

CHIPPING AT THE BLOCK: PERSONALITY RIGHTS, DIGNITY AND THE UNFINISHED JURISPRUDENCE OF PERSONA IN INDIA

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Abstract

Indian courts are granting personality-rights injunctions at an accelerating pace, mostly against AI-generated deepfakes, yet no statute defines the right. On 28 September 2026 a judge of the Delhi High Court likened the doctrine to an undifferentiated block from which the court must chip away whatever does not belong. This article takes up that invitation. Tracing the right from its privacy and publicity origins through Indian case law, it argues that the label 'personality rights' presently conceals three distinct interests: a dignitarian interest rooted in Article 21, a proprietary interest in commercial persona, and a reputational interest that overlaps with defamation. Each carries different claimants, proofs, remedies and free-speech limits. The article contends that blanket URL-based and John Doe injunctions should be disciplined by proportionality, and proposes an evidence-tiered approach for courts pending legislation.

Keywords: Personality Rights; Right of Publicity; Deepfakes; Article 21; Proportionality

Introduction

Asked to decide what personality rights actually cover, a judge of the Delhi High Court reached for the vocabulary of sculpture. On 28 September 2026, while agreeing to hear together the suits of the actor Vivek Oberoi, the actor Janhvi Kapoor and Aaradhya Bachchan, Justice Anup Jairam Bhambhani described his task in these words:

*I want to chip off what I consider is not personality right.*¹

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1 Aakriti Bansal, *Delhi HC to Clarify Personality Rights Through Janhvi Kapoor, Aaradhya Bachchan and Vivek Oberoi Suits*, MEDIA NAMA (Sept. 29, 2026), <https://www.medianama.com/2026/09/223-delhi-hc-define-personality-rights/> (reporting remarks made on Sept. 28, 2026, and citing BAR & BENCH).

The court appointed Gautam Bhatia and Rohan Alva as *amici curiae*, and the hearing was listed to begin on 30 September.² In the same breath the judge compared the doctrine to a monolithic block of clay in which he could discern no design, and said that later cases would require the court to remove more material until some definite face emerged.³

The metaphor is a fair diagnosis. India has no statute that defines personality rights. What it has is a growing body of interim orders, mostly *ex parte*, mostly against unidentified defendants, and increasingly aimed at AI-generated deepfakes and cloned voices. A running tracker kept by one technology-policy outlet lists twenty-four entries for 2026 alone, drawn from the High Courts of Delhi and Bombay and, in one instance, a district court in Chandigarh.⁴ The same judge had already remarked, while hearing Aaradhya Bachchan's case, that the concept was acquiring 'amoebic proportions'.⁵

This article takes the judge's invitation seriously. Its argument is that the phrase 'personality rights' now does the work of three different legal interests, and that much of the inconsistency visible in this year's orders comes from treating them as one. The first is a dignitaries interest, anchored in Article 21 of the Constitution, in not being falsely or degradingly depicted. The second is a proprietary interest in the commercial value of a recognisable person. The third is a reputational interest, which merges with defamation and with the regulation of misinformation. Everyone has a different natural claimant, a different, a different remedy and a different relationship with Article 19(1)(a). Once they are separated, the different questions that have worried the Delhi High Court this year become easier to answer: whether a claimant must show monetisation, whether fan pages can be swept away, and where satire ends. Two caveats are in order. First, the taxonomy is not offered as wholly new. The *amici's* submissions at the preliminary hearing already point towards it,⁶ and American scholarship has long distinguished privacy from publicity. What this article adds is an argument about consequences, especially for the shape of injunctions. Second, most of the 2026 material exists as unreported interim orders known through press accounts, and the discussion relies on those accounts with the caution they call for. The position is stated as of 30 September 2026, the day the hearing was scheduled to begin.

2 *Id.*

3 *Id.*

4 *Id.* (tracker entries 14–37).

