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Reconsidering Post-Mortem Personality Rights in India in the Age of Generative Artificial Intelligence

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ABSTRACT

Generative Artificial Intelligence (AI) has redefined the legal significance of personal identity. It can create highly realistic synthetic images, videos and digital avatars. The technological capacity to recreate a deceased person's appearance, voice or mannerisms raises a particularly difficult question for Indian law: whether personality or publicity interests can survive the death of the individual. Indian courts have progressively protected personality interests through privacy, publicity, passing off and intellectual-property doctrines, but India has no comprehensive statutory framework governing post-mortem personality rights. The Delhi High Court's 2021 interim order in Krishna Kishore Singh v. Sarla A. Saraogi is particularly significant because it distinguished privacy rights, which terminate with death, from the unresolved possibility that commercially valuable personality interests might survive as property. Recent cases involving AI-generated voices and digital likenesses demonstrate the growing capacity of technology to appropriate personality traits in ways that existing doctrines did not anticipate. The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2026 have introduced regulatory mechanisms concerning synthetically generated information, but they do not create a specific post-mortem personality right. This article examines the doctrinal foundations of personality rights in India, analyses their post-mortem limitations and considers the implications of generative AI. It argues for a narrowly defined, limited post-mortem personality interest directed against unauthorised commercial exploitation and synthetic identity appropriation.

Keywords: *Post-mortem personality rights, personality rights, right of publicity, generative artificial intelligence, digital identity, deepfakes, privacy, India*

I. INTRODUCTION

Generative artificial intelligence is changing the relationship between technology and identity. Earlier kinds of digital reproduction essentially involved copying, publishing or modifying existing materials. Modern generative systems push the matter much further. They can create a

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synthetic face, imitate a voice, generate new performances and represent a person on video in the style of the real individual.

The possibility of using technology to bring back someone who has died poses a legal issue entirely different from the ordinary unauthorised use of a photograph or a recording. A synthetic output can attribute a statement, a character, a behaviour or a performance to a person who never produced it. The development of such technology raises the question of what, in law, survives a person after death.

Indian law has not developed personality rights through a single comprehensive statute. The courts have instead expanded and interpreted them gradually through judgments. The term “personality rights” is generally understood to refer to a set of rights, covering mainly the name, image, likeness, voice, persona and other distinctive attributes of an individual. Over time, the cases have rested on a combined reading of privacy, publicity, passing off, copyright and other branches of intellectual-property law.

In *ICC Development (International) Ltd. v. Arvee Enterprises*, the Delhi High Court held that the right of publicity can inhere only in an individual or in the indicia of an individual’s personality, such as name, personality traits, signature and voice.¹ The courts have since protected a celebrity’s identity against unauthorised commercial exploitation in cases such as *D.M. Entertainment Pvt. Ltd. v. Baby Gift House* and *Titan Industries Ltd. v. Ramkumar Jewellers*.²

The Supreme Court’s recognition, in *Justice K.S. Puttaswamy (Retd.) v. Union of India*, of privacy as a right guaranteed under Article 21 has strengthened the constitutional dimension. In that case, privacy was described as closely related to dignity, liberty and autonomy.³ The constitutional basis of privacy, however, creates a difficulty for claims relating to the deceased. In principle, privacy belongs to the living person, and extending a person’s privacy interest beyond his or her death is therefore not straightforward.

This problem was squarely raised in *Krishna Kishore Singh v. Sarla A. Saraogi*, where personality and privacy rights were claimed in respect of the persona of the late actor Sushant Singh Rajput. In its judgment of July 2023, the Delhi High Court held that the privacy, publicity and personality rights that had vested in the actor were not heritable and had died with him.⁴ The

¹ *ICC Development (International) Ltd. v. Arvee Enterprises*, 2003 SCC OnLine Del 2, ¶¶ 13–14.

² *D.M. Entertainment Pvt. Ltd. v. Baby Gift House*, 2010 SCC OnLine Del 4790, ¶ 14; *Titan Industries Ltd. v. Ramkumar Jewellers*, 2012 SCC OnLine Del 2382, ¶¶ 15(III)–(IV).

³ *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1, 35–40.

⁴ *Krishna Kishore Singh v. Sarla A. Saraogi*, 2023 SCC OnLine Del 3997, ¶¶ 21.1–21.4.

