THE CONSTITUTION IN THE AGE OF ARTIFICIAL INTELLIGENCE: LEGAL PERSONHOOD AND FUNDAMENTAL RIGHTS OF AI

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ABSTRACT

The rapid advancement of artificial intelligence (AI) poses profound challenges for constitutional democracies, particularly in defining legal personhood and extending fundamental rights to non-human entities. This paper examines the intersection of AI and Indian constitutional law, tracing the evolution of legal personhood from natural persons to corporations, rivers, and deities, as exemplified by the Uttarakhand High Court's 2017 recognition of the Ganges and Yamuna as legal persons. It explores whether autonomous AI systems, capable of decision-making, merit similar status, drawing on comparative analysis of American, European, Indian, and international legal frameworks. The study assesses AI's impact on constitutional principles—equality, liberty, privacy, and dignity—highlighting risks such as algorithmic bias, surveillance, and corporate manipulation that threaten humancentric rights. Instead of granting full AI personhood, it proposes a tiered framework for "conditional personhood" based on functional capabilities, societal impact, and accountability, without assuming moral agency. Grounded in constitutional morality, the paper advocates recalibrating legal frameworks to prioritize transparency, human oversight, and ethical governance, drawing on cases like Justice K.S. Puttaswamy v. Union of India* to emphasize privacy and fairness. It warns that humanizing AI could erode human rights and exacerbate inequalities, urging a robust AI law to balance innovation with justice. By aligning AI governance with India's constitutional commitment to equality and dignity, the framework ensures technology strengthens, rather than undermines, the rule of law.[1]

Keywords: Legal Personhood, Constitutional Morality, AI Regulation, Fundamental Rights, Algorithmic Bias, Human-Centric Constitutionalism.

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[1] Anushka, The Constitution in the Age of Artificial Intelligence: Legal Personhood and Fundamental Rights of AI (unpublished manuscript, Amity Univ., Noida 2025)

INTRODUCTION

The rapid development of Artificial Intelligence (AI) technology has led to important debates in India's legal system on whether non-human beings should be granted legal personhood and fundamental rights. Non-human entities like businesses, deities, and rivers have historically been granted legal personality under Indian law, allowing them to own property and participate in court cases. India's readiness to extend legal personality beyond humans in order to safeguard the rights and interests of these entities is demonstrated by the Uttarakhand High Court's 2017 recognition of the Ganges and Yamuna rivers as legal persons.[2] The possibility that AI systems, particularly those displaying autonomy and decision-making ability, will be given comparable legal standing is called into question by this ruling. D.Y. Chandrachud, the Chief Justice of India, has emphasized the intricate relationship between AI and personhood and the necessity of taking both philosophical and practical factors into account when negotiating this unexplored area. When considering the relationship between personhood and AI, he said, we are confronted with fundamental questions about the ethical treatment of these technologies.[3] Although there are currently no specific provisions in the Indian legal system addressing the personhood of AI, talks are still going on about how to modify the current legislation to reflect the particular difficulties presented by AI technologies. To demonstrate a readiness to acknowledge AI contributions within current legal frameworks, the Indian Copyright Office, for example, awarded registration on a shared authorship basis to art produced by the painting AI "RAGHAV. Furthermore, a statutory framework that might be able to accept AI organizations is suggested by the inclusive definitions of "person" found in Indian statutes, such as Section 3(42) of the General Clauses Act, 1897, which includes any business or association.

Critics contend that giving AI legal personality could enable businesses to place the blame on AI systems, thereby weakening long-standing theories such as the corporate veil.[4]

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[2] Ananya Bhattacharya, Birds to Holy Rivers: A List of Everything India Considers "Legal Persons", Quartz India (June 3, 2025), https://qz.com/india/1031611/birds-to-holy-rivers-a-list-of-everything-india-considerslegal-persons.

[3] We Are Confronted with Fundamental Questions About Ethical Treatments of AI, Says CJI, The Hindu (Nov. 25, 2023), https://www.thehindu.com/news/national/we-are-confronted-withfundamental-questions-about-ethical-treatments-of-ai-says-cji/article67572792.ece (last visited June 3, 2025).

[4] Vaishali Mittal & Siddhant Chamola, AI's Right to Legal Identity in India, Anand and Anand Updates (Sept. 3, 2021), https://updates.anandandanand.com/ais-right-to-legal-identity-in-india/ (last visited June 3, 2025).

Evolution of Legal Personhood in Indian Constitutional and Legal Framework

In Indian law, the idea of legal personhood has gradually evolved from a narrow definition of natural persons to a more inclusive acknowledgment of diverse marginalized, environmental, and juristic identities. This change shows a dynamic understanding of constitutional ideas as well as the ingenuity of the judiciary.

I. Legal Persons: Associations and Corporations

Companies and other non-natural entities are acknowledged as legal persons under Indian jurisprudence, having the ability to possess property, file lawsuits, and perform legal obligations. They do not, however, have access to all of the essential rights outlined in Part III of the Constitution since they are not regarded as citizens.

The Supreme Court ruled in State Trading Corporation of India v. Commercial Tax Officer [5] that a business established under the Companies Act is not a citizen and, as a result, is not eligible for Article 19 protection. However, there may be an indirect impact on shareholders' rights. The Court recognized the shareholders' right to contest decisions that impact their financial interests in Godhra Electric Co. Ltd. v. State of Gujarat [6].

II. Legal Recognition of Environmental Personhood Nature

When the Uttarakhand High Court acknowledged the Ganga and Yamuna rivers as legal people in Mohd. Salim v. State of Uttarakhand [7], India made news throughout the world. The court's goal was to provide the rivers rights and responsibilities comparable to those of a live person. This historic action was motivated by spiritual-cultural reverence as well as ecological concerns. The Supreme Court later suspended the ruling, nevertheless, posing issues with state accountability and enforceability. The push to acknowledge nature as a legal person persisted. In a subsequent ruling, the Madras High Court emphasized the need of environmental preservation by acknowledging "Mother Nature" as a living being with rights, obligations, and responsibilities. [8]

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[5] State Trading Corp. of India v. Commercial Tax Officer, AIR 1963 SC 1811 (India).
[6] Godhra Elec. Co. Ltd. v. State of Gujarat, AIR 1975 SC 32 (India).
[7] Mohd. Salim v. State of Uttarakhand, 2017 SCC OnLine Utt 367 (India).
[8] Rights of Nature: Emerging Tools – Legal Personhood, Rights of Nature Can. (June 7, 2025), https://rightsofnature.ca/how-are-rights-of-nature-protected/emerging-tools/emerging-tools-legalpersonhood/.

