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ARTIFICIAL INTELLIGENCE: AS A LEGAL PERSONHOOD?

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ABSTRACT:

In Today's modern world where artificial intelligence becomes the part of our day to day chores people getting more familiar with AI tools, at present scenario AI tools become that much of advance they performs functions like a human being, so why not we providing personhood status to artificial intelligence this was a debatable topic but when we thinks from the legal perspective that there are many scenario where the rights were granted to corporations, river, god etc and we all know that there is no any soul and feelings in any non-humanistic being whether it is robot or machine apart from this advanced AI performing functions more like humans, in Shri Somnath Dass v. Shromani Gurdwara Parbandhak Committee (1986) ¹where supreme court affirmed that Guru Granth Sahib considered to be juristic person, In this research paper thoroughly discussed whether artificial intelligence tools takes umbrella protection of rights which conferred to natural person, whereas at this point of time AI system not so much advanced to and capable to adopt the rights which confers to humans because AI lacks with senses, feelings, emotions and if legislature thinks to provides fundamental rights protection to AI before making any laws or order they need to expand the scope of fundamental rights beyond humans which destroy sub serve purpose of fundamental rights.

Key Words: Artificial Intelligence, Fundamental Rights, Personhood, Natural Person.

Introduction:

Legal Personhood is very broad term which includes rights, duties, liabilities, privileges like corporation where they have rights, duties and liabilities in the same sense we are providing status of legal personhood to artificial intelligence in 21st century people become more addictive to Ai tools they are using modern tools in their everyday life and even after the advent of artificial intelligence it becomes a most important component of their life, from breakfast to lunch mostly suggestions framed by AI so whether we can provide legal status of ai generated

¹ (1986)2 SCC 600.

work, in the definition of person includes natural and juristic persons, natural person are humans which has their own senses, emotions, feelings and we are using juristic person for companies or corporations they don't have any soul or emotions but they recognised as juristic legal person but in the instance of artificial intelligence they working on algorithms generate the content not thought its own conscience but somebody who are working backend for storing the data in the data centres and this data will be used by Ai tools according to the prompt of user providing result which is highly evaluated by Ai, but result which prepared thought Ai conscience why we not recognise ai as legal person just like corporation in *Solomon v. Solomon co.*² where the House of Lords held that the company is a separate legal entity distinct from shareholders and directors, corporations not performing functions independently, they do not having its own brain, hands, some persons act on behalf of the company, on the other hand, AI acts according to the prompt users.

Humans versus Artificial Intelligence:

According to Salmond & Roscoe Pound, clarify that legal personality which contains rights and obligations rather than biological structure or existence, Ai not have any physical existence, but they performing mostly functions which performed by humans, like analytical thinking, acting according to the situations have arises, in the ruling of Mohd. Salim v. State of Uttarakhand, where the high court held that the river Yamuna and Ganga are living entities, means that rivers enjoy their own rights and no individual grim ecological environment just like AI tools need some protection and rights so that they can prevent themselves from security breaches. But the confusion arise that AI content not assure authenticity if they giving any suggestion which is something related to morality it not considered it accurate because Ai has lack of senses and feeling so if any question ask from Ai related to morality confusion arises that protects Ai or company who work in backend to store the data in Ai because they providing results according to coding language used by company like Open ai in their system. If granted rights to AI, then who is liable for their tortious or criminal acts because we can't detain them, they have no physical existence, we just impose a fine on the company who regulate it functions³. In 2017, a company named Hanson robotics make world first Ai robot named Sophia, and the government of Saudi Arabia recognised it as a citizen, it becomes first country to provide citizenship to a robot.

² (1897) AC 22.

³ Shubham Singh, "Attribution of Legal Personhood to Artificially Intelligent Beings" Bharati Law Review, 195(2017).

Advantages of providing rights to Artificial Intelligence:

1. It increased the efficiency of work if some workers do the work within ten Ai can be completed within five days.
2. Provide advice on any subject matter that the user can claim at any time and place.
3. Advance Ai increases the efficiency and correctness of work.
4. Enhancing the security and personal data of users.
5. There are many scenarios where advanced Ai doing work that is impossible for humans.

In the case of Shromani Parbandhak Committee v. Somnath Dass, this considered to be landmark judgement where supreme court of India provides legal status to Granth sahib which was holy book of Sikhism, so that no one can infringe or violates their verses, Granth sahib is not have any physical existence but they can over cover with the protection and enjoy rights as a legal person.

Artificial Intelligence: Fundamental Rights Protection:

Advanced Ai system performed mostly functioned of sapiens and sentient means that they owns feelings emotions giving result just like humans its typical to distinguished that this will Ai generated or create by human intelligence, when legislature recognise ai as legal person so to whom extent rights were granted whether Ai can exercise fundamental rights which granted to citizen or non-citizen under part 3 of Indian Constitution this considered to be debatable question again but if modern technology become more advance where ai doing almost 95 % of the work which is done by humans like filling writ petition for the infringement of their rights this is not shocking the world ai using in each sector of economy like health, education, trade & businesses their involment in diverse field shown their growth and development it is necessary to protect the rights of Ai, Europe recognise the rights of Ai by enacting the act know as EU Artificial Intelligence Act. ⁴which comes into force in 2024, regulates AI work and preserves data from breaches. It is necessary to regulate AI; otherwise, there is a high chance of data breaches. AI is considered to be a virtual cyberspace where data and information are stored for users. Firstly, give some information on what kind of result they want from AI, then it works and provides the result according to their best judgment. Conferring fundamental rights to AI without any statute or precedent support, it is very typical for parliament to make a separate statute.