5 *Id.*

6 *Id.*

Two American Ancestors: Privacy And Publicity

The vocabulary Indian courts use was assembled in the United States over roughly a century, and the manner of its assembly matters. In 1890 Samuel Warren and Louis Brandeis argued that the common law had steadily widened its idea of injury, from bodily harm to harm to reputation and then to something more intangible:

“[T]he right to life has come to mean the right to enjoy life, the right to be let alone”.⁷

Their target was intrusion by the press and the instantaneous camera, and the injury they described was one of feeling. Seventy years later William Prosser surveyed the case law that had followed and sorted it into four torts: “intrusion upon seclusion, public disclosure of private facts, false light, and appropriation of name or likeness.”⁸ The fourth sat awkwardly in the group. Prosser noticed that what it protected looked less like wounded feelings and more like a proprietary interest in the exclusive use of one’s identity.⁹

That observation hardened into doctrine in 1953, when Judge Jerome Frank, deciding a contest between rival chewing-gum manufacturers over the photographs of baseball players, named a ‘right of publicity’ and treated it as distinct from the right of privacy.¹⁰ The Supreme Court of the United States has addressed the right only once, in *“Zacchini v. Scripps-Howard Broadcasting Co.”*, where a television station had broadcast a performer’s entire human-cannonball act. The Court held that the First Amendment did not license the broadcast, because the right protects the performer’s economic stake in what he has built.¹¹

Two Ninth Circuit decisions bear on the present debate because they concern voice. In *Midler v. Ford Motor Co.*, an advertiser hired a sound-alike after the singer declined to appear in a commercial, and the court held that “deliberately imitating a distinctive voice to sell a product was

7 “Samuel D. Warren & Louis D. Brandeis, *The Right to Privacy*,” 4 HARV. L. REV. 193, 193 (1890).

8 William L. Prosser, *Privacy*, 48 CALIF. L. REV. 383, 389 (1960).

9 *Id.* at 406.

10 *Haelan Lab’ys, Inc. v. Topps Chewing Gum, Inc.*, 202 F.2d 866, 868 (2d Cir. 1953).

11 *“Zacchini v. Scripps-Howard Broad. Co.”*, 433 U.S. 562, 575–76 (1977).

actionable.”¹² *Waits v. Frito-Lay, Inc.* reached a comparable result for a singer with a famously gravelly voice.¹³ Neither case involved a machine, but the reasoning travels easily to voice-cloning tools.

The limit came from the California Supreme Court. In “*Comedy III Productions, Inc. v. Gary Saderup, Inc.*,” the court asked whether a work adds significant creative elements so as to become something more than a mere likeness of a celebrity; if it does, the First Amendment protects it.¹⁴

The point of this history is structural. American law never treated ‘personality’ as one right. It separated a family of privacy wrongs, aimed at dignity and feeling, from a publicity right, aimed at the commercial value of identity, and it built a speech-based limit specifically for the second. Indian courts have drawn freely on these authorities, but they have taken the results without taking the separation. The block of clay is what remains.

Indian Foundations: Two Streams That Have Not Met

No Indian statute speaks of personality rights. The nearest legislative anchors are partial. “The Copyright Act, 1957” gives performers rights and moral rights in their performances under sections 38 to 38B,¹⁵ and “the Trade Marks Act, 1999” expressly preserves the common-law action for passing off in section 27(2).¹⁶ Neither speaks of persona as such. The doctrine has therefore come from two judicial streams, and they have not yet been made to face each other.

The first stream is constitutional. In *R. Rajagopal v. State of Tamil Nadu*, the Supreme Court read a right to privacy into Article 21 while deciding whether a prisoner’s autobiography could be published. It recognised that the right yields where matters are already in the public record and does not shield the official conduct of public servants.¹⁷ The right acquired its present weight in *Justice K.S. Puttaswamy (Retd.) v. Union of India*, where nine judges held privacy to be a fundamental right tied to dignity, autonomy and informational self-determination, and where the plurality required that any State interference satisfy legality, a legitimate aim and proportionality.¹⁸

12 *Midler v. Ford Motor Co.*, 849 F.2d 460, 463–64 (9th Cir. 1988).

13 *Waits v. Frito-Lay, Inc.*, 978 F.2d 1093 (9th Cir. 1992).

14 *Comedy III Prods., Inc. v. Gary Saderup, Inc.*, 21 P.3d 797, 808 (Cal. 2001).

15 The Copyright Act, 1957, No. 14 of 1957, Sec. 38–38B (India).

16 The Trade Marks Act, 1999, No. 47 of 1999, Sec. 27(2) (India).

17 *R. Rajagopal v. State of Tamil Nadu*, (1994) 6 S.C.C. 632 (India).

18 “*Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 S.C.C. 1 (India)”.

