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The college is affiliated to the University of Mumbai, approved by the Bar Council of India, NAAC accredited with 'B++' grade, and ISO 9001:2015 certified. It offers programmes including B.A. LL.B., LL.B., LL.M., and specialised diploma courses.

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Affiliation	University of Mumbai
Recognition	Approved by the Bar Council of India
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- Quality and inclusive education
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LAW IN THE AGE OF ARTIFICIAL INTELLIGENCE

A Fundamental Perspective



ABOUT THE INTERNATIONAL CONFERENCE

The International Conference on “Law in the Age of Artificial Intelligence: A Fundamental Perspective” provided an academic platform to examine the transformative impact of Artificial Intelligence on law, legal systems, governance and society.

The conference explored emerging legal and ethical questions relating to Artificial Intelligence, including intellectual property, authorship and ownership, liability, data privacy, cybersecurity, criminal justice, evidence law, human rights, ethics and accountability. It addressed the implications of Artificial Intelligence for legal education, commercial law, regulatory frameworks, policy development, research and scholarly communication.

The conference brought together academicians, research scholars, legal professionals and students to present research, exchange ideas and engage in interdisciplinary discussions. It encouraged meaningful academic dialogue and contributed towards the development of effective, ethical and inclusive legal responses to the rapidly evolving Artificial Intelligence landscape.

Conference	International Conference
Theme	Law in the Age of Artificial Intelligence: A Fundamental Perspective
Date	24 January 2026
Time	10:00 AM onwards
Mode	Online
Organised by	IQAC, Student Research Society and Library Committee
Publication Partner	LawFoyer International Journal of Doctrinal Legal Research [ISSN: 2583-7753]

PRINCIPAL'S MESSAGE

KES' Shri. Jayantilal H. Patel Law College



It gives me immense pleasure to welcome all academicians, research scholars, legal professionals and students to the International Conference on “Law in the Age of Artificial Intelligence: A Fundamental Perspective.”

Artificial Intelligence is transforming the way societies function and is increasingly influencing legal systems, governance, professional practices and education. These developments bring significant opportunities as well as complex legal, ethical and social challenges.

This conference provided a valuable platform for intellectual exchange and interdisciplinary dialogue on emerging issues such as data privacy, intellectual property, liability, criminal justice, human rights, ethics and the governance of Artificial Intelligence. The scholarly contributions and discussions during the conference encouraged deeper understanding and promoted responsible approaches to the use of Artificial Intelligence.

I extend my best wishes to all the speakers, researchers, presenters, participants and members of the organising team for a meaningful and intellectually enriching conference.

DR. VIRAL DAVE

I/c. Principal

KES' Shri. Jayantilal H. Patel Law College

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RIGHT TO DIGNITY IN THE AGE OF DEEPPAKES: A CONSTITUTIONAL OVERVIEW

Pruthali soni¹

I. ABSTRACT

Article 21 of the Indian Constitution guarantees right to life and personal liberty, which includes right to privacy and dignity. However due to evolution of Artificial Intelligence it is kept on stake. Whether intentionally or unintentionally, we all are at a stake of granting AI our personal and private data. Privacy and dignity are among the two greatest and most fundamental rights of all people "due to their being Humans"; thus, Privacy and Dignity affect all people in the world in a tremendous way: In regard to AI and the possible misuse of AI through the creation of different types of harm in regard to the use of AI, Surveillance and through AI Technology Development. In the case K.S. Puttaswamy v. Union of India, the Supreme Court ruled that the right to privacy is a fundamental right as provided by Articles 14, 19 and 21 of the Indian Constitution and Article 21 grants individuals their right to a dignified existence and freedom from unlawful interference with their personal life. In addition, it was determined that the protection of privacy was an integral part of the right to live with dignity. The Supreme Court has repeatedly held that when we refer to the "Right to Life", it means that every person has the Right to Life and is entitled to live his/her life with dignity; and not just exist but to live with respect, dignity, purpose, and meaning. Collectively, or on a personal basis, we all are at a point of putting "our private information" by granting access to AI Technology. This Research Paper will analyze Right to Privacy and Dignity as well as the effects of deepfakes on these Rights. The misuse of AI Technology poses a severe risk and may cause many forms of Harm, including right to Privacy and Dignity. Therefore, AI Technology has developed a requirement for all individuals to acknowledge the fundamental rights of Privacy, Autonomy, Integrity and Reputation.

¹ 10th semester B.A.LL.B student at Kes Shri Jayantilal H Patel Law College, Mumbai (India).Email: pruthalisoni18@gmail.com

II. KEYWORDS

Artificial Intelligence, Right to Privacy and Dignity, Deepfakes, Right to Life and Personal Liberty.

