Journal of Contemporary Law and Society, *Volume 2, Issue 3, September 2025, pp. 162-166*

TECHNICAL ARTICLE
Online ISSN: 3139-1079
DOI: 10.18311/JCLS/2025/V2I3/51401

Online ISSN : XXXX-XXXX

Journal of Contemporary Law and Society

Contents available at: *www.informaticsjournals.co.in/index.php/jcls*

JCLS

Deepfakes and Personality Rights: A Case Comment on TV Today Network Ltd. v. Google LLC

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Abstract

This case comment analyses the Delhi High Court's interim order passed in the case of TV Today Network Ltd. v. Google LLC, which addressed the issue of a deepfake YouTube video impersonating journalist Anjana Om Kashyap. The manipulated video was circulated, and false information was spread as accurate. The court ordered immediate take-down of the video, subscriber and revenue data disclosure, and preventive measures from any future impersonation. The court invoked Article 21 of the Constitution of India, Section 37 of the Copyright Act, and intermediary liability under the Information Technology Act. The order shows the willingness of the judiciary to adopt and extend the laws wherever possible to curb the threats of synthetic media. Also, it highlights the gap in the statutory law. This comment argues that the interim order was necessary while deciding the case, but was also an incomplete response. Comparative perspectives from the European Union, the United States, China, and South Korea have been drawn to understand how different legislation models have been drafted against using Artificial Intelligence, followed by specific recommendations India could adopt for drafting comprehensive AI Legislation. The case shows that the time has come for proper statutory law to govern the governance of threats posed by synthetic media.

Keywords: *Artificial Intelligence Regulation, Copyright, Deepfakes, Intermediary Liability, Personality Rights*

1.0 Introduction

The emergence of deepfake technology, which produces Artificial Intelligence (henceforth 'AI') generated altered content, alters individuals' perceptions of what they see, hear, and consume on the internet. The emergence of deepfakes presents a massive issue for a country like India, where digital literacy levels are varied, and data protection laws are weak and inadequate. In the present case of TV Today Network Ltd. v. Google LLC, the Delhi High Court has passed a significant order in response to deepfakes created by a YouTube channel impersonating renowned journalist Anjana Om Kashyap of Aaj Tak news channel (Arunima, 2025). The order mandated removing the manipulated content, disclosure of the subscriber data and revenue data, and taking preventive steps to prevent further impersonation. This case addresses four critical legal questions in Indian law: personality rights under Article 21, the line between fundamental right of free speech and expression, and unlawful deception under Article 19(1)(a) and Article 19(2), the scope of copyright and broadcaster reproduction right, and intermediary Liability under the Information Technology Act.

This case comment first highlights the factual matrix of the case, what problems the Courts chose to address and resolve, and an evaluation of the Court's approach to personality rights and intermediary platform duties, testing restrictive effects of freedom of speech against constitutionality. Thirdly, this case comment will draw a brief comparison of the approaches taken by the United States, Europe, China, and South Korea to identify their strategies against the issue of deepfakes.

The central argument is that though interim measures should target impersonation and identity fraud swiftly, a long-term, due process-based legal solution is necessary

for the takedown process and a transparency obligation of intermediaries. Without this, the courts will be in a loop of doing ad hoc trials.

2.0 Factual Matrix of the Case

On June 20, 2025, the Delhi High Court heard TV Today Network Ltd. v. Google LLC, a case arising from a counterfeit YouTube channel. The duplicate YouTube channel was named "@AnajanaomKashya" after subtly altering the real name "@AnjanaomKashyap-AOK" by typographical alterations, for example, by deletion of the letter "p." Anjana Om Kashyap is the Anchor and Managing Editor (special projects) of Aaj Tak news channel, whose name, photograph, and videos were illegally used to disseminate misleading news and information. Advanced AI tools and deepfake technology were used to produce videos that mimicked the journalist's voice and appearance in spreading false news in the guise of the original channel without her consent. These videos were made so that it was meant to be believed that she was reading the news on behalf of the news organisation (Srivastava, 2025). This channel was also monetised through YouTube ads, generating significant illegal revenue from impersonators who deceived the viewers.