The second stream is commercial and grew out of trade-mark logic. In “*ICC Development (International) Ltd. v. Arvee Enterprises*,” the Delhi High Court separated “the right of publicity from the right of privacy and located it in the individual’s identity rather than in the event that made the individual famous.”¹⁹ *Titan Industries Ltd. v. Ramkumar Jewellers* granted relief where a jeweller had copied the plaintiff’s hoardings featuring two well-known actors, and spoke of a celebrity’s right to control the commercial use of identity.²⁰ *D.M. Entertainment Pvt. Ltd. v. Baby Gift House* gave relief to a singer whose name and likeness had been put on dolls without his consent,²¹ and the Madras High Court in *Shivaji Rao Gaikwad v. Varsha Productions* restrained a film whose title evoked the actor Rajinikanth, treating identifiability rather than deception as the touchstone.²²

This stream has boundaries too. In “*Digital Collectibles Pte Ltd. v. Galactus Funware Technology Pvt. Ltd.*,” the Delhi High Court refused, at the interim stage, to treat cricketers’ publicly available names and performance data, as used on a fantasy-sports platform, as something a claimant could monopolise, and it tied the publicity right to the limits of Article 19(1)(a).²³

From 2022 the two streams were being used together, usually without comment. *Amitabh Bachchan v. Rajat Nagi* restrained fraudulent lottery schemes that traded on the actor’s name and voice.²⁴ *Anil Kapoor v. Simply Life India* extended protection to name, likeness and voice against AI and face-morphing tools.²⁵ The orders for Jackie Shroff in Delhi, reaching merchandise, distorted videos and an unlicensed AI chatbot, and for Arijit Singh in Bombay, reaching AI tools that imitated his voice, took the same

19 ICC Dev. (Int’l) Ltd. v. Arvee Enters., (2003) 26 P.T.C. 245 (Del.) (India).

20 Titan Indus. Ltd. v. Ramkumar Jewellers, 2012 S.C.C. OnLine Del 2382, (2012) 50 P.T.C. 486 (India).

21 D.M. Ent. Pvt.. Ltd. v. Baby Gift House, CS(OS) 893/2002 (Del. H.C. Apr. 29, 2010) (India).

22 Shivaji Rao Gaikwad v. Varsha Prods., 2015 S.C.C. OnLine Mad 158 (India).

23 Digital Collectibles Pte Ltd. v. Galactus Funware Tech. Pvt. Ltd., CS(COMM) 108/2023, 2023: DHC:2796 (Del. H.C. Apr. 26, 2023) (India) (refusing interim injunction), *appeal disposed of as infructuous*, FAO(OS)(COMM) 95/2023 (Del. H.C. Apr. 15, 2024) (India).

24 Amitabh Bachchan v. Rajat Nagi, 2022 S.C.C. OnLine Del 4110, CS(COMM) 819/2022 (Del. H.C. Nov. 25, 2022) (India).

25 Anil Kapoor v. Simply Life India, CS(COMM) 652/2023 (Del. H.C. Sept. 20, 2023) (India).

course.²⁶ Their shared feature is procedural: relief ran against unidentified defendants, the so-called *Ashok Kumar* orders, which allow the plaintiff to act against fresh infringers without instituting a new suit.²⁷

The constitutional stream also carries a doctrinal wrinkle. Article 21 is ordinarily invoked against the State, whereas almost every personality suit is between private parties or against platforms. Courts have bridged the gap by treating the constitutional value as informing the common-law remedies of injunction and passing off, but they have seldom said so in terms. That silence matters, because it leaves open what standard of scrutiny governs an injunction sought by one private party against another's speech.

One decision suggests that courts have already sensed the difference between the streams. In *Krishna Kishore Singh v. Sarla A. Saraogi*, the Delhi High Court held that personality and privacy-based claims do not survive the death of the person concerned, and it declined to restrain a film about the late actor Sushant Singh Rajput.²⁸ A property right would ordinarily pass to heirs. A right so bound to the person that it expires with them is behaving like a dignitarian one.

2026: When The Block Gets Heavy

The pace of this year has strained the arrangement. The orders concern very different injuries, and it helps to set several of them side by side.

