

## **Synthetic Faces, Real Disrepute: Deepfake and The Quest to Safeguard Celebrity Rights and Reputation**

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### **ABSTRACT**

Deepfake, the technology which once belonged to the science fiction, has now emerged as a legal dilemma, threatening identity and reputation of the individuals, by stealing unique characteristics like face, voice etc, with just a click. This synthetic performance created by neural networks has redefined the boundaries of digital manipulation, as they generate digital imitation by using real footage or existing performance of a person. Deepfakes can be used for various innocuous purposes such as for creating parodies, create more engaging content, convert the content into multiple languages and generate such content that is easily accessible to the differently abled (Pavis, 2021). But the latest and most common use of the technology has got reduced to various malicious purposes such as stealing someone's identity and spreading misinformation. Amidst these systematic realities, one of the most concerning legal infringements is the violation of Right to Reputation, which is an integral part of Article 21 of the Constitution, which was also reaffirmed in the case of *Subramanian Swamy v. Union of India* (2016) 7 SCC 221. This aspect becomes more alarming when it is narrowed down to the context of celebrities owing to their heightened public visibility, economic value attached to their persona and their abundant digital presence. For instance, the global cricketing legend Sachin Tendulkar in 2024 fell prey to the use of this technology as a video of him promoting an online gaming app went viral. To worsen the situation, in that deepfake video he suggested that his daughter Sara Tendulkar, also a popular social media figure, had earned Rs. 1.8 lakh per day making predictions on that gaming app. Considering his large fanbase, not only was he subjected to cyber bullying due to promotion of such illegal app, hampering his reputation, but also due to such identity fraud, his audience was at a high risk too of believing him and registering on such suspicious application. Such identity fraud does not only violate technology laws, but it also infringes personality rights by unauthorized use of personal attributes like name, voice etc.

This paper scrutinizes the vicious insinuation of deepfakes on the reputation of celebrities and also examines how various other rights such as right to sexual privacy, publicity and personality are hampered. It also aims to align the concept of individual identity evolving from John Locke's Theory of Identity and other relevant theories, amidst contemporary technological advancements. Lastly, it also comes up with certain recommendations to combat the existing challenges and balance celebrity rights against malicious usage of deepfake models, while preserving and upholding the constitutional values and morality.

**keywords:** Deepfake, Celebrity, Reputation, Identity, Technology.

## INTRODUCTION

The roots of deepfake technology are deeply implanted in the early 2010s with the emergence of face-swapping apps, which sophisticatedly used to swap faces of one person with another. The technology has multiple advantages like entertainment and creative expression by creating imaginative content and also enhancing visual effects. It can further be used in medical, aviation and military fields for training and simulation while also creating a room for historical preservation and education as it can enhance old photographs and videos. Specially-abled people can also benefit from the technology with sign language interpretation and lip-syncing ease. However, the technology progressed in the swiftest manner and by 2018, people started exploiting it for pornographic purposes leading to global outrages. Since 2020s, deepfakes are being used in the mainstream life initiating from influencing election activities and spreading false information to making rapid content and disseminating it openly in the social media (Pandit & Singh, 2024).

Deepfake technology incorporates two primary components- "the generator" super-imposes the faces and voices (whatever the case may be) and creates such fake content and "the discriminator" examines whether the data which has been used to create such content is true and authentic or not. This forms a Generative Adversarial Network (GAN) which keeps on progressing in making high quality deepfakes efficiently. Deepfake also encompasses face-swapping technology which detect landmarks on the source images/videos and then superimposes on the target face creating an illusion of replacement, keeping the source person's

body and reputation at stake. The easiest targets are the ones who are known faces to the public - the celebrities. Being public figures, variety of content involving them is available in the public domain from their images to various videos. Because of the highly convincing deepfakes, if their face is misused to portray them as people doing a certain controversial act, it is their public image that suffers which they have built over the years. In a country like India where reputation often takes a higher ground than material wealth as it is also legally recognized as a fundamental right under Article 21, things get tougher. What started off as a tool to make parodies of celebrities for entertainment has now transformed into a tool of trolling and cyberbullying with the malicious minds spreading disinformation (Pandit & Singh, 2024). It is also possible that an act done in goodwill, not to tarnish one's reputation but to share within a fan community can get blown out of proportion as people beyond the community might take the deepfake as the reality and misinterpret it due to lack of better context. As rightly pointed out by Justice Iyer in the case of *Kiran Bedi v. Committee of Inquiry*, reputation is not merely a superficial aspect, but rather an integral part of an individual's personality which directly impacts his societal and personal wellbeing. Hence, on one hand, this delicate entity is extremely prone to derogation, on the other hand, protecting the same is an extremely vital legal function.

