

Bill No. 193 of 2024

THE REGULATION OF DEEPFAKE BILL, 2024

By

DR. SHRIKANT EKNATH SHINDE, M.P.

A

BILL

*to regulate the creation and use of deepfake technology, ensuring legal boundaries
for its application and for matters connected therewith.*

BE it enacted by Parliament in the Seventy-fifth Year of the Republic of India as follows:—

1. (1) This act may be called the Regulation of Deep Fake Act, 2024.
- (2) It extends to the whole of India.
- (3) It shall come into force with immediate effect.

Short title,
extent and
commencement.

Definitions.

2. In this Act, unless the context otherwise requires, —

(a) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) “consent” means voluntary and wilful agreement, either in writing or orally, by a person in a sound state of body and mind and of legal age, without any coercion, fraud or error and not obtained under any duress or fear; 5

(c) “Deepfake” means an electronic image or photograph, audio recording, video recording, motion picture film, multimedia, or any technological representation of speech or conduct substantially derivative thereof of an AI-generated content where it appears to be authentically depict any speech, image or conduct of a person who did not undertake in such a speech or conduct or with the intent to convincingly and deceptively depict subjects or issues or represent individuals engaging in actions, making statements, or being in circumstances that did not occur or exist in reality; 10

(d) “digital content forgery” means the act of utilization of technologies, such as artificial intelligence and machine learning methodologies, to create or alter audio, visual, or textual content with the purpose of deceiving; 15

(e) “digital watermark” means the act of embedding information that is intended to be difficult to remove into an output, including an output such as text, an image, an audio, a video, software code, or any other digital content or data, for the purposes of verifying the authenticity of the output or the identity or characteristics of its provenance, modifications, or conveyance and thereby preventing unauthorized use or manipulation; 20

(f) “intermediary”, means any particular electronic records, means any person who on behalf of another person receives, stores or transmits that record or provides any service with respect to that record and includes telecom service providers, network service providers, internet service providers, web-hosting service providers, search engines, online payment sites, online-auction sites, online-market places and cyber cafes; 25

(g) “prescribed” means prescribed by rules made under this Act;

(h) “social media intermediaries” means digital platforms which primarily or solely enables online interaction between two or more users and allows them to create, upload, share, disseminate, modify or access digital content using its services within a virtual community; and 30

(i) “Task Force” means the Deepfake Task Force established under section 4.

Recognition of creation and sharing of deepfake(s) as a criminal offence.

3. Any person, who creates, distributes, disseminates or shares deepfake(s) without the consent of the individual(s) involved or without digital watermark, as defined under this Act, — 35

(a) with the intent to humiliate or otherwise harass the person falsely exhibited, provided that the advanced technological false personation record contains sexual content of a visual nature and appears to feature such person engaging in such sexual acts or in a state of nudity; 40

(b) with the intent to cause violence or physical harm, incite armed or diplomatic conflict, or interfere in an official proceeding, including elections, provided that the advanced technological false personation record poses a credible threat of instigating or advancing such actions; and 45

(c) in the course of criminal conduct related to fraud, false personation, or identity theft, shall be guilty of a criminal offence.

Establishment of Deepfake Task Force.

4. (1) The Central Government shall, by notification in the official Gazette within six months from the date of commencement of this Act, establish a Deepfake Task Force for carrying out the purposes of this Act. 50

(2) The Task Force shall consist of a Chairperson and such other members, as may be prescribed.

(3) The qualifications and experience, term of office, salaries, remuneration and other allowances payable to and other terms and conditions of service of the Chairperson and members, shall be such as may be prescribed.

5. The Task Force shall,—

Functions of the Task Force.

- 5 (a) assist the Central Government to combat the national security implications of deepfakes;
- (b) evaluate the prevalence of deepfake(s) affecting the citizens, businesses in India and the functioning of the Central and State Government;
- 10 (c) conduct appropriate research and develop technologies to detect, or otherwise counter and combat, deepfakes and other advanced image manipulation methods and distinguish such deepfakes or related forgeries from legitimate audiovisual recordings or visual depictions of actual events;
- (d) provide support, both administrative and scientific, to other Federal entities researching such technologies;
- 15 (e) evaluate the risks, encompassing privacy concerns, linked to the utilization of digital content forgery and deepfake(s) within India;
- (f) evaluate the influence of digital content forgery and deepfake(s) on civic participation, including the electorate;
- (g) determine and recommend the extent of penalties to be imposed on offences under the Act on a case-to-case basis;
- 20 (h) evaluate the feasibility of incorporation of blockchain technology to monitor and verify the authenticity of digital content circulated in public domain to ensure a secure and tamper-proof validation process; and
- (i) facilitate discussion and appropriate cooperation between the Central and State Government and relevant private sector technology enterprises or other non-governmental entities, including academic and research institutions, regarding the identification of deepfakes or other advanced image manipulation methods.