Consider Shashi Tharoor. In May 2026 Justice Mini Pushkarna directed X to remove a deepfake that showed the Member of Parliament praising Pakistan's diplomacy, asked Meta to keep certain Instagram reels inaccessible, and restrained the use of his name, likeness, voice and manner of speaking to generate synthetic media.²⁹ Nothing in the reported

26 *Jaikishan Kakubhai Saraf v. Peppy Store*, CS(COMM) 389/2024, 2024:DHC:4046 (Del. H.C. May 15, 2024) (India); *Arijit Singh v. Codible Ventures LLP*, Interim Application (L) No. 23560 of 2024 in Com. IPR Suit (L) No. 23443 of 2024 (Bom. H.C. July 26, 2024) (India).

27 "AI, Deepfakes, and Personality Rights in India: What Courts Are Doing Without a Statute", CANDOUR LEGAL (July 9, 2026), <https://candourlegal.com/ai-deepfakes-personality-rights-india-courts-2026/>.

28 *Krishna Kishore Singh v. Sarla A. Saraogi*, CS(COMM) 187/2021, 2023: DHC:4631 (Del. H.C. July 11, 2023) (India).

29 *Shashi Tharoor v. Ashok Kumar*, CS(OS) 414/2026 (Del. H.C. May 8, 2026) (India); SEE "Delhi High Court Orders Takedown of AI Deepfakes Misappropriating Shashi Tharoor's Personality Rights," Live Law BIZ (May 9, 2026), <https://www.livelawbiz.com/personality-rights/delhi-high-court-grants-shashi-tharoor-interim-relief-against-ai-deepfakes-misappropriating-his-personality-rights-533512>.

facts involves merchandise or endorsement. The injury was to reputation and to the integrity of political debate, and the videos circulated while he was campaigning for the Kerala Legislative Assembly elections.³⁰ This is not a claim about the commercial value of a persona at all.

Contrast the interim order for the former cricketer Yuvraj Singh, passed by Justice Jyoti Singh. It covered AI-generated posts and deepfake videos, but also unauthorised merchandise, which the court found to be passing off. The judge observed that violators needed to be dealt with ‘a heavy hand’.³¹ The one order thus carries a dignitarian limb, a reputational limb and a proprietary limb, and does not say which supports which.

The refusals are as instructive as the grants. In April 2026, in a dispute involving Top rankers Edtech and the name and images of the CLAT 2026 topper, the Delhi High Court held that a single academic achievement does not confer personality rights, while restraining the use on defamation and trade-mark grounds.³² In May it declined a blanket takedown in Raghav Chadha’s suit, holding criticism of his political decisions to be protected speech while ordering removal of certain obscene content.³³ In the suit of the actor Meenakshi Chaudhary, it restrained sexually explicit content but left the commercial-exploitation claim open until she could show that someone was monetising her persona.³⁴ In the Kapoor sisters’ suits it ordered removal of specified obscene and AI-generated content but refused Janhvi Kapoor’s request for a blanket takedown of thousands of web addresses.³⁵ In the suit of the educator Alakh Pandey it distinguished legitimate parody from commercial exploitation.³⁶

Read together, the refusals follow a pattern. Where the complaint is sexually explicit synthetic content, relief comes readily and without proof of commercial harm. Where the claim is commercial, courts ask for

30 *Delhi High Court Protects Shashi Tharoor’s Personality Rights Against AI Deepfake Videos*, DAILY PIONEER (May 10, 2026), <https://dailypioneer.com/news/slug-lite/delhi-hc-protects-shashi-tharoors-personality-rights?year=2026>.

31 Nupur Thapliyal, *Delhi High Court Protects Cricketer Yuvraj Singh’s Personality Rights Against AI Misuse, Orders Take Down of Deepfakes*, Live Law (Aug. 1, 2026), <https://www.livelaw.in/high-court/delhi-high-court/delhi-high-court-protects-cricketer-yuvraj-singhs-personality-rights-against-ai-misuse-orders-take-down-of-deepfakes-543872> (citing 2026 Live Law (Del) 715).

32 *Supra* note 1 (tracker entry 18).

33 *Id.* (tracker entry 22).

34 *Id.* (tracker entry 36).

35 *Id.* (tracker entry 30).

