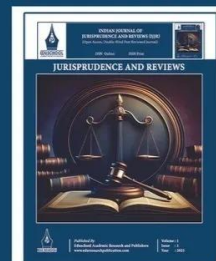




INDIAN JOURNAL OF JURISPRUDENCE AND REVIEWS (IJJR)

(Open Access, Double-Blind Peer Reviewed Journal)

ISSN Online: 3139-177X



Cloning the Persona: Personality and Publicity Rights in the Age of AI Deepfakes and Voice Cloning in India

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Article information

Received: 12th April 2026

Received in revised form: 25th April 2026

Accepted: 30th May 2026

Available online: 2nd June 2026

Volume: 2

Issue: 2

DOI: <https://doi.org/10.63090/IJJR/3139.177X.0014>

Abstract

The proliferation of generative artificial intelligence has made it possible to clone a person's face, voice, and mannerisms with unprecedented fidelity, and Indian courts have responded with a rapidly expanding body of personality and publicity rights jurisprudence. This paper examines that development. India has no dedicated statute protecting personality or publicity rights; the protection that exists has been assembled by the courts from the constitutional right to privacy and dignity recognised in Justice K.S. Puttaswamy v. Union of India (2017), from the common law of passing off and defamation, and from scattered provisions of the Copyright Act, 1957, and the Trade Marks Act, 1999. Through a line of decisions running from Amitabh Bachchan v. Rajat Nagi (2022) and Anil Kapoor v. Simply Life India (2023) to Jackie Shroff v. The Peppy Store (2024) and Arijit Singh v. Codible Ventures (2024), the Delhi and Bombay High Courts have extended protection from name and image to voice, vocal style, mannerisms, catchphrases, and AI-generated replicas. The paper argues that, while this judicial response has been swift and remedially robust, the absence of a statutory foundation produces uncertainty over the scope of protected attributes, the treatment of ordinary citizens as opposed to celebrities, the duration of rights after death, and, above all, the boundary between protection and the freedom of expression guaranteed by Article 19(1)(a). It proposes a statutory framework that codifies the protected persona, establishes a consent-and-licensing regime, expressly carves out satire, parody, news, and artistic use, and integrates personality-rights remedies with the synthetic-media labelling regime introduced in 2026.

Keywords:- Personality rights, Publicity rights, Deepfakes, Voice cloning, Freedom of expression

I. INTRODUCTION

A person's face and voice were once inseparable from the person. Generative artificial intelligence has severed that connection. It is now possible to synthesise a convincing video of an individual saying words never spoken, to clone a singer's voice and generate new songs in it, and to deploy a celebrity's likeness in advertisements the celebrity never approved. The technology that makes this possible is widely available, and its misuse has moved quickly from novelty to harm: fraudulent endorsements, deepfake pornography, and scams that use a trusted face to lend credibility to deceit (LiveLaw, 2025; BananaIP, 2026).

Indian courts have responded with striking speed. Over a short period, the Delhi and Bombay High Courts have granted a series of injunctions protecting the name, image, voice, mannerisms, and AI-generated likeness of public figures from unauthorised exploitation. Amitabh Bachchan, Anil Kapoor, Jackie Shroff, Arijit Singh, Aishwarya Rai Bachchan, Asha Bhosle, and others have obtained relief, and the courts have increasingly framed the harm in terms not only of commercial misappropriation but of dignity and the threat posed by generative AI (LiveLaw, 2025; Isha, 2025).

Yet this rapid expansion rests on uncertain foundations. India has no statute that defines or protects personality or publicity rights. The courts have constructed the protection from constitutional privacy, the common law of passing off, and fragments of intellectual-property legislation, producing a regime that is energetic but doctrinally unsettled. The same energy that protects celebrities raises a countervailing concern, namely that an expansive, judge-made right of publicity may encroach upon the freedom of expression that protects satire, parody, commentary, and art (Legacy IAS, 2025; Khurana & Khurana, 2025).

