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## MORAL RIGHTS OF AUTHORS IN THE AGE OF AI-GENERATED CONTENT

*Mahek Shaikh*

### ABSTRACT

*The technology of Generative AI is now capable not only of writing, painting, and composing, but even transforming the work of others. While India's Copyright Act, 1957 was framed taking humans into consideration as the creators, yet there is an exception for Computer Generated Works and an additional set of Moral Rights provided for in Section 57. The present article enquires into the possibility of using these provisions to safeguard the human creators in case AI transforms or creates a work. It contemplates that while the Copyright Act provides for a sufficient framework for the purpose, it lacks provisions regarding the role of humans in the creation, alteration by AI, misattribution, and proving the same.*

**Keywords:** *Artificial Intelligence, Authorship, Moral Rights, Section 57, Copyright Act, 1957, Generative AI, Right of Integrity, Right of Attribution.*

### 1. INTRODUCTION

Consider a case where a poet sees that her poem has been input into an AI machine and the output is an utter piece of trash. She then finds out that this output has been posted on the internet and published under her name. She did not write it, and she did not approve it. Does Indian law give her anything to stand on?

The question sits in an awkward spot in the current debate. In India, the law that speaks to an author's personal bond with a work is Section 57 of the Copyright Act, 1957, and the law that speaks to computer-generated works is Section 2(d)(vi).<sup>1</sup> Generative AI puts pressure on both. The World Intellectual Property Organization has noted that these systems raise hard questions

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<sup>1</sup>Copyright Act, 1957, No. 14 of 1957, §§ 2(d)(vi), 57 (India).

about authorship and originality.<sup>2</sup> A significant strand of Indian scholarship on the subject has focused on whether AI-generated works can receive copyright protection and on the question of ownership.<sup>3</sup> Far fewer writers ask what happens to the human author's personal and reputational interests once AI enters the picture.

This article takes up that second question. It argues that the Act is not empty when it comes to AI. It gives a workable base, but that base is only partly ready for generative systems. The article first looks at authorship and originality. This article then moves on to consider issues of attribution and integrity, under section 57, along with the unique issue of AI transformation of existing works. This is followed by a series of modest proposals for reform. The methodology used here is doctrinal and the jurisdiction is Indian law.

## 2. WHO IS THE AUTHOR OF AN AI ASSISTED WORK

Section 2(d)(vi) says that, for a computer generated literary, dramatic, musical or artistic work, the author is “the person who causes the work to be created.”<sup>4</sup> Two things stand out. The provision is old, written long before today's AI tools. And it does not make the machine the author. It points to a person.

For the purposes of this article, it is useful to distinguish between AI-assisted works and substantially autonomous AI outputs. In an AI-assisted work, the human user exercises meaningful creative control through selection, arrangement, modification or other expressive choices. In a substantially autonomous output, the human contribution may be limited to initiating or configuring the system, while the system determines most of the expressive features of the resulting work. This distinction is relevant because Section 2(d)(vi) identifies the author of a computer-generated work as the person who causes the work to be created, but does not specify the degree of human contribution required.

Indian copyright thinking has long tied authorship to the creative contribution of the author.<sup>5</sup> Generative AI tests that idea, because the human contribution may lie in selecting, arranging, directing and refining, and not in carrying out every detail by hand. Recent commentary asks whether the Act can accommodate fully autonomous output, and how authorship should work

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<sup>2</sup>World Intell. Prop. Org., Generative AI: Navigating Intellectual Property (2024), ‘<https://www.wipo.int/documents/d/frontier-technologies/docs-en-pdf-generative-ai-factsheet.pdf>.’

<sup>3</sup>Lokesh Vyas & Luca Schirru, Indian Copyright Law in the Age of GenAI: Knowledge/Power, Patchwork, and Peril, 20 INDIAN J.L. & TECH., no. 2, art. 2 (2024), <https://doi.org/10.55496/ZGDS8505>.

<sup>4</sup>The Copyright Act, No. 14 of 1957, § 2(d)(vi) (India).