Deepfake also essentially affects personality rights of the celebrities which particularly has two aspects in Indian context- Right to Privacy and Right to Publicity. Unauthorized usage of celebrity images or voices fosters gross violation of their privacy rights and autonomy and leads to the contravention of Article 21 of the Constitution which was also reiterated in the infamous *Puttaswamy* case. Personality and publicity rights deal with an individual's control over personal information to strike a balance between privacy and public interest and with the control of a public figure over the commercialization of their identity. The Indian judiciary has highlighted the economic importance of the name, images and other content of a celebrity act as identifiers in a similar manner to trademarks, in *Shivaji Rao Gaikwad v. Varsha Productions* way back in 2015.

This paper analyses the multi-facet violation of celebrity rights due to deepfake usages and also seeks to recommend certain measures which can safeguard these rights and improve the current contemporary situation.

## WHO IS A CELEBRITY

The term celebrity comes from the Latin word “*Celebritatem*” which etymologically means the “condition of being famous”. These individuals are public personage, who, by way of their lifestyle, fame or accomplishments, have significantly created interest among general public about their characters and affairs (Ahmad & Swain, 2011). As a result, the life of the celebrities become extremely vulnerable to public scrutiny. Hence, it can be rightly argued that the substantial burden of protecting their rights is much more than of general public due to the increased quantum of risk (Pandit & Singh, 2024). Currently, a wide range of professionals such as actors, sportspersons, musicians, and all who are capable of grabbing public attention are treated as a celebrity. How the public views an individual is the ultimate test to determine whether one is a celebrity. In the recent case of *Krishna Kishore Singh v. Sarla A Saraogi & Ors* (2023), the Delhi High Court opined that celebrity rights are a collection of rights inclusive of publicity, personality which are asserted through the privacy rights enumerated in the essence of Article 21, and also intellectual property rights in some cases. Due to the massive popularity of celebrities, they have the ability to influence the masses and therefore their persona which is commercialized for publicity are to be protected. It takes years of hard work, polishing skills and building reputation for an individual to be able to earn from their identity itself. Therefore, damage to such reputation reduces the economic value of a celebrity which would result in violation of a right guaranteed under Article 21.

## RIGHT TO REPUTATION

Renowned philosopher John Locke has explained in his book- ‘*The Second Treatise of Government*’ an interesting concept which states that every man has a right on the property or act which he has made with the labour of his body and work of his hands, which subsequently becomes his. He gave the example of river water and jug and argued that even though river is made by God and every human being has equal right over it, yet if a person, with his labour and hard work, had filled a jug with that river water, only he will be having exclusive right over that jug unless he gives explicit consent, even though such jug is kept open in public. Linking

the principle in the present context, celebrities induce their hard work to build up a reputation and public image, and despite their easy availability in the real and reel world, no person has the right to exploit or unfairly utilizing the same which would impair that reputation, unless such person gives expressed consent (Das, 2024).