This paper addresses three central questions:

- First, what is the legal basis of personality and publicity rights in India in the absence of a dedicated statute, and how far have the courts extended the protected persona?
- Second, how should the law respond to the distinct threat posed by generative AI, including voice cloning and deepfakes, and to the position of ordinary citizens rather than celebrities?
- Third, how can robust protection of the persona be reconciled with the freedom of expression guaranteed by Article 19(1)(a)?

Through doctrinal analysis of the case law and the underlying statutory fragments, the paper argues that the present judge-made regime, though valuable, is reaching the limits of what adjudication alone can supply, and it proposes a calibrated statutory framework.

II. THE LEGAL FOUNDATIONS OF PERSONALITY AND PUBLICITY RIGHTS

Personality rights in India rest on no single source but on a convergence of several. The constitutional anchor is the right to privacy and dignity under Article 21, recognised as a fundamental right in *Justice K.S. Puttaswamy v. Union of India*, which protects an individual's control over the use of personal attributes such as name, image, and identity (Puttaswamy, 2017). From this flows the personality right proper, concerned with dignity, and its commercial facet, the publicity right, concerned with the economic value of identity.

The common law supplies the remedial machinery. The tort of passing off, ordinarily used to prevent the misrepresentation of goods, has been adapted to prevent false endorsement, on the reasoning that the unauthorised use of a person's identity falsely suggests that the person has endorsed a product. Defamation protects against the use of identity in a manner that injures reputation. These doctrines were applied in early publicity-rights decisions such as *ICC Development (International) Ltd. v. Arvee Enterprises* and *DM Entertainment Pvt. Ltd. v. Baby Gift House*, and refined in *Titan Industries Ltd. v. M/s Ramkumar Jewellers* (ICC Development, 2003; DM Entertainment, 2010; Titan Industries, 2012).

Statutory fragments fill out the picture. The Copyright Act, 1957, confers on performers a set of exclusive rights under Section 38A and moral rights under Section 38B, the latter protecting a performer against distortion or mutilation of a performance that would prejudice reputation, a provision of evident relevance to the manipulation of recorded voice and image. The Trade Marks Act, 1999, allows individuals to register their names and signatures, restricts the use of personal names under Section 14, and preserves the action for passing off under Section 27(2), enabling celebrities to police false endorsement even without registration (Khurana & Khurana, 2025; Scribd source, 2025). The result is a composite right, constitutional in its foundation, tortious in its enforcement, and supplemented by intellectual-property statutes, but nowhere codified as such.

III. THE JUDICIAL EXPANSION: FROM IMAGE TO VOICE, MANNERISM, AND AI REPLICA

The trajectory of the case law is one of steady expansion in the range of protected attributes. The early decisions concerned the unauthorised use of name and image: *Daler Mehndi's likeness in DM Entertainment*, and the *Bachchans' in Titan Industries*. The protected persona was, at that stage, essentially the visual and nominal identity of the individual (DM Entertainment, 2010; Titan Industries, 2012).

The recent decisions extend protection much further. In *Amitabh Bachchan v. Rajat Nagi*, the Delhi High Court granted a comprehensive injunction protecting the actor's name, image, voice, and other identity attributes against a range of unauthorised uses (Amitabh Bachchan, 2022). In *Anil Kapoor v. Simply Life India*, the same court extended protection to mannerisms, gestures, and signature expressions, including a well-known catchphrase, and expressly addressed the misuse of the actor's identity through AI and deepfake technology (Anil Kapoor, 2023). In *Jaikishan Kakubhai Saraf alias Jackie Shroff v. The Peppy Store*, the court restrained e-commerce platforms, an AI chatbot, and other defendants from exploiting the actor's persona, while declining to restrain genuine satire and artistic commentary (Jackie Shroff, 2024).

The most consequential development is the recognition of voice as a protected attribute in the context of generative AI. In *Arijit Singh v. Codible Ventures LLP*, the Bombay High Court held that the unauthorised use of AI tools to convert any input into the singer's voice violated his personality rights, identifying voice, vocal style, technique, and interpretation as core attributes of identity (Arijit Singh, 2024). The court treated the availability of voice-cloning tools as itself an actionable harm, a significant doctrinal step. Subsequent decisions, including protection for a cardiac surgeon against deepfakes promoting dubious health products in *Dr Devi Prasad Shetty v. Medicine Me* and a broad *John Doe* injunction in *Ankur Warikoo v. John Doe* against deepfake investment scams, show the courts extending the doctrine beyond entertainment celebrities and deploying dynamic injunctions with expedited takedown directions (Devi Prasad Shetty, 2024; Ankur Warikoo, 2025).