III. INTRODUCTION

A. What is AI?

The term Artificial Intelligence refers to the use of technology to perform tasks that were previously performed by people using reasoning or human judgment. While Artificial Intelligence is often defined as a system that learns and adapts based on data, there is currently no consensus on the precise definition.

Algorithms - Artificial Intelligence systems are built using algorithms such as neural networks, which mimic the way the human brain works, and machine learning algorithms, which enable AI systems to improve over time through experience.

B. Categories of AI

Narrowed AI systems focus on a specific task (such as image classification), while general AI systems attempt to simulate human-like cognition.

Examples of AI:

1. **Reactive AI:** These systems respond to stimuli on a moment-to-moment basis and do not retain memory (basic chess programs rely on this type of AI).
2. **Limited-Memory AI:** This type of AI relies on vast amounts of data collected over time in its decision-making process. Most current AI systems fall into this category (i.e., autonomous vehicles).
3. **Theory of Mind AI:** While no system currently has achieved this state, it is theorized as the stage at which an AI can understand human emotions.
4. **Self-Aware AI:** At this point, it is purely theoretical, and no known systems today have achieved any form of self-awareness.

C. AI in Use

AI is utilized in various forms today, including virtual assistants, healthcare professionals, and medical diagnosis systems, and recommendation service systems,

where large amounts of data are analyzed to predict future actions. Additionally, many new generative models enable the creation of visual art from written prompts, facilitating a range of new creative and analytical forms of content creation.

1. The Right to Privacy & Artificial Intelligence:

Individuals have rights to privacy through control over personal data, personal identity, and freedom. The explosion of Artificial Intelligence (AI) technology has forced a rapid acceleration in the growth of its ability to violate an individual's privacy. The vast amounts of data that AI uses, processes, and profiles will provide many different methods to violate an individual's privacy via surveillance, facial recognition, the mining of private data, false creation (deepfakes), and the automated processing and decision-making based upon the data processed by the AI.

The Supreme Court of India's ruling on *K. S. Puttaswamy v. Union of India*² recognised that each person has a fundamental right to privacy under Article 21 of the Constitution of India. Therefore, if AI violates an individual's right to privacy, it must be assessed against the following four principles: legitimacy, need, proportionality, and safeguards. Moreover, if AI collects, processes, or manipulates an individual's personal information, or generates a synthetic version of that individual which misrepresents them (as with deepfakes), then the individual has had their informational privacy violated, and their dignity and autonomy as a person diminished. Thus, we need to balance our ability to innovate with AI technology against everyone's right to privacy.

D. What are deepfakes?

Deepfake is a technology that uses advanced artificial intelligence (AI) to create realistic fabricated fake photos, videos or audio recordings of someone's face, voice, or body either by directly modifying (for example changing the face on an image so it appears to speak). The Privacy and Dignity Rights acknowledged within Article 21 of the Indian Constitution are directly related to and can be used to protect individuals from risks involving Artificial Intelligence (AI) during this Digital Age.

² *K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1 (Supreme Court of India).

E. Objectives of the Paper

The objectives of this research are to explore the concept and workings of deepfakes, including their growing misuse in India. This will explore how non-consensual content created with AI impacts the Right to Privacy and Dignity under Article 21 of the Indian Constitution. This will also explore the existing legal provisions and precedents for the use and misuse by deepfakes. Moreover, this will explore the growing use and impact of deepfakes on the personality and publicity rights of famous personalities in their technological age. Finally, this will succeed in identifying gaps in existing legal provisions and recommending sound governance for use by AI.

F. Research Questions

1. What are deepfakes? How is this technology used to infringe personality rights?
2. Does article 21 cover AI generated contents?
3. What modifications are required in existing laws?

G. Research Hypothesis

The existing constitutional framework under article 21, read with current legislation, provides insufficient protection against the dignity and privacy violations caused by AI-generated deepfakes.

H. Research Methodology

The study undertaken is a descriptive study. Qualitative research method has been applied. The literature concerning privacy rights, dignity, and Artificial Intelligence has been reviewed. It is based on secondary data only. Secondary data collected from books, journals, e-resources, etc. have been utilised for undergoing the study.

1. How Privacy and Dignity are guaranteed under the Indian Constitution:

- Courts interpreted Article 21 as giving a clear Right to live with dignity. The definition of such a Right includes the following elements; autonomy; reputation; decisional freedom; and control over an individual's Personal Information.