Court's earlier interim order of June 2021 had, however, identified the underlying question whether personality or publicity rights can be treated as property forming part of the estate, separately from privacy and dignity.⁵ This division is crucial in the context of generative AI. If personality is perceived solely as part of a person's dignity and privacy, its legal life may end when the person dies. If, on the other hand, the commercialised attributes of a person's identity are treated as a separate economic interest, the case for some protection after death becomes considerably stronger.

Generative AI compounds the problem. Indian courts have begun to respond to the unauthorised AI-based use of the identities of living public figures. In *Arijit Singh v. Codible Ventures LLP*, the Bombay High Court granted interim relief protecting the singer's name, voice, image, likeness, persona and other personality traits in the context of AI-generated voice content.⁶ The ruling shows that the existing law on personality rights applies to technological infringement during a person's lifetime, but it does not settle the question of protection after death.

The article therefore poses the following questions. First, what is the status of the law governing personality and publicity rights in India once a person has died? Secondly, how does generative AI affect the problem of the appropriation of identity after death? Thirdly, does India need a separate regulation to safeguard the commercially valuable elements of personality without restricting freedom of expression more than necessary?

The paper follows a doctrinal and analytical method. It examines constitutional principles, court judgments, intellectual-property law and information-technology law, together with the related secondary literature.

It is suggested that Indian law should distinguish between post-mortem privacy, which belongs to the person only during life and is therefore very hard to justify as a surviving constitutional right, and a limited post-mortem personality interest aimed at preventing commercial exploitation and the artificial usurpation of identity. Under such a system, the right should last for a limited period, be transferable subject to conditions, and admit exceptions for legitimate uses such as journalism, art, history and education.

II. PERSONALITY RIGHTS AND THEIR POST-MORTEM DIMENSION

A. Understanding personality rights

Personality rights are not a single, fully fledged right under Indian law. The concept refers to a family of legal interests protecting various aspects of an individual's identity. These may include

⁵ *Krishna Kishore Singh v. Sarla A. Saraogi*, 2021 SCC OnLine Del 3146, ¶ 26.

⁶ *Arijit Singh v. Codible Ventures LLP*, 2024 SCC OnLine Bom 2445.

a person's name, image, likeness, voice, signature, distinctive appearance, mannerisms and, where relevant, other attributes capable of identifying the individual.

The Delhi High Court in *ICC Development* described publicity rights as inhering in an individual and in indicia such as name, personality traits, signature and voice.⁷ The significance of this decision lies in its rooting of publicity in the individual and not in an event or institution as a commercial proposition. The underlying principle is that an individual's identity is capable of acquiring economic value, and that the unauthorised commercial use of that identity can appropriate that value.

Indian jurisprudence developed the principle further through the doctrine of passing off and similar mechanisms. In *D.M. Entertainment*, the Delhi High Court considered the unauthorised use of the name and likeness of the singer Daler Mehndi on dolls and held that the commercial appropriation of a celebrity's identity was an actionable wrong.⁸ In *Titan Industries*, the Delhi High Court held that protection was available against the unauthorised commercial use of the images of Amitabh Bachchan and Jaya Bachchan in a jewellery advertisement.⁹

Personality rights therefore occupy a peculiar position in the law. They embody both a dignitary and an economic dimension. The former is concerned with autonomy, identity and the right to control one's representation. The latter is concerned with the right to derive commercial value from one's persona and to prevent others from deriving value from it.

This dual character becomes particularly important after death.

B. Privacy and publicity

The right to publicity is not the same as the right to privacy. The one protects a person's interest in avoiding unwelcome intrusion, while the other safeguards the economic value connected with a personality.

In *R. Rajagopal v. State of Tamil Nadu*, the Supreme Court held that privacy is a protected aspect of Article 21 and that a person has a right to be free from the unauthorised disclosure of information relating to his or her private life.¹⁰ Subsequently, the nine-judge bench in *Puttaswamy*, while upholding the right to privacy as a fundamental right, also recognised it as an element of dignity, liberty and autonomy.¹¹

⁷ *ICC Development*, 2003 SCC OnLine Del 2, ¶¶ 13–14.

⁸ *D.M. Entertainment*, 2010 SCC OnLine Del 4790, ¶ 14.

⁹ *Titan Industries*, 2012 SCC OnLine Del 2382, ¶¶ 15(III)–(IV).

¹⁰ *R. Rajagopal v. State of Tamil Nadu*, (1994) 6 SCC 632, 649–50.

¹¹ *Puttaswamy*, (2017) 10 SCC at 35–40.