The plaintiffs, TV Today Network Ltd and Anjana Om Kashyap, immediately sought judicial intervention to prevent the spread of false news and to protect the journalist's identity, integrity, reputation, and economic interests. They have argued that using Kashyap's voice, image, and video without her consent violated her personality rights under Article 21 of the Constitution of India and infringed statutory rights under the copyright and broadcast reproduction laws.

Justice Pratibha Singh directed Google to remove the false content from the imposter channel within 48 hours. She asked to disclose subscriber details within two weeks and revenue details within four weeks. Further, directing that if any other new channels are coming up with impersonated videos of Kashyap, they too shall be removed within 72 hours of notification, and failure to do so will have to be substantiated with reasons. Thus, the order imposed proactive measures by intermediaries to address digital impersonation and synthetic media abuses.

3.0 Legal Issues Raised

The Delhi High Court's intervention in the case of TV Today Network Ltd. v Google LLC has raised four legal issues at the intersection of constitutional rights, intellectual property rights, and digital regulation.

3.1 Personality Rights under Article 21 of the Constitution of India

The Indian Jurisprudence of Article 21 developed due to the gradual consideration of personality rights within the ambit of Protection of Life and Personal Liberty under Article 21. These rights come into play to protect against commercial appropriation of people's names, likenesses, and images. In this particular case, the court has identified impersonation of Kashyap as an explicit threat to personal identity, dignity, and professional reputation in light of the lack of a legislative procedure. This decision, accordingly, advances the coverage of Article 21 further into the inappropriate exploitation of AI-created "personas," in the absence of laws.

3.2 Copyright and Broadcast Reproduction Right

The plaintiffs have also alleged a violation of Section 37 of the Copyright Act, 1957, which talks about broadcast reproduction rights and gives the broadcaster exclusive control over reproduction, rebroadcast, unauthorised use, and public dissemination of content. The court held that unaccredited videos of Kashyap using her video and voice infringed the copyright laws. It reinforced that synthetic media can also violate copyright and broadcaster reproduction rights even when the content is artificially generated.

3.3 Intermediary Liability under the Information Technology Act

Section 79 of the Information Technology Act, 2000, generally limits the liability of the intermediaries, giving them a safe harbour, under which they are only required to act when they have actual knowledge of the unlawful material. However, in this case, the court took a step ahead and asked Google not only to remove the offending content but also to disclose the subscriber and revenue data and take preventive measures in case of future impersonation cases. This shows a shift in the judiciary's approach towards stricter liability and accountability of the intermediaries in cases involving synthetic media and deepfake generation.

3.4 Free Speech and Reasonable Restriction

Finally, the ruling touches upon the constitutional balance that needs to be maintained between freedom of expression under Article 19(1)(a) and the reasonable restrictions provided under Article 19(2). One serious question that deepfakes raise is when they actually cross the line from satire or parody to defamation, fraud, and public deception. While the court has respected the rights of an individual concerning reputation and dignity, it did not lay out clear guidelines for the legitimate and creative use of synthetic media. Thus, this unresolved issue remains problematic when regulating AI-generated content in a democracy.

4.0 Judicial Reasoning and Critical Analysis

The interim order by Justice Pratibha Singh used judicial realism without a framework of rules and regulations for synthetic media. The court's approach gathered principles of the Constitution and the security of intellectual property rights, and addressed intermediary liability, each with its own strengths and weaknesses.

While maintaining consistency with previous Delhi High Court judgments protecting celebrities from unauthorised commercial exploitation of their identity, the court recognised Kashyap's voice, image, and name as an extension of her dignity under Article 21. However, the limitation is that without clear guidelines when such rights outweigh the competing claims of satire and parody is challenging to say. This can be otherwise constituted that personality rights are being used to suppress critical creative expressions.

Section 37 of the Copyright Act was invoked, showing that familiar tools are used for emerging threats. However, broadcast reproduction rights were mainly for rebroadcasting existing material, not any fabricated content made using AI. While the court had no option but to invoke this provision, stretching these laws may lead to uncertainty.

