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Introduction

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Preface

The Indian Journal of Legal Affairs and Research is a testament to our unwavering commitment to excellence in legal scholarship. This volume presents a curated selection of articles that reflect the diverse and dynamic nature of legal studies today. Our contributors, ranging from esteemed legal scholars to emerging academics, bring forward a rich tapestry of insights that address critical legal issues and offer novel contributions to the field. We are grateful to our editorial board, reviewers, and authors for their dedication and hard work, which have made this publication possible. It is our hope that this journal will serve as a valuable resource for researchers, practitioners, and policymakers, and will inspire further inquiry and debate within the legal community.

Description

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ASSIGNING LEGAL PERSONALITY TO ARTIFICIAL INTELLIGENCE: A PATH TO LIABILITY?

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Abstract

In India, artificial intelligence is spreading fast into healthcare, finance, mobility, and governance. Current rules for deciding responsibility and fault were written for people and companies, not for smart machines that learn and act on their own. This paper investigates if India should grant a form of legal entity to AI systems as a technique for fixing liability when these systems cause harm. It tracks the legal history of recognized entities in Indian law from corporate entities to Hindu deities, the text of the Sikhs, and river bodies to evaluate if this same legal mechanism could be applied to AI. This research frames its investigation against the international dialogue initiated by the European Parliament's 2017 resolution on electronic personhood, alongside Saudi Arabia awarding citizenship to the robot Sophia, before tracking how India plans to control AI through NITI Aayog's National AI Strategy and its white papers on safe AI adoption. The study asserts that at the present stage of technological evolution, granting full legal personhood to AI is both conceptually premature and practically counterproductive, since it provides a shield against legal claims for the system creators and managers. This paper suggests a careful strategy or plan for India: granting limited, task oriented legal personhood for specifically defined AI entities, backed by compulsory insurance and no-fault liability for developers and deployers, and amending the Consumer Protection Act 2019, IT Act 2000, and contemporary criminal legislation to penalize algorithmic harm.

Keywords: Artificial Intelligence, Legal Personality, Liability, Electronic Personhood, Indian Law, Tort Law, NITI Aayog.

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1. Introduction

Artificial intelligence no longer merely assists human decision-making; in domains such as algorithmic trading, autonomous vehicles, medical diagnostics and content moderation, it increasingly displaces it.³ As AI systems are entrusted with decisions that were once the exclusive preserve of human judgment, a doctrinal anxiety has surfaced across jurisdictions: when an autonomous system causes harm, who – or what – is legally answerable? Traditional private law rests on the assumption that liability tracks a legal person capable of bearing rights and duties: a natural person or a corporation.⁴ An autonomous AI system that learns from data, adapts its own decisional pathways and acts in ways not fully anticipated by its programmer sits uneasily within this framework, because the chain of causation between human fault and resulting harm becomes attenuated or altogether severed.

This has led scholars and regulators to ask whether AI itself should be recognised as a legal person – an “electronic person” – capable of bearing rights, owning assets, and, most importantly for the purposes of this paper, being held liable in its own right.⁵ The idea is neither new nor, in principle, alien to Indian law, which has long recognised non-human entities – companies, idols, and even rivers – as juristic persons where doing so served a definite legal or social purpose.⁶ The question this paper interrogates is narrower and more pragmatic than the metaphysical debate on machine consciousness: is legal personality, as a purely functional and juridical device, a workable route to fixing liability for AI-caused harm in the Indian context, or does it obscure accountability that should properly remain with the human and corporate actors who design, train, deploy and profit from these systems?

The paper proceeds in six parts. Part I examines the conceptual architecture of legal personality. Part II surveys how Indian law has historically extended personality to non-human entities and asks what lessons this holds for AI. Part III canvasses the global debate on electronic personhood. Part IV maps India’s present policy and statutory landscape. Part V examines the

³Niti Aayog, National Strategy for Artificial Intelligence 5–9 (Government of India, New Delhi, June 2018).

⁴Salmond, *Jurisprudence* 305–310 (P.J. Fitzgerald ed., Sweet & Maxwell, London, 12th edn., 1966).

