is fake, which implies that a person shown doing some action or saying something through this deep fake is actually not doing such a thing, but rather, with this technology, it is made doing. And others who are watching can't even imagine that the portrayal of the content is fake. It isn't showing any of its perks and only has challenges to our society. Spreading fake information and keeping people with incorrect content is not at all acceptable to society and can't be treated as having some perks but rather can only have the capability to create unrest, violence, and hatred in society. Disinformation and hoaxes have progressed from minor annoyances to high-stakes warfare aimed at sowing societal unrest, increasing polarization, and, in some cases, affecting election outcomes. Deepfakes are a new method for rapidly disseminating computational propaganda and deception[2]. Though Deepfakes have certain advantages, as they can be used in some areas, they impose numerous risks and challenges. They impact our society on all sides and it also is immensely problematic in a political context. Most often, they transpose the faces of women, particularly celebrities, into a pornographic context. In today's time, most people access information from social media, including Google, YouTube, etc., and incorrect and wrong

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[1] Nick Barney, 'What is deepfake AI?' (*TechTarget*) <https://www.techtarget.com/whatis/definition/deepfake> accessed 05 August 2023

[2] Ashish Jaiman, 'Countering Deepfakes, the most AI serious threats' (*The Hindu*, 29 October 2020) <https://www.thehindu.com/opinion/lead/countering-deepfakes-the-most-serious-ai-threat/article62107238.ece> accessed 05 August 2023

information created through this technology creates violence in society and spreads incorrect information or news.

TYPES OF DEEP FAKES

There are different types of mediums by which this technology has been used. It may be in the form of a video, audio, etc. The main usage of this technology is to damage reputations, exploitation, and instability in our society. Different types in which it can be used or portrayed are:

Textual Deepfakes: The word textual in itself portrays something related to the text, which implies that deepfakes are far more creative than humans in recognizing and creating things.[3]

Video Deepfakes: This is the most commonly used type of deepfake as the medium of visuals, including photos, videos etc. conveys greater messages and clarity to the public. This medium is the most misused deepfake, which implies that this technology focuses on making photographs and videos that aren't real. This means that the audio and face of any person, most often those of celebrities and political leaders, women, etc., are made using algorithms and this AI technology and hence portray videos with audio of their voice, but the content they show or they speak isn't actually spoken by that person and therefore, is fake. Similar is the case with Audio Deepfake.

Therefore, there are many other types of deepfakes, but to name a few, these are most often used and, therefore, disturbing the stability in our society. There are a plethora of instances where it has been used and even is at its peak in terms of its usage and exploitation. One instance was of President Barack Obama, whose video was made like a realistic fake video using AI.

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[3] Chiradeep Basu Mallik, 'What Is Deepfake? Meaning, Types of Frauds, Examples, and Prevention Best Practices for 2022' (*Spiceworks*, 23 May 2023) <https://www.spiceworks.com/it-security/cyber-risk-management/articles/what-is-deepfake/> accessed 12 August 2023

SEEING IS NO LONGER BELIEVING

Deepfakes have evolved into a potent and worrying technology, allowing humans to edit or invent visual and audio information on the internet in order to make it appear highly genuine. It has become a tool for misuse. It is used just like animations used in films, but this technology is a threat to our democracy as there are various instances in every sphere where it has shown its misuse, like with celebrities, political leaders etc.

Instances: One video of political leader Manoj Tiwari went viral in which he was criticizing the Delhi government of Kejriwal, but the video wasn't real as the same video was portraying him in two different videos, one which he was speaking English and the other in which he was speaking Hindi and whoever if listens and watch that video, nobody can recognize that this is not real and there is the use of the technology. Everyone feels it is real. This is how this technology is a kind of opaque sheet before the public that doesn't let them go beyond to think of it being unreal. Synthetic media or deepfakes are useful in certain areas like education, film production, etc., implying increased access gives rise to increased exploitation and risks. Nowadays, all its benefits are rendered useless with the immense increase in its risks to society. These are used to damage the person's reputation, undermine the trust of democratic institutions, defraud the public, etc., and all this can be done very easily with fewer resources[4]. According to most of the research, most deepfakes are used for pornographic content and mostly target women, further showing them as sexual objects, causing harm to their reputation, and rendering them with emotional and psychological harm.

THREAT TO DEMOCRACY

 It is considered a threat to democracy as it is a threat to national security by spreading wrong information to make political propaganda, just putting words in someone's mouth to have an effect on one's opinions and therefore to have its impact on elections, riots, and domestic unrest.

