
HUMAN RIGHTS AND FREEDOM OF EXPRESSION IN THE DIGITAL AGE

Author: Kaipu Amarnaadh Reddy, a Law Student at ICFAI Law School

Abstract:

Digital technology has transformed people's use of their constitutional rights in India, particularly the fundamental rights guaranteed under Articles 19(1)(a) and 21 of the Indian Constitution. Digital platforms are the new public place for people, which allows them to participate in democracy, but they also bring new phenomena like fake news created using algorithms and deepfakes. Because of these phenomena, the laws concerning the digital world have undergone significant changes in India between 2023 and 2026, with new legal frameworks governing online speech and digital platforms.

This study examines whether these new laws and rules create a balance between regulatory objectives and the protection of freedom of speech. This paper uses doctrinal legal research to analyse the relevant legal framework and court decisions. It pays special attention to how the Supreme Court has changed its view on digital rights over time in important cases. The paper also looks at new constitutional issues about fact-checking, state surveillance, and the rule on the Right to be forgotten.

The research suggests that the new legal framework is slowly moving towards stricter control of the platforms and more centralised digital governance, which may negate the safe harbour protections provided for intermediaries. It concludes that while rules are needed to deal with new digital issues, the way the law is headed raises concerns about surveillance and the potential violations of freedom of speech.

Keywords

Freedom of expression, Deepfakes, State surveillance, Right to be forgotten, Chilling effect, Synthetically generated information.

Introduction:

The twenty-first century has experienced a convergence of technology and human rights. The internet, social media and digital tools have completely altered the way that freedom of speech and

expression works, allowing people to speak, organise and protest in ways that were impossible previously. For a constitutional democracy such as India, this digital change is a great opportunity as well as a big challenge.

In essence, freedom of expression, which is guaranteed by “Article 19(1)(a) of the Constitution of India”¹ is not merely a fundamental right it is, quoting the Supreme Court, the “lifeblood of democracy”². In the digital age, protecting it requires new constitutional attention, laws with active foresight and judges to apply fundamental rights to new technological world.

India's digital world is among the most active countries in the world. As of December 2024, it has over 941 million internet users, and smartphones have been rapidly spreading, down to the remotest parts of the world.³ The Kerala High Court in “*Faheema Shirir n K R v State of Kerala*” held that the right to internet access is a basic right under Articles 19 (1) (a) and 21.⁴ The Supreme Court in “*Anuradha Bhasin vs. Union of India*” held that the freedom of speech on the Internet, is also protected by the Constitution and must comply with the proportionality test under Article 19(2).⁵ Together, these decisions place digital rights squarely within India's Constitution.

But these same platforms are also a source of manipulation, fake news and harm based on identity. The most shocking example is those of deepfakes, which are AI videos, audio and pictures that appear almost real.⁶ In November 2023, a deepfake video of actress Rashmika Mandanna went viral and attracted national attention.⁷ Then the Prime Minister declared deepfakes a major threat to society and called on the social media to be responsible.⁸ Since then, from fake financial ads to sexualised images, actors, politicians, officials and ordinary people have been the target of deepfakes that circulated all over before regulations could halt the damage.

¹ INDIA CONST. art. 19, § 1(a).

² S. Rangarajan v. P. Jagjivan Ram, (1989) 2 SCC 574.”

³ TELECOM REGULATORY AUTHORITY OF INDIA, TELECOM SUBSCRIPTION DATA REPORT 1 (2024), https://www.trai.gov.in/sites/default/files/2025-03/PR_No.16of2025_0.pdf.

⁴ Faheema Shirir R.K. v. State of Kerala, AIR 2020 KERALA 35.

⁵ Anuradha Bhasin v. Union of India, AIR 2020 SC 1308.

⁶ Biranchi Naryan P. Panda & Isha Sharma, *Deepfake Technology in India and World: Foreboding and Forbidding*, ASIAN INSTITUTE OF RESEARCH (Jul.16, 2025) <https://www.asianinstituteofresearch.org/lhqrarchives/deepfake-technology-in-india-and-world%3A-foreboding-and-forbidding>

⁷ Suman Kar, *To Deepfake Is Human, to Detect Is Divine*, THE WIRE (Nov. 6, 2023), <https://thewire.in/tech/to-deepfake-is-human-to-detect-is-divine>.