The most important part of the order was perhaps the order by the Court given to Google to remove the content within 48 hours, disclose subscriber and revenue data, and act pre-emptively against future impersonations. This will ensure faster relief and deter any future repeat offence. However, the problem is that these duties have been judicially imposed without any legislative backing, thus raising concerns that platforms may over-remove content to prevent liability.

The court's ruling implicitly prioritised reputation and dignity over free speech, which was considerable in this case, where impersonation was fraudulent. However, there would have been a proportionality if standards were set for deepfakes serving the purpose of art, satire, or creativity.

In the end, the interim order in the judgment was still valuable in the following ways: (i) it respected the rights of the victims, (ii) it gave the intermediary liability and obligations, and (iii) it indicated the judiciary's recognition of the risks associated with AI technology. It reinforces flexibility and the limits of judicial innovation in responding to technological harms.

5.0 Comparative Perspectives

Other jurisdictions have considerably progressed in regulating and recognising synthetic media and its harms compared to India. Their approaches will provide India with a template for designing deepfake laws and cautionary lessons.

The **European Union** (henceforth 'EU') has a risk-based regulation and transparency system and considers deepfakes to be a broader part of the AI and platform governance challenge. The EU has laid down the Artificial Intelligence Act, also known as the EU AI Act, which is the world's first comprehensive AI legislation. The Act classifies AI systems into risk-based categories: unacceptable, high risk, limited risk, and minimal risk. Deepfakes and identity theft are considered high-risk applications that require accountability and transparency. (*Regulation - EU - 2024/1689 - EN - EUR-LEX*, n.d.). In addition, the Digital Services Act (DSA) also requires platforms to remove harmful content, carry out risk assessments, and ensure algorithm accountability. (Rouse Editor, 2025).

The **United States** has both federal and state-level legislation against deepfakes. At the federal level, there is the Take it Down Act, recently signed by President Trump on May 19, 2025, making posts of revenge porn, whether real or created by AI, a federal crime. Publication of any AI-generated intimate content of any individual without their consent is made illegal, and social media platforms must take down such content within 48 hours of receiving any information from the victim (The Hindu

Bureau, 2025). In addition, comprehensive legislation was proposed, such as the Deepfake Accountability Act, which aimed to enforce mandatory disclosures for political deepfakes but has not been turned into a law (*H.R.5586 - Deepfake Accountability Act, n.d.*).

Other U.S. states, like **Texas**, are the first to enact legislation on using deepfakes in elections and criminalise the same (Varghese, 2023). **California** has also taken the lead by enacting eight new AI laws in September 2024 to promote transparency in AI, protecting creative rights, protecting against threats in the context of elections, and mitigating privacy harms perpetuated by sexually explicit deepfakes (*Morrison Foerster*, n.d.).

South Korea has implemented a comprehensive strategy of dealing with the threat of non-consensual deepfake pornography. The country criminalises not only the creation and distribution of non-consensual deepfake pornographic material but also the possession and viewing, even if the image or video is entirely synthetic. (Smith & Brake, 2024).

China, back in the year 2023, enacted the Administration of Deep Synthesis of Internet Information Services (Regulations), which ensures that deep synthesis providers provide a label of AI-generated content, obtain user verification, and remove unlawful content with immediate effect (Brown & Ng, 2023).

6.0 Policy Recommendation for India

The interim order of the Delhi High Court has resolved the problem in this case, but long-term solutions demand statutory clarity. Drawing comparative analysis and considering India's constitutional framework, several policy recommendations emerge.

6.1 Enacting a Dedicated Legislation on Synthetic Media

It is high time that India should stop relying on ad hoc judicial orders and frame a statute about "deepfakes" by classifying offences like fraudulent impersonation, non-consensual intimate videos or photos, electoral manipulation, and set appropriate penalties. Addressing specific harms, like in the U.S. and South Korea, will build strong legitimacy and reduce free speech concerns.

6.2 Mandate the Duties of the Platform with Procedural Safeguards

Platforms must adhere to protocols to identify, label, and remove harmful deepfakes. However, to prevent the rapid takedown of content to escape liability, a notice and counter notice system must be in place so that a satire, parody, or genuine critique is not stifled. The European Union's Digital Services Act provides a good example of combining proactive risk assessment with due process.

