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# **ARTIFICIAL INTELLIGENCE AND LEGAL PERSONHOOD: A CRITICAL ANALYSIS IN THE INDIAN CONTEXT**

**-Anamika Chaudhary<sup>1</sup>**

## **INTRODUCTION**

Artificial Intelligence (AI) has become one of the most significant developments of the 21st century, influencing almost every sector of human life. From predictive algorithms that guide our social media feeds, to autonomous cars, AI-powered healthcare diagnostics, and even AI-assisted judicial tools, the impact of AI is undeniable. While AI promises efficiency, growth, and innovation, it also poses difficult questions for law and policy.

One of the most debated questions today is whether AI should be granted legal personhood. Should AI systems, particularly those that can act autonomously and make decisions independently of their human creators, be treated in law as "persons" capable of holding rights and duties? Or should they remain classified as mere "tools" controlled by human beings?

This question is not only theoretical but also practically urgent, as AI systems are increasingly making decisions that have legal, social, and economic consequences. For instance, an autonomous car deciding to swerve during an accident, an AI chatbot giving financial advice, or an algorithm making hiring decisions — each of these involves accountability. If AI acts independently, who is to be held responsible — the developer, the user, or the AI system itself?

This article seeks to analyze the issue from the perspective of Indian law while drawing comparisons from global debates. It begins by explaining the concept of legal personhood in jurisprudence, reviews judicial precedents in India, and examines AI's current legal status. It then

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analyzes arguments both for and against AI legal personhood, reviews comparative approaches, and finally proposes a framework suitable for India.

## **LEGAL PERSONHOOD: MEANING AND SCOPE**

### **DEFINITION**

In jurisprudence, a legal person is not necessarily a human being. It is an entity that the law recognizes as capable of holding rights, bearing duties, and being a subject of legal relations. As Salmond described, “A person is any being to whom the law attributes rights and duties. Whether a human being or not, if law recognizes it as capable of rights and duties, it is a person.”

This broad definition has historically allowed courts and legislatures to extend legal personality to various non-human entities for practical and moral reasons.

### **TYPES OF LEGAL PERSONS**

1. Natural persons – Human beings, who inherently possess rights and obligations.
2. Artificial or Juristic persons – Non-human entities recognized by law as persons. Examples include:
  - Corporations – treated as persons capable of suing and being sued.
  - Trusts, societies, and government bodies.
  - Deities and religious institutions – particularly under Hindu law.
  - Environmental entities – such as rivers and forests, in certain contexts.

## **JUDICIAL INTERPRETATION OF LEGAL PERSONHOOD IN INDIA**

India has a rich jurisprudence on extending legal personhood beyond humans. Courts have often done so for reasons of convenience, justice, and social utility.

## KEY CASES

1. *Shiromani Gurdwara Prabandhak Committee v. Som Nath Dass*, (2000) 4 SCC 146  
The Supreme Court emphasized that legal personality is not confined to human beings. The law can, and has, conferred personhood on corporations, institutions, and deities.
2. *Ram Jankijee Deity v. State of Bihar*, (1999) 5 SCC 50  
The Court recognized Hindu deities as juristic persons capable of holding property, represented through their Shebait.
3. *Mohd. Ismail Faruqui v. Union of India*, (1994) 6 SCC 360  
The Court acknowledged that places of worship may have legal personhood for specific purposes.
4. *Uttarakhand High Court in Mohd. Salim v. State of Uttarakhand*, 2017 SCC OnLine Utt 367  
The Court declared the rivers Ganga and Yamuna as living entities with legal rights, though this was later stayed by the Supreme Court due to practical enforceability issues.

These cases collectively show that legal personhood in India is flexible. Courts have extended it whenever it serves a purpose of justice or public interest.

## ARTIFICIAL INTELLIGENCE: NATURE AND CHARACTERISTICS

### DEFINING AI

AI refers to computational systems that can perform tasks typically requiring human intelligence, such as learning, reasoning, problem-solving, and decision-making. Unlike ordinary software, AI can adapt and evolve through learning from data.

### TYPES OF AI

1. **Narrow AI** – Designed for specific tasks (e.g., chatbots, image recognition software).
2. **General AI** – Hypothetical AI capable of human-like reasoning across domains (not yet achieved).

3. Autonomous AI – AI systems that can act independently, with minimal human supervision (e.g., driverless cars).

## AI IN INDIA TODAY

AI is increasingly used in India in:

- Healthcare – diagnostic tools and predictive systems.
- Banking and Finance – fraud detection, customer service bots.
- Judiciary – Supreme Court has begun experimenting with AI for transcription and caseload management.
- Government policy – NITI Aayog's National Strategy for AI (2018) promotes AI for social good.

Yet, Indian law has no explicit recognition of AI as a legal subject.