⁸ Diwakar & Akhilesh Singh, *Deepfakes can create crisis in diverse society like ours: PM Modi*, THE TIMES OF INDIA (Nov.18, 2023), <https://timesofindia.indiatimes.com/india/deepfakes-can-create-crisis-in-diverse-society-like-ours-pm-modi/articleshow/105300063.cms>.

The problem is worsened by the way that social media algorithms spread lies. These algorithms that determine what people see often prioritize emotional, polarising and sensational posts over neutral facts. This creates a cycle where fake stories become real as they spread so fast.⁹ In India, WhatsApp is the primary medium for people to share information with one another, and the medium disseminates 64% of misinformation.¹⁰ The way messages are forwarded on WhatsApp has been blamed for real violence, mob lynchings and interference in elections. A study by the Indian School of Business and CyberPeace found that 46% of all the misinformation in India is political fake news, a finding that shows how the push from algorithms wrecks democracy.¹¹

India's response for these challenges has been strong and also legally contested. "The IT (intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2026" (hereinafter referred to as IT amendment rules, 2026) gave the clear definition of "synthetically generated information" for the first time and states that digital platforms must label such information and ensure verification of users.¹² Meanwhile, a Fact Check Unit established by the 2023 IT Rules Amendment, which can order the removal of false content related to the government matters was challenged in the Bombay High Court. The court found the rule to be vague and to be violating Article 19(2).¹³ The Supreme Court stayed the order of the High Court pending the appeal, thereby leaving the constitutional issue pending.¹⁴ This paper considers whether India's digital rules get the balance right between ensuring that citizens are not harmed in reality by using digital technologies, but at the same time, safeguarding the freedom of expression guaranteed by Article 19(1)(a).

Scope of the research

This research only looks into the legal and constitutional dimensions of free speech as it applies to India's digital world and the period between the years 2021-2026. It looks at the Articles 19(1)(a) and 21 of the Constitution; (ii) laws regulating online speech, some of which include the "Information Technology Act 2000, IT Rules 2021" and their amendments up to 2026; (iii) Supreme Court and High Court judgments involving questions of digital rights, deepfakes, personal rights, and the expression on the online medium; and (iv) new constitutional issues like deepfakes, Right to be

⁹ Romanishyn et al., *AI-Driven Disinformation: Policy Recommendations for Democratic Resilience*, 8 FRONTIERS IN ARTIFICIAL INTELLIGENCE 1, 2 (2025).

¹⁰ Shakuntala Banaji and Ram Bhat, *WhatsApp Vigilantes: An exploration of citizen reception and circulation of WhatsApp misinformation linked to mob violence in India*, THE LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE 1, 10 (2018).

¹¹ Abhimanyu Singh, *Law Related to Misinformation and Fake News in India*, 11 INTERNATIONAL JOURNAL OF LAW 100, 101 (2025).

¹² Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2026, Rule 2 (a)(ii).

¹³ Kunal Kamra v. Union of India, 2024 SCC OnLine Bom 1344.

¹⁴ Union of India v. Kunal Kamra, SLP (C) No. 10621/2024.

Forgotten, government Fact Check Units, algorithms spreading false news. The study does not compare foreign legal systems and also does not address technical aspects of AI.

Research methodology

The paper applies the Doctrinal legal research. It looks at the primary sources including the Constitution, laws, rules and decisions of courts in India. It is also based on secondary research such as academic papers, civil society reports and institutional studies to provide in-depth and context. The research is of a critical and analytical nature, studying the text of the law and its judicial interpretation and its real effects on the citizens' rights. Legal databases like SCC Online and Manupatra were used to identify case law and legislation. No surveys or interviews have been used; conclusions are from authoritative legal analysis.

Objectives of the research

The study has these goals:

- To understand the constitutional provisions that govern free speech in India's digital world especially the Articles 19(1)(a) and 21.
- To examine the laws that have been introduced and amended between the years of 2021 and 2026 that concern online speech, the responsibility of platforms and digital intermediaries.
- To critically consider important Supreme Court & Delhi High Court judgments on deepfakes, personal rights, and digital expression.
- To understand various aspects of the IT amendment rules 2026.
- To analyse the role of algorithms in amplifying fake news & disinformation in India.
- To identify the threats to the free speech by deepfakes and those generated by algorithms as misinformation.
- To propose some practical recommendations for somehow protecting rights related to digital governance.