III. Affirmation of Transgender Individuals as Subjects of the Law

The Supreme Court acknowledged transgender people as the "third gender" in National Legal Services Authority v. Union of India[9], giving a hitherto oppressed community legal status and constitutional protection. The Court ordered the state to grant reservations in employment and education, citing Articles 14, 15, 16, and 21 to uphold the autonomy and dignity of transsexual people.

IV. Broadening the Application of Fundamental Rights

The growth of Article 21 has been closely linked to the interpretation of legal persons. In Maneka Gandhi v. Union of India[10], the Court connected Articles 14, 19, and 21 into a golden triangle of rights by emphasizing that the "procedure established by law" must be equitable, fair, and reasonable.

Furthermore, the Supreme Court expanded the definition of legal personhood to include informational and bodily autonomy in Justice K.S. Puttaswamy (Retd.) v. Union of India[11], ruling that privacy is a basic right under Article 21.

V. Rights of Nature: Integration of Culture and Law

The ancient cultural traditions of India, which hold that land, rivers, and trees are sacred, are the source of the recognition of nature as a subject with inherent rights. The core of the

Rights of Nature movement is the convergence of indigenous values and legislative reform. In recent years, Indian courts have demonstrated a willingness to turn these convictions into legally binding norms.[12]

Legal Personhood and Fundamental Rights of Artificial Intelligence in the Age of the Constitution

 Complex legal and constitutional issues have been raised by the development of artificial

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[9] National Legal Service Authority v. Union of India, AIR 2014 SC 1863 (India).
[10] Maneka Gandhi v. Union of India, AIR 1978 SC 597 (India).
[11] Justice K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1 (India).
[12] Legal Identity of Flora and Fauna in India, iPleaders (June 7, 2025), https://blog.ipleaders.in/legal-identityflora-fauna-india/.

intelligence (AI), notably those pertaining to the application of fundamental rights and the attribution of legal personhood to AI entities. Identifying the extent to which AI systems can be acknowledged as legal persons with rights and obligations is an issue for the Indian legal system as these entities increasingly carry out tasks with a degree of autonomy.

I.   AI and Legal Personhood: An Indian Approach

The idea of legal personality has been expanded in Indian jurisprudence to encompass institutions like companies, rivers, and deities in addition to natural humans. To defend their rights and interests, the Supreme Court, for example, acknowledged the Ganga and Yamuna rivers as legal people. awarded their autonomous functions, this development begs the question of whether AI creatures could also be awarded legal personality. Scholars warn against this extension, nevertheless. Giving AI legal personhood could make companies less accountable by enabling them to shift responsibility to AI systems. This might make it more difficult to enforce legal obligations and weaken the idea that human actors should be held responsible for activities carried out by AI. [13]

II.   AI Entities and Fundamental Rights

The term "persons," which has been construed to encompass both natural and specific juristic persons, is guaranteed fundamental rights under the Indian Constitution. However, there are practical and conceptual issues with granting these rights to AI beings. Human dignity, consciousness, and moral agency—qualities that AI does not possess—are the foundation of fundamental rights. As a result, although AI is capable of carrying out activities on its own, it lacks the moral accountability and consciousness that support the claim to fundamental rights[14].

III.   Regulatory Strategies and Responsibility

A more practical strategy is to create strong regulatory frameworks that place accountability on human actors—developers, operators, and users of AI systems—instead of giving AI legal persons. This guarantees accountability and is consistent with the idea that organizations that

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[13] Harshita Gupta, Corporate Veil and AI Legal Personhood: A Threat to Accountability in Indian Company Law, 6 Indian J.L. & Legal Rsch. (VI) (Dec. 8, 2024), https://www.ijllr.com/post/corporate-veil-and-ai-legalpersonhood-a-threat-to-accountability-in-indian-company-law.

[14] Should India Recognise Artificial Intelligence as an Artificial Person? Moneycontrol (June 7, 2025), https://www.moneycontrol.com/news/opinion/should-india-recognise-artificial-intelligence-as-anartificial-person-10085551.html.

are able to comprehend and fulfil their legal duties should bear the burden of legal responsibility[15].

Comprehending Artificial Legal Personhood: Legal and Theoretical Views

A cornerstone of law, the idea of legal personality has historically only applied to individuals and legal entities such as corporations. The question of whether autonomous AI systems should likewise be given legal personality is becoming more and more debated in academia and the legal community, though, as AI becomes more prevalent. According to jurists like Salmond and Roscoe Pound, the theoretical basis for legal personality is the ability to bear legal rights and obligations rather than biology.[16] As seen by instances in which deities, idols, and even rivers have been granted legal status, Indian jurisprudence offers a flexible framework for acknowledging non-human legal beings.[17] In Mohd. Salim v. State of Uttarakhand, the court upheld the notion that personhood might be established for protective and functional reasons by establishing the Ganga and Yamuna rivers as legal persons to guarantee their environmental protection. This flexibility in legal recognition makes it possible to examine AI for a comparable status in situations that are strictly restricted. The argument is complex on a global scale. In order to fill in the gaps in liability attribution, the European Parliament suggested "electronic personhood" for highly autonomous AI in a 2017 resolution.[18]However, this idea was criticized due to concerns that it may compromise corporate responsibility. AI is still a non-personal tool in countries like the US, where developers and implementers bear full responsibility.[19] Legal personhood for AI presents significant ethical issues from a jurisprudential perspective. AI is devoid of moral agency, awareness, and consciousness— qualities typically associated with beings with rights.