The difficulty with a privacy-based foundation for post-mortem rights lies in the fact that Justice Abhay Manohar Sapre, in his concurring opinion in *Puttaswamy*, conceptualised privacy as a natural right that is born with the human being and extinguishes with the human being.¹² The Delhi High Court relied on this passage in *Krishna Kishore Singh*, holding, *prima facie*, that a posthumous privacy right is not permissible.¹³

By contrast, publicity interests typically have an economic character and can therefore, at least in theory, be dissociated from the living personality. A celebrity usually enters into endorsement and licensing agreements, or assigns intellectual-property rights, during his or her lifetime, and some of these interests may by their very nature survive death, since property rights can pass to heirs.

What the critics actually seek is for certain personality rights to be decoupled from the individual, at least to a limited extent, so that they can continue to carry economic value beyond death. The issue is not whether all personality rights should survive death, but whether some economically significant elements of personality should be given limited post-mortem protection as a matter separate from the constitutional privacy rights of the deceased.

C. Personality as dignity and personality as property

There are two conceptual approaches.

The first approach views personality as an extension of dignity and autonomy. Under this approach, the right is inherently personal and cannot easily be transferred or inherited. It finds its justification in protecting the individual from unwanted appropriation of his or her identity.

The second approach treats the commercially valuable aspects of a person as an intangible economic interest. On this approach, the value created by a person's name, image or voice may be so distinct from personal privacy that its inheritance or licensing is justified.

Indian law has not resolved this conflict conclusively. Significantly, the 2021 interim order in *Krishna Kishore Singh* did not simply hold that every economic interest associated with a deceased celebrity disappears. The Court expressly identified the question whether personality or publicity rights could be regarded as property forming part of the deceased's estate, detached from the theory of dignity, or could only be harmonised with the right of privacy.¹⁴

Generative AI makes this unresolved distinction increasingly important. The economic value of a person's voice or likeness can now be appropriated without copying an existing work. A

¹² *Id.* ¶ 557 (Sapre, J., concurring).

¹³ *Krishna Kishore Singh*, 2021 SCC OnLine Del 3146, ¶¶ 20–21.

¹⁴ *Id.* ¶ 26.

synthetic voice can generate a new song; an AI avatar can deliver an advertisement; an artificial image can place a deceased actor in a commercial campaign. The resulting harm may therefore fall outside the scope of traditional copyright and yet still appropriate identity.

III. POST-MORTEM PERSONALITY RIGHTS UNDER INDIAN LAW

A. Constitutional provisions

The constitutional underpinning for personality rights emanates from Article 21. In *Puttaswamy*, the Supreme Court held privacy to be an intrinsic element of dignity, autonomy and liberty.¹⁵ Privacy thus encompasses informational, bodily and decisional autonomy as well as control over one's identity. Consequently, *Puttaswamy* affords constitutional backing to personality-related claims made during life. That said, the mere fact that privacy is a fundamental right does not mean that it survives death. Doctrinally, the very idea of a fundamental right is linked to the notion of a person, and *Puttaswamy*'s emphasis on privacy as a personal right therefore fails to overcome the threshold hurdle of survival after death.¹⁶

This principle finds application in *Krishna Kishore Singh*, a suit by the father and legal heir of the late actor Sushant Singh Rajput to restrain the use of his son's name, image and other attributes in films and related ventures. The plaintiff contended that, as his son's legal heir under the Hindu Succession Act, 1956, he had inherited his son's celebrity rights, including the right of publicity.¹⁷ The Court, however, held in its 2023 judgment that the rights of privacy, publicity and personality that had vested in the actor were personal to him, were not heritable and had died with him.¹⁸ On the question of property, the 2021 interim order had observed that a limited class of celebrity rights, protected as intellectual-property rights under statutes that make them assignable and licensable, could survive the death of the celebrity.¹⁹ That order further noted, without deciding the issue, that personality or publicity rights might be regarded as property existing independently of privacy.²⁰ Read together, the two rulings draw only a partial line between privacy and property: the 2023 judgment denied the heir the deceased's own publicity and personality rights, not merely his privacy, while the 2021 order left room for statutory intellectual-property rights and kept the wider property question open for trial.

¹⁵ *Puttaswamy*, (2017) 10 SCC at 35–40.

¹⁶ *Id.*

¹⁷ *Krishna Kishore Singh*, 2021 SCC OnLine Del 3146, ¶¶ 2, 4.1.

¹⁸ *Krishna Kishore Singh*, 2023 SCC OnLine Del 3997, ¶¶ 21.1–21.4.

¹⁹ *Krishna Kishore Singh*, 2021 SCC OnLine Del 3146, ¶ 21.