⁵European Parliament, Civil Law Rules on Robotics, Resolution of 16 February 2017 with recommendations to the Commission on Civil Law Rules on Robotics (2015/2103(INL)), para. 59(f).

⁶Yogendra Nath Naskar v. Commissioner of Income Tax, Calcutta, (1969) 1 SCC 555.

liability gaps that motivate the personality debate, and Part VI proposes a calibrated alternative suited to India's regulatory capacity and constitutional values.

2. Legal Personality: Conceptual Foundations

Legal personality is a technical, not a biological or metaphysical, concept. *Salmond* described a legal person as “any subject-matter other than a human being to which the law attributes personality”.⁷ *Gray* similarly emphasised that a person, in the eyes of the law, is simply “an entity to which rights and duties may be attributed”.⁸ Legal personality is therefore a fiction of convenience – a device that allows law to attach rights, duties, and, crucially, liability, to an entity regardless of whether that entity possesses consciousness, moral agency or sentience. Companies, ships (in admiralty proceedings), statutory corporations and trusts are all juristic persons precisely because the fiction serves administrative, commercial or social convenience, not because law has made a judgment about their inner life. The word ‘person’ has also been defined in Section 2(26) of the *Bhartiya Nyaya Sanhita* which includes besides natural human being, any company or association or body corporate, whether incorporated or not.

Kelsen's normativist account goes further, treating “legal person” as nothing more than a unifying point for a bundle of norms – a shorthand the legal system uses to simplify the attribution of rights and obligations that could, in principle, be stated without personifying the entity at all.⁹ This is an important corrective to the AI-personhood debate: because personality is a technique and not a status conferred as a reward for moral worth, the question of whether AI “deserves” personality on account of its intelligence or autonomy is, jurisprudentially speaking, the wrong question. The right question is whether attributing personality to AI would improve the coherence, efficiency and fairness of the liability regime that applies to AI-caused harm – or whether it would degrade it.

⁷Id. at 305.

⁸John Chipman Gray, *The Nature and Sources of the Law* 27 (Columbia University Press, New York, 2nd edn., 1921).

⁹Hans Kelsen, *General Theory of Law and State* 93–109 (Anders Wedberg trans., Harvard University Press, Cambridge, 1945).

It is useful to distinguish three senses in which “legal personality” is invoked in the AI debate: (a) full personality, equivalent to a natural or corporate person, capable of owning property, contracting, suing and being sued in its own name; (b) limited or functional personality, akin to that of a statutory body created for a specific purpose with a correspondingly narrow bundle of rights and duties; and (c) quasi-personality, a status — such as that of the Hindu idol — where the entity holds property and can be represented in litigation through a human intermediary but exercises no autonomous will of its own. As the following Part demonstrates, Indian law’s historical experiments with non-human personality have almost invariably taken the second or third form, never the first.

3. Non-Human Juristic Persons in Indian Law: Lessons for AI

India offers one of the richest comparative laboratories for examining how legal systems extend personality beyond natural persons. Three lines of authority are instructive.

First, corporations. The doctrine that a company is a legal person distinct from its shareholders, directors and officers, capable of owning property and incurring liability in its own name, is foundational to Indian company law and traces to the English decision in *Salomon v. Salomon & Co. Ltd.*¹⁰ Indian courts have consistently applied this principle while simultaneously developing the doctrine of “lifting the corporate veil” to prevent the fiction from being used to perpetrate fraud or evade statutory obligations.¹¹ This dual movement – conferring personality for administrative convenience while retaining a judicial mechanism to pierce it when the fiction is abused – is directly relevant to AI: any regime that treats an AI system as a person for liability purposes must retain an equivalent veil-piercing mechanism to reach the developers and deployers standing behind it.

Second, religious and cultural entities. The Supreme Court in *Yogendra Nath Naskar v. Commissioner of Income Tax* held that a consecrated Hindu idol is a juristic person capable of holding property and being taxed as a unit of assessment, acting through its shebait or manager.¹²

¹⁰*Salomon v. Salomon & Co. Ltd.*, (1897) AC 22.