IV. AI, DEEPFAKES, AND THE NEW THREAT MODEL

Generative AI changes the nature of the harm in three respects, and the case law has begun to register each. First, it changes scale and accessibility. Where the misappropriation of identity once required skill and resources, it can now be accomplished by anyone with access to a consumer tool, multiplying the number of potential infringers and rendering traditional, defendant-by-defendant enforcement inadequate. The courts' resort to *John Doe* and dynamic injunctions, which bind unknown and future infringers and require intermediaries to act swiftly, is a direct response to this shift (Ankur Warikoo, 2025).

Second, it changes the attributes at risk. Deepfakes and voice cloning target precisely those features, the moving face and the speaking voice, that are most intimately identified with the person and most persuasive to an audience. The recognition in *Arijit Singh* that voice is a core identity trait, and in *Anil Kapoor* that mannerisms and expressions are protectable, reflects

the courts' understanding that the protected persona must expand to match what the technology can replicate (Arijit Singh, 2024; Anil Kapoor, 2023).

Third, it changes the victim profile. While the litigation has so far been dominated by celebrities, whose identities have commercial value, the technology threatens ordinary citizens at least as gravely, through deepfake harassment, impersonation, and fraud, where the harm is to dignity and safety rather than to commercial value. The doctrine, built around the publicity rights of the famous, is not well adapted to the dignity interests of the ordinary person, whose injury may be severe but whose identity carries no market premium. The extension of protection to a surgeon in Devi Prasad Shetty and to a finance educator in Warikoo hints at a broadening, but the conceptual basis for protecting the non-celebrity remains underdeveloped (Devi Prasad Shetty, 2024).

V. THE FREEDOM OF EXPRESSION COUNTERWEIGHT AND THE RISK OF OVERBREADTH

Against the impulse to protect the persona stands the freedom of speech and expression under Article 19(1)(a), which shelters satire, parody, criticism, news reporting, biography, and artistic use. A right of publicity that is defined too broadly threatens to convert every reference to a public figure into a potential infringement, chilling legitimate commentary and creativity. Indian courts have been alerted to this danger. In *DM Entertainment* they cautioned against an over-expansion of publicity rights, and in *Digital Collectibles Pvt. Ltd. v. Galactus Funware Technology* the Delhi High Court held that the use of publicly available information about sportspersons in an online game was protected and that publicity rights cannot be used to suppress free expression (*DM Entertainment*, 2010; *Digital Collectibles*, 2023).

The case law thus draws a line, in principle, between commercial exploitation and false endorsement on the one hand, which may be restrained, and genuine expression on the other, which may not. The Jackie Shroff court's refusal to restrain satirical videos that commented on the actor illustrates the distinction in practice (Jackie Shroff, 2024). But the line is easier to state than to apply, and the instruments the courts have adopted strain it. Dynamic and John Doe injunctions, by binding unknown parties and mandating rapid takedown by intermediaries, place the initial judgment about what is infringing in the hands of platforms operating under time pressure and liability risk, which are likely to err toward removal. The risk is that lawful satire and commentary are swept up alongside genuine deepfakes, with no effective opportunity for the speaker to be heard.

This tension cannot be resolved by injunction practice alone. It requires substantive standards that specify which uses are protected expression and which are actionable, and procedural safeguards that protect the speaker before lawful content is removed. The absence of such standards in a judge-made regime, where each order is tailored to the case before the court, leaves the boundary between protection and censorship to be redrawn case by case, with inconsistent results.

VI. CRITICAL EVALUATION: SHORTCOMINGS AND CONTRADICTIONS

The judge-made regime, for all its responsiveness, exhibits four structural weaknesses. First, it lacks a statutory foundation, and with it the certainty that legislation provides. The scope of the protected persona has grown case by case, without a settled definition of which attributes are protected or of the threshold a claimant must meet. The result is doctrinal uncertainty that advantages well-resourced litigants able to obtain bespoke injunctions and disadvantages everyone else.