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[4] Ashish Jaiman, 'The dangers of deepfakes' (*The Hindu*, 1 January 2023) <https://www.thehindu.com/sci-tech/technology/the-danger-of-deepfakes/article66327991.ece> accessed 12 August 2023

It has become a powerful tool for disseminating disinformation.[5] It also acts as an impediment to digital literacy and trust towards authorities as it is very clear that citizens will doubt and question and even have trust issues with the authorities when they listen to the fake news but they are oblivious that the news is unreal and fake and is only intended to impact society and cause distrust. Hence acting as a threat to political and social stability. This is not only confined to India and Indian political and social areas, but it is prevalent throughout the world. At the global level, it is a threat to countries' relations and national security. With this increasing technology of deepfakes, the question of what is real and what isn't real becomes increasingly important and politized[6]. For instance, one news with the headline. The people onscreen are fake; the disinformation is real in the New York Times, showing a video goes viral of an actor who is well dressed with properly combed hair talking about the US's shameful action against gun violence. However, there was one thing in the video their voices seemed a bit different, and the sound wasn't matching with the movement of their mouths. This was when they learned about AI-generated video technology of deepfakes and became aware of the intended motives, that is, to incite violence and cause political and social instability. The circulation of deepfakes may incite physical mobilizations under false pretenses, initiating public safety crises and sparking the outbreak of violence, very rightly said by Mr. Watts[7]. He also says that the spread of deepfake capabilities will only increase the frequency and intensity of these violent outbreaks. Prof Danielle Citron, a legal expert from the University of Maryland, says we should condition the legal immunity to be based on reasonable content practices and warns about the potential harms and risks of the AI-based Deepfakes technology[8]. It is also used for frauds etc., and also targets financial institutions through creating fake identities.

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[5] Mika Westerlund, 'Emergence of deepfake technology: A review' (2019) 9(11) Technology Innovation Management Review <https://timreview.ca/sites/default/files/article_PDF/TIMReview_November2019%20-%20D%20-%20Final.pdf> accessed 12 August 2023

[6] Bart van der Sloot and Yvette Wagensveld, 'Deepfakes: regulatory challenge to synthetic society' (2022) 46 Computer Law & Security Review <https://www.sciencedirect.com/science/article/pii/S0267364922000632 > accessed 23 September 2023

[7] 'Deepfake videos could 'spark' violent social unrest' (*BBC News*, 13 June 2019) <https://www.bbc.com/news/technology-48621452> accessed 12 August 2023

[8] *Ibid*

DEEPFAKES: LEGAL IMPLICATIONS

AI has been influencing most sectors, and deepfakes particularly have a lot of legal implications as there are various offences[9] that come to light with the use of deepfake technology, firstly Sedition, which means misinformation spreading disaffection against the government. Secondly, corrupt activities that affect the election are also an offense as this technology also focuses on targeting the political area, just like a video made by President Barack Obama using this AI. It even amounts to Cyber Terrorism, which NATO defines as a cyberattack using or exploiting computer or communication networks to cause sufficient destruction or disruption to generate fear or to intimidate a society into an ideological goal. Online obscenity and pornography are also some of the offence that is caused by using deepfake technology, as this technology makes pornographic content of celebrities using deepfake by replacing their faces and audio. It also affects public Tranquility, which includes online defamation, hate speech, incorrect information, etc. For all these offenses mentioned above, different provisions of different legislations are used. For the offense of sedition, that is, misinformation spreading disaffection against the government, sections 124 and 121 of IPC can be used [10]. It has enormous consequences for our society because disseminating fake news about the government with the intention to incite hatred amongst people for the political institutions and also affect their opinions and views of the government. Some sections of the IT Act also deal with offenses related to violating someone's privacy, publishing obscene content on electronic media, etc. So, it has disturbed people and our society, as some of the instances show that it has attacked or targeted a few great personalities in India as well as across the globe.

DEEPFAKES AND ITS INFLUENCE ON POLITICS AND ELECTIONS

University of Virginia political experts are raising alarm that political operatives could develop attack ads using computer-generated 'deepfake' videos and recordings and deploy them at the

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[9] Shubham Pandey and Gaurav Jadhav, 'Emerging Technologies and Law: Legal Status Of Tackling Crimes Relating To Deepfakes In India' (*SCC Blogs*, 17 March 2023) <https://www.scconline.com/blog/post/2023/03/17/emerging-technologies-and-law-legal-status-of-tackling-crimes-relating-to-deepfakes-in-india/> accessed 12 August 2023
[10] Indian Penal Code 1860

last minute to turn the tide of an election.[11] The technology's deep fakes have been influencing or instead posing a danger to the sphere of elections. Making false statements, creating videos of political leaders, etc., which seem authentic to people, creates a wrong image in people's minds and further influences their opinions and voting.