¹¹*Life Insurance Corporation of India v. Escorts Ltd.*, AIR 1986 SC 1370.

¹²*Yogendra Nath Naskar v. Commissioner of Income Tax*, Calcutta, (1969) 1 SCC 555; (1969) 3 SCR 742.

The Court was careful to clarify that the idol's personality is confined to the ideal purpose for which the endowment was created and does not extend, for instance, to fundamental rights.¹³ In ***Shiromani Gurdwara Prabandhak Committee, Amritsar v. Som Nath Dass***, the Supreme Court similarly recognised the Guru Granth Sahib as possessing juristic personality for limited purposes connected with the management of gurdwara property.¹⁴ What is significant in both lines of authority is that personality was always representative rather than autonomous: the idol or the scripture never acts; a designated human – the shebait, the pujari, or the committee – acts on its behalf and bears the practical burden of accountability. This representative model, rather than a model of autonomous machine agency, is the closest Indian analogue available for any future AI-personality framework.

Third, and cautionary, the Uttarakhand High Court's decision in ***Mohd. Salim v. State of Uttarakhand***, which declared the rivers Ganga and Yamuna to be living juristic persons entitled to the rights of a living person, in order to protect them from pollution and encroachment.¹⁵ The Supreme Court stayed the operation of this order within weeks, precisely because the practical incidents of personality – who would be sued if the river “caused” flood damage, who would defend such a suit, and how liability would be discharged from a non-monetisable entity – were left wholly unresolved.¹⁶ The episode is a valuable cautionary precedent for the AI debate: Indian courts have shown a willingness to extend personality expansively for protective or symbolic reasons, but such extensions collapse quickly when the liability incidents of personality are not thought through in advance. Any Indian move to grant AI systems legal personality must avoid the Ganga precedent's principal defect – conferring status without a workable liability architecture attached to it.

4. The Global Debate: Electronic Personhood and Its Discontents

The Indian debate cannot be divorced from its international context. The European Parliament's 2017 resolution on civil law rules on robotics invited the European Commission to

¹³Ram Jankijee Deities v. State of Bihar, (1999) 5 SCC 50.

¹⁴Shiromani Gurdwara Prabandhak Committee, Amritsar v. Som Nath Dass, (2000) 4 SCC 146.

¹⁵Mohd. Salim v. State of Uttarakhand, 2017 SCC OnLine Utt 367.

¹⁶State of Uttarakhand v. Mohd. Salim, Special Leave to Appeal (C) No. 016879/2017 (Supreme Court of India, order dated 7 July 2017).

consider “creating a specific legal status for robots in the long run, so that at least the most sophisticated autonomous robots could be established as having the status of electronic persons responsible for making good any damage they may cause”.¹⁷ The resolution was animated by a specific liability concern: as robots become more autonomous, they can no longer be treated as “simple tools in the hands of other actors”, which in turn strains the ordinary rules of product and tortious liability that presuppose an identifiable, blameworthy human actor.¹⁸

The proposal provoked an immediate and forceful backlash. Over 150 experts in robotics, artificial intelligence, law, medicine and ethics wrote an open letter to the European Commission arguing that the creation of electronic personhood was legally and ethically misconceived: a natural-person status would improperly extend human rights concepts such as dignity to machines, while an artificial-entity status of the corporate type would still require human beings standing behind it, making the additional legal category redundant.¹⁹ Critics warned, further, that granting robots legal personality risked becoming a convenient liability shield: manufacturers and owners could deflect responsibility onto the “electronic person”, which, unlike a corporation, has no assets, no insurance and no genuine capacity to satisfy a judgment unless one is specifically created for it.²⁰ By 2020, the European Union had abandoned the electronic-personhood proposal altogether in favour of a risk-based regulatory model, culminating in the EU Artificial Intelligence Act, which treats AI systems as objects of regulation and allocates responsibility to the human and corporate actors in the AI value chain rather than to the system itself.²¹

A second, more theatrical episode is frequently invoked in this debate: Saudi Arabia’s 2017 grant of citizenship to the humanoid robot Sophia, developed by Hanson Robotics.²² The grant was widely criticised by commentators as a publicity exercise rather than a considered legal act, not least because it appeared to confer upon a machine a citizenship status that Saudi domestic law

¹⁷European Parliament, *supra* note 3, para. 59(f).