6. (1) The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as the Fund or “Combating Deepfakes or Other Advanced Image Manipulation Methods” to which the Central Government and State Governments concerned shall contribute every year in such ratio as may be prescribed.

Establishment of Combating Deepfakes or other advanced image manipulation methods Fund.

(2) The Fund shall be utilized to fund private sector companies for the purposes of combating deepfakes or other advanced image manipulation methods.

7. (1) No later than one year after the enactment of this Act, the Central Government, in coordination with the State government, shall start a public education campaign to raise awareness about synthetic content and synthetically-modified content, including deepfakes.

Public Education Campaign on Deepfake.

(2) This campaign under sub-section (1) shall include,—

- (a) detection and identification— Informing the public about technologies available for identifying synthetic content and the use of digital watermarks; and
- 40 (b) content provenance— Educating about the importance of content provenance and the role of digital watermarking in verifying the authenticity of digital content.

8. Any person or entity who, using any means or facility of interstate or foreign commerce, generates a technologically advanced deceptive impersonation record of audio, visual or audio-visual nature, with the intention of disseminating it over the internet or knowledge that such record shall be so distributed, shall ensure that—

Disclosure.

- (a) such record adheres to the requirement of digital watermark; or
- (b) prior consent from the rights holder for hosting, or sharing of such record is obtained.

9. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds to the State Governments, from time to time, for carrying out the purposes of this Act.

Central Government to provide funds.

Act to have
overriding
effect.

10. The provisions of this Act and of any rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to make
rules.

11. (1) The appropriate Government, may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

5

(2) Every rule made by the Central Government under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

10

(3) Every rule made by the State Government under this section shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

15

STATEMENT OF OBJECTS AND REASONS

With advancements in artificial intelligence and deep learning, deepfake technology has emerged as a significant tool for media manipulation. While the technology has potential applications in education, entertainment, and creative fields, it also poses severe risks when misused—threatening individual privacy, national security, and public trust. Misuse of deepfakes for harassment, deception, and misinformation has escalated, creating urgent need for regulatory safeguards. The proposed Bill seeks to establish a clear legal framework to govern the creation, distribution and application of deepfakes in India.

The Bill aims to protect citizens by mandating prior consent from individuals depicted in deepfake content and requiring the use of digital watermarks for traceability and authenticity. It establishes the *Deepfake Task Force*, a dedicated body to combat national security implications and evaluate the influence of deepfakes on privacy, civic participation, and potential election interference. The Task Force will collaborate with the private sector and academic institutions to develop technologies that detect and verify manipulated content, promoting trustworthiness in digital media.

Furthermore, the Bill proposes the establishment of a fund to support public and private sector initiatives in the detection and deterrence of advanced image manipulation. In ensuring the use of blockchain and other verification technologies, this fund will enhance, secure and tamper-proof validation processes for digital content circulated in the public domain.

In line with its commitment to data protection, transparency, and accountability, the bill also provides penalties for offenders creating or disseminating deepfake content with malicious intent, ensuring legal deterrence against misuse. This bill seeks to balance innovation with responsible use, aiming to safeguard individuals and democratic processes in an increasingly digital world.

Hence this Bill.

NEW DELHI;
November 13, 2024

SHRIKANT EKNATH SHINDE

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for establishment of Deepfake Task Force by the Central Government for carrying out the purposes of this Act. Clause 6 provides for the Central Government to establish Fund to be known as the Fund for Combating Deepfakes and Other Advanced Image Manipulation Methods. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees one hundred crore per annum would be involved from the Consolidated Fund of India .

A non recurring expenditure of about rupees ten crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

LOK SABHA

A

BILL

to regulate the creation and use of deepfake technology, ensuring legal boundaries for its application and for matters connected therewith.

(Dr. Shrikant Eknath Shinde, M.P.)