- The case of Justice K.S. Puttaswamy (Retd.) vs. Union of India (2017)³ was the first Court case in India that specifically identified privacy as a clear Fundamental Right that exists within the Right to Life and Personal Liberty. The right of Privacy also has a proven connection to Human Dignity and the exercise of one's personal autonomy.
- More recently, academic literature and analyses of some of the court cases that have been decided to identify three areas of concern regarding privacy and dignity in relation to AI systems.

2. How unauthorized generation of deepfakes is affecting Right to Privacy and dignity under article 21 of Indian Constitution?

- Making deepfakes (or "synthetic media," based on real people) without someone's explicit consent interferes with that person's privacy rights, and to have dignity according to Article 21 in India because deepfake content uses a person's likeness, voice, etc. without their permission.
- Making deepfakes robs the individual of their autonomy because they can no longer control how they are presented to the world. If a deepfake uses a person's likeness, to produce misleading or otherwise inappropriate representation of a person, it could cause irreparable harm to their reputation or emotional/psychological well-being, as well as to their personal and professional relationships.
- Creating and distributing deepfakes are also a violation of a person's privacy because they use a person's likeness, actual or created, to make public observations about that person's appearance and other personal attributes. The Supreme Court of India has indicated that dignity is a fundamental component of the right to life; therefore, dignity is threatened when a person's likeness is portrayed as being used as an instrument to create falsehoods via deepfakes.

³ K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1 (Supreme Court of India).

- As such, creating deepfakes without consent represents a direct affront to the core tenets of the right to privacy, the right to reputation, and the right to dignity, which are protected by Article 21.

3. Is there any legislature or act governing AI and specifically deepfakes in India?

- Currently, there is no law that governs Artificial Intelligence (AI) or Deepfake in India. The way that AI has been misused, especially through deepfake, is taken care of under existing laws and newer legislation.
- However, the provisions of Information Technology Act,⁴ (Sections 66C, 66D, 66E, 67, 67A) are applied to deepfake offences by judicial interpretation, not by express legislative reference.
- Sec 66C - This provision provides penalties under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, additional legal duties have been imposed on Digital Media platforms by requiring them to carry out due diligence to identify, remove and/or investigate and block content that is illegal, misleading or impersonating others. Social Media platforms have also been provided with the obligation to remove such content. The recent directives from Government and their proposed amendments now refer explicitly to "synthetic or AI generated content" and have made it clear that Digital Media platforms should be acting against this type of content and, where necessary, label it as made with AI.

The Bharatiya Nyaya Sanhita (2023) has put an end to the IPC (Indian Penal Code) but still provides for Criminal offences on Record, including throwing away your old records. As a result, the IPC is no longer valid for new criminal offences. However, criminal offences such as Defamation, Fraud, cheating that were in force prior to the IPC will remain applicable for many Digital Offences.

⁴ Information Technology Act 2000 (India) ss 66C, 66D, 66E, 67, 67A.

The definition of Defamation (as defined under Section 356 BNS) can apply to a Defamation claim against someone who creates a Deepfake and damages the person's reputation or creates a Digital Fraud that damages a person's reputation. And section 319 applies to cheating of the BNS - now govern relevant digital offences.⁵

The Digital Personal Data Protection Act (2023) also covers Digital Offences that could be committed by creating an AI digitally generated content containing your likeness, image or voice.

If it is found that someone has created a deepfake using a Copyright image/video/audio recording, then a claim of infringement (as defined under the Copyright Act of 1957) may arise.

Under Article 21 (Right to Life) of Indian Constitution, the Courts have decided the issue regarding the Right of Personality as well as Article 21 (Constitutional Protection Against Misuse) with the K.S Puttaswamy v Union of India (2017) (Supreme Court Decision), will protect these Rights within the scope of the Right of Personality.

4. Practical examples/cases:

- **Anil Kapoor's Name, Image, and Voice Being Used Without Authorisation (Delhi High Court)**

Anil Kapoor sued various companies in a Delhi High Court to protect his name, photographs, voice, image and catchphrases which have been used on DeepFake technology and on the internet without his permission. The Court has granted interim injunctions to prevent the unauthorised and improper use of the personalities of the actor. This case signifies a very important step toward the protection of the personalities of actors and public figures from alienating their identities through the use of artificial intelligence technologies.