Indian context perceives reputation as a sacred and consecrated aspect and any stain on the same leads to social exile and extreme backlash from the society. Culturally, reputation is seen to be the exemplification of one's pride and prestige and thus, by causing defamation it fosters extreme harassment, trauma and shame to the person (Singh Pawar & Deb Roy, 2021). In the case of *Umesh Kumar v. State of Andhra Pradesh* (2013), the division bench of Supreme Court beautifully expressed the vitality of reputation by quoting it as an element of personal security and ornamenting it as 'the purest treasure and the most beautiful perfume of life'. In the famous case of *Subramaniam Swamy v. Union of India*, the Supreme Court of India has upheld the importance of reputation of both living and dead persons. Furthermore, the case affirmed that Right to Reputation is a significant aspect of Article 21 of the Constitution and recognized it as a fundamental right (Das, 2024). It further sought to maintain a balance between right to reputation of an individual with that of freedom of speech and expression. The digital presence of celebrities is an inevitable phenomenon standing in today's era which implies wide availability of their personal information including photos, videos and other sensitive data. With the onset of 'Infodemic' (the rapid infliction of technological advancements), AI video generators such as SORA, began producing immensely convincing fake footages, which essentially implies that for a public figure, an AI-generated content can scandalise its authenticity and eventually tarnish the reputation. Once deepfake or misleading content is uploaded to social media or shared through messaging systems, it is replicated, archived, reposted, screenshotted, and mirrored; even if one version is removed, many others exist. False reports tend to become "viral" faster than corrections or denials for a celebrity, whose name and renown indicate that many followers and watchers are eager to consume sensationalized information. The damage which is eventually caused is often quite cumulative and irreversible. The damage may also attract various IT-related offences. The alleged sources of such deepfake images or videos might be unauthorizedly retained by the search engines, archives, press articles and social media reposts, sometimes even after the intervention of the court. A celebrity's image has multi-dimensional importance (for brand sponsorships, reputation, job

possibilities) and such persisting deepfakes might have grave consequences on it (Singh Pawar & Deb Roy, 2021). The recent case of famous Bollywood celebrity Anil Kapoor emphasizes on the potential risks associated with AI abuse and also highlighted the anticipated practical effects of the same. Kapoor's images, memorable dialogues and other unique personal aspects have been targeted by various AI platforms illicitly without authorization. Consequently, he took legal recourse after sensing the potential harm to his reputation and infringement of his right to live with dignity, due to such unauthorized deepfakes. The Bombay High Court awarded him an ex parte omnibus injunction, prohibiting 16 organizations from utilizing his name, picture, or resemblance using AI techniques.

The case of *Subramaniam Swamy* also highlighted the aspects of defamation and held that apart from being a civil wrong, it constitutes a serious criminal offence which incorporated *mens rea* as its condition precedent. Section 499 of the Indian Penal Code, 1860 (now Section 356 of the Bharatiya Nyaya Sanhita, 2023) deals with case of defamation which is invoked when the perpetrator harms the reputation of the victim through words, visual representations, signs etc. The Law Commission, in its 285<sup>th</sup> Report (February 2024) suggested that defamation should strictly be considered as a criminal offence. It further stated that India's diverse society is an amalgamation of multiple languages, culture, ideologies and perspectives, and that's why its important to balance freedom of expression with that of reputation of other individuals.

Stressing upon the importance of criminal defamation, the Commission observed that reputation is intangible and earned over time, yet it can be destroyed in an instant. It stated that the underlying rationale of criminal defamation law, is to safeguard this fragile but vital asset and its many dimensions (Mullick & Narnaulia, 2008).

## **PERSONALITY/PUBLICITY RIGHTS**

Right to publicity is a key aspect of celebrity rights that protects a celebrity's persona from getting appropriated and commercialized without authorization (Hoffman, 1981). Harm to publicity rights was recognized as a distinct type of harm than other forms of harm to individual rights back in the 1950s. In the Indian context, publicity rights have been generally dealt with as an intellectual property right to recognize the profitability of a celebrity's personality or