Practical issues also arise: how would courts enforce obligations or penalize non-compliance

[15] Regulation of Artificial Intelligence in India: Legal Personhood and Liability, 10 Int'l J. Modern Agric. 336 (2021), https://www.modern-journals.com/index.php/ijma/article/view/756 (last visited June 7, 2025).
[16] Legal Personhood of Artificial Intelligence and Its Implications on Copyright Law, NLIU Cell for Stud. in Intell. Prop. Rts. (June 7, 2025), https://csipr.nliu.ac.in/miscellaneous/legal-personhood-of-artificial-intelligenceand-its-implications-on-copyright-law/.
[17] Analysis: The Notion of Juristic Personality with Respect to Inclusion and Exclusion of Artificial Intelligence, Legal Serv. India (June 7, 2025), https://www.legalserviceindia.com/legal/article-4007-analysis-the-notion-ofjuristic-personality-with-respect-to-inclusion-and-exclusion-of-artificial-intelligence.html.
[18] Algorithmic Entities, Wikipedia (June 7, 2025), https://en.wikipedia.org/wiki/Algorithmic_entities.
[19] Artificial Intelligence and Personhood: Interplay of Agency and Liability, ORF (June 7, 2025), https://www.orfonline.org/expert-speak/artificial-intelligence-and-personhood-interplay-of-agency-and-liability.

if AI were granted legal standing without human actors operating the system? [20]

Therefore, even while the theoretical and legal foundation for the possible acceptance of AI as a legal person is in place, it is neither morally clear-cut nor effective in practice. Instead of giving AI entities full legal identity, it could be wiser to create stringent accountability frameworks for human players participating in AI development and implementation.

The scope and limitations of AI and the Indian Constitutional Framework

Artificial intelligence (AI) presents fresh challenges to the long-standing tenets of the Indian Constitution as it is progressively incorporated into government, law enforcement, healthcare, education, and administrative procedures in India. Fundamental rights, the rule of law, accountability, and democratic governance are all impacted by these issues.

I.　　Article 14: Equality Before the Law and Algorithmic Discrimination

AI systems that have been trained on skewed data run the risk of sustaining socioeconomic, gender, and caste discrimination. Article 14 of the Constitution, which forbids arbitrary state action and ensures equality before the law, may be violated by such results.[21]

II.　　Article 21's Right to Privacy and Concerns about Surveillance

The right to privacy established in K.S. Puttaswamy v. Union of India[22] is in jeopardy as police and government organizations deploy AI-powered facial recognition, speech analysis, and behavioural prediction systems more frequently. AI-powered governmental monitoring may become unrestricted and unlawful in the absence of appropriate legal protections.

III.　　The lack of a specific legal framework for artificial intelligence

India does not have comprehensive AI legislation, in contrast to the EU's AI Act. Enforcement, accountability, and consumer protection are all compromised by the current reliance on sectoral

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[20] AI Unleashed: Navigating Legal Frontiers in Inventorship, Personhood and Data Dynamics, Khurana & Khurana (June 7, 2025), https://www.khuranaandkhurana.com/2023/12/30/ai-unleashed-navigating-legalfrontiers-in-inventorship-personhood-and-data-dynamics/.

[21] AI Governance in India: Balancing Constitutional Rights, Algorithmic Fairness, and Ethical Regulation, Fastrack Legal Solutions (June 7, 2025), https://fastracklegalsolutions.com/ai-and-indian-constitution/.

[22] Id at 12.

regulators like as the RBI, TRAI, and MeitY.[23]

IV.   Issues of Juristic Personhood and Liability

Because AI systems can function independently, it can be challenging to establish who is responsible for harm. Does AI qualify as a legal person? If not, who is at fault—the owner, the user, or the programmer?

V.   Procedural Due Process Violation

The right to a fair trial and natural justice, which are components of Article 21, are compromised when AI techniques are employed in administrative or judicial decision-making without openness or the chance for human scrutiny[24].

VI.   AI and the Right to Information in Democratic Institutions

Transparency, informed participation, and the right to knowledge may be threatened by the employment of opaque AI systems in public administration or election processes (Article 19(1)(a)).[25]

AI and Fundamental Rights: Legal and Philosophical Conundrums

Deep philosophical and legal issues are raised by the incorporation of artificial intelligence (AI) into many aspects of society, especially when it comes to protecting the fundamental rights guaranteed by the Indian Constitution. Examining the possible effects on individual rights and the legal institutions intended to safeguard them is crucial as AI systems take on a greater role in decision-making.

I.   Privacy Rights and AI Monitoring

In the historic ruling in Justice K.S. Puttaswamy (Retd.) v. Union of India, the Supreme Court of India acknowledged the right to privacy as an essential component of the right to life and

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[23] Legal Challenges in Regulating AI and Emerging Technologies in India, Bhatt & Joshi Assocs. (June 7, 2025), https://bhattandjoshiassociates.com/legal-challenges-in-regulating-ai-and-emerging-technologies-in-india/.

[24] AI and Due Process in Indian Judiciary, SCC Online Blog (June 7, 2025), https://www.scconline.com/blog/post/2024/06/12/ai-in-judiciary-and-due-process-issues-in-india.

[25] AI and the Future of Democracy in India, ORF Special Rep. (June 7, 2025), https://www.orfonline.org/research/ai-and-the-future-of-democracy-in-india.

personal freedom guaranteed by Article 21 of the Constitution. This fundamental freedom is seriously threatened by the spread of AI-driven surveillance technology like data analytics tools and facial recognition systems. Concerns about illegal data collecting and its misuse are made worse by the lack of adequate data protection laws.[26]

II. Algorithmic Moderation and Freedom of Expression

The right to freedom of speech and expression is protected by Article 19(1)(a). There are worries about censorship and the stifling of dissent because AI algorithms used by social media platforms and other digital intermediaries for content moderation may unintentionally stifle free speech. The concepts of free speech and democratic participation are called into question by the opaqueness of algorithmic decision-making procedures.[27]

III. Non-Discrimination and Equality in AI Applications

Article 14, which guarantees equality before the law, can be broken by AI systems that are trained on biased datasets since they can reinforce and even magnify current societal inequities. Discriminatory results in fields such as law enforcement, lending, and employment highlight the necessity of accountability and justice in the application of AI.[28]

IV. Automated Decision-Making and Due Process

Concerns with the right to due process and a fair trial under Article 21 are raised by the use of AI in administrative and judicial decision-making. Automated systems might not have the discretion and subtlety that come with human judgment, which could result in unfair conclusions with little options for appeal.

