EDITORIAL ANALYSIS→ 16 JANUARY 2023 → THE HINDU:

DEEPFAKES:

- **Introduction:**

- Rules are necessary for self-government. In light of Indian legislation controlling artificial intelligence, this is very significant (AI). Due to insufficient controls, AI can be abused by individuals, corporations, and even non-state actors. When there is legal ambiguity, there is also a lack of accountability and oversight, which increases the likelihood of disaster. Deepfakes policy gaps are the perfect illustration of this situation.

- **About deepfakes:**

- Deepfakes are manufactured works of art in which the likeness of a different person is used to substitute a person in an already-existing photograph or video. Deep learning and fake are combined to form the phrase "deepfakes." Deepfakes, for instance, "employ sophisticated techniques from machine learning (ML) and artificial intelligence (AI) to alter or produce visual and auditory content with a high potential for deception."

- **Deep-pocketed issues:**

- We should embrace technology while being aware of the serious issues with deepfakes.

- Since they are entertaining, deepfake movies can be used to spread misinformation and propaganda. They seriously impede the general public's ability to distinguish between fact and fiction.
- In the past, deepfakes have been used to depict individuals in unpleasant and uncomfortable circumstances, such as in pornographic material starring well-known individuals. In addition to infringing the privacy of the people who are allegedly depicted in them, such photos and films also constitute harassment.
- Deepfakes have been used in financial fraud. Recently, con artists used AI-powered software to trick the CEO of a U.K. energy company into believing he was chatting with the leader of the German parent company over the phone. As a result, the CEO wired a large sum of money—€2,20,000—to someone he thought to be a supplier.

- **Creating a tense situation in the neighbourhood:**

- In three separate ways, deepfakes can be a devastating weapon in the hands of India's adversarial neighbours and non-state actors to stir up trouble in the country.
- Deepfakes have the potential to affect elections. Changes to election laws approved by Taiwan's cabinet make it unlawful to share deepfake videos or images. These changes were made in response to Taiwan's rising concern that China is spreading false information in an effort to rig elections and alter public opinion. This could happen in India's future general elections as well. Ironically, China is one of the only countries with legislation prohibiting the use of deep fakes that are deemed to be harmful to the national economy or security.
- Deepfakes can also be utilised for espionage. Defense and government employees may be forced to divulge confidential information through edited videos.
- The president of Ukraine, Volodymyr Zelensky, revealed in March 2022 that a social media video in which he appeared to be advising Ukrainian soldiers to capitulate to Russian forces was a deepfake.
- Similar to this, deepfakes may be used in India to produce inflammatory content, including recordings purporting to depict members of the military or police committing "crimes" in combat situations. These deepfakes could be employed to enlist terrorists, radicalise individuals, or incite violence.
- As technology advances, anyone may be able to question the authenticity of genuine video by claiming that it is a deepfake, especially if it shows them engaging in unethical or unlawful behaviour.

This could lead to the "Liar's Dividend," which is the idea that people can take advantage of the expanding acceptance and knowledge of deepfake technology by challenging the authenticity of specific content.

- **Moving ahead necessary regulations:**

- IPC (Indian Penal Code) and Information Technology (IT) Act, 2000 provisions that could be utilised to counter the malicious use of deepfakes are currently rather scarce.
- The consequences for defamation are outlined in Section 500 of the IPC. Explicit sexual content is prohibited by Sections 67 and 67A of the Information Technology Act.
- The Representation of the People Act of 1951 forbids the creation or broadcast of false or misleading information about candidates or political parties during an election period.
- However, they fall short. The Election Commission of India has created norms requiring registered political parties and candidates to acquire prior authorization for any political advertisements on electronic media, including TV and social media websites, in order to help assure their correctness and impartiality. But the risks that deepfake content can pose are not covered by these rules.
- Laws that address the issues and challenges that emerging technology pose frequently lag in their implementation. The Indian legal framework for artificial intelligence is insufficient to adequately handle the numerous issues that AI algorithms have caused.

- **Conclusion:**

- To prevent deepfakes from being used illegally and to regulate AI in general, the Union government must create distinct legislation. Legislation shouldn't halt AI development, but it should realise that deepfake technology might be employed in criminal activity and lay forth guidelines for how to handle its application in these circumstances.
- The upcoming Digital India Bill can also help with this issue. The self-regulation principle is not always reliable.