¹⁸*Id.* at recital AB.

¹⁹Open Letter to the European Commission on Artificial Intelligence and Robotics (2018), reproduced in Nathalie Nevejans, “European Civil Law Rules in Robotics” 3–4 (European Parliament, Brussels, 2016).

²⁰Recording Of Law, “Artificial Intelligence and Legal Liability: Challenges and the Way Forward in Indian Law” (2026), available at <https://recordoflaw.in>.

²¹Regulation (EU) 2024/1689 of the European Parliament and of the Council laying down harmonised rules on artificial intelligence (Artificial Intelligence Act).

²²Liedekerke, “Artificial Intelligence and Legal Personality” (Client Briefing, Brussels, 2019).

does not extend, in practice, to many human residents.²³ The episode nonetheless entered global policy discourse as a symbol of the reputational and normative risks of conferring status on AI without corresponding accountability architecture. Taken together, the European and Saudi experiences counsel that jurisdictions – India included – should resist symbolic or premature personhood grants and instead ask the narrower liability-oriented question with which this paper is concerned.

5. India's Policy and Statutory Landscape

India has, thus far, deliberately avoided legislating on AI personality or AI-specific liability, preferring a principles-based, sectoral approach. NITI Aayog's National Strategy for Artificial Intelligence, released in June 2018, articulated the "AI for All" vision for deploying AI across healthcare, agriculture, education, smart mobility and infrastructure, but left questions of legal responsibility largely for future elaboration.²⁴ This was followed by the Responsible AI series: Part 1, Principles for Responsible AI (February 2021), articulated seven principles – safety and reliability, equality, inclusivity, privacy and security, transparency, accountability, and protection of positive human values – of which accountability speaks most directly to the personality-and-liability question.²⁵ Part 2, Operationalizing Principles for Responsible AI (August 2021), converted these principles into a proposed regulatory and institutional architecture, including sector regulators and self-certification standards, without however proposing any change to the civil or criminal liability regime applicable to AI-caused harm.²⁶ A third discussion paper applied these principles to facial recognition technology, expressly flagging "accountability and legal liability issues" arising from the involvement of multiple entities in developing, testing, training and deploying such systems as an unresolved question.²⁷

²³Id.

²⁴Niti Aayog, *supra* note 1, at 25–30.

²⁵Niti Aayog, Approach Document for India, Part 1 – Principles for Responsible AI 20–23 (Government of India, New Delhi, February 2021).

²⁶Niti Aayog, Approach Document for India, Part 2 – Operationalizing Principles for Responsible AI 14–19 (Government of India, New Delhi, August 2021).

²⁷Niti Aayog, Responsible AI for All: Adopting the Framework – A Use Case Approach on Facial Recognition Technology 45 (Discussion Paper, Government of India, New Delhi, November 2022).