V. The Need for Regulation and Ethical Issues

A constitutionally sound regulatory framework is necessary for the ethical application of AI. It

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[26] Governance in India: Balancing Constitutional Rights, Algorithmic Fairness, and Ethical Regulation, Fastrack Legal Solutions (June 7, 2025), https://fastracklegalsolutions.com/ai-and-indian-constitution/.
[27] The Conflict of Artificial Intelligence with Indian Constitutionalism: A Normative Critique, Indian Soc'y for Artificial Intelligence & L. (June 7, 2025), https://www.isail.in/post/the-conflict-of-artificial-intelligence-withindian-constitutionalism-a-normative-critique.
[28] Legal Regulation on Artificial Intelligence in India: A Human Rights Perspective, Int'l J.L. Mgmt. & Human. (June 7, 2025), https://ijlmh.com/paper/legal-regulation-on-artificial-intelligence-in-india-a-human-rightsperspective/.

is necessary to address issues like accountability, openness, and consent in order to stop the degradation of fundamental rights. Multidisciplinary viewpoints should be incorporated into the creation of AI regulations to guarantee that legal protections are not outpaced by technical progress.[29]

The Significance of Constitutional Morality for AI Legal Personhood

In India's Constituent Assembly debates, historian George Grote and Dr. B.R. Ambedkar both emphasized constitutional morality, which goes beyond merely following the law and stresses commitment to principles like justice, equality, and liberty. It ensures that laws and policies are in line with the moral tenets of a constitution by acting as a guiding principle for governance. In historic Supreme Court rulings in India, constitutional morality has been used to defend fundamental rights and advance inclusivity, especially for underrepresented communities. For instance, the Supreme Court decriminalized homosexuality in Navtej Singh Johar v. Union of India (2018)[30], highlighting constitutional morality as a dedication to human equality and dignity over social conventions. In a similar vein, the Court maintained the right to privacy in Justice K.S. Puttaswamy v. Union of India (2018)[31], strengthening constitutional morality as a check on capricious state conduct.

The boundaries of inclusion in constitutional frameworks are seriously called into question when considering AI from a constitutional moral perspective. Traditional constitutional principles are called into question by the idea of legal personhood for AI, or if AI entities might be given rights similar to those of natural persons. Any extension of rights to AI must respect the limits of human-centric constitutional protections and be consistent with the values of justice and equality, according to constitutional morality. Giving AI legal personality, for example, can encourage inclusivity by acknowledging AI's contribution to society (such as autonomous systems in healthcare or government), but also runs the risk of lessening the moral significance of human rights. The principle necessitates striking a balance: integrating AI into legal frameworks shouldn't compromise the constitutional safeguards intended to uphold social welfare and human dignity.

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[29] Artificial Intelligence and Human Rights: A Comprehensive Study from Indian Legal and Policy Perspective, Int'l J.L. Mgmt. & Human. (June 7, 2025), https://www.emerald.com/insight/content/doi/10.1108/ijlma-022021-0049/full/html.
[30] Navtej Singh Johar v. Union of India, (2018) 10 SCC 1 (India).
[31] Id at 12.

Restrictions of Inclusion in the Context of AI

When thinking about AI's future rights, the boundaries of inclusion under constitutional morality are very important. Due to the possibility of judicial subjectivity and excess, the Indian Supreme Court has issued a warning against the unbridled application of constitutional morality. The Court stated in Manoj Narula v. Union of India (2014) [32]that constitutional morality is a concept that is still evolving and needs to be carefully cultivated to prevent arbitrary interpretations. When applied to AI, the incorporation of non-human entities as subjects with rights may result in arbitrary judicial interpretations that go against the rule of law. For instance, since AI lacks moral agency and consciousness, granting AI systems fundamental rights like the right to non-discrimination (similar to Article 14 of the Indian Constitution) may make it more difficult to hold them legally responsible for their conduct.

Furthermore, as demonstrated by cases such as Shayara Bano v. Union of India (2017) [33](Triple Talaq ruling), which emphasize diversity and social justice, constitutional morality implies that inclusion must give priority to marginalized human communities before extending to non-human entities. The integration of AI must be subordinated to humancentric constitutional aims, as implied by the doctrine's origins in defending human rights against majoritarian or capricious governmental action (e.g., Kesavananda Bharati v. governmental of Kerala (1973)).[34] Giving AI legal personality, for example, can give rise to moral questions about giving AI's "rights" precedence over those of underprivileged groups, for example, when allocating funds for AI-powered public services.

AI, Ethical Boundaries, and Constitutional Morality

Ethical issues are also involved in applying constitutional morality to AI. As seen by decisions like the Sabarimala ruling (2018)[35], which disapproved of gender-based discrimination, the theory promotes progressive reforms. However, establishing the moral parameters of such inclusion is necessary before granting AI constitutional rights. For instance, do AI systems—such as self-driving cars or algorithms used in court—have the "right" to function without human intervention, or should their function be purely instrumental? As a democratic norm,

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[32] Manoj Narula v. Union of India, (2014) 9 SCC 1 (India).
[33] Shayara Bano v. Union of India, (2017) 9 SCC 1 (India).
[34] Kesavananda Bharati v. State of Kerala, (1973) 4 SCC 225 (India).
[35] Indian Young Lawyers Association v. State of Kerala, (2018) 11 SCC 1 (India) (Sabarimala verdict).

constitutional morality would probably place a higher priority on human oversight to keep AI from compromising constitutional principles like justice and accountability.