36 *Id.* (tracker entry 29).

evidence. Where the content is criticism, satire or fandom, courts hesitate. The judges are already chipping in the way Justice Bhambhani describes. What is missing is a stated framework, and its absence produces variation between benches and between claimants. It has also produced, in the Kapoor litigation, a schedule of impugned material that the judge himself noted had reached 6,884 web addresses.³⁷

The platform layer has tightened as well. The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2026, notified as G.S.R. 120(E) on 10 February 2026 and in force from 20 February, introduced a definition of ‘synthetically generated information’ in Rule 2(1)(wa), imposed labelling and provenance duties, and shortened several takedown timelines, in some categories to as little as three hours.³⁸ These rules regulate intermediaries. They do not create a personality right, and the two should not be confused.³⁹ But they change what a court order means in practice. When compliance windows are counted in hours, an injunction drawn without precision becomes a much blunter instrument than its author intended.

Generative AI is the reason this problem has become urgent. Harming someone's image used to take effort. A doctored photograph needed some skill, and a false endorsement needed an actual advertisement. Voice cloning and face-swapping take that effort away. A single person can now make thousands of convincing fakes in an afternoon, and the same source photographs can become a fake endorsement, a pornographic image or a made-up political statement. These harm three different interests: commercial value, dignity and reputation. The tool treats them alike, so the law cannot. Chatbots that speak in a celebrity's voice are a harder case. Users usually know they are speaking to a bot, so nothing is false, and the content may not be degrading either. Even so, the chatbot can draw off the commercial value of the person's name and voice. The suits by Shilpa Shetty and Allu Arjun, both reported as involving AI chatbots, fall in this space and are best read as proprietary claims.⁴⁰

37 *Supra* note 1.

38 “The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2026, G.S.R. 120(E), Gazette of India,” Feb. 10, 2026 (India); *SEE IT Amendment Rules India*, GLOBAL LAW EXPERTS (Aug. 6, 2026), <https://globallawexperts.com/it-amendment-rules-india/>.

39 *SEE AI, Deepfakes, and Personality Rights in India*, *Supra* note 27 (describing the amendment as a platform-governance measure rather than a personality-rights remedy).

40 *Supra* note 1 (tracker entries 17, 19).

Three Interests Under One Name

A. The Dignitarian Interest

The first interest is the right of a person not to be falsely, degradingly or sexually depicted. Its constitutional home is Article 21 as read in *Rajagopal and Puttaswamy*. Its natural claimant is anyone, celebrity or not, because dignity does not depend on fame. Its typical harm is the pornographic deepfake or the impersonating account. Because the injury is to the person, the claimant will not have to prove recognizability in a market, commercial use by the defendant, or loss of income. The proof needed is that the content is synthetic or false and that it depicts the claimant. The remedy is prompt takedown and, where the platform can supply it, discloses of the uploader's identity. This is the strand on which the courts are most straight forward: relief against sexually explicit synthetic content has been granted consistently, including in suits where every other part of the claim was contested.⁴¹ It is also the strand that *Krishna Kishore Singh* implicitly recognises when it treats the right as extinguished by death.

B. The Proprietary Interest

The second interest is in the commercial value of a persona, and it is the true descendant of *Haelan, Titan and Gaikwad*. Here the claimant's identity is an asset. Recognisability matters because it is what gives the persona value and what makes a defendant's use a taking. The claimant should be able to show that the persona has goodwill and that the defendant has exploited, or is about to exploit, it: merchandise, endorsements, chatbots trading on a name, cloned voices used to sell. The remedies are those of property and passing off, namely injunction, damages and an account of profits, and the claim is naturally licensable and, arguably, transmissible. This explains why Justice Bhambhani could say in the Chaudhary matter that the claimant must show someone was making money, and why the Top rankers ruling found no personality right in a single academic success.⁴² The proprietary interest also has internal limits. *Digital Collectibles* shows that facts already in the public domain cannot be fenced off by calling them persona.

C. The Reputational Interest

The third interest is in not being falsely attributed statements or conduct. The Tharoor deepfake is the paradigm, and so is the August 2026 order of the Bombay High Court directing takedown of AI-generated videos falsely linking the Union Minister Nitin Gadkari to the E20 ethanol-blending

⁴¹ *Supra* note 1.