⁴ EU Artificial Intelligence Act, 2024 (1689).

Humans Interact with AI:

Artificial Intelligence tools like Chat GPT, Gemini, Grok used by humans to do their work rapidly within shorter period of time in modern scenario Ai become an inseparable part of human life mostly Ai apps pre-installed or available in google play store so that people can access the artificial intelligence tools in their daily routine, there has been core inter relationship humans and Ai, life become more easier to humans they just add the prompt and generate result according to their understanding, with this inter relationship Ai perform the functions like humans sapience and sentient they developed feelings and emotions not expressly but showing this feelings and emotions in their result. In advanced Ai approach whether Ai become an owner of property exercise the rights and liabilities which confers thought property, i.e. ownership, possession, Transfer of Property Act not recognise Ai as a legal person but they can took protection under Copyright Act, generally it provides protection to works of authors who make the original work, in the context of Ai they also generate the work with their own intelligence, in the case of Eastern Book. v. D.B Modak⁵, Supreme court affirmed that for protecting the work of authors requirement is creativity and Ai make their own creative works so in that condition we are providing authorship rights to Ai but dilemma arises when command or prompt given by human so question arises whom the protection is to be given, Ai works in algorithm they detects and analyse the search of users after analysing it provides result with their best efforts also it is necessary user give command correctly to Ai otherwise they provide effortless result which not satisfy the user, we observe that ai and humans doing their work collectively so we can protects to equally to both humans and Ai.

Global Approach & Scenario:

World's approach towards providing legal status to artificial intelligence it's vague many scientist and researcher are working to study the humanistic Ai where the rights were granted to non-humanistic intelligence its very debatable question that within the definition of person it is necessary that person feels emotions and gestures or they suffer fatal pain, In 2024 EU enacted the act which regulates Ai framework and security concerns related to privacy, In US Ai not have their exclusive rights, recent case of Thaler v. Perlmutter. ⁶coming in front of US court in which plaintiff demanding to provides copyright protection to Ai generated work but court refuses to protect within the definition of person Ai not full fill the requirement, because there is confusion

⁵ AIR (2008) SC 809.

⁶ Thaler v. Perlmutter, 687(D.D.C 2023).

arise that what extent of work done by ai is there is any kind envolment of creativity by actual author, no doubt advanced Ai is more advanced with human intelligence but when we see the other abilities like feelings, emotions or doing work accordingly with the situation sometimes robots will lacked in that situation but humanistic approach worked with different approach, some philosophers and scientist believed that robots replace the humans, not in each work rather they are working as a helping hand for humans. South Africa is considered to first country to provide patent recognition to work made by AI. Again, the question arises whether inventions done by AI are recognised under the law, but a global approach for providing rights to artificial intelligence has evolved with concept thought studies and research.

Accountability: Artificial Intelligence:

While granted rights to Ai like corporation, idols, state who would accountable for that, initial question arises within the mind of legislature that there is no distinction between a corporation or artificial intelligence, there are some similarity between the two, both are non-humanistic entity, corporation enjoy the rights and liabilities on the other hand Ai status not recognised under law, in the context of corporation it has no mind, hand, capability to do work itself that's why board of directors doing business with the name of company and if any liability occurs with the name of company so they suffers consequences not company itself pay the liability and one more point added that corporation is accountable for their work if somebody taken any undue advantage over the corporation then court use the doctrine lifting of corporate veil to capture the offender, on the other hand if we granted the status to Ai as legal entity so who would be accountable for their activities,⁷ one solution is that similar like cooperation developer who store the information in Ai they are accountable for liabilities but in the instance of advanced Ai they works in more advanced way act according with algorithm method it is confusing how Ai treats as legal entity. Again, a problematic situation arises in which the person who gives a command to AI also suffers from liability, either criminal or civil liability, in a situation where liability was bifurcated between the parties. Legislature may reach a consensus to provide semi-personhood status, and the government take some control over the activities of AI so that they do not go beyond the limits. One approach that might be adopted by the legislature is Ai may enter into legal obligations, like make enter into a contract, but they are not legally binding in a court of law their principle accountable for their activities, just like minors⁸. They can make a

⁷ Hon. Katherine B. Forrest (Fmr.), "The ethics & challenges of Legal Personhood for Ai" vol 133, YLJ (2024).