Furthermore, any framework for AI personhood must have strong measures to guarantee AI complies with constitutional principles, as suggested by the doctrine's emphasis on engaged citizens and strong oversight institutions (such as the court).

To wrap it up, constitutional morality offers a prism through which to assess whether AI should be incorporated into constitutional frameworks. Although it advocates for progressive inclusion, it places restrictions to guarantee that democratic values and human rights always come first. In order to ensure that any rights provided to AI do not undermine the constitutional protections intended for human society, the theory urges legislators and courts to properly define AI's legal standing.

Artificial Intelligence Regulation: Moving Past Personhood to Accountability

The more urgent need for strong regulatory frameworks that put responsibility first is frequently overshadowed by the discussion surrounding AI's legal personhood. Because AI systems have the potential to cause harm due to bias, mistakes, or a lack of transparency, regulatory approaches that emphasize accountability and monitoring above giving AI quasihuman status are necessary as these systems become more and more integrated into industries like healthcare, criminal justice, and governance. Constitutional frameworks must change to meet these issues while upholding human rights and democratic ideals.

Personhood to Accountability Transition

Though theoretically fascinating, the idea of AI personhood presents ethical and practical difficulties. Legal personhood for AI might imply human-like rights, making it more difficult to hold people accountable when AI systems hurt people. Rather, the goal of regulatory frameworks should be to hold human actors—developers, deployers, and organizations— responsible for the activities of AI. This strategy is best shown by the Artificial Intelligence Act (AI Act) of the European Union, which was proposed in 2021 and passed in 2024. It classifies AI systems according to their level of risk and places strict restrictions on high-risk systems, like those utilized in legal or employment settings. The AI Act prioritizes society

safety over personhood disputes by requiring openness, human monitoring, and accountability systems.

The lack of thorough AI regulation in India emphasizes the necessity of a constitutional approach to accountability. The state's obligation to make sure that technical interventions respect constitutional rights is highlighted by the Supreme Court's emphasis on responsibility in Anuradha Bhasin v. Union of India (2020)[36], which dealt with internet shutdowns. When it comes to AI, regulation must make sure that biased algorithms or uncontrolled automation do not violate fundamental rights like equality (Article 14) or life and liberty (Article 21). For example, if left unchecked, AI-powered predictive policing technologies may make discrimination worse, therefore accountability mechanisms are required to safeguard underprivileged groups.

Principles of the Constitution That Guide AI Regulation

The framework for governing AI beyond personhood is provided by constitutional principles. According to the proportionality theory, which was established in Modern Dental College & Research Centre v. State of Madhya Pradesh (2016)[37], state actions—including those employing technology—must be appropriate, necessary, and weighed against violations of people's rights. This idea must be upheld by AI legislation, which makes sure that the application of AI is commensurate with its anticipated advantages and does not unnecessarily curtail fundamental rights. Facial recognition systems, for instance, need to be regulated to avoid widespread surveillance, as seen by discussions around the world after these technologies were used in public areas.

Furthermore, AI systems must be auditable and have their decision-making processes explicable in accordance with the principle of transparency, which was upheld in Shreya Singhal v. Union of India (2015)[38], which invalidated Section 66A of the IT Act due to its ambiguity. Holding AI implementers responsible is essential, especially in high-stakes situations like credit scoring or court sentence. To guarantee adherence to constitutional standards, regulatory frameworks ought to require algorithmic openness and frequent audits.

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[36] Anuradha Bhasin v. Union of India, (2020) 3 SCC 637 (India).
[37] Modern Dental College & Research Centre v. State of Madhya Pradesh, (2016) 7 SCC 353 (India).
[38] Shreya Singhal v. Union of India, (2015) 5 SCC 1 (India).

Ethical and Global Views on AI Accountability

 Accountability-focused AI regulation is becoming more popular worldwide. Human rights, accountability, and transparency are highlighted in the UNESCO Recommendation on the Ethics of Artificial Intelligence (2021), which calls on governments to create legislative frameworks that give ethical AI use first priority. [39]Although it lacks enforcement procedures, the NITI Aayog's National Strategy for Artificial Intelligence (2018) promotes responsible AI development in India. By incorporating accountability into already-existing legal frameworks, like the Information Technology Act of 2000, or by enacting a specific AI law, a constitutional approach to AI governance could close this gap. Accountability guarantees that AI functions as a tool for human wellbeing rather than an independent actor in an ethical manner. Debates over personality run the risk of anthropomorphizing AI and diverting attention from the necessity of regulating both its developers and users. For example, makers or operators, not the AI itself, must bear responsibility when AI systems, such as driverless cars, result in accidents. This ensures that AI's societal impact is guided by human-centric principles, which is consistent with constitutional morality's emphasis on justice and fairness.[40]

The theoretical appeal of personhood must give way to realistic accountability systems in order to regulate AI. A strong framework for guaranteeing that AI advances society objectives without jeopardizing basic rights is provided by constitutional concepts such as proportionality, transparency, and accountability. India can create a regulatory framework that strikes a balance between innovation and constitutional principles by emphasizing ethical monitoring and human responsibility, thereby preserving democracy in the era of artificial intelligence.

The Role of the Judiciary in the Age of AI: Activism or Restraint?

Both revolutionary possibilities and difficult problems arise when artificial intelligence (AI) is incorporated into legal systems. Artificial intelligence (AI) tools like natural language processing and predictive analytics are being used more and more to increase access to justice, expedite legal research, and boost judicial efficiency. Their adoption, however, calls into question the judiciary's role: should courts use judicial activism to aggressively influence AI's

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[39] Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 Laying Down Harmonised Rules on Artificial Intelligence (Artificial Intelligence Act), 2024 O.J. (L 1689).
[40] NITI Aayog, National Strategy for Artificial Intelligence (June 2018), https://niti.gov.in/sites/default/files/2019-01/NationalStrategy-for-AI-Discussion-Paper.pdf.

application, or should they use restraint to uphold established legal norms? This essay explores the role of the judiciary in addressing the ethical, legal, and sociological ramifications of AI and argues for a well-rounded strategy that upholds democratic procedures while defending individual rights.

