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Case Comment: Personality Rights and AI Voice Cloning: A Critical Analysis of *Asha Bhosle v Mayk Inc.*

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INTRODUCTION

Generative Artificial Intelligence (AI) is one of the most transformative technological developments of this generation. From automating monotonous tasks to enabling creative production, AI has quickly become part of daily life. Along with these advantages of using AI, it has acquired the never-before-seen capability of reproducing human identity, including voices and other biometric attributes, with striking accuracy. Such technological capability poses serious risks to individual autonomy, consent, reputation, and dignity when replication is exercised for commercial or deceptive purposes.

The development of the law has struggled to keep pace with this transformation. The Indian legal frameworks, and those of other jurisdictions, were designed to address false endorsements, passing off, or unauthorised use of images, thereby falling within conventional theories of misappropriation. They were never envisioned for situations in which AI can digitally re-create a person's voice without physical imitation or direct copying. Therefore, courts have generally

dealt with only conventional personality rights, while AI-driven impersonation remains an emerging legal frontier.

It is against this background that the judgment of the Bombay High Court in *Asha Bhosle v Mayk Inc.* assumes special importance.¹ The case arose when the voice of the legendary singer was digitally cloned and monetised through AI platforms without her consent. While granting injunctive relief, the Court was not simply protecting a celebrity from false endorsement. It was thus recognising that AI-enabled voice cloning undermines the very notion of human identity as something that can be protected legally. The judgment, therefore, heralds a shift from protection against commercial reputation to protection of personal identity against technological replication.

FACTS OF THE CASE

The Applicant, Asha Bhosle, is a renowned Indian playback singer with a career spanning over seven decades and significant national and international recognition. She instituted a Commercial Intellectual Property Suit before the Bombay High Court seeking protection of her personality rights, publicity rights, and moral rights against unauthorised and commercial exploitation of her identity. Defendant No. 1, Mayk Inc., is a company operating an artificial intelligence platform that enables users to digitally clone and generate audio recordings in the voice of celebrities, including the Applicant, without authorisation.

The grievance arose when multiple entities, without the Applicant's consent, began exploiting various attributes of her personality through digital and AI-based platforms. Defendants Nos. 1 and 2 operated an AI website that enabled users to generate audio recordings in the Applicant's voice. Through this platform, any sound recording or song could be converted to sound as though it had been sung by the Applicant, despite her not being involved in the creation or dissemination of such content. The Applicant contended that her voice was being digitally cloned, distorted, and modified to create false sound recordings that closely mimicked her vocal style and manner of singing.

In addition to AI voice cloning, the Applicant's name, image, photograph, caricature, and likeness were being commercially exploited on online marketplaces. Defendant Nos. 3 and 4, namely Amazon Seller Services Pvt. Ltd. and Flipkart Internet Pvt. Ltd., were hosting listings for

¹ *Asha Bhosle v Mayk Inc* (2025) SCC OnLine Bom 3485

posters, portraits, caricatures, and merchandise bearing the Applicant's likeness, which had been created and sold by unidentified third parties without her authorisation. Defendant No. 5, a sketch artist, similarly offered T-shirts and hoodies featuring the Applicant's image for sale through his own website.

Moreover, some videos were uploaded on YouTube, owned by Defendant No. 6 Google LLC, containing songs whose voices were generated through AI, impersonating the Applicant's voice. This was done with the intention of monetising such content. The Applicant claimed that she had never sung any of the impugned songs and that the songs produced using AI were intended to impersonate her identity.

The Applicant claimed that the Defendants' unauthorised use of her voice, image, name, and persona breached her personality and publicity rights, along with her moral rights under Section 38-B of the Copyright Act, 1957.² She also claimed that she suffered irreparable damage to her reputation, goodwill, and dignity due to the illegal use. Thus, she asked for the grant of ad-interim relief to restrain the Defendants from using her identity and to remove the unauthorised content from digital platforms.

LEGAL ISSUES

1. Whether a celebrity's voice, vocal style, and manner of singing constitute protectable attributes of personality and publicity rights under Indian law.
2. Whether the unauthorised use of AI to digitally clone and reproduce a celebrity's voice amounts to misappropriation and infringement of personality and publicity rights.
3. Whether the creation and dissemination of AI-generated audio recordings in a celebrity's voice violates the performer's moral rights under Section 38-B of the Copyright Act, 1957.³
4. Whether the availability of AI tools that enable voice cloning can be restrained because such tools facilitate unlawful exploitation of personality rights.
5. What obligations do digital intermediaries and online marketplaces have in preventing, removing, and disclosing information relating to unauthorised exploitation of personality rights on their platforms?