identity, for which it is also referred to as personality rights (Anand, 2025). However, the 2003 Delhi High Court judgment in *ICC Development (International) Ltd. v. Arvee Enterprises* expressly referred to publicity rights as a facet of privacy. The Court laid down that the name, personality trait, signature, voice and such other features unique to the celebrity in question is what builds their persona and solely they are allowed to profit from it by association in a sport, movie or such other events (Krishnan Luthra & Bakhr, 2019). Any violation of the right was held to be infringement of Articles 19 and 21 of the Indian Constitution. The Courts have also highlighted that the celebrity should be identifiable as so and own an enforceable right in their personality for attracting any liability for alleged infringement. Such as every other right, the right to publicity is not absolute in nature which has often been emphasized upon by the Indian courts. (Singh Pawar & Deb Roy, 2021). It was laid down in *Phoolan Devi v. Shekhar Kapoor* breach of the right can only be claimed when the celebrity has not consented to use of their likeness or identity, or the act in question is beyond the authorized boundaries of consent. For any claim of breach, it is also essential that the claimant is readily identifiable as a celebrity, held in several cases like *Shivaji Rao Gaikwad v. Varsha Productions* and *Titan Industries v. Ramkumar Jewellers*. Further in *R. Rajagopal v. State of Tamil Nadu*, famously known as the *Auto Shankar case*, the Supreme Court declared that only the data available in the public domain can be lifted without authorization, use of any private information would lead to encroachment of the right to privacy, which is intertwined with a celebrity's publicity rights. (Anand, 2025). Similarly, the courts have allowed for publication of material that is newsworthy but without unreasonably intruding into private life of the celebrity, a concept that was highlighted in *Selvi J. Jayalalithaa v. Penguin Books India* and reaffirmed by Justice Kaul in *K.S. Puttaswamy v. Union of India*, where it was underlined that even factual material may require protection if it unjustifiably violates private rights, where it was underlined that even factual material may require protection if it unjustifiably violates private rights (Krishnan Luthra & Bakhr, 2019). Recently, actor Abhishek Bachchan approached the Delhi High Court because a certain YouTube channel used his personal attributes to create AI-generated videos, and that led to the violation of his personality rights. Following that matter, various other celebrities like Aishwarya Rai Bachchan and Karan Johar have approached the court to safeguard their publicity rights so that their likeness is not used for economic exploitation by sites who illegally monetize their personal attributes (Krishnan Luthra & Bakhr, 2019).

## **OFFENCES COMMITTED BY VIOLATION OF THE RIGHTS**

As artificial intelligence comes with its black boxes, using a technology like deepfake should come along with precondition of adequate ethical considerations. The agency theory, formulated by Jensen and Meckling, is suitable for the understanding of deepfake governance. According to the theory, the agent must prioritize the interest of the principal, whereby the agents are the developers and policymakers, and the principal is the society. When organizational interests are given more importance, identity thefts, spread of misinformation and fraud occur, injuring the rights of the members of the society who had entrusted the agents with good governance (Mishra, 2020). Reliance can also be put on the moral responsibility theory by which it can be stated that the developers hold a moral responsibility to ensure that enough safeguards are in place before introducing new models of the deepfake technology so that innovation does not negatively impact the rights of the individuals of the society (Mishra, 2020). Section 66C of the Information Technology Act, 2000 penalises those perpetrators who dishonestly and fraudulently uses the victim's unique identification features thus committing identity theft. Similarly, Section 66D of the Act penalises for the offence of cheating by personation through computer resources.

MeitY had sent advisories to social media platforms, including Facebook, Instagram and YouTube, to take down deepfakes. The advisory had reiterated existing legal provisions that platforms have to follow as online intermediaries. It had mentioned Section 66D of the Information Technology Act, which entails punishment for cheating by personation by using computer resources with imprisonment of up to three years and a fine up to Rs 1 lakh. The advisory also mentioned Rule 3(2)(b) of the Information Technology Rules, under which social media platforms are required to take down content in the nature of impersonation, including artificially morphed images of an individual.

## **PRIVACY RIGHTS**

Deepfake's highly modified Artificial Intelligence fabricates extreme realistic photos and videos posing direct threat to the celebrities' privacy. In India, the constitutional framework

for addressing such harms is Article 21 of the Constitution, which recognizes privacy as a fundamental right. In *Justice K.S. Puttaswamy v. Union of India* (2017), a Supreme Court panel of nine judges ruled that privacy is inextricably linked to life and personal liberty (Pathak et al., 2025). Importantly, the Court stressed informational privacy, dignity, and decisional liberty, stating unequivocally that exploitation of personal data and photos might constitute a constitutional breach. Deepfakes, which include faking private behaviours or changing a person's digital identity, are squarely inside this concern. For celebrities, the harm is twofold: violation of privacy and illegal use of their identity. In light of the *Puttaswamy* decision, non-consensual deepfakes can be challenged as unlawful invasions of privacy, resulting in injunctive relief and damages.