AI in the Judiciary: Opportunities and Challenges

AI has a lot to offer legal systems, such as improved productivity and less backlogs of cases. AI could improve court productivity in India, where there are almost 45 million pending cases, by streamlining non-litigation operations like document analysis and case prediction. [41] However, there are ethical issues with AI's opacity, bias potential, and lack of openness. Due process and public trust may be compromised if algorithms trained on biased data continue to provide discriminatory results. The judiciary must choose whether to create governance frameworks through proactive regulation of AI use or by deferring to the legislative and executive branches.[42]

Judicial Activism: Developing the Legal System's Use of AI

Courts that engage in judicial activism go beyond literal legal interpretation to address wider societal ramifications, frequently in order to uphold rights or rectify injustices. By establishing precedents or overturning AI-driven rulings that contravene constitutional norms, an activist judiciary could proactively address ethical issues in the AI context, such as algorithmic prejudice or transparency deficiencies. For example, the Indian judiciary, which is renowned for its activity through Public Interest Litigation, may make sure AI systems comply with Article 39A of the Constitution, which places a strong emphasis on access to justice.[43] Courts may invalidate an AI system used to determine bail if it demonstrates racial bias, invoking equal protection principles. According to research, if AI is developed openly, it can lessen bias in bail decisions; however, judicial oversight is necessary to guarantee accountability.[44]

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[41] A.V. Belyakova, Artificial Intelligence in the Judiciary: Issues and Outlooks, ResearchGate (Oct. 2, 2024), https://www.researchgate.net/publication/384658279_Artificial_Intelligence_in_the_Judiciary_Issues_and_Outlooks.

[42] Saugat Pratap Singh, Ethical Challenges of Using Artificial Intelligence in Judiciary, arXiv (Apr. 27, 2025), https://arxiv.org/abs/2504.02766.

[43] Craig Green, An Intellectual History of Judicial Activism, 98 Colum. L. Rev. 1165 (2008).

[44] Hildebrandt, M., The Challenges of Artificial Judicial Decision-Making for Liberal Democracy, in Artificial Intelligence and the Law 47 (Springer 2022).

Judicial Restraint: Preserving Democratic Legitimacy

Courts should only interpret laws as stated, according to judicial restraint, leaving elected branches to make policy. Since lawmakers and regulators are more suited to conduct technical evaluations and engage stakeholders, exercising caution in the context of AI means letting them create frameworks for its application. Legislative attempts to govern AI, such as the U.S. Executive Order on Safe AI Development and the European Union's AI Act, could be upheld by courts rather than overruled. [45] Because unelected judges may enforce policies that are not in line with popular will, excessive judicial activity runs the risk of undermining democratic legitimacy. [46] Furthermore, caution is required because the technological complexity of AI may surpass the level of judicial skill. Furthermore, caution is required because the technological complexity of AI may surpass the level of judicial skill. According to the Spanish General Council of the Judiciary, without extensive human supervision, AI systems are not precise enough for complex judicial responsibilities.[47]

Activism and Restraint in Balance: A Suggested Framework

In the era of artificial intelligence, the judiciary must strike a balance between activism and moderation. While courts should defer to legislative frameworks when technical competence is required, they should actively step in when AI threatens constitutional concepts like justice or due process. A suggested framework consists of:

a. **Transparency Requirements:** The European Ethical Charter on AI in Judicial Systems emphasizes that in order to maintain accountability, courts should mandate that AI systems reveal the reasoning behind their decisions.[48]

b. **Bias Mitigation:** By utilizing interdisciplinary skills, judicial review should concentrate on detecting and addressing algorithmic biases.

c. **Stakeholder Engagement:** As demonstrated by Estonia's proactive approach to AI in justice

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[45] Exec. Order No. 14110, 88 Fed. Reg. 75191 (Nov. 1, 2023).
[46] Kmiec, K. D., The Origin and Current Meanings of "Judicial Activism", 92 Calif. L. Rev. 1441 (2004).
[47] Nomos Verlagsgesellschaft, Justice by Algorithm: The Ethics of AI-Driven Judicial Decision-Making, Academia (Jan. 1, 2024), https://www.academia.edu/108225566/JUSTICE_BY_ALGORITHM_THE_ETHICS_OF_AI_DRIVEN_JUDICIAL_DECISION_MAKING
[48] Id.

systems, courts ought to welcome opinions from the general public and experts.

d. **Precedent-Based Oversight:** To ensure uniformity while permitting innovation, judges should base their decisions on accepted legal doctrines when directing the use of AI.[49]

In the era of artificial intelligence, the judiciary's function depends on managing the conflict between activism and moderation. Addressing AI's ethical concerns, like prejudice and opacity, requires activism to ensure that technology complies with constitutional norms. Legislators can establish AI policy, but caution is required to preserve technical know-how and democratic legitimacy. In an AI-driven world, the judiciary can preserve public confidence and enforce the rule of law by implementing a balanced framework that prioritizes openness, bias reduction, stakeholder engagement, and precedent-based oversight.

Risks of AI Personhood: Legal Loopholes and Corporate Manipulation

There are serious worries about legal lapses and corporate exploitation while considering giving legal personhood to artificial intelligence (AI) companies in India. The possibility for companies to take advantage of legal frameworks to give AI systems personhood could jeopardize accountability and public trust as India develops its AI ecosystem through programs like the India AI Mission. This section looks at these dangers in the context of Indian law, emphasizing the potential manipulation of corporate law gaps and the resulting effects on governance and justice.