COURT'S DECISION

² Copyright Act 1957, s 38B

³ *Ibid*

The Bombay High Court granted ad-interim injunctive relief in favour of the Applicant. The Court restrained the Defendants from unauthorised use, exploitation, or misappropriation of the Applicant's name, voice, image, likeness, persona, and other attributes of her personality through any medium, including AI-based technologies. The Court directed the removal and takedown of all infringing content from digital platforms and ordered the Defendants to disable access to unauthorised listings and videos. It further directed online intermediaries to furnish relevant subscriber and uploader information to enable the identification of infringers.⁴

REASONING OF THE COURT

In granting ad-interim relief, the Bombay High Court undertook a prima facie assessment of the scope and enforceability of personality, publicity, and moral rights in the context of AI-driven impersonation. The Court proceeded on the undisputed premise that the Applicant is a pre-eminent personality in the field of music and that her voice, image, and persona are widely identifiable and closely associated with her professional identity.

The Court recognised that personality and publicity rights encompass an individual's right to control the commercial exploitation of attributes that are uniquely associated with their identity. Relying on prior judicial precedent, it reiterated that a celebrity's name, voice, image, and mannerisms constitute protectable aspects of personality rights.⁵ The Court emphasised that unauthorised commercial use of these attributes, particularly where the individual is clearly identifiable, amounts to a violation of such rights.

A central aspect of the Court's reasoning concerned the use of AI to digitally clone and reproduce the Applicant's voice. The Court held that making AI tools available to enable the conversion of any voice into that of a celebrity without consent cannot be treated as a neutral or benign technological activity. Rather, such tools actively facilitate the unauthorised appropriation and manipulation of a core element of personal identity. The Court observed that a human voice is not merely a functional sound but a defining component of individuality and public persona, especially in the case of a professional singer. AI-generated replication of such a voice, when done without authorisation, therefore directly infringes personality and publicity rights.

⁴ *Asha Bhosle v Mayk Inc* (2025) SCC OnLine Bom 3485

⁵ *Arijit Singh v Codible Ventures LLP* (2024) SCC OnLine Bom 2445

The Court further linked AI-based voice cloning to the violation of the Applicant's moral rights under Section 38-B of the Copyright Act, 1957. The provision recognises the moral rights of performers and protects them against distortion, mutilation, or other modification of their performances in a manner prejudicial to their reputation or dignity. It grants performers an enforceable right to restrain unauthorised alterations of their performances, even after assignment of economic rights.⁶

The Court held that the distortion, modification, and digital manipulation of the Applicant's voice through AI *prima facie* amounts to prejudicial alteration of her performances. Such unauthorised modification was found capable of harming her reputation and dignity as a performer, thereby attracting the statutory protection given to performers against exploitation or mutilation of their work.

In addressing the role of intermediaries and online platforms, the Court adopted a facilitative liability approach. It held that platforms which host, promote, or monetise infringing content cannot remain passive once notified of unauthorised exploitation of personality rights.⁷ Accordingly, the Court directed online marketplaces and digital platforms to remove infringing content and to disclose relevant subscriber information to enable identification of wrongdoers.

Finally, applying set principles governing interim injunctions, the Court found that the Applicant had established a strong *prima facie* case. It held that the balance of convenience lay in favour of granting relief, as continued unlawful use would cause irreparable harm to the Applicant's reputation, goodwill, and dignity, which could not be adequately compensated through monetary damages alone.

IMPACT OF THIS CASE

Asha Bhosle v Mayk Inc. marks a significant development in Indian jurisprudence on the subject of personality rights. By holding that AI-enabled voice cloning amounts to unauthorised misappropriation, the Court extended traditional personality and moral rights doctrines to address technologically driven impersonation.

The judgment also signals increased judicial scrutiny of platforms and tools that facilitate identity misuse, placing a duty on intermediaries to act against infringing content. More

⁶ Copyright Act 1957, s 38B

⁷ *Shreya Singhal v Union of India* (2015) 5 SCC 1

broadly, the case exposes the absence of a dedicated legislative framework regulating generative AI in India and underscores the growing role of courts in bridging this regulatory gap until comprehensive statutory reform is undertaken.