<sup>5</sup>P. NARAYANAN, LAW OF COPYRIGHT AND INDUSTRIAL DESIGNS (4th ed. 2017).

where a person steps in only lightly.<sup>6</sup> The Act does not give a clear answer, so the question is left to interpretation.

### 3. ORIGINALITY IS NOT AUTHORSHIP

Originality is the entry ticket to copyright. Section 13(1)(a) protects only original literary, dramatic, musical and artistic works.<sup>7</sup> The Act does not define the word, so courts have filled the gap. In *Eastern Book Co. v. D.B. Modak*, the Supreme Court rejected the idea that hard work alone makes a work original. It asked for skill and judgment and at least a small degree of creativity. It also repeated that copyright protects expression, not ideas.<sup>8</sup> For AI-assisted work, the lesson is plain. Trivial human input does not become skill and judgment just because a machine produced something impressive.

The above test does not consider the issue of the authorship, and an Indian case from recent times makes the distinction between the two evident. On 31 August 2026, the Copyright Office came to the decision regarding Stephen Thaler's application concerning an artwork titled *A Recent Entrance to Paradise*. In his application, he declared his AI system, DABUS, to be the author. The Registrar concluded that the artwork fulfilled the criteria of being original. However, DABUS could not be considered the author as it was not a natural person recognized under the law. Furthermore, the Registrar observed that Stephen Thaler, who was the creator of DABUS, had configured it, provided it with input, and triggered the entire process.<sup>9</sup> He declined, and the application failed.<sup>10</sup> The order also made a point about ownership. An entity that cannot hold copyright cannot pass it on under the Act's rules on first ownership and assignment.<sup>11</sup> It leads to the following:

- i. An AI-generated work can be original.
- ii. Originality does not settle authorship.
- iii. Indian law still looks for a human or legal person behind the work.

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<sup>6</sup>Rashi Singhal, Can the Indian Copyright Act Accommodate Fully Autonomous AI Generated Output?, SPICYIP (May 22, 2026), <https://spicyip.com/2026/05/can-the-indian-copyright-act-accommodate-fully-autonomous-ai-generated-output.html>; see also Bilal Shafiq, Authorship Without an Author: Rethinking Copyright Ownership in the Age of Generative AI (Apr. 26, 2026) (unpublished manuscript), <https://ssrn.com/abstract=6917558>.

<sup>7</sup>Copyright Act § 13(1)(a) (India).

<sup>8</sup>*Eastern Book Co. v. D.B. Modak*, (2008) 1 SCC 1 (India).

<sup>9</sup>In re Diary No. 9356/2022-CO/A, *A Recent Entrance to Paradise* (Copyright Off., Gov't of India Aug. 31, 2026).

<sup>10</sup>Id.

<sup>11</sup>Copyright Act §§ 17–18 (India).

The order is not a rule that all AI output is protected, and as an administrative decision it guides courts rather than binding them.<sup>12</sup> Still, it shows that the existing words of the Act can handle an AI case without crowning the machine.

#### 4. MORAL RIGHTS OF ATTRIBUTION AND INTEGRITY

Economic rights decide what may be done with a work. Moral rights protect the author's continuing link with it. Section 57 gives the author these rights independently of the copyright itself and they survive even after the copyright is assigned.<sup>13</sup> The section has two sectors. The first lets the author claim authorship of the work. The second lets the author restrain, or claim damages for, any distortion, mutilation, modification or other act in relation to the work that would harm the author's honour or reputation.<sup>14</sup> The two are related but not the same. One is about being identified as the creator. The other is about how the work is treated.

Indian courts have treated these rights as real and separate. In *Amar Nath Sehgal v. Union of India*, the Delhi High Court recognised the author's moral interest in a work as something apart from the economic ownership of copyright.<sup>15</sup> It is essential from the perspective of AI because it implies that the interests of the author cannot be summarized solely through the lens of copying and licensing.

In such terms, AI presents a double-edged issue of attribution. The first side is rather manageable. An author who employs AI for writing drafts and suggestions, but has a strict grip on the final result will not forfeit his/her right to the authorship. In other words, the key point remains unchanged, what human contribution can be associated with the protected expression? The boundary should be drawn between the assistance and substitution by the AI tool.