Setting Precedent for Other Actors and Public Figures to Use AI Technologies to Help Protect Their Rights of Identity

Mr Kapoor's legal action against various companies creates a major precedent for other actors and public figures to be able to take legal steps to protect their identity

⁵ Bharatiya Nyay Sanhita 2023 (India) ss 319, 356.

from being misappropriated through the use of artificial intelligence technologies. The Court has ruled that regardless of how advanced the technology is, the dignity and reputation of an individual will not be destroyed by it. Additionally, because of this ruling, Anil Kapoor has grown in awareness of the name, reputation and accomplishments of Anil Kapoor as an international multimedia person and has generated more awareness of his position in various international and global discussions.⁶

IV. GLOBAL DISCUSSION REGARDING THE USE OF AI TECHNOLOGIES TO CLONE THE FACES AND VOICES OF ACTORS

The use of AI technologies to clone the faces and voices of actors is a global issue, and there are many concerns from actors and other artists regarding what is their "control" of the digital identity of their likenesses and voices.⁷

Bollywood actress Shilpa Shetty Kundra filed an application for an interim injunction against deepfake content made without her consent, using her images and AI. She argued that these materials violated her right to dignity, privacy, and reputation.

The Bombay High Court determined that deepfake was an infringement on Shilpa Shetty's fundamental rights and damaging to her reputation and directed that all links to the deepfake porn be taken down. The court determined that creating someone's digital "identity" without permission was an infringement of their "natural persona," and upheld the principle that dignity cannot be compromised. The high court ordered all platforms and agencies to remove the illegal material.⁸

"A growing number of Indian celebrities have taken legal action to protect their publicity and personality rights from misuse by artificial intelligence (AI)-generated deepfakes, voice replicas and without authorisation use of their name, likeness and

⁶ Anil Kapoor v Simply Life India & Ors 2023 SCC OnLine Del 6914 (Delhi High Court).25-3-2026

⁷ How this court case resulted in Anil Kapoor making it to Time's list of most influential people in AI The Times of India (India, 2024) <https://timesofindia.indiatimes.com/technology/tech-news/how-this-court-case-resulted-in-anil-kapoor-making-it-to-times-list-of-most-influential-people-in-ai/articleshow/113154447.cms> accessed 25 March 2026

⁸ Shilpa Shetty Kundra v. Getoutlive.in, 2025 SCC OnLine Bom 5486, Decided on 26-12-2025] ... <https://www.sconline.com/blog/post/2025/12/29/bom-hc-shilpa-ai-generated-deepfake-content-scc-times/>

image/voice. Courts are increasingly recognising these rights as derivatives of the right of privacy and dignity guaranteed under Article 21 of the Constitution.

The Delhi High Court has also granted Sri Sri Ravi Shankar a restraining order against deepfakes and fraudulent endorsements that use his image.

A well-publicized incident involving Marathi actress Girija Oak illustrates the serious emotional and reputational damage to an individual inflicted by a deepfake image, which was altered to make it appear as though she was involved in inappropriate activity.⁹

Proposed Solutions for the Combating of Deepfake Abuse in India:

1. Establish a dedicated AI and Deepfake Regulations Statute that defines deepfakes, requires consent, mandates the disclosure of deepfakes and prescribes penalties for the malicious production and distribution of deepfakes.
2. Strengthen intermediary liability statutes by mandating the detection and labelling of synthetic media through AI; and compelling the rapid removal and defining timeframes to address malicious deepfake distribution.
3. Define the rights of personality and publicity and protect them through law by extending these protections to non-famous as well as non-famous people; thus, shielding anyone whose identity can be exploited by such a form of attack from the malicious use or harm to their reputations.
4. Combine the Digital Personal Data Protection Act with regulations relating to AI by classifying the unlawful use of an individual's voice, likeness and/or photograph as a serious data violation.
5. Create Cyber Courts/Expedited Procedures to address presenting emergency situations regarding malicious deepfake removal that would prevent catastrophic reputational harm to victims.

⁹ Celebrity Rights, Personality Rights: India's Deepfake Misuse & Legal Framework – Article 21' (LiveLaw, 2025) <https://www.livelaw.in/articles/celebrity-rights-personality-rights-india-deepfake-misuse-legal-framework-article-21-311287>

6. Promote awareness and digital literacy of deepfake manipulation, through public education, so individuals are able to identify and report any instances of deepfake misuse immediately.

V. CONCLUSION

Deepfakes pose a serious threat to the right to privacy outlined in Article 21 of the Constitution (as affirmed in the landmark decision rendered by Justice K.S. Puttaswamy (Retd.) v. Union of India). Personal identities can be exploited, causing reputational damage and leading to the dissemination of false information as well as emotional harm. Because privacy also includes control over one's image and personal information, the existence of deepfakes results in significant violations of privacy. In order to meet these challenges, society must create stronger legal systems; regulate how businesses operate on digital platforms; and increase public understanding of these issues. There must be a coordinated approach that incorporates legal, technological, and social components to ensure that dignity, autonomy, and justice are protected in this rapidly changing environment.

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