

School of Law, SVKM's NMIMS Bengaluru

*Presents*

# 1<sup>st</sup> All India Moot Court Competition, 2026

26<sup>th</sup> - 28<sup>th</sup> March, 2026

## Moot Proposition



Media Partner & Knowledge Partner

## **MOOT PROPOSITION**

1. The Republic of Aryavarta is a constitutional democracy governed by a written Constitution that guarantees Fundamental Rights enforceable through judicial review. The Supreme Court of Aryavarta exercises original writ jurisdiction under Article 32 and has consistently recognized dignity, privacy, autonomy, and identity as integral components of the right to life and personal liberty. Judicial precedents in Aryavarta have progressively expanded the scope of constitutional protections in response to technological and social developments.
2. Courts in Aryavarta have recognized that artistic expression, cinema, and creative media fall within the protection of free speech, while also holding that such freedoms may be balanced against dignity, reputation, and privacy interests. The jurisprudence recognizes horizontal effect in limited contexts where private action produces significant public or constitutional harm, particularly where identity, dignity, or informational autonomy are implicated.
3. Aryavarta also maintains statutory regimes like the Aryavarta Copyright Act, Trade Marks Act, Information Technology law, and Data Protection law. These statutes recognize copyright, performer's rights, moral rights, and commercial goodwill protections. However, there is presently no dedicated legislation governing personality rights, posthumous identity control, or AI-generated digital resurrection of individuals. Courts have issued limited and sometimes inconsistent rulings on personality and publicity rights, mostly in commercial endorsement contexts, leaving open substantial constitutional questions regarding the status and enforceability of such rights after death.
4. Over the past decade, Aryavarta has witnessed rapid growth in artificial intelligence systems capable of generating highly realistic human likenesses, voices, gestures, and performances. Generative AI models are now widely used in cinema, music production, advertising, gaming, and political communication. These systems are capable of producing new audio-visual content by training on large archives of recorded performances, interviews, and public appearances. As a result, media producers can now create new performances by individuals who are no longer alive, without the individual's participation at the time of creation.

5. This technological shift has given rise to a new industry practice commonly referred to as 'digital resurrection' or 'synthetic persona simulation,' where deceased public figures are recreated for films, endorsements, virtual concerts, and hologram events. Supporters of the practice describe it as a tribute, preservation tool, and creative innovation that allows new generations to experience cultural icons. Critics argue that such recreations risk distortion, misrepresentation, and commercialization of identity without consent, potentially undermining dignity, legacy, and public trust. Public debates have intensified where recreated personas are shown endorsing products, expressing opinions, or performing acts inconsistent with their known lifetime beliefs.
6. Civil society groups, artist unions, and cultural organizations in Aryavarta have raised concerns about the ethical and legal implications of AI-generated personalities, especially where disclosures are unclear or absent. Questions have emerged regarding whether legal heirs should have unrestricted control over posthumous commercial use, whether prior lifetime wishes must be respected, and whether the Constitution protects identity and dignity interests beyond death. In the absence of a specific statutory framework, disputes concerning AI-based personality exploitation have increasingly reached constitutional courts, leading to calls for principled judicial standards.
7. Aarav Rajan was one of the most celebrated film actors in Aryavarta, with a career spanning over thirty-five years and more than 180 films across multiple languages. He was widely regarded as a socially responsible artist and was known for carefully selecting roles that reflected ethical and reform-oriented themes. He had received the highest civilian honours for contribution to cinema and public culture. In several televised interviews and public lectures, Aarav Rajan emphasized that an artist's public image carries moral responsibility and should not be commercially detached from personal values.

8. During his lifetime, Aarav Rajan consistently refused endorsements for betting platforms, alcohol brands, and partisan political campaigns despite lucrative offers. His professional contracts with film producers granted rights in his recorded performances but did not contain clauses permitting digital simulation, AI training, or synthetic recreation of his persona. Industry practice at the time did not contemplate such technology. He also maintained a public code of endorsement ethics published on his official website, stating that his likeness and voice should not be used to promote products he did not personally evaluate and approve.
9. Aarav Rajan died intestate in 2022 and was survived by his wife Meera Rajan and son Karan Rajan. In 2024, Karan Rajan entered into a commercial licensing arrangement with NeoVision Studios permitting AI-based recreation of Aarav Rajan's likeness and voice using archived films, rehearsal footage, and unused studio recordings. The AI-generated avatar was subsequently used in a betting application advertisement and in a fictional web-series portraying him as a corrupt law enforcement officer. Meera Rajan publicly objected, stating that such portrayals were fundamentally inconsistent with his lifetime principles and damaged the moral integrity of his legacy. The disagreement between the heirs has not yet been adjudicated in any civil court.
10. Shreya Devi was a nationally revered playback singer known for her distinctive tonal quality and vocal expression. Over a four-decade musical career, she recorded more than 3,000 songs and was regarded as a defining voice of her generation. Her voice was widely considered unique and instantly recognizable by listeners. She frequently spoke about artistic authenticity and had publicly expressed concern about technological manipulation of vocal performances in multiple interviews and panel discussions.