The second way is harder. Section 57(1)(a) is written as a positive right, the author may claim authorship.<sup>16</sup> It does not clearly give a person the right to stop AI-generated content from being falsely linked to them. Our poet is in exactly this position. Nobody denied her credit for her own poem. Someone attached her name to content she never made. The section was drafted long before systems could produce convincing creative work at scale, and its wording does not

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<sup>12</sup>See *In re Diary No. 9356/2022-CO/A*, supra note 9; see also EUROPEAN INNOVATION COUNCIL & SMES EXEC. AGENCY, Indian Copyright Office Finds AI-Generated Work Original (Sept. 7, 2026), [https://intellectual-property-helpdesk.ec.europa.eu/news-events/news/indian-copyright-office-finds-ai-generated-work-original-2026-09-07\\_en](https://intellectual-property-helpdesk.ec.europa.eu/news-events/news/indian-copyright-office-finds-ai-generated-work-original-2026-09-07_en).

<sup>13</sup>Copyright Act § 57(1) (India).

<sup>14</sup>Id. § 57(1)(a)–(b).

<sup>15</sup>*Amar Nath Sehgal v. Union of India*, (2005) 117 DLT 717 (Del.) (India).

<sup>16</sup>Copyright Act § 57(1)(a) (India).

fit this problem well. Unclear authorship also has a side effect. If it is not clear who the author is, it is not clear who may invoke Section 57 in the first place.

## 5. WHEN AI MODIFIES AN EXISTING WORK

Generative AI changes how a work can be altered. A user can upload a photograph, a painting or a passage of text, type an instruction and receive a transformed version in seconds. The original file stays untouched. Yet the public may see a changed version tied to the author's name.

The Indian cases were written for human editors, builders and filmmakers, but they still give useful guidance. *Mannu Bhandari v. Kala Vikas Pictures Pvt. Ltd.* arose from the author's objection to the treatment of her novel *Aap Ka Bunty* in the film *Samay Ki Dhara*. The Delhi High Court read other modification alongside distortion and mutilation. A change matters when it makes the work materially different from the original, and Section 57 protects honour and reputation, not only money.<sup>17</sup> In *Amar Nath Sehgal*, the court treated the damaging treatment of a mural as a breach of the author's right of integrity, even though ownership of the copyright had passed to someone else.<sup>18</sup>

In *Raj Rewal v. Union of India*, a case about architecture, the court tied the words distortion, mutilation and modification to the requirement of prejudice. This meant that reputation had to do with what an author has made out of his or her professional activity, whereas honour was concerned with the integrity of the author as a person.<sup>19</sup> It was also stated that a deformed work will bring the author before the public as the originator of a work that the author did not originate.<sup>20</sup> This particular aspect was very relevant in the AI context. Four questions were suggested from these cases in relation to any AI generated change.

1. Does there exist a deformation or mutilation of the author's work? A purely technical change does not matter.
2. Is there a clear relationship between the altered work and the original work? The more closely this exists, the greater is the case.
3. Is the treatment detrimental to the author? It concerns the author's creation as opposed to technology.

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<sup>17</sup>*Mannu Bhandari v. Kala Vikas Pictures Pvt. Ltd.*, AIR 1987 Del. 13 (India).

<sup>18</sup>*Amar Nath Sehgal*, supra note 15.

<sup>19</sup>*Raj Rewal v. Union of India*, (2019) 260 DLT 190 (Del.) (India).

<sup>20</sup>*Id.*

4. Does it affect the honour or reputation of the author adversely? This is the critical question here. Differentiation alone cannot be illegal.

Let us consider two cases. In one case, an extract from the novel gets reworded into a crude piece using AI and is presented as the author's creation. This would definitely be able to strengthen the case. In the second scenario, minor editing of an image through AI or an independent creation which is clearly inspired by the original work makes for a weaker case. The context, the degree of the change, and the mode of presentation of the new creation become relevant here.