Human rights and Freedom of Expression in the digital age

A. Constitutional Foundations of Digital Expression

India's right to free speech arises out of Article 19(1)(a) of the Constitution guaranteeing freedom of speech and expression.¹⁵ The right is grounded in the Universal Declaration of Human Rights. It has been considered to be integral to the ideas of personal dignity and democracy.¹⁶ Article 19(2) provides that the government may create reasonable restrictions on the right for purposes, such as public order, national security and morality. The Supreme court consistently held that the restrictions under Article 19(2) must be narrow and proportionate to the harm that is intended to be prevented by it.¹⁷ The constitutional recognition of the digital rights was affirmed in “*Justice K.S. Puttaswamy (Retd.) v. Union of India*”, in which a nine-judge bench unanimously held that privacy is a fundamental right under Articles 14, 19 and 21 that includes the right of an individual over their personal data, image and likeness.¹⁸ This forms an important part in the era of deepfakes. The Kerala High Court in the case of “*Faheema Shirin R.K. v. State of Kerala*” held that access to the internet is a part of Articles 19(1)(a) and 21.¹⁹ The Supreme Court had held in “*Anuradha Bhasin vs Union of India*” that any restriction on the internet must be proportionate, necessary and open for review for the court.²⁰ Together these rulings demonstrate that freedom of expression fully covers the digital realm and the government cannot treat online speech as being any less important.

B. The Regulatory Framework: The IT Act and Intermediary Rules

The primary law governing the freedom of speech online is the Information Technology Act, 2000. It was significantly amended in 2008 to deal with intermediary liability and cybercrime.²¹ Section 79 of the Act provides that intermediaries have a conditional safe harbour. It protects them from liability for third-party content as long as they follow certain rules for due diligence.²² “The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021” added numerous new obligations to significant social media intermediaries with more than fifty million users. They have to appoint compliance officers, they have to publish transparency reports every month and most controversially, they have to provide traceability of message senders if the government orders it.²³ Advocates of digital rights felt the traceability requirement conflicts with end-to-end encryption and would seriously impair the privacy of the user.

¹⁵ INDIA CONST. art. 19, § 1(a).

¹⁶ G.A. Res. 217 (III) A, Universal Declaration of Human Rights, art. 19 (Dec. 10, 1948).

¹⁷ Romesh Thappar v. State of Madras, 1950 AIR SC 124.

¹⁸ Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1.

¹⁹ Faheema Shirin R.K. v. State of Kerala, AIR 2020 KERALA 35.

²⁰ Anuradha Bhasin v. Union of India, AIR 2020 SC 1308.

²¹ Information Technology (Amendment) Act, 2008, No. 10, Acts of Parliament, 2009 (India).

²² Information Technology Act, 2000, § 79, No. 21, Acts of Parliament, 2000 (India).

²³ Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, rr. 3–4, G.S.R. 139(E) (India).

The most controversial legal provision of recent times in Indian law was added by an amendment to the IT Rules in the year of 2023. The amendment provided for establishment of a government-notified Fact Check Unit (FCU). The FCU is empowered to flag content that concerns government affairs as 'fake, false or misleading' and order its take down on the threat of forfeiture of the safe harbours protection.²⁴ In “*Kunal Kamra v. Union of India*”, the Bombay High Court struck down the FCU provision. The court added that it was vague, contravened Article 19(2) and gave unconstrained power to the government to decide what is true about itself.²⁵ The Supreme Court stayed the order of Bombay HC on appeal which is pending before the Apex court.²⁶

C. Deepfakes and the Judicial Response

Deepfakes are hyper-realistic audio, video or image clips which have been created using artificial intelligence. They are an acute threat to individual dignity in digital space. They enable impersonation, non-consensual sexualisation of the actual person, mass fraud and cause reputational harm of the actual person.²⁷ In India, cybercrimes associated with deepfake increased by 550 per cent between 2019 and 2024, with losses estimated to hover around 70,000 crore rupees in the year 2024 alone.²⁸ Judges acted swiftly. In “*Anil Kapoor v. Simply Life India*”, the Delhi High Court gave an order for an "injunction against any person who is using the name, image, voice, and likeness of the plaintiff for commercial benefit."²⁹ This decision set the stage for personality rights protection from abuse of AI. The Jackie Shroff case extended this protection.³⁰ Justice Banerjee of Delhi High Court in “*Sadhguru Jagadish Vasudev Vs. Igor Isakov*” issued a 'dynamic+' injunction to prevent AI deepfakes falsely depicting the petitioner endorsing financial products.³¹

Current laws against deepfakes are a combination of sections 66C, 66D, 66E, 67, 67A, 67B and 79 of the IT Act to address the issue of identity theft, impersonation and non - consent intimate imagery.³² Courts rely on Puttaswamy, that using a likeness without permission violates Article 21 rights of privacy.³³ Victims of non-consensual deepfake pornography in “*Kamya Buch v. JIX5A*” were granted

²⁴ Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, r. 3(1)(b)(v), G.S.R. 139(E) (India).