²⁰ *Id.* ¶ 26.

B. Judicial recognition of celebrity publicity rights

The judicial recognition of celebrities' publicity rights follows the emergence of the economic value of their image. In *ICC Development*, the Delhi High Court held that publicity rights inhere in an individual and in the indicia of his or her personality, including name, signature and voice.²¹ The courts have consistently been receptive to the notion that a person's image, name, signature or any other identifying trait may generate economic value and be exploited commercially. In *Titan Industries*, the Delhi High Court treated the use of a celebrity's image in advertisements without permission as an infringement of the right of publicity, which, unlike passing off, requires no proof of falsity, confusion or deception.²² In a similar vein, courts have been willing to grant injunctions against infringements of personality rights that capitalise on the commercial value of a person's image.²³

The publicity rights jurisprudence has kept pace with technological innovation. In *Anil Kapoor v. Simply Life India*, the Delhi High Court entertained a suit concerning the unauthorised use of the plaintiff's name, image, likeness, voice and other attributes, including through AI-generated content, and granted an *ex parte* ad interim injunction. The case illustrates the way in which personality rights litigation engages with the use of image, name and voice in the digital space. The voice, image and likeness of a person may be used to manufacture content, including synthetic faces and voices. While content generated in this manner may itself attract copyright protection, the unauthorised use of a person's traits to produce such content infringes publicity rights. The significance of *Anil Kapoor* lies in its recognition of the appropriation of a person's image even where this does not directly amount to the reproduction of a particular copyrighted work. A person's voice, likeness or distinctive traits may carry economic value independently of any specific creative expression, and their unauthorised use accordingly warrants injunctive relief.

C. *Krishna Kishore Singh* and the unresolved post-mortem question

The litigation in *Krishna Kishore Singh* offers the most direct Indian jurisprudence on post-mortem celebrity rights. In its 2021 interim order, the Delhi High Court took note of the absence of any statutory recognition of publicity, celebrity or personality rights as a unified concept and therefore looked to constitutional privacy, common-law principles and intellectual-property doctrines.²⁴

²¹ *ICC Development*, 2003 SCC OnLine Del 2, ¶¶ 13–14.

²² *Titan Industries*, 2012 SCC OnLine Del 2382, ¶¶ 15(III)–(IV).

²³ *Anil Kapoor v. Simply Life India*, 2023 SCC OnLine Del 6914.

²⁴ *Krishna Kishore Singh*, 2021 SCC OnLine Del 3146, ¶¶ 20–21.

In its 2023 judgment, the Court held that the rights to privacy, publicity and personality asserted in respect of Sushant Singh Rajput were not heritable.²⁵ The 2021 order, however, had posed the more difficult question whether a personality or publicity right might be considered property, part of the estate and detached from the idea of dignity, or whether it could only be harmonised with privacy.²⁶ Both rulings were made on interlocutory applications, and the question has not been finally settled.

This unresolved question is precisely where generative AI creates new pressure on Indian law.

Assume that a deceased singer's voice is cloned to manufacture a new commercial song. The new recording may not be a reproduction of an original recording in the traditional copyright sense. Rather, it uses identifiable features of the singer's voice to create a new artificial performance. If personality rights are viewed purely as privacy rights, the estate may find it difficult to assert a claim. If, however, the commercial persona is viewed as a limited property interest, the unauthorised synthetic performance is capable of regulation. The issue is therefore not only whether the dead possess privacy, but whether the law should recognise a continuing economic interest in certain aspects of identity.

IV. GENERATIVE AI AND THE RECONSTRUCTION OF THE POST-MORTEM PERSONA

A. From reproduction to recreation

Traditional technologies are primarily interpretive or reproductive in nature. A photograph reproduces an image, a sound recording reproduces a performance, and archival footage records an event. Generative AI, however, goes beyond replication. Trained on existing images, performances and other data, an AI system can generate a result that never existed before. A deceased actor can be placed in a new setting, a singer's voice can be used to perform a song that the singer never sang, and a conversation can take place in the "voice" of a deceased person.

The legal implications of this development are evident. It is necessary, above all, to distinguish between the unauthorised reproduction of an existing representation and the creation of an entirely new representation of the person. While the former typically raises issues of intellectual-property law, the latter complicates the question of personality rights considerably. The line between an authentic and a fabricated statement is blurred, and a false statement may damage the reputation and publicity value of the person while deceiving the public.

²⁵ *Krishna Kishore Singh*, 2023 SCC OnLine Del 3997, ¶¶ 21.1–21.4.