Second, the regime is celebrity-centric. Built on the commercial logic of publicity rights, it protects most readily those whose identities have market value, while the dignity harms suffered by ordinary citizens, who are increasingly the targets of deepfake abuse, fit awkwardly within a doctrine framed around misappropriation of economic value. A protection that depends on fame is poorly matched to a threat that does not.

Third, the duration and inheritability of the right after death remain unsettled. Whether personality or publicity rights survive the individual, and for how long, has been answered inconsistently, with some authority suggesting that the dignity-based aspect does not survive death while the commercial aspect may. In an era when the deceased can be convincingly reanimated by AI, this uncertainty is consequential and unresolved.

Fourth, the free-expression boundary is insecure. The courts articulate the correct principle, that genuine expression is protected, but the enforcement instruments they employ, dynamic injunctions and intermediary takedown, lack the procedural safeguards needed to prevent the suppression of lawful speech. The regime thus risks both under-protecting ordinary victims and over-restraining legitimate expression, a double failure that statute is better placed to correct.

VII. IMPLICATIONS AND RECOMMENDATIONS

A statutory framework can preserve the gains of the case law while curing its weaknesses. Five measures are proposed.

First, India should enact a dedicated personality and publicity rights statute that defines the protected persona, including name, image, likeness, voice, and distinctive mannerisms, and that establishes a clear threshold for protection applicable to every individual, not only to the famous. Codification would replace case-by-case improvisation with predictable rights and defences.

Second, the statute should establish a consent-and-licensing regime for the commercial use of identity, including AI-generated use, so that legitimate uses can be authorised and unauthorised uses clearly identified. Express provision for the use of a person's voice or likeness in AI systems would address the precise harm recognised in *Arijit Singh* (*Arijit Singh*, 2024).

Third, the statute should expressly carve out protected expression, namely satire, parody, criticism, news reporting, biography, and artistic and scholarly use, and should require that, before lawful content is removed on personality-rights grounds, the speaker be afforded a fair opportunity to contest the claim. This would secure the Article 19(1)(a) interest that injunction practice currently leaves exposed (*Digital Collectibles*, 2023).

Fourth, remedies for personality-rights violations should be integrated with the synthetic-media regime introduced by the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2026, which mandate the labelling and provenance of synthetically generated information. Provenance metadata and labelling would assist both in identifying infringing deepfakes and in distinguishing them from labelled, consensual, or clearly satirical synthetic content.

Fifth, the statute should resolve the questions of duration and inheritability, fixing a defined post-mortem term for the commercial right while recognising that the dignity-based protection against degrading or fraudulent uses may warrant separate, and possibly longer, treatment, particularly given the capacity of AI to exploit the identities of the dead.

VIII. CONCLUSION

Generative artificial intelligence has made identity itself a contested asset, and Indian courts have moved with commendable speed to protect individuals against the cloning of their faces and voices. The jurisprudence running from Amitabh Bachchan and Anil Kapoor to Jackie Shroff and Arijit Singh has expanded the protected persona to match the reach of the technology and has fashioned remedies, including dynamic and John Doe injunctions, equal to the scale of the threat. This is a considerable achievement of common-law adaptation.

But adjudication has its limits. A right assembled from constitutional privacy, the tort of passing off, and fragments of intellectual-property law cannot supply the certainty, the even-handed coverage of ordinary citizens, the clarity on post-mortem rights, or the procedural protection of free expression that the subject now demands. This paper has argued that a dedicated statute, defining the persona, establishing consent and licensing, carving out protected expression with fair procedure, integrating with the synthetic-media labelling regime, and settling duration, would consolidate the courts' gains on a secure foundation.

The stakes reach beyond celebrity. As the cloning of identity becomes accessible to all, the protection of the persona becomes a question of dignity and safety for every citizen, and the boundary between that protection and the freedom to speak about public figures becomes a question for the whole of democratic culture. India's courts have written a remarkable first chapter; the legislature must now write the law.

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