⁴² *Id.* (tracker entries 18, 36).

policy.⁴³ These cases sound in defamation and misinformation. The harm is to truth and to reputation, and the useful questions are falsity, publication and injury, not celebrity or commercial value. The constitutional position is different again, because defamation is an enumerated ground in Article 19(2) and a claim that borrows the label of personality rights can quietly escape the defences of truth, fair comment and public good that a defamation claim must meet. Justice Bhambhani put his finger on the risk when he asked in the *Aaradhya Bachchan* matter whether courts could treat fake news and defamation as intellectual-property violations.⁴⁴

D. Why the Separation Matters

The three interests overlap. A sexually explicit deepfake of a film star offends dignity and also erodes her commercial persona. The point of the taxonomy is not to force each case into one box but to require that each limb of an injunction be tied to the interest that supports it. That discipline has four practical consequences. It tells the claimant what to plead and prove. It tells the court what standard of interim proof to apply. It tells the parties whether the remedy is takedown, damages or correction. And it tells everyone which free-speech limit is engaged. Amicus Gautam Bhatia's submission that the analysis 'depends on the claim', uniform where dignity, privacy or defamation is at stake and sensitive to recognisability where the claim is commercial, is this proposition in compressed form.⁴⁵

The framework also answers a question the judge put to the amici at the outset: whether celebrities, influencers and a senior advocate can be governed by the same rules.⁴⁶ On this view the answer is partly yes and partly no. The dignitarian and reputational interests are common to all of them, and a senior advocate whose face is placed in a fabricated video is as entitled to protection as a film star. The proprietary interest is not common, because it depends on a persona that has commercial value and is being commercially used. A claimant who cannot show that value has not lost anything; she has simply brought the wrong claim, and should be directed to the dignitarian or reputational route, where the threshold is lower and the remedy, in a proper case, equally swift.

Speech, Satire and the Fan

Personality claims are, by design, claims to suppress expression. That places them squarely within Article 19(1)(a), and any order restraining speech must fit within the grounds in Article 19(2). *Shreya Singhal v. Union of*

⁴³ *Supra* note 1 (tracker entry 28).

⁴⁴ *Id.*

⁴⁵ *Supra* note 1.

⁴⁶ *Id.*

India is the reminder that vague or overbroad restrictions on speech cannot be saved by good intentions.⁴⁷ Puttaswamy's three-part test of legality, legitimate aim and proportionality supplies the working method, because an injunction that limits expression to protect privacy or reputation is a State interference in exactly the sense that test contemplates.

Proportionality is about whether a smaller order would have done the job. Here it would have. A court can schedule the URLs a plaintiff has actually proved and let the plaintiff come back when new content turns up. Ordering thousands of addresses down in one go, many of them fan pages, skips that step altogether. That is why the Delhi High Court's reluctant to do so in the Kapoor suits seems less like timidity and more like a sound sense of proportionality. The judge's own question makes the point: if the fan accounts go, so do the fans.⁴⁸ Someone posting admiration for an actor is simply speaking, and nothing of value is being taken from anyone. A fan page selling unlicensed T-shirts is a different matter, and there the proprietary interest, which depends on actual exploitation, is the right tool.

Satire is harder. Comedy III asks whether the defendant has made something new out of the likeness, but we cannot simply import that test into our law. The American right of publicity is a property right, and Article 19(2) has no "transformative use" exception to hang it on. Still, the thinking behind the test is useful. Parody and commentary do not exploit a persona commercially, so the proprietary interest never comes into play. They may still engage the reputational interest if they assert false facts, or the dignitarian interest if they become degrading. The line the Delhi High Court drew between parody and commercial exploitation in the Pandey matter is a reasonable place to start.

Political speech it calls for more care. Several of this year's matter were filed by politicians, and Rajagopal itself holds that public officials cannot use privacy to avoid scrutiny of their official conduct. A deepfake that puts invented words in a politician's mouth ought to be restrained. Parodying a politician's public record, or simply criticising their decisions, ought not to be, and the Chadha ruling gets this right. Personality rights should not turn into a tool for the more powerful person to tidy up the internet.

Procedure: John Doe Orders and the Duty of Specificity

The Ashok Kumar order exists for a good reason. Deepfakes tend to be posted by many anonymous users across several platforms at once, so a plaintiff who had to name every defendant first would always be a step behind.⁴⁹

47 Shreya Singhal v. Union of India, (2015) 5 S.C.C. 1 (India).

48 *Supra* note 1.

49 *AI, Deepfakes, and Personality Rights in India*, *Supra* note 27.