The issue of consent further complicates the matter. In the case of Mannu Bhandari, it was held that the existence of a license to reproduce or adapt a work was no bar to the exercise of the statutory right of integrity. In this light, even if there is consent for the use of the work, it does not necessarily mean that each and every AI modification to it is approved under the contract. The terms of the contract and the effect of the creation will still hold. However, Section 57 is not a complete blockage against technology.

Scaling makes it all the more difficult. One piece may yield many more pieces modified through AI, distributed on many different sites. The author may never know the maker of the particular version, where it first appeared and how far it was disseminated. Nevertheless, even likeness alone should not give rise to liability, since proof of the constituent parts of Section 57 is needed to draw the distinction between harm and harmless creativity.

## 6. WHERE THE LAW FALLS SHORT

Harmful AI modification may be caught by Section 57, but only through an extension of old terms to new circumstances. Four gaps can be identified.

**Human intervention:** The Act provides no test as to the amount of human intervention required for the purposes of authorship, and hence moral rights.

**AI-generated alteration:** The provisions of Section 57 do not address the case where it is an AI rather than a human editor who has created the modification. It may be difficult to identify the individual responsible for or authorised to make the modification, especially when the author himself was not involved

**Proof:** An altered work can be generated, edited and reposted within a short time. Tracing the source and the level of human control is difficult, and Section 57 offers no AI-specific tools for it.

**Disclosure and Provenance:** When an AI altered version is passed off as the author's untouched work, the confusion itself damages reputation, yet the Act says nothing about labelling or records of AI intervention.

These gaps matter because moral rights belong to the author, not to whoever owns the copyright. If the law cannot say who the author is or who is responsible for a harmful change, the author's personal interests can go unprotected even where ownership is perfectly clear. The act was amended in 2012 to deal with the digital environment.<sup>21</sup> But it has not been changed to address generative AI and the new ways humans and machines create together.

## 7. A TARGETED WAY FORWARD

A new AI copyright law is unnecessary. The foundation is good and a few targeted amendments can remedy any flaws in it. The following is proposed as five such amendments.

1. **Human involvement:** The Act should make clear the distinction between works aided by AI, which require creative human decisions, and substantially autonomous creations, which require the human only to set up or start the machine. Section 2(d)(vi) must continue to refer to an acknowledged legal human author and not the machine itself.
2. **Modification by technology:** A brief provision can be added to confirm that a modification produced through technology is a modification or other act for the purposes of Section 57. The prejudice test must continue to be the threshold for any infringement.
3. **Couple liability with the role:** The individual who consciously caused the harm through his own action, authorised such activity or communicated the changes publicly must be held liable. A person who deliberately instructs a computer to create a harmful version and publishes it has much different standing than the designer of a generic tool which was used without the latter's involvement.
4. **Facilitate provenance and disclosure:** Documentation demonstrating significant use of AI would enable courts to trace how the output was created and whether it was misrepresented as human authored work. Additionally, such documentation would allow the public to distinguish an original piece of work from its altered form.
5. **Enable judges to interpret Section 57 in technology neutral manner:** Courts could examine such aspects as human involvement in creating the work, connection between the original piece and its altered version, manner of publication, knowledge and intention of the responsible person as well as actual or potential consequences for the author's

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<sup>21</sup>Copyright (Amendment) Act, No. 27 of 2012, § 36 (India).

reputation. Courts should not create a new, broad right against any form of transformation performed by AI.

One further point needs a decision from lawmakers. If the present wording of Section 57(1)(a) cannot stop the false attribution of AI-made content, Parliament may have to deal with that harm, either inside the Act or through another law.

## **8. CONCLUSION**

AI has not made authorship meaningless. It has shown where a law built around human creators runs short. India's Act already holds useful tools, the rule for computer generated works, the originality requirement and Section 57. The Delhi High Court's moral rights decisions and the Copyright Office's DABUS order point the same way. A machine is not an author, and the human behind the work remains the centre of the law.

The real weaknesses lie in clarity, proof and responsibility. Today, our poet would have an arguable but uncertain claim. Reform should make that claim clearer without blocking honest AI assisted creativity. The way ahead is not a choice between human creativity and artificial intelligence. It is to build rules that recognise how the two now work together, while keeping the human author at the centre of moral rights.