CRITICAL ANALYSIS

The judgment handed down in *Asha Bhosle v Mayk Inc.* was timely and much needed in the wake of the ever-rapidly evolving developments regarding generative AI. Although the judgment is highly commendable for applying existing law to regulate the use of impersonation through the application of AI, it is also crucial to interrogate the judgment through the lens of the future of the right to personality under India's legal system.

To begin with, the Court's identification of the celebrity's voice as a protectable aspect of a personal right is an important development. Indian courts have traditionally protected names, images, and likenesses against unauthorised commercial exploitation.⁸ By expressly including voice and vocal style within this protective ambit, the Court acknowledged that identity in the digital age extends beyond visual representation. This approach is particularly appropriate in the context of performers, for whom voice constitutes the core of professional identity. However, the judgment does not clearly articulate the parameters of such protection. It remains uncertain whether voice protection is confined to celebrities or whether similar claims could be extended to non-public individuals whose voices are digitally replicated, potentially expanding personality rights beyond their current doctrinal boundaries.

The Court's decision to treat AI voice cloning software as facilitators of unauthorised exploitation of personality and moral rights, rather than neutral technological tools, is indicative of its pragmatic handling of digital abuse. By overruling claims that such software is protected by freedom of speech and technological neutrality, it is clear that the Court privileged consent and dignity over unregulated technological development. Even as such an approach is incredibly protective of the individual, it is perhaps emblematic of over-breadth as it may have a chilling effect on unregulated AI technological development through parody, creative reinterpretations, and non-commercial fan works. This concern underscores the need for narrowly tailored judicial and legislative responses rather than blanket restraints on technological development.

⁸ *ICC Development (International) Ltd v Arvee Enterprises* (2003) SCC OnLine Del 2

One of the major strengths of the judgment is its reliance upon moral rights under Section 38-B of the Copyright Act, 1957. By linking AI-generated voice manipulation to distortion and mutilation of a performer's work, the Court creatively adapted statutory protections to a novel context. This interpretation reinforces the idea that moral rights are not confined to traditional physical recordings but extend to digital alterations that prejudice a performer's reputation. However, the application of Section 38-B to AI-generated content raises unresolved doctrinal questions, particularly where the AI output does not directly modify an existing recording but creates a new, synthetic voice model inspired by the performer.⁹

The Court's directions to online intermediaries further manifest a judicial trend that can be seen as an emerging orientation of the judiciary towards platform accountability. In forcing the marketplaces and digital platforms to take down infringing materials and to disclose subscriber information, the Court indicated that an intermediary cannot remain silent when notified of a personality violation. Directions of this kind are indeed necessary for proper enforcement, but they often blur the line between primary infringers and intermediaries. In the absence of any statutory clarity on the liability of the intermediaries in the context of AI impersonation, courts may be pressed to formulate ad hoc standards, which are likely to result in inconsistency across cases.

Most importantly, the judgment reveals a deep-seated legislative vacuum that Indian law has vis-à-vis generative AI and the protection of identity. Although judicial innovation of this sort offers interim remediation, it is organically limited. Courts are confined to case-specific remedies and do not have the institutional capacity to thoroughly regulate AI technologies. The judgment therefore underscores the urgent need for legislative intervention to define the permissible scope of AI use, delineate liability standards, and balance innovation with protection of individual identity.

Overall, *Asha Bhosle v Mayk Inc.* is a progressive and protective decision that effectively counteracts modern challenges posed by technology. However, it equally raises critical questions regarding expansionist doctrine, technological neutrality, and judicial legislation. This decision marks a significant moment in jurisprudence with regard to personality rights

⁹ Copyright Act 1957, s 38B

and simultaneously emphasises that effective governance in relation to AI can be achieved through legislation rather than judicial improvisation.

CONCLUSION

The *Asha Bhosle v Mayk Inc.* judicial pronouncement represents one of the first instances of the judiciary responding to the impact of generative AI on the notion of individuality and consent. The Bombay High Court applied an existing legal construct to the emerging harm caused by the use of voice cloning facilitated by the application of AI to the existing right to personality, publicity, and moral rights. This is an affirmation that technology cannot operate independently of values and consent.

The judicial interpretation offers an instant remedy in cases where digital impersonation is attempted through AI; however, questions pertaining to the usage of AI remain unanswered. Thus, the decision not only marks a milestone in the doctrines of the law but also an urgent call for legislation on a wide-ranging reform in the new era of AI, where human identity itself calls for protection under Indian law.