But the order carries real costs. It is passed without hearing the other side, it binds people who never had a chance to speak, and the Kapoor schedule shows how quickly it can swell. Justice Bhambhani himself observed that something begun in good faith and on a small scale had got out of hand.⁵⁰

Until Parliament steps in, courts can keep these orders in check without giving them up. I would suggest five modest steps. First, the plaint and the order should state which interest supports each part of the relief. Second, the level of interim proof should follow the interest. For dignity, it is enough that the harm looks genuine and the claimant is identifiable. For the commercial interest, the plaintiffs should show goodwill and real or imminent exploitation, which is what the DHC appeared to expect when it held back the cricketer Abhishek Sharma's plea for want of evidence.⁵¹ For reputation, the plaintiff should point to the specific false statement. Third, the schedule of content should list particular URLs, and anything new should be added by affidavit with liberty to apply, not automatically. Fourth, any order that keeps operating over time should carry a review date. Fifth, uploaders whose content is taken down should be told about it and given a way to challenge it.

None of this is meant to make relief harder for genuine victims. Sexual deepfakes are the clearest case for immediate, broad, ex-parte relief, and tiering actually helps here, because it lets the court explain why the order is broad. The real risks sit elsewhere, in the proprietary and reputational limbs, where over-broad orders are most likely to suppress lawful speech. Costs deserve attention too. Suppose a claimant obtains a sweeping order and the schedule is later found to include lawful content. Some way of restoring that content, and perhaps awarding costs, would give claimants a reason to plead narrowly from the start. The appointment of *amici curiae* in the present hearing is a welcome sign that the court is prepared to hear the side of speech before it settles the doctrine, something an ex-parte regime almost never allows.

Legislative models offer partial guidance. Tennessee's ELVIS Act of 2024 extended its statutory right of publicity to voice and to the makers of tools designed to clone it.⁵² The federal NO FAKES Act of 2026, which would create a property-style right against unauthorised digital replicas backed by a notice-and-takedown process, was reported out of the Senate Judiciary Committee in June 2026 but had not been enacted at the time

50 *Supra* note 1.

51 *Supra* note 1.

52 Ensuring Likeness Voice and Image Security (ELVIS) Act of 2024, Tenn. Code Ann. Sec. 47-25-1101 *et seq.* (2024).

of writing.⁵³ Both are, in the vocabulary of this article, proprietary instruments. They say little about the dignity of an ordinary person whose face has been placed in pornography. India's Digital Personal Data Protection Act, 2023 addresses the processing of personal data and could in principle support that interest, but section 39 ousts the jurisdiction of civil courts over matters the Data Protection Board is empowered to decide, so it is an unlikely vehicle for urgent interim relief.⁵⁴ A future Indian statute would do better to define the three interests separately, attach different thresholds and remedies to each, and write the speech exceptions into the text rather than leave them to interim discretion.

Conclusion

Justice Bhambhani's image of a sculptor working on an unshaped block is a generous account of what courts are doing. It is also a warning. Sculpting in public, one interim order at a time, is slow and inconsistent, and the material being removed is other people's speech. The 2026 orders show a judiciary that already senses where the cuts should fall: dignity is protected readily, commercial claims need proof, criticism and satire are given room. What remains to be done is to say so openly.

This article has stated that the way to do it is to stop treating 'personality rights' as a single right. Dignity, commercial persona and reputational are different interests, resting on different constitutional footings and calling for different proofs, remedies and limits. Naming them does not weaken the protection available to a person whose face has been stolen; it makes that protection easier to defend. It also makes the protection harder to stretch over the fan, the satirist and the critic. The hearing that began on 30 September 2026 will not settle every question. If the court adopts even part of this structure, the figure that emerges from the clay may at least be recognisable.

53 "NO FAKES Act of 2026, S. 4591, 119th Cong. (2026) (as reported by S. Comm. on the Judiciary, June 24, 2026); SEE ALSO *The Next Music Asset: How the NO FAKES Act Could Reshape Music Licensing, Investment and Commercialization in the AI Era*, PAUL HASTINGS LLP (July 7, 2026)," <https://www.paulhastings.com/insights/client-alerts/the-next-music-asset-how-the-no-fakes-act-could-reshape-music-licensing-investment-and-commercialization-in-the-ai-era>.

54 The Digital Personal Data Protection Act, 2023, No. 22 of 2023, Sec. 39 (India).