While deepfakes have the ability to swap faces and superimpose voices, it can also strip people off their clothes. There are certain websites that can create a video footage based off just a single photo of an individual's social media account (Pathak et al., 2025). Celebrities are more prone to this phenomenon as their photos and videos are available in the public domain, making it way easier to create deepfake pornography (Citron, 2019). Such pornographic content results in the violation of sexual privacy which is an inseparable part of one's right to privacy (Pathak et al., 2025). Sexual privacy can be defined as the agency and control of an individual over their intimate lives, however not limited to sexual intercourse. It also involves access to information about people's naked bodies, especially their private parts, which is *prima facie* violated by such deepfakes. It is highly "dehumanizing, degrading and violating" for one to see themselves being represented in such a manner (Pascale, 2023). While one might debate about how many actors have exposed some of such body parts in some of their works, but the key is consent. There is higher number of deepfake porn on female celebrities, taking away their sexual autonomy and affecting them deeply both physically and psychologically. Such cyber abuse creates a silencing effect that causes women to be unable to freely participate in online activities, also negatively impacting their social interactions (Choudhary, 2023). Indian journalist Rana Ayyub had become the victim of such deepfake videos which were nothing but revenge porn for her political opinions. As the video went viral, she grew anxious because the hate and abuse on social media skyrocketed. The recent filing of Aishwarya Rai Bachchan in the Delhi High Court was also to ensure safety of her personality rights, that involved her sexual privacy as many websites published fake intimate photographs of her to which her lawyer

stated that her name and likeness were unfortunately being used for somebody's sexual desires (Citron, 2019).

## RECOMMENDATIONS AND CONCLUSION

The pertaining challenges posed by the increasing number of malicious deepfakes can be countered in the following manner:

- *Intermediary/Developers' Vigilance:* Content moderation standards should be introduced by the platforms to detect, flag or remove deepfake content swiftly. Advancement in machine learning can strengthen deepfake detection models in such a way which can predict as well as detect patterns and inconsistencies, and trace the origin of such deepfakes.
- *Strong Authentication System:* A tamper-proof authentication system can trace the authenticity of the content and it can be strengthened by using digital watermarking, cryptographic hashing, blockchain technology and other provenance tools (Hussain Al-Khazraji et al., 2023).
- *Promote digital literacy:* A large part of social media users is unable to distinguish between reality and myth in the content that they consume. The best way to deal with such issue is to make them digitally aware so that they are able to understand the genuineness of a particular information because of being able to detect the signs of any manipulation of data. Such digital knowledge will ensure greater safety of the cyberspace with more informed users.
- *Legal Frameworks:* It is crucial for the legislature to formulate laws that clearly define celebrity rights so that penalizing the violations becomes easier and also bring about laws that regulate deepfakes to curb its widespread use that violate rights of individuals. Introduction of a concrete consent mechanism and stricter guidelines for the social media intermediaries should also be done to ensure a swift implementation of the legislations.

Back in 2023, a video of Bollywood actress Rashmika Mandanna went viral which was later flagged by the fact-checkers on social media as a morphed video. Rashmika's image was

morphed onto a video posted by a British-Indian woman, entering an elevator. The video was believable to most of the viewers, raising heightened concerns about the ease of committing identity theft. The offender when arrested by the police stated that he posted the video to gain engagement and followers, showing the limits people can go to for social media popularity (Sebastian, 2023). This case reminds us about the vulnerability that celebrities face each day and thus the onus of safeguarding the rights is significantly higher. In this regard, the maxim *Vigilantibus non dormientibus jura subveniunt* is to be applied which states that law assists those who are vigilant; public exposure is an inevitable phenomenon for the celebrities, hence the factor which they can control is regarding how much of their personal aspects can be publicly exposed. If the celebrities ensure basic accountability and vigilance about what they are posting, then at least at the very basic level, precaution can be ensured. If the countermeasures are implemented, the risks of violation of the celebrity rights of publicity, privacy and primarily reputation caused by deepfake content can significantly reduce in the future (Twomey et al., 2025). The spell casted by the deepfakes can be broken by the wizards - the lawmakers, who with the counterpart of enforcement mechanisms can bring about a change from the developer's end.

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