²⁶ *Krishna Kishore Singh*, 2021 SCC OnLine Del 3146, ¶ 26.

B. The significance of *Arijit Singh v. Codible Ventures*

Arijit Singh v. Codible Ventures LLP demonstrates how Indian courts currently approach generative AI. In this case, the plaintiff sought protection of his name, voice, photograph, image, personality and other attributes against unauthorised use.²⁷ The defendants' products allowed users to create artificial versions of celebrities' voices using AI. The Bombay High Court issued an *ex parte* ad interim order protecting the plaintiff's publicity and personality rights against the alleged infringements.²⁸ In doing so, the Court acknowledged that a voice is a valuable constituent of personality, and that its unauthorised use, including in the form of AI-generated content, should therefore be prohibited.²⁹

Arijit Singh is significant for two reasons. First, it illustrates that courts are willing to protect personality rights in the context of AI-generated content. Secondly, it highlights that such claims are brought by living persons, which means that the case says nothing about the rights of the post-mortem persona. In *Arijit Singh*, the plaintiff was alive when the suit was filed and could give or withdraw consent to the use of his voice. The case does not address the rights of heirs or the protection of the persona after death.

C. Synthetic post-mortem identity

Generative AI produces at least four distinct forms of post-mortem appropriation. The first is the commercial replication of a deceased individual's identity for the purpose of selling goods or services. The second is synthetic performance, which uses the subject's voice, face or mannerisms to generate a product such as an audio recording. The third is false attribution, where an AI output is falsely attributed to the deceased. The fourth is digital resurrection, where an interactive AI system is used to simulate communication with the deceased.

The current legal regime does not address these categories of appropriation as a whole. Copyright may protect specific recordings, trade mark law protects registered marks, passing off may deal with situations where a deceased person's name is usurped so as to confuse the marketplace, and information-technology law may address unlawful synthetic content. None of these is designed to answer the question of who controls the synthetic reproduction of a deceased person's identity.

²⁷ *Arijit Singh*, 2024 SCC OnLine Bom 2445.

²⁸ *Id.*

²⁹ *Id.*

V. RECONSIDERING THE INDIAN POSITION

A. The limitations of a purely privacy-based approach

The strongest reason for reconsideration is the distinction between privacy and a commercially valuable persona. A deceased person can no longer exercise personal autonomy. An indefinite extension of a constitutional privacy right would therefore raise questions of both principle and practice. *Puttaswamy* does not recognise a perpetual, inheritable interest in privacy.³⁰

It does not necessarily follow, however, that a person's economically valuable interests in personality disappear upon death.

Consider a person who, during his or her life, licensed his or her name and likeness for commercial purposes. The contractual and intellectual-property interests associated with those transactions may continue in accordance with their terms and the applicable law. If the law can recognise an economic interest during life, it is not conceptually impossible for a limited interest to continue after death. The better approach is therefore to distinguish post-mortem privacy from post-mortem publicity or personality interests. The former should not be regarded as an indefinitely surviving fundamental right. The latter could be recognised as a limited statutory economic interest.

B. The property question

The proprietary nature of personality is controversial. Treating identity wholly as property puts at risk attributes directly connected to dignity and personhood. Recognising no economic dimension at all leaves commercially valuable identities open to appropriation immediately after death. A middle position is possible.

A post-mortem personality right need not mean that a person's entire identity becomes property. The law could instead protect against only those commercially exploitative uses of sufficiently identifiable attributes, such as name, likeness and voice, that are calculated to obtain a commercial benefit or to create a false association. This would distinguish the protected interest from the personality of the deceased as a whole.

C. Consent and digital legacy

Generative AI also changes the significance of consent. While people can decide during their lifetime whether their voices, images and names may be used, new synthetic uses can be created after death with no possibility of direct consent. One response would be to allow individuals to give digital legacy instructions, specifying whether their voice, image or likeness may be

³⁰ *Puttaswamy*, (2017) 10 SCC at 35–40.

digitally recreated after death, under what conditions and for how long. Such arrangements could be made through wills, contracts, licensing agreements or other legally recognised instruments. This would respect autonomy exercised during life without conferring an unlimited proprietary interest in the deceased.

The law should nonetheless refrain from allowing heirs to exercise total control over all representations of a deceased person. A child, spouse or other heir should not automatically gain the power to suppress historical research, criticism or artistic expression simply because he or she inherits an economic interest in the deceased's persona.