Pathways to AI Personhood and Legal Loopholes

AI's legal personhood in India may be made possible by the Companies Act of 2013 and other current corporate law frameworks. Corporations might essentially grant personhoodlike status to AI systems by naming them as directors or controlling entities of a firm. This would allow AI to enter into contracts and possess assets. One This gap occurs because autonomous systems are not expressly forbidden from taking on such tasks under Indian company law, which leaves room for firms to take advantage of the ambiguity. An AI-driven organization might, for example, alter intricate laws, like the Goods and Services Tax (GST) structure in India, to avoid compliance or produce legal uncertainties, which could destabilize regulatory systems.[50] This

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[49] Susskind, R., Artificial Intelligence at the Bench: Legal and Ethical Challenges of Informing—or Misinforming—Judicial Decision-Making Through Generative AI, 6 Cambridge L. Rev. 1 (2025).
[50] Id. at 5.

risk is increased by India's lack of particular AI governance regulations, since existing frameworks such as the Information Technology Act of 2000 are unable to handle AI's autonomy.[51]

Challenges of Corporate Manipulation and Accountability

By giving AI personality, businesses may be able to use AI as a shield to escape accountability and transfer culpability away from human actors. Because AI lacks moral agency, it would be difficult to hold an AI-controlled organization responsible under Indian law if it committed illegal acts like financial fraud or data privacy violations.[52] There is a vacuum in accountability since, for instance, culpability under the Indian Penal Code, 1860, often needs intent, which AI cannot have. [53] Businesses might take advantage of this by using AI systems to automate decision-making in delicate fields like healthcare or credit scoring, removing themselves from responsibility while generating money off of the results. Unlike the EU's proposed frameworks, India lacks comprehensive AI liability legislation, which increases the danger of corporate manipulations.

Threats to Constitutional Principles and Public Trust

India's fundamental values, especially those guaranteed by Articles 14 (equality) and 21 (right to life and liberty), may be compromised by AI personhood. Giving personhood to AI entities while maintaining unequal enforcement of human rights safeguards might worsen social inequality by giving corporate interests precedence over underprivileged groups. [54] For example, biassed AI-driven loan approval processes may violate equality norms by disproportionately harming underprivileged populations. [55]Furthermore, given India's thriving digital economy and high internet penetration, corporate abuse of AI personhood to spread false information or influence markets might undermine public confidence in institutions. In Justice K.S. Puttaswamy v. Union of India, the Supreme Court took a proactive approach to privacy,

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[51] A.V. Belyakova, Artificial Intelligence in the Judiciary: Issues and Outlooks, ResearchGate (Oct. 2, 2024), https://www.researchgate.net/publication/384658279_Artificial_Intelligence_in_the_Judiciary_Issues_and_Outlooks.
[52] Singh, supra note 1, at 7.
[53] The Indian Penal Code, No. 45 of 1860, India Code (1860).
[54] Anupam Chander & Madhav Khosla, Global AI Governance: Lessons from India's Data Protection Regime, 72 Indian J. L. & Tech. 45 (2023).
[55] Id at 50.

indicating that courts could need to step in to stop these abuses. However, in the absence of explicit AI legislation, judicial efforts might be uneven.

Suggested Countermeasures

India's legal system has to be strengthened in order to reduce these hazards. First, it should be made clear that AI systems cannot be identified as controlling organizations without strict scrutiny by amending the Companies Act of 2013.Second, a specific AI liability framework that is adapted to India's circumstances and modelled after international models should hold companies responsible for damages caused by AI while guaranteeing adherence to constitutional requirements. Lastly, putting the Constitution's guarantees of human rights ahead of AI personhood will preserve equality and public confidence. [56] These actions support India's AI Mission, which aims to promote innovation while maintaining moral leadership. Giving AI legal personality in India runs the potential of opening legal gaps that businesses might take advantage of to avoid responsibility and influence regulatory frameworks. Particularly in the absence of strong AI governance, such activities jeopardize public trust and constitutional values. India can reduce these risks and guarantee AI serves the public good while maintaining justice by addressing corporate law gaps, establishing liability frameworks, and placing a high priority on human rights.

Towards an Indian AI Law: Need for a Robust Regulatory Framework

A strong regulatory framework is urgently needed to handle the legal, ethical, and sociological ramifications of artificial intelligence (AI), as seen by India's quick adoption of AI in industries like banking, healthcare, and the judiciary. The lack of a specific AI legislation creates gaps in ethical governance, data security, and accountability as India develops its AI ecosystem through programs like the India AI Mission. This section examines the need for an AI legislation in India, outlining important regulatory areas and putting forth a framework to strike a balance between innovation and the general welfare.

Current AI Governance Legal Gaps

The complexity of AI cannot be adequately addressed by India's current legal frameworks, which include the Digital Personal Data Protection Act, 2023 (DPDP Act) and the Information

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[56] Chander & Khosla, supra note 7, at 55.

Technology Act, 2000. The IT Act does not address AI-specific problems like algorithmic bias or autonomous decision-making because it was created for early internet administration. [57] One Although the DPDP Act improves data privacy, it does not specifically control AI systems that handle large datasets, which might result in violations of Articles 14 (equality) and 21 (right to life and liberty) of the constitution.[58] As demonstrated by instances worldwide where biased algorithms have harmed marginalized groups, AI technologies used in legal systems, such as case prediction, run the danger of reinforcing prejudices if left unchecked.

Social and Ethical Dangers of Uncontrolled AI

A customized legal framework is required to address the ethical issues raised by AI, such as prejudice, accountability, and transparency. Artificial intelligence (AI) systems educated on biased data may make prejudice worse in India, where social inequality is severe, especially in fields like credit scoring and law enforcement.[59] The necessity for AI rules to safeguard individual rights against opaque algorithms is highlighted by the Supreme Court's recognition of privacy as a fundamental right in Justice K.S. Puttaswamy v. Union of India. [60] Furthermore, uncontrolled AI has the potential to erode public confidence, particularly in legal applications where openness is essential to maintaining the rule of law. 6. By requiring openness, equity, and human supervision in the application of AI, a strong AI legislation would mitigate these dangers.

