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Decoding Personality Rights in the Age of AI

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The core issue is how existing legal frameworks, designed for traditional media and intellectual property, are struggling to cope with the speed, scale, and deception enabled by generative AI technologies like deepfakes.

The Concept of Personality Rights

Definition: Personality rights are the rights that protect an individual's control over their **identity**. They typically include the right to control the use of one's **name, image, likeness, voice, signature, and other unique identifiers**.

Dual Origin: These rights are often rooted in a hybrid of two concepts:

o**Right to Privacy/Dignity:** Protecting an individual's personal integrity and avoiding humiliation (the European model).

o**Right of Publicity/Economic Autonomy:** Protecting the commercial value derived from a celebrity's fame and identity (the US model).

The AI Challenge

Generative AI blurs the lines between authenticity and deception, amplifying vulnerabilities:

Deepfakes: AI-generated media that convincingly replaces a person's face, voice, or body in existing content.

Harm: Deepfakes propagate **misinformation**, enable **extortion**, cause severe **reputational and financial damage**, and **erode public trust** in digital media. The case involving Abhishek Bachchan and Aishwarya Rai Bachchan is an example of seeking redressal for alleged explicit, fictitious AI-generated content.

Future Threat: The unauthorized use of existing content (like celebrity images/voices) to **train future AI models** poses a massive threat of continuous, commercial exploitation without consent or compensation.

The Legal Mosaic: India's Hybrid Approach

India's legal framework for personality rights is **uncodified** and currently relies on judicial interpretations, creating a "**reactive**" and fragmented mosaic.

Foundation in Indian Law

Constitutional Root: Personality rights are primarily derived from **Article 21** (Right to Life and Personal Liberty).

Landmark Judgement: This link was affirmed in the **Justice K.S. Puttaswamy vs. Union of India (2017)** judgement, which recognized the fundamental right to privacy.

Judicial Precedents: Indian courts have adopted a **privacy-property hybrid** approach, recognizing both the dignity and commercial aspects:

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o **Justice K.S. Puttaswamy (2017)**: Established the right to privacy as fundamental.

o **Anil Kapoor vs. Simply Life India (2023)**: Banned the use of Mr. Kapoor's likeness and catchphrase "**Jhakaas**" for diluting his brand value, affirming the commercial/property nature.

o **Amitabh Bachchan vs. Google (2022)**: Recognized personality rights and prevented unauthorized use of his name, image, and voice.

o **Voice Protection**: A 2004 case (Bombay High Court) protected a celebrity's voice from unauthorized replication, affirming **voice** as a core component of personality rights.