On the statutory side, no Indian enactment presently defines an AI system as a legal or juristic person, nor does any Indian statute create an AI-specific tort or strict-liability standard. The Information Technology Act, 2000 regulates “computer”, “computer system” and “intermediary” as categories of technology and service provider respectively, and channels liability for wrongful acts either to the person who commits them using a computer resource or to the intermediary, subject to the safe-harbour conditions in section 79.²⁸ An autonomous AI system does not fit comfortably within either category: it is neither a “person” who can be prosecuted under section 66 for a computer-related offence, nor, in most cases, an “intermediary” merely transmitting third-party content. The Consumer Protection Act, 2019 introduced a modern product-liability chapter, making a “product manufacturer”, “product service provider” or “product seller” liable for harm caused by a defective product or deficient service, including a design defect or an inadequate warning.²⁹ This framework can, with some strain, be extended to AI-enabled products – an autonomous vehicle or a diagnostic algorithm, for instance – by treating flawed training data, biased design choices or inadequate testing as a “design defect”, but the Act was not drafted with self-learning, continuously updating systems in mind, and it says nothing about apportioning liability where harm results from emergent behaviour that no human specifically designed or foresaw. The 2023 recodification of India’s criminal law through the Bharatiya Nyaya Sanhita, the Bharatiya Nagarik Suraksha Sanhita and the Bharatiya Sakshya Adhiniyam likewise proceeds on the traditional assumption that criminal liability requires a human “person” possessing mens rea, and does not contemplate an autonomous non-human offender.³⁰ The Digital Personal Data Protection Act, 2023 similarly regulates “data fiduciaries” and “data processors” as human or corporate entities, without addressing the distinctive risks posed by automated decision-making.³¹ India’s legislative architecture, in short, channels every strand of AI-related liability back to a human or corporate actor, leaving the personality question formally open but practically answered in the negative.

²⁸The Information Technology Act, 2000 (Act 21 of 2000), s. 79.

²⁹The Consumer Protection Act, 2019 (Act 35 of 2019), ss. 82–87.

³⁰The Bharatiya Nyaya Sanhita, 2023 (Act 45 of 2023), s. 19 (defining “man” as “a male human being of any age”).

³¹The Digital Personal Data Protection Act, 2023 (Act 22 of 2023), s. 2(i), (j).

6. Liability Gaps That Motivate the Personality Debate

The case for considering AI personality does not rest on speculation about machine sentience; it rests on three concrete gaps that Indian tort, criminal and consumer law presently struggle to close.

The Causation Gap. Tortious liability in India, whether under the ordinary law of negligence or the strict-liability principle of *Rylands v. Fletcher* as absorbed and expanded into the rule of absolute liability by the Supreme Court in *M.C. Mehta v. Union of India*,³² presupposes an identifiable act or omission by a specific person causally linked to the harm. A self-learning AI system that alters its own decisional weights after deployment, based on data its manufacturer never anticipated, complicates this chain: the harm may be traceable neither to a design defect at manufacture nor to any act of the operator at use, but to an emergent property of post-deployment learning. Where the causal chain fragments across manufacturer, trainer, data supplier and end-user, existing tort doctrine risks leaving the victim without remedy, since no single actor satisfies the requisite standard of fault or proximate causation.

The Foreseeability Gap. Criminal liability in India requires mens rea, ordinarily attributed to a natural person.³³ Where an autonomous system causes death or grievous harm through a decision pathway that its designers neither intended nor could reasonably have foreseen, existing doctrine forces courts either to acquit everyone (an unsatisfactory outcome from a victim's perspective) or artificially to stretch the concept of foreseeability or recklessness onto a human actor who exercised no meaningful control over the specific decision that caused harm (an unsatisfactory outcome from a fair-labelling perspective). Prof. Gabriel Hallevy's influential taxonomy of criminal liability models for AI – the “perpetration-by-another” model, the “natural probable consequence” model, and the “direct liability” model – illustrates that even comparative scholarship has had to strain conventional doctrine to fit AI within existing categories, without a fully satisfactory solution yet emerging.³⁴

³²M.C. Mehta v. Union of India, (1987) 1 SCC 395.

³³K.M. Nanavati v. State of Maharashtra, AIR 1962 SC 605.

³⁴Gabriel Hallevy, The Basic Models of Criminal Liability of AI Systems and Outer Circles 4–11 (SSRN Working Paper, 2019).