11. Her recording contracts with various music labels granted rights in sound recordings and distribution but expressly preserved her moral rights as a performer. In at least two recorded interviews, she stated that while remastering and restoration of her songs was acceptable, she would not approve of artificial recreation of her voice to sing lyrics she had never performed. In 2023, she executed a registered will stating that her existing recordings could continue to be commercially exploited but that her voice should not be digitally replicated to generate new songs or performances.
12. After her death in 2023, EchoWave Media, which controlled a large portion of her music catalogue through earlier assignments used isolated vocal tracks, studio stems, and archived recordings to train an AI voice model. The company released newly composed songs and virtual duet performances marketed as featuring her “reimagined AI voice.” These releases achieved significant commercial success. The company relied on approval from her nephew, who managed the catalogue entity, while other family members publicly disputed both the legality and morality of the releases, citing her testamentary direction and recorded lifetime objections.
13. Dev Malhotra was another well-known film actor who later transitioned into social and educational commentary through broadcast and digital media. He hosted widely viewed public discussion programs and delivered motivational lectures across universities. He was known for a signature dialogue phrase and a distinctive visual silhouette style that became closely associated with his public persona. During his lifetime, he actively cultivated a recognizable identity brand linked to educational and civic themes.

14. To manage his commercial identity, Dev Malhotra had registered his stage name, signature phrase, and stylized silhouette logo as trademarks in multiple commercial classes relating to media, events, and merchandise. He also established a persona management firm that licensed his speaking engagements and educational content. However, like most contracts of that period, none of his agreements addressed AI simulation, hologram reproduction, or synthetic speech generation.
15. Following his death in 2021, his legal heirs formed Malhotra Legacy LLP and entered into licensing agreements permitting AI-generated hologram speeches and simulated educational messages using his likeness and speaking style. Some of these digital speeches were circulated on social media platforms without clear disclosure that they were AI-generated. A few clips appeared to express policy preferences on contemporary issues that arose after his death. While the licensing entity maintains that these uses are educational tributes consistent with his mission, critics argue that such undisclosed simulations risk misleading the public and attributing views he never actually expressed.
16. In January 2025, a major production house, Eternal Legends Productions, released a feature-length film titled 'Voices Beyond'. The film was promoted as a technological milestone and the first full-length AI-integrated cinematic universe in Aryavarta. It featured AI-generated performances of the deceased public figures Aarav Rajan, Shreya Devi, and Dev Malhotra as central characters in a fictional contemporary storyline. The production used generative AI systems trained on archived films, music recordings, interviews, rehearsal footage, and publicly available audio-visual material relating to the three personalities. None of the depicted scenes were drawn from their actual lifetime performances.

17. The film portrayed the three personalities interacting in newly written scenes, delivering dialogues, singing fresh compositions, and participating in storylines involving corporate endorsements and public messaging campaigns. Certain scenes depicted Aarav Rajan's AI persona endorsing an online betting platform within the story's narrative arc, while the AI-generated voice of Shreya Devi was used for newly composed songs with modern political themes. Dev Malhotra's simulated persona delivered motivational speeches addressing current policy debates that arose after his death. Promotional trailers and posters highlighted the return of the three legends without prominently disclosing that the performances were AI-generated simulations.
18. The film was released nationwide and distributed through theatres and streaming platforms, achieving significant commercial success. Disclosure that AI technology had been used appeared only in the end credits and in small-print platform descriptions, but not in primary promotional material. Following release, public debate arose regarding whether viewers were misled into believing the performances were based on unreleased lifetime material, and whether the portrayals were consistent with the known values and expressed wishes of the deceased figures. Several artist unions and cultural organizations issued statements calling for regulatory oversight of AI-based personality simulation in media.
19. In March 2025, a registered nationwide federation of fan clubs and cultural associations known as the Federation for Protection of Cultural Legacy (FPCL) filed a writ petition before the Supreme Court of Aryavarta under Article 32 of the Constitution. FPCL represents over 600 registered fan and cultural societies associated with the three deceased personalities and claims to work toward preservation of artistic and cultural legacy. The petition asserts that AI-generated recreation and commercial deployment of deceased personalities without clear consent or statutory safeguards violates constitutional principles of dignity, identity integrity, and informational autonomy.

20. The petition challenges the AI-based portrayals in *Voices Beyond* and related commercial uses, arguing that they distort legacy, misattribute expression, and amount to posthumous personality appropriation. It further contends that where a public figure has expressly opposed digital recreation during their lifetime, or has issued testamentary restrictions, such wishes must receive constitutional protection as an extension of decisional autonomy and dignity under Article 21. The Union of Aryavarta has been arrayed as a respondent for alleged regulatory inaction in an emerging high-impact technological domain.

21. The Respondents have raised preliminary objections to maintainability, arguing that fan associations lack locus standi to enforce alleged posthumous rights and that no fundamental right survives death. They contend that the dispute is essentially commercial and contractual in nature, adequately governed by private law and intellectual property statutes. They further argue that AI-generated cinema constitutes protected artistic expression and technological innovation falling within constitutional free speech and trade guarantees. In view of conflicting claims of constitutional importance and absence of statutory clarity, the Supreme Court framed the following substantial questions of law.



## ISSUES

1. Whether the writ petition filed by the Federation for Protection of Cultural Legacy (FPCL) under Article 32 is maintainable?
2. Whether the right to choice, identity, and reputational autonomy under Article 21 extends to protect the persona of a deceased individual from unauthorized AI-based recreation and portrayal?
3. Whether the express lifetime refusal or testamentary restriction against digital recreation of one's persona is constitutionally enforceable against heirs and commercial licensees?
4. Whether the use of archived performances and recordings to train AI systems for generating new synthetic performances infringes performer's and related intellectual property rights?

### *Note:*

- *The Constitution of Aryavarta, and all laws in Aryavarta are in pari materia with the Constitution of India and the laws of India respectively.*
- *The counsels are required to address the issues and arguments specifically mentioned above and are also free to frame sub-issues and make other arguments.*
- *The moot problem has been drafted solely for academic purposes.*