Using this technology in the electoral sphere aims to create unrest in society, rupture the person's reputation, and create political divisions, further leading to disturbance in society's peace, law, and order. It creates instability in the entire political process and also disturbs the smooth functioning of the government. Particularly in the electoral sphere, not only in India but worldwide in different countries, it has shown its influence in misusing technology, causing unrest, and inciting violence. There are instances from different countries for its misinformation towards political leaders. This implies that it targets the political leaders and institutions to influence people's voting and change their positive opinions to negative ones. In Malaysia, a video purporting to show the Economic Affairs Minister having sex has generated considerable debate over whether the video was faked or not, which caused reputational damage for the Minister.[12] This is one instance, but there are numerous instances worldwide that have come into the limelight and are even coming. Therefore, this shows how the technology of deep fakes has made everyone doubt and believe that seeing is no longer believing. As in the political aspect and other areas as well where it causes damage to one's reputation, is the main thing that needs to be considered. We live in a democracy and have fundamental rights as well but the question arises that if such technology is influencing and keeping its control in society, then our rights, democracy, etc. are of no use if people are living in fear and without their consent and fault, they are being portrayed as of the opposite character, as speaking, doing actions opposite that is portrayed for things they never did or never intended. String efforts are required to be made to curtail the existence of such evils that create instability in society.

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[11] Baryan Mckenzie, 'Is That Real? Deepfakes could pose a danger to free Elections' (*UVA Today*, 24 August 2023) <https://news.virginia.edu/content/real-deepfakes-could-pose-danger-free-elections> accessed 12 August 2023
[12] Alexander Puutio and David Alexandru Timis, 'Deepfake democracy: How modern elections be decided by fake news' (*World Economic Forum*, 5 October 2020) <https://www.weforum.org/agenda/2020/10/deepfake-democracy-could-modern-elections-fall-prey-to-fiction/> accessed 12 August 2023

WHAT CAN BE THE WAY FORWARD?

The issue of AI, particularly Deepfakes, has become a global issue and is taking place worldwide. So, the legislation is required to be stronger and updated with the variations evolving in society. A Society is never static but however, is always evolving, and legislation must also not be static but, hence, be updated with respect to changes in our society. Apart from having strong and effective legislation, other techniques can also contribute, like having an anti-fake technology, to spread more and more awareness among the citizens, making people realize the need to be more vigilant and escape from such fraud, etc. People must not believe blindly in the online available information and should not believe what they hear, read, etc. Also, making standard security systems and focusing more on security problems, making every data private, etc. So, there can be numerous ways, both legal and others, taking into account altogether and taking a quick and effective step towards this can give good results.

One of the methods can be the concept of deep learning which comes into the limelight when there is a complex task existing before you. This is technology or a method used in AI. This method teaches computers, machines, etc. to do the work as humans, that is, to detect, see, etc., as naturally as humans do. The creation and detection of deepfake can be done through deep learning. Deepfake creation includes dealing with complex multidimensional data and algorithms etc. to create fake things that seem immensely authentic and real. However, deep learning can be used as a method to detect deepfake content. Various methods must be devised to curtail this.

CONCLUSION

Deepfake technology has become banal nowadays and is considered a banality of evil for our society. This technology is a part of AI implies the rampant use of AI in this century. AI has been extremely helpful and useful in every sector, lowered the burden on people, and helped everywhere it is being used. It has led to greater improvements in every sector through its features, like doing things in very little time. In some works where time plays a role or is an essence, AI plays a greater role in facilitating work. Hence, there are a plethora of perks to using

Artificial Intelligence, but excess of everything is bad and so is the case with AI, particularly deepfakes. Though deepfakes specifically are also very useful, taking into account the harms and risks they pose to society are immensely dangerous. When it comes to damaging someone's self-respect or reputation, it is the most significant loss one can have and hence, this is also very damaging to our society. Many considered it a threat to our democracy, national security, living etc. The main question that arises through the discussion on Deepfakes technology and its legal implications is how it can be combatted and what must be the way forward. Therefore, the legislation that deals with cyber offenses like the IT Act, some provisions of IPC etc. need to be revised to deal with the issues pertaining to this technology. Great efforts are required in this area to protect the privacy of individuals, democracy and cyber security issues and make their lives secure without any fear of being misused.