6.3 Maintain Transparency and Accountability

Service providers must disclose the reasons for taking down any content, the number of contents they take down, and compliance rates. Like China's mandatory labelling requirements, service providers must also be obligated to use some labelling methods to distinguish between harmful and valid content.

6.4 Establish a Dedicated Regulatory Body

Considering the technical nuances of synthetic media, a dedicated regulating body with trained staff and members with legal and technological backgrounds should be appointed to oversee compliance.

6.5 Fast-Track Remedies and Victim Support

Information online travels quickly, and courts must have expedited procedures for removal orders and granting injunctions. Victims of deepfakes and impersonation face reputational harm, and slow remedies are practically meaningless. A special redressal mechanism for such victims and timelines shall be allotted on the tribunals to impart justice adequately.

6.6 Awareness and Digital Literacy

The legal system must help raise awareness and sensitise the public, particularly vulnerable communities, like older persons and minors, about deepfake materials, including understanding risks and detection. In this regard, civil society and the media must unite and perform a critical function.

Taken together, these responses show that India can take a balanced approach while drafting a dedicated

Deepfake Legislation to protect the dignity and reputation of an individual.

7.0 Conclusion

Thus, we see that the order of the Delhi High Court in TV Today Network Ltd. v. Google LLC illustrates that the judiciary can only act as a stopgap against synthetic media, and only a properly drafted legislation can address the issues and propose a long-term solution.

Kashyap's case can be considered a starting point for recognising the urgency of a comprehensive AI Legislation that protects dignity, balances free speech, and creates accountability, liability, and transparency for the intermediaries. We must understand that courts can only continue to offer temporary remedies to the challenges of synthetic media until deliberate lawmaking is taken into action.

8.0 References

Arunima. (2025). *Delhi HC grants relief to Anjana Om Kashyap over DeepFake YT Channel| SCC Times*. SCC Times. https://www.scconline.com/blog/post/2025/06/27/delhi-high-court-anjana-om-kashyap-personality-rights-youtube-fake-channel-legal-rights-legal-news/

Brown, J. F., & Ng, S. (2023). *China brings regulations on the administration of the deep synthesis of internet technology addressing deepfakes and similar technologies*. A & O Shearman. https://www.aoshearman.com/en/insights/ao-shearman-on-data/china-brings-into-force-regulations-on-the-administration-of-deep-synthesis-of-internet-technology

CONGRESS.GOV. (n.d.). *H.R.5586 - DEEPFAKES Accountability Act*. https://www.congress.gov/bill/118th-congress/house-bill/5586/text

European Union. (n.d.). *Regulation - EU - 2024/1689 - EN - EUR-LEX*. https://eur-lex.europa.eu/eli/reg/2024/1689/oj/eng

Morrison Foerster. (n.d.). *2024 Year in Review: Navigating California's landmark deepfake legislation | Morrison Foerster*. https://www.mofo.com/resources/insights/241211-2024-year-in-review-navigating-california-s-landmark-deepfake-legislation

Rouse Editor. (2025). *AI-generated deepfakes: What does the law say?* https://rouse.com/insights/news/2024/ai-generated-deepfakes-what-does-the-law-say

Smith, G., & Brake, J. (2024). *South Korea confronts a deepfake crisis*. East Asia Forum. https://eastasiaforum.org/2024/11/19/south-korea-confronts-a-deepfake-crisis/ https://doi.org/10.59425/eabc.1732010400

Srivastava, B. (2025). *Delhi High Court ordered the takedown of the YouTube channel using Anjana Om Kashyap deepfakes*. Bar And Bench - Indian Legal News. https://www.barandbench.com/news/delhi-high-court-orders-takedown-of-youtube-channel-using-anjana-om-kashyap-deepfakes

The Hindu Bureau. (2025). *What is the 'Take It Down Act' signed by Donald Trump to combat 'revenge porn'?* [Video]. The Hindu. https://www.thehindu.com/news/international/what-is-take-it-down-act-donald-trump-to-combat-revenge-porn/article69596373.ece

Varghese, B. (2023). *Deepfakes in Texas: What are they, and are they illegal?* Varghese Summersett. https://versustexas.com/blog/deepfakes/