²⁵ Kunal Kamra v. Union of India, 2024 SCC OnLine Bom 1344 (India).

²⁶ Union of India v. Kunal Kamra, SLP (C) No. 10621/2024.

²⁷ Supra Note 6.

²⁸ DEEPFAKES ANALYSIS UNIT, PI-LABS: DIGITAL DECEPTION EPIDEMIC: 2024 REPORT ON DEEPFAKE FRAUD'S TOLL ON INDIA 8 (2024), <https://www.dau.mcaindia.in/blog/pi-labs-digital-deception-epidemic-2024-report-on-deepfake-frauds-toll-on-india>.

²⁹ Anil Kapoor v. Simply Life India, 2023 SCC OnLine Del 6914 (India).

³⁰ Jaikishan Kakubhai Saraf v. Peppy Store, (2024) 2 SCC (Del) 253 (India).

³¹ Sadhguru Jagadish Vasudev v. Igor Isakov, CS(COMM) 578/2025 (Del. H.C. May 30, 2025).

³² IT Act, 2000, §§ 66C, 66D, 66E, 67, 67A, 67B, 79 (India).

³³ Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1.

relief.³⁴ Influencers were granted John Doe orders in cases such as “*Ankur Warikoo v. John Doe*.”³⁵ Public interest petitions like “*Chaitanya Rohilla vs. Union of India*” called for a broader government regulation with the help of dynamic injunctions rather than individual damages.³⁶ Deepfakes are also a threat to free expression which can be inferred from this statement of Supreme Court that article 19(1)(a) has to be balanced with reputation and dignity.³⁷ Laws need to differentiate between protected satire & parody and identity harming synthetic content. Because there is no specific deepfake law that deals with consent, intent, jurisdiction, or fair punishments, this is a largest legislative gap in India.

D. The Right to be Forgotten under the Law

The Right to be Forgotten is a very important concept in laws governing Information Technology. The Right to be Forgotten (RTBF) gives users the right to request the deletion or suppression of personal data on digital media and in search results. It is based upon the ruling of the EU Court of Justice in the case of “*Google Spain SL v. Agencia Española de Protección de Datos*”, which said that it is possible for users to request search engines to delete links which contain wrong or irrelevant information.³⁸ Indian courts gradually recognized the RTBF by giving a wide interpretation to “Article 21 of Indian constitution.” In “*Jorawar Singh Mundy v. Union of India*”, where the Delhi High Court ordered removal of drug convictions record of 2009 on grounds of dignity, privacy and rehabilitation.³⁹ In “*Zulfiqar Ahmad Khan v. Quintillion Business Media Pvt. Ltd*”, the same court held that a person has the right to prevent new online publicity of his personal information, even if the original release was lawful.⁴⁰

The “Digital Personal Data Protection Act, 2023” recognized the right of erasure for the first time. It allows data principals to ask fiduciaries to get rid of personal data which is no longer necessary for the original purpose for which it was collected.⁴¹ However, academic scholars have warned that the DPDP Act's provisions covering erasure are limited than the RTBF found in the EU's GDPR. It was also opined that the wide exemptions by States for national security aims might seriously compromise the right's practical usefulness. The Act is silent on the erasure of AI-generated deepfake content. The exact extent of the RTBF under the DPDP Act remains to be found by judicial interpretation.

³⁴ Kamya Buch v. JIX5A, 2025 SCC OnLine Del 6428 (India).

³⁵ Ankur Warikoo v. John Doe, 2025 SCC OnLine Del 3727 (India).

³⁶ Chaitanya Rohilla v. Union of India, 2024 SCC OnLine Del 9748 (India).

³⁷ Indian Express Newspapers (Bombay) (P) Ltd. v. Union of India, (1985) 1 SCC 641 (India).

³⁸ Case C-131/12, *Google Spain SL v. Agencia Española de Protección de Datos*, ECLI:EU:C:2014:317 (May 13, 2014).