## ARGUMENTS IN FAVOUR OF GRANTING AI LEGAL PERSONHOOD

1. Autonomy and Decision-Making  
Advanced AI systems can take independent decisions. For instance, a driverless car may decide to swerve to avoid pedestrians. Such decisions cannot always be traced back directly to human intent. Recognizing AI as a legal person may make accountability clearer.
2. Precedent of Corporate Personhood  
Companies are legal fictions. They cannot think, feel, or act independently; they operate through directors. Yet they are treated as legal persons. By analogy, AI could also be granted limited personhood for accountability.
3. Liability and Accountability  
Current liability frameworks hold developers, owners, or users responsible. But in cases where AI evolves unpredictably, this may be unfair. If AI is a legal person, it could:
  - Enter contracts,
  - Hold assets or insurance,
  - Bear liability independently.

#### 4. Continuity and Economic Role

AI systems can outlast human creators, operate continuously, and handle assets. Legal personhood may help regulate their growing economic role.

#### 5. Global Debates

- Saudi Arabia granted citizenship to Sophia the Robot (2017).
- EU (2017) debated creating “electronic personhood” for AI.

Though symbolic, these examples show the seriousness of the debate.

## ARGUMENTS AGAINST GRANTING AI LEGAL PERSONHOOD

#### 1. Lack of Consciousness and Moral Agency

Unlike humans, AI lacks consciousness, intent, and moral responsibility. Legal personhood without moral agency may be hollow.

#### 2. Human Accountability is Essential

AI is designed and trained by humans. Errors often stem from faulty programming or biased data. Holding humans accountable under vicarious liability or product liability is more just.

#### 3. Practical and Ethical Concerns

If AI is treated as a person, could it also claim rights? Could it demand constitutional protection? This raises absurd possibilities and may dilute human rights.

#### 4. Technological Immaturity

AI today is mostly narrow AI. It lacks human-like intelligence. Granting personhood at this stage is premature.

#### 5. Legal Complexity

Introducing AI personhood may create regulatory chaos — especially in tort law, contract law, and criminal law.

## COMPARATIVE PERSPECTIVES

Jurisdiction	Approach
India	AI not recognized as a person. Liability lies with human actors.
European Union	Proposed “electronic personhood” in 2017, rejected due to ethical risks.

Jurisdiction	Approach
United States	AI treated as a product. Liability under tort law and product liability.
Saudi Arabia	Granted symbolic citizenship to Sophia, but no enforceable rights or duties.

These examples show that no country has fully granted AI enforceable legal personhood, though the debate is active.

## POLICY AND LEGAL FRAMEWORK IN INDIA

- Information Technology Act, 2000 – Governs cyber activities but silent on AI personhood.
- Indian Contract Act, 1872 – Requires parties with capacity to contract; AI not recognized.
- Indian Penal Code, 1860 – Assumes criminal liability requires mens rea (guilty mind) — something AI lacks.
- NITI Aayog (2018 Strategy) – Focuses on AI applications but not legal recognition.
- Proposed Digital India Act – Expected to include AI governance, though details are awaited.

## ETHICAL CONSIDERATIONS

1. Human-Centric Legal System  
Indian law is rooted in dignity, morality, and fundamental rights. Extending these to machines may dilute their value.
2. Risk of Rights Expansion  
Recognizing AI as a person could theoretically allow it to claim rights under Articles 14, 19, or 21 of the Indian Constitution — an ethically problematic proposition.
3. Social Perception  
Indian society is still adjusting to rapid technological change. Granting AI personhood prematurely may create public distrust.

## PROPOSED SOLUTIONS FOR INDIA

Rather than full personhood, India should adopt a cautious, middle-path approach:

### 1. AI Liability Framework

- Developers, owners, and users should share liability.
- Mandatory insurance models for high-risk AI (like autonomous cars).
- Compensation funds for victims.

### 2. Special

Legislation

India could draft an AI Regulation Act, inspired by the EU's AI Liability Directive, clarifying liability and responsibilities.

### 3. Risk-Based

Regulation

AI systems should be categorized as:

- Low-risk (e.g., chatbots)
- Medium-risk (e.g., recommendation algorithms)
- High-risk (e.g., autonomous weapons, medical AI)

### 4. Regulatory

Sandboxes

Testing AI systems in controlled environments before mass use.

### 5. Ethics

and

Oversight

Committees

National AI commissions to regularly review ethical and legal issues.

## CONCLUSION

The question of whether AI should be granted legal personhood in India is both fascinating and complex. Indian jurisprudence shows that legal personhood is flexible and has been extended to non-human entities whenever justice demanded it. However, AI today lacks consciousness, moral agency, and social responsibility, making full personhood premature.

Instead, India should develop specific liability frameworks to regulate AI, ensure accountability, and protect victims. Legal personhood for AI may be revisited in the distant future, especially if Artificial General Intelligence (AGI) ever emerges.



For now, the focus should remain on human accountability, ethical governance, and risk-based regulation.

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