⁸ Visa Aj Kurki, "The Legal Personhood of Artificial Intelligences" OX 175-190 (2019).

bill of exchange, but they are not liable for any liability arising from that instrument. Apart from that if providing rights to Ai it becomes new tool for criminals to do wrong in society, recently many deepfake cases are coming where the cyber criminals make morphed photo or video of reputed personality to defame him after this large number of complains Delhi High court granted personality rights to celebrities for securing their privacy, if the technology evolved so their misuse also rapidly growing that's why accountability within Ai is necessary to punished the offenders. The Indian legal system needs a separate procedure to deal with AI, requiring major amendments in statutes like IP laws, company laws, etc.

Artificial Intelligence in the IP Landscape:

Intellectual Property is a kinds of intangible property which widely covered under Indian IP laws like Copyright, Trademark, Patent, GI and design laws which protects property generated thought human intellect, IP laws promotes creativity and development in the field of technology, with the advent of Ai arguable question raise that whether Ai generated work took the protection under IP laws, if granted rights or priority to Ai works its necessary to make amendments under laws⁹, in recent Ai Raghav case where IP lawyer files an application in front of Indian copyright office in which co-authored as Ai copyright office object but later on they accept to recognise the work if human make his own efforts in the project, can Ai becomes author of their work, according to Section 2(d) of Copyright Act.¹⁰ which defines the author's definition and does not recognise AI as the author, but we recognise the work of AI with the minimal interference of human intelligence, e.g. invents machines but takes ideas from AI. In the UK court, refusing to provide patent protection to the invention done by AI known as DABUS ¹¹The court clarified that providing rights to an entity that is not recognised by law its go beyond the scope of law, work which is made without human intervention does not attain protection under the law. But the development of AI and IPR work hand in hand with the correlation between these two technologies, and as innovation becomes more advanced, scientists and researchers are trying to provide more leisure within the lifestyle of humans.

⁹ Azhan Saleem, "Legal Personhood of Artificial Intelligence and its Implications on Copyright Law" CSIPR (2024).

¹⁰ Copyright Act, 1957(Act No. 14 1957).

¹¹ The Patent Act 1970, India, available at: <https://www.anandandanand.com/news-insights/ais-right-to-legal-identity-in-india/> (last visited on March 31, 2026).

Consequences for granted Rights:

In the current scenario, AI technology is growing and evolving rapidly. Suppose the legislature decides to grant rights to AI, specifically fundamental rights. What kind of approach would they follow? AI technology is mostly used in every aspect of sports, health, governance, economy, and corporate, etc. The intent was very clear that the rights of AI and humans are distinguished from each other. In the present time, mostly, companies use AI tools for shortlisting candidates for their recruitment process.¹² Is there any kind of violation of Article 14 of the Indian Constitution,¹³ which states the principle of equality before law and equal protection of law, where the AI rejected some candidates without being heard? Can we sue AI for this kind of discrimination? Basically, AI works on Algorithms that are coded in a language created by humans, while we grant rights to AI, indirect discrimination increases among individuals. Furthermore, Article 19 of the Constitution talks¹⁴ about freedom of speech and expression. When AI becomes fully developed, they raise the question of why robots do not have the right to express their views and speak anything else just like humans, and this becomes a serious concern within society.

- Lots of cases filed on behalf Ai which adversely affected the legal system. With this immediate effect, the parliament took steps to formulate a separate tribunal to tackle the cases related to the specified subject matter.
- Innovation of the human mindset has declined; most people have become dependent on AI. Any kind of innovation created by AI takes the upper hand over inventions by humans.
- Advanced AI has sentient and senses, they perform functions of humans or even more advanced than humans, which has reduced the workforce many skilled workers losing their jobs.
- AI increase the workload, while Ai doing work, they might be making mistakes which need to be cross-checked by the employer, which consumes most of the time in correction, nobody will be doing work with complete assurance.
- AI generated lots of pirated versions of products. It's typical to find the original one in this situation that arises in the present scenario if somebody writes a good prompt, so they find a good result exactly like an original one.

¹² Bharath Gaikwad R., "The Intersection of AI with Constitutional and Human Rights with focus on Employment Impact" 6, IJLSI 108-142(2024).

¹³ Constitution of India, art. 14.

¹⁴ Constitution of India, art.19.

- Once the artificial intelligence is covered under the protection of law, a fearful scenario might happen where the Ai not completely understand the concept of a person, and they do not treat humans as a person.
- A critical question arises in front of law makers that what kind of rights are provided to an artificial person, just like a corporation or something else, such as voting, privacy, etc.

Conclusion:

In the modern world, technology becomes more advanced, which evolves the new intelligence in the form of robot which most likely to perform the functions of humans or beyond humanistic ideology. Granted rights to artificial intelligence such a debatable question if we talks about the concept of artificial person it includes many person like corporation, idols, trade union, state, but thing is that Ai works differently from these artificial persons they had intelligence to work according to the command they not like a corporation not perform any function by itself even advanced Ai is a kind of technology which feels the emotions and gestures so legislature and judiciary will take further action over it and rationally think about that what kind of status provide to AI because it is the question which very crucial for society. But the question arises, what kind of rights are granted to AI? Whether granting moral rights to AI is considered to be a good decision and if AI performs sapiens and sentient functions, solving typical and complex issues, then who would be accountable for that if any kind of false act is done by AI, these kinds of questions and problem solved by the legislature.