The Judgment-Proof Gap. Even where liability can, with effort, be pinned on a manufacturer or deployer, Indian product-liability law under the Consumer Protection Act, 2019 permits manufacturers to escape liability where the product conformed to the state of scientific and technical knowledge at the time it was distributed, and where the harm arose from a use of the product that was inconsistent with instructions or warnings.³⁵ Given the “black box” nature of many machine-learning systems, whose internal decisional logic is not fully interpretable even by their own designers, manufacturers may invoke the unpredictability of the system’s own learning process as a defence, effectively converting the very feature that makes AI valuable – its capacity to learn and adapt – into a liability escape hatch. It is precisely this three-fold gap that has led some scholars to argue that treating the AI system itself as a bearer of liability, backed by compulsory insurance or a compensation fund, may offer a more coherent remedy than continuing to force autonomous systems into doctrines built for deliberate human or corporate action.³⁶

7. Evaluating the Case For and Against AI Legal Personality in India

Proponents of a limited AI personality make three principal arguments transposable to the Indian context. First, personality would allow an AI system, or a fund maintained in its name, to be sued directly and to hold assets or insurance proceeds earmarked for compensating victims, bypassing the difficulty of apportioning fault among multiple human actors.³⁷ Second, it would provide a stable legal basis as AI systems works across borders and it’s ownership transfers from one person to another, therefore granting AI a separate legal status would be useful. Similar is the case of corporate personality where the change in the shareholders, directors or ownership would have no effect in the existence of company. Similarly, recognizing AI as a legal entity will not affect the rights, liabilities and duties of AI even when the persons or entities controlling or owning the AI system change. Third, taking reference of idol and SGPC related precedents, Indian law already recognizes the representative and purpose – bound legal personality. Therefore, giving similar, though not identical, legal status to a limited class of highly autonomous AI systems, such as certified autonomous vehicles or surgical robot, would not be a completely new legal concept.

³⁵The Consumer Protection Act, 2019, s. 87.

³⁶European Parliament, *supra* note 3, para. 59(d)–(e) (proposing a compulsory insurance scheme and compensation fund as an alternative to, or precursor of, electronic personhood).

³⁷Recording of Law, *supra* note 17.

It would simply be a gradual extension of an existing legal approach to deal with the challenges created by highly autonomous AI systems.

The counter-arguments, however, are formidable and, in this author's assessment, presently decisive. First, an AI system possesses no independent economic capacity: unlike a company, which holds its own assets, or an idol, whose endowed property is finite but real, an AI system has no property unless one is artificially created and funded by the very manufacturers whose liability the personality construct is meant to displace. Conferring personality without rigorously mandating capitalised insurance or compensation funds – the precise defect that undid the Ganga river personhood order – would create a hollow legal person incapable of satisfying a judgment, leaving victims worse off than under the present, admittedly imperfect, regime of manufacturer and deployer liability.³⁸ Second, and more troublingly, personality risks functioning as a liability shield: once an AI system is deemed the responsible party, developers and deployers acquire an incentive to argue that liability terminates with the “electronic person” rather than flowing through to them, precisely the concern raised by European experts in their 2018 open letter.³⁹ Third, granting personality does not, by itself, resolve the causation and foreseeability gaps identified in Part VI; it merely relocates the difficulty of identifying whose conduct caused the harm to the equally difficult question of how much of the AI-person's notional liability should be indemnified by which human actor – a question that still requires the same fact-finding the personality construct was meant to avoid. Fourth, India's constitutional jurisprudence on the right to life under Article 21 is built around human dignity; extending rights-bearing status to AI risks diverting conceptual and institutional resources still needed to secure those human interests, particularly for litigants who already face barriers in accessing courts.⁴⁰

On balance, this paper concludes that full legal personality for AI is neither doctrinally necessary nor practically prudent for India at its present stage of AI deployment and regulatory maturity. The liability gaps identified above are real, but they are better addressed by recalibrating

³⁸State of Uttarakhand v. Mohd. Salim, *supra* note 14.

³⁹Open Letter to the European Commission, *supra* note 15.

⁴⁰Maneka Gandhi v. Union of India, (1978) 1 SCC 248 (illustrating the expansive, human-centred trajectory of Article 21 jurisprudence that an AI-personality regime would have to be reconciled with).

the rules that govern the human and corporate actors already recognised as legal persons than by inventing a new, asset-less category of person whose principal practical effect would be to complicate, rather than clarify, the path to compensation.

8. Towards a Calibrated Indian Framework

Rather than a binary choice between full personality and the unmodified status quo, India would be better served by a layered approach.