Corporate Liability and Accountability

The necessity for transparent accountability procedures is underscored by the possibility that businesses would use AI for profit-driven objectives, such market manipulation or liability avoidance. Since AI lack's purpose, which is required under the Indian Penal Code, 1860, it is difficult to assign blame for injuries caused by AI under present Indian law. For instance, it's not obvious who is responsible if an AI system in the financial services industry results in losses because of inaccurate predictions—developers, deployers, or users.[61] Ex-post liability regulations, according to international models, might be established via a specific AI law,

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[57] Anupam Chander & Madhav Khosla, Global AI Governance: Lessons from India's Data Protection Regime, 72 Indian J. L. & Tech. 45, 48 (2023).
[58] Constitution of India, arts. 14, 21.
[59] Singh, supra note 1, at 6.
[60] Id at 12.
[61] The Indian Penal Code, No. 45 of 1860, India Code (1860)

guaranteeing that businesses be held responsible for AI-related damages while promoting moral innovation.

There are serious concerns associated with India's lack of a specific AI law, such as ethical dilemmas, business exploitation, and regulatory inadequacies. To handle the particular difficulties presented by AI, a strong regulatory structure that guarantees responsibility, equity, and transparency is necessary. India can promote moral AI innovation while defending constitutional rights by passing a comprehensive AI law that includes clauses for openness, liability, bias mitigation, and public involvement. India will be positioned as a worldwide leader in responsible AI governance under such a law.

Recommendations for AI Regulation under the Indian Constitution

A customized regulatory strategy is necessary to solve the issues raised by artificial intelligence (AI) within the parameters of India's constitution. This section presents suggestions for reducing the dangers of AI personality, guaranteeing responsibility, defending basic rights, and encouraging innovation. These suggestions seek to harmonize AI governance with the constitutional objectives of equality, justice, and liberty, drawing on India's distinct socio-legal environment.

Establish a Dedicated AI Legislation

To fill up the holes in current frameworks such as the Digital Personal Data Protection Act of 2023 and the Information Technology Act of 2000, India needs pass a comprehensive AI law. To stop corporations from taking advantage of legal loopholes, this law should clarify AI's legal standing and specifically forbid AI entities from being considered persons. In order to prevent biased outcomes in industries like the judiciary and banking, it should require criteria for AI research, including ethical principles to assure conformity with Articles 14 (equality) and 21 (right to life and liberty).[62]

Algorithmic Mandate Openness and Audits

AI systems used in public sectors, especially courts, must reveal their decision-making

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[62] Anupam Chander & Madhav Khosla, Global AI Governance: Lessons from India's Data Protection Regime, 72 Indian J. L. & Tech. 45, 52 (2023).

procedures in order to preserve transparency, which is a fundamental component of judicial integrity. To identify and reduce biases, particularly in applications like case prediction or bail judgments that may otherwise reinforce societal injustices, regular audits by impartial organizations have to be mandated. [63]This supports the right to a fair trial and is consistent with the Supreme Court's emphasis on procedural justice in Justice K.S. Puttaswamy v. Union of India.

Create a Framework for Liability for AI Damages

To make developers and deployers responsible for harms caused by AI, a defined liability framework is necessary. This approach could provide accountability without giving AI legal agency by imposing severe liability on businesses for AI errors, such as biased credit scoring or judicial mispredictions, in contrast to the Indian Penal Code, 1860, which depends on human intent.[64] This strategy would safeguard citizens' rights while discouraging corporate manipulation.

Encourage the development of public and judicial capacity

In order to oversee AI technologies like SUPACE with knowledge, judges and other legal professionals need to be trained on the technical and ethical implications of AI. In order to ensure that rules reflect India's complex social fabric and respect the inclusiveness objectives outlined in the constitution, public consultation processes should also be implemented to involve underprivileged people in the development of AI policy. [65]

Comply with International Standards, Customized for India

Though it should be tailored to meet regional issues like caste-based prejudices or digital inequalities, India's AI legislation should be modelled after international frameworks such as the EU's AI Act. To sustain India's position as a worldwide leader in responsible AI

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[63] Saugat Pratap Singh, Ethical Challenges of Using Artificial Intelligence in Judiciary, arXiv (Apr. 27, 2025), https://arxiv.org/abs/2504.02766.
[64] The Indian Penal Code, No. 45 of 1860, India Code (1860).
[65] A.V. Belyakova, Artificial Intelligence in the Judiciary: Issues and Outlooks, ResearchGate (Oct. 2, 2024), https://www.researchgate.net/publication/384658279_Artificial_Intelligence_in_the_Judiciary_Issues_and_Outlooks.

development, the India AI Mission may act as a foundation, encouraging innovation while giving ethical governance first priority.

Artificial intelligence's incorporation into India's legal and social structure calls into question the fundamental principles of the country's Constitution and raises important issues about legal personality and the defence of fundamental rights. A principled approach is desperately needed, as evidenced by the judiciary's role in striking a balance between activism and restraint, the dangers of AI personhood permitting corporate manipulation, the shortcomings of the present regulatory frameworks, and the revolutionary potential of AI in judicial procedures.

CONCLISION

The emergence of artificial intelligence (AI) poses both significant potential and problems for India's constitutional framework, especially when it comes to resolving the controversial questions of AI's legal personality and its effects on basic rights. As discussed, the judiciary's role in navigating the integration of AI necessitates striking a careful balance between caution, in order to respect democratic processes and legislative competence, and action, in order to protect constitutional rights such as equality (Article 14) and the right to life and liberty (Article 21). The dangers of giving AI legal personality, such as corporate abuse of legal loopholes and accountability gaps, highlight how it might erode public confidence and exacerbate social injustices, especially in a multicultural country like India. The lack of a specific AI legislation exacerbates these worries because current frameworks, such as the Indian Penal Code, 1860, and the Digital Personal Data Protection Act, 2023, are insufficient to handle the particular ethical and legal issues raised by AI. In the legal system, uncontrolled implementation of AI tools like SUPACE runs the risk of sustaining prejudices and undermining constitutional rights, even while they promise to be effective in addressing India's enormous case backlog. India must implement a strong AI regulatory framework that emphasizes openness, bias reduction, corporate responsibility, and public involvement in order