³⁹ Jorawar Singh Mundy v. Union of India, 2021 SCC OnLine Del 3044 (India).

⁴⁰ Zulfiqar Ahmad Khan v. Quintillion Business Media Pvt. Ltd., 2019 SCC OnLine Del 8494 (India).

⁴¹ Digital Personal Data Protection Act, 2023, § 12, No. 22, Acts of Parliament, 2023 (India).

E. Algorithmic Amplification and the Misinformation Crisis

In India, the problem of misinformation is embedded structurally in dominant digital platforms. The World Economic Forum in their Global Risks Report 2025 listed misinformation and disinformation as one of the significant short term global risks, with India being a vulnerable country.⁴² WhatsApp alone is estimated to be responsible for about 64% of misinformation spread in India so far and this reflects the dominance of End-to-End encryption.⁴³ Engagement - optimisation algorithms give a systematic boost of specific content, whether or not it is accurate, in feedback loops. Then the fabricated content becomes legitimate through sheer virality which was proved by peer-reviewed research.⁴⁴ According to a study by the Indian School of Business and CyberPeace, political fake news accounts for 46% of all misinformation in India.⁴⁵ There have been glaring examples in the 2024 general elections where deepfake videos of political leaders were circulated on WhatsApp and other platforms on the day of voting. Those reached millions of voters even before any corrective measures were taken, which prompted the Election commission of India to use AI- based monitoring.

India's legal response to the problem of algorithmic amplification is not sufficient. This is not just a technical gap, it's a constitutional one. A law that considers only removal of such content, but not on algorithms that created such content, is very similar to focusing on curing the symptoms, but not the causes of the problem. Current Indian legal framework also focuses on the symptoms rather than on the problem. Neither the IT Act nor the IT Rules, 2021 provide any specific provision to regulate this algorithmic amplification. The Supreme court in “*Shreya Singhal vs Union of India*” held that the restrictions on the Article 19(1) must be precise, reasonable and proportionate.⁴⁶ The same standards shall be applied to provisions that regulate online speech created using the algorithmic amplification

F. “The IT (intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2026”

On 20th February 2026, the IT amendment rules 2026 were enforced which defined “synthetically generated information” (SGI). This is India's first attempt to regulate deepfakes and AI generated content at the intermediary level.⁴⁷ The rules state that SGI is information “audio, visual or audio-visual information which is artificially or algorithmically created, generated, modified or altered using a computer resource, in a manner that such information appears to be real, authentic or true and depicts or portrays any individual or event in a manner that is, or is likely to be perceived as

⁴² WORLD ECONOMIC FORUM, THE GLOBAL RISKS REPORT 2025 14–16 (2025).

⁴³ Supra Note 10.

⁴⁴ Supra Note 9.

⁴⁵ Supra Note 11.

⁴⁶ *Shreya Singhal v. Union of India*, (2015) 5 SCC 1.

⁴⁷ Arun Prabhu et al., *The Draft AI Rules: A Welcome First Step, India Corp. L. Blog* (Oct. 30, 2025)

<https://corporatecyri>

lamarchandblogs.com/2025/10/the-draft-ai-rules-a-welcome-first-step/.

indistinguishable from a natural person or real-world event.⁴⁸ While the intent behind this definition is good but it is too broad, which includes any file that is digitally processed, legitimate or synthetic. Then intermediaries will have to send notices on almost all the content, which leads to Notice fatigue. The Draft Rules bring with them two types of obligation. All intermediaries that enable SGI creation will need to give a unique mark to such content. “That mark should be clearly and prominently labelled.”⁴⁹ These standards are criticised on the grounds of lack of clarity and proportionality.

Significant Social Media Intermediaries (SSMIs) are required to ask users to make declaration of a synthetic upload. Further it should implement automated tools to validate such declarations and identify undeclared SGI. The SSMI is obligated to remove such undeclared content within three hours.⁵⁰ The three-hour window has been criticised on the ground that the timeframe is unrealistic to comply for smaller regional intermediaries. It is likely to over-remove of content, the kind of over-suppression of speech that Shreya Singhal has prohibited.⁵¹ In spite of these issues, this amendment was necessary. Flexible timeline for implementation, narrowed down definition and industry specific verification would improve India’s legal framework.