D. The interests of heirs and estates

If a limited post-mortem right were recognised, the question of enforcement would become unavoidable. The most practical mechanism would be to vest enforcement in the estate or a legally designated representative. The right could be treated like other inheritable economic interests, with clear statutory limits. The estate could prevent unauthorised commercial exploitation but could not exercise a general veto over all references to the deceased. This distinction would reduce the danger of personality rights becoming instruments of censorship.

E. Freedom of expression and public interest

Any such framework has to be compatible with Article 19(1)(a). Works of history, journalism, documentaries, biographies and works of art commonly depict deceased persons.

A broad post-mortem personality right would have a chilling effect on legitimate uses of the likenesses of deceased persons that are unconnected with commercial exploitation. A historian using a photograph of a particular person, a journalist writing about a public figure, or a documentary filmmaker making a film about a historical event should not reasonably be expected to seek the permission of the estate merely because the person depicted has died. The key to balancing the interests of the heirs and of the public lies in distinguishing between appropriation and mere depiction. It is particularly important to curb the commercial use of synthetic likenesses.

The 2026 amendments to the IT Rules acknowledge the importance of regulating synthetically generated information by imposing various obligations on intermediaries in relation to such information.³¹ The regulation of synthetically generated information should not, however, be conflated with the introduction of a substantive post-mortem personality right; the former does not entail the latter.

³¹ Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2026, G.S.R. 120(E) (Feb. 10, 2026).

VI. TOWARDS A LIMITED INDIAN FRAMEWORK

India does not need a broad new intellectual-property paradigm. A narrower statutory framework would be preferable as a response to the difficulties identified. First, a limited statutory right would apply to a narrow set of commercial attributes such as name, likeness and voice. Secondly, the right should be subject to a temporal limitation, since a perpetual right would impose unwarranted constraints on cultural memory. Thirdly, individuals should be able to give binding instructions regarding their digital representations. Fourthly, the right should be enforced by the estate or its representative, but only in relation to specific forms of unlawful use. Fifthly, statutory exemptions should be carved out for journalists, scholars, historians, documentary filmmakers, biographers, satirists and others who rely on freedom of expression in creating their works. Finally, specific AI-related remedies should be considered to address the unlawful use of AI tools to exploit a deceased person's identity.

Through the 2026 amendments to the IT Rules, India has already taken steps to address some of the concerns related to synthetically generated information. Intermediaries are required to apply various measures relating to the identification and labelling of synthetically generated information.³² Such procedural measures can also offer a remedy where a person's likeness is synthetically used without consent after death, but they should not be confused with the introduction of a substantive post-mortem personality right. The approach proposed here would avoid the risk both of unrestricted property-like rights over personality and of leaving a bereaved heir unable to prevent the commercial exploitation of the deceased's image.

VII. CONCLUSION

Generative artificial intelligence has fundamentally altered the contours of legal personhood. The unauthorised use of a celebrity's image and name is no longer the frontier of personality rights protection. AI technologies now enable the synthesis of voices, faces and performances, and can even generate new content "authored" by individuals long deceased. This technical capability poses a novel challenge to Indian personality-rights jurisprudence.

Indian courts have granted robust relief on the foundations of privacy, publicity, passing off and intellectual-property rights. The recognition of personality rights in *ICC Development* and their protection in *D.M. Entertainment*, *Titan Industries*, *Anil Kapoor* and *Arijit Singh* reveal a willingness to intervene when commercial exploitation blurs the boundaries of identity. However, the analysis of continuing personality interests in *Krishna Kishore Singh* highlights

³² *Id.*

the theoretical limitations of extending such rights beyond death. Privacy as a fundamental right is not susceptible to inheritance, and the economic value of a personality beyond its association with a living person remains a contentious proposition in law.

Generative AI transforms these theoretical challenges to the survival of personality rights into practical concerns. The unauthorised use of a person's voice or image to create new content and market it as that person's work raises difficult questions of law and policy. Existing copyright, trade mark, passing off and information-technology law offers only fragmented protection. This article seeks to address that lacuna by advancing a limited, time-bound post-mortem personality right designed to prevent unauthorised commercial exploitation and deceptive anthropomorphism.

This right would be exercised by the estate, with appropriate regard for the wishes the deceased expressed during life, and subject to carve-outs for journalistic, historical, educational, biographical, artistic and satirical uses. The principal value of this approach lies in its ability to reconcile the economic benefits derived from a person's identity with the conceptual limits of perpetual property in personality. In the age of generative AI, Indian courts must develop a nuanced understanding of the difference between the remembrance, representation and commodification of the dead.
