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AI-Generated Deepfakes and Personality Rights: Navigating Identity, Autonomy, and Digital Harm in the Age of AI

Abstract

The rapid advancement and widespread use of generative artificial intelligence has reshaped the digital ecosystem, opening the many avenues of new capabilities and challenges. The emergence of AI-generated deepfakes has led to the unauthorized use of someone's identity, the creation of behaviour, fabrication of speech, creation of fake content, such as photos, videos, or audio, that closely resembles real people or events. These AI-generated deepfakes portraying someone in fictitious and often explicit scenarios infringe upon their personality rights, resulting in reputational and financial damage. So, this raises most pressing legal questions about the status of personality rights, which carries an individual's proprietary and dignitary interest in their own identity. The harms that are caused by such practices are far beyond reputational harm. They are violations of autonomy, consent, humiliation, financial fraud and long term psychological trauma. The impact has serious constitutional implications. The lack of regulation on AI-generated deepfakes have the potential to violate fundamental rights, especially the rights to privacy and dignity under Article 21, as recognised in *K.S. Puttaswamy v. Union of India*. To address these new issues, the Union Government has proposed amendments to the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2025, which includes clarity on definitions, mandatory labeling, metadata standardization, transparency, and more accountability on intermediaries.

This research paper carries out a critical assessment of whether the existing legal framework in India is efficient enough to deal with the violation of personality rights posed by AI-generated deepfakes. This paper further discusses the dynamic aspect of intermediary liability within the rapidly growing generative AI, and most importantly, it examines the role of intermediary and if it has been adequately addressed under the existing legal framework. Finally, based upon these inquiries, the paper provides suggestions to tackle the challenges posed by the AI-generated deepfakes with references to constitutional values, technology advancements and the necessity to protect the autonomy of an individual in the digital age.

Keywords: generative AI, deepfakes, personality rights, digital age, constitutional rights.