G. The Chilling Effect and The Future of Digital Democracy

A chilling effect on free expression occurs when laws are either unclear, too broad or too strict and prevent people from exercising their rights because they fear punishment.⁵² India's digital legal framework cause this issue. “Section 69A of the IT Act allows the government to issue directions to intermediaries for blocking public access of any information through any computer resource” on the threat of forfeiture of safe harbour protection, without any judge's approval.⁵³ This provides incentive for platforms to remove too much content, and leaves less room for freedom of speech. In the case of “*Shreya Singhal Vs. Union of India*”, the Supreme Court declared Section 66A of IT Act unconstitutional on the grounds of being vague and it being a very wide-ranging section and upheld the constitutionality of section 69A of the IT Act stating that it grants narrow power to government with adequate safeguards against misuse.⁵⁴ Even in the aftermath of that ruling, press freedom groups say that laws in the IT Act and the “Bharatiya Nyaya Sanhita, 2023” are still being used to target

⁴⁸ Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, r. 2(wa), G.S.R. 139(E) (India).

⁴⁹ Id. r. 3(3).

⁵⁰ Id. r. 3(1)(d).

⁵¹ *Shreya Singhal v. Union of India*, (2015) 5 SCC 1.

⁵² Frederick Schauer, *Fear, Risk and the First Amendment: Unraveling the Chilling Effect*, 58 B.U. L. REV. 685, 693 (1978).

⁵³ IT Act, 2000, § 69A (India).

⁵⁴ *Shreya Singhal v. Union of India*, (2015) 5 SCC 1.

journalists and civil society people. The IT amendment rules, 2026 create the chilling effect on free speech too. Their definition of SGI is too wide and it covers satire and parody. They also provide the option of a three-hour window to intermediaries to take down the content, without proper procedure. This may silence the voices of minorities who cannot challenge the removal. India's digital democracy will live only if the laws are as vigilant in defending free speech as they are in ensuring that people are not harmed.

Recommendations

On the basis of the foregoing analysis the following recommendations are suggested:

Firstly, Parliament needs to enact a law specifically dealing with deepfakes. It should define what a deepfake is depending on the intent, the harm caused. This law needs to be distinct from the SGI defined in “IT amendment rules, 2026.”

Secondly, “IT amendment rules, 2026.” should narrow down the definition of SGI to content depicting real people, things, or events presented in a false manner. Satire, parody, news, and art have to be protected. The quick three-hour removal rule should be changed into a longer, fairer duration, and have a clear appeal process so that users and creators have ways to challenge decisions.

Thirdly, Parliament must make a law to require SSIMs to disclose us what their algorithms are set to do. They should also have annual independent audits on the ways that the algorithms propagate harmful content and should publish individual reports on the way that they moderate political speech during elections. This addresses the root cause of fake news in India, rather than its consequences.

The “IT Amendment rules, 2023” should replace the Fact Check Unit with an independent body comprised of numerous stakeholders that cannot be controlled by the government. Also, the “Digital Personal Data Protection Act, 2023” needs to be amended so that it explicitly addresses the deletion of deepfakes and AI-generated personal content

The digital age has transformed the way of freedom of expression and the human right. Indian courts, Puttaswamy on privacy, Anuradha Bhasin on the rights over the internet, and Shreya Singhal on digital speech, among others say that the right in Article 19 (1) (a) extends to the online world as well and cannot be confined to simply for the sake of convenience.

Lastly, the exceptions to right to erasure in the “DPDP Act, 2023” must be narrowed down to ensure that the right of erasure serves its true purpose.

Conclusion

The digital age has altered the working of the which Freedom of expression. The right granted under Article 19(1)(a) extends into digital space too which can be understood from the Puttaswamy, Anuradha Bhasin and Shreya Singhal judgments. Freedom of expression in digital age, brought negative consequences such as Deepfakes and Algorithmically amplified misinformation. They convert speech to become a kind of weapon used to lie, injure people's identity, and manipulate democracy. The Delhi High Court has come up with orders that protect the personality rights of people from deepfakes. The "IT Amendment Rules, 2026" are the first in India to state that SGI needs regulation. It is a good step but it needs fixing so that it does not silence protected speech.

The major issue that has remained unsolved is that algorithms propagate false and harmful content. This was evident during the 2024 elections. A law that just deletes something after it is published, but does not address the influence of algorithms to disseminate this content, is not adequate and does not comply with the constitution and the democracy. Treating the freedom to express, debate, and dissent online as a constitutional value of the highest order is not merely a legal obligation, it is the foundational condition for the health of India's democracy in the digital century.