First, statutory clarification of enterprise and strict liability for defined categories of high-risk autonomous systems – autonomous vehicles, robotic surgical devices, and algorithmic credit-scoring or facial-recognition systems used in law enforcement – through targeted amendment of the Consumer Protection Act, 2019, so that the “state of the art” defence under section 87 is expressly disapplied where the harm arises from the very autonomous-learning feature that was marketed as the product’s core value proposition. This would close the judgment-proof gap identified in Part VI without requiring any change to the underlying concept of legal personality.

Second, mandatory, sector-specific insurance or a pooled compensation fund financed by manufacturers and deployers of high-autonomy systems, modelled loosely on the European Parliament’s compulsory-insurance proposal but adapted to India’s insurance-market realities and administered through the relevant sectoral regulator (for example, the Ministry of Road Transport and Highways for autonomous vehicles, or the National Medical Commission for AI-enabled medical devices).⁴¹ Such a fund could, if desired, be given a limited, representative juristic status analogous to that of the shebait-administered idol – a fund with legal personality, administered by a designated regulator, rather than the AI system itself being personified. This achieves the practical benefit proponents of electronic personhood seek (a stable, solvent point of reference for victims) while avoiding the doctrinal and moral hazards of personifying the machine.

Third, a statutory presumption of traceability for high-autonomy systems, requiring manufacturers to maintain auditable logs of training data, model updates and decisional

⁴¹European Parliament, *supra* note 3, para. 59(d).

parameters, so that the evidentiary burden that presently defeats claimants in “black box” cases is shifted toward disclosure obligations enforceable under the Digital Personal Data Protection Act, 2023 and a future AI-specific statute, rather than being resolved by the fictional device of personality.

Fourth, incremental development of an India-specific criminal liability doctrine for AI-assisted offences, adapting Hallevy’s “direct liability” and “natural probable consequence” models to Indian mens rea jurisprudence, so that courts have express statutory guidance rather than having to strain the definitions in the Bharatiya Nyaya Sanhita by analogy.⁴²

Fifth, continued institutional development of the NITI Aayog Responsible AI framework into binding sectoral regulation, rather than voluntary principles, so that the accountability principle it already espouses is translated into judicially enforceable standards of care that inform the negligence calculus applied to AI developers and deployers under ordinary tort law.⁴³

This calibrated approach preserves the coherence of Indian legal personality doctrine – personality remains reserved for entities capable of holding and being made to answer for assets, whether human, corporate, or purpose-bound like the idol and the proposed compensation fund – while directly addressing the causation, foreseeability and judgment-proof gaps that presently make AI-caused harm difficult to remedy.

9. Conclusion

The question posed by this paper – whether legal personality is a path to liability for artificial intelligence – resists a simple answer, but a careful examination of Indian jurisprudence suggests a clear direction. Indian law’s own history of extending personality to companies, idols and even rivers demonstrates that personality is a functional and not a metaphysical category, one that can, in principle, be extended to AI. But that same history – most starkly the short-lived Ganga and Yamuna river personhood order – demonstrates that personality conferred without a rigorously

⁴²Hallevy, *supra* note 25, at 8–11.

⁴³Niti Aayog, *supra* note 20, at 20–23.

designed liability and asset architecture is an empty gesture that generates more confusion than accountability. The European experience with electronic personhood confirms this lesson at a systemic level: even a jurisdiction far more advanced in AI regulation ultimately abandoned personhood in favour of a risk-based, human-centred liability model. For India, where AI regulation remains at the stage of voluntary principles rather than binding statute, the more urgent and more achievable task is not to invent a new legal person, but to modernise the liability rules that already bind the human and corporate persons who design, train, sell and deploy AI systems – through targeted amendment of consumer-protection, information-technology and criminal law, mandatory insurance, and enforceable transparency obligations. Legal personality for AI may yet have a role to play in India's regulatory future, but only as a narrow, purpose-bound, and adequately capitalised device – never as a substitute for the accountability of the human beings and enterprises that remain, and should remain, the true bearers of legal responsibility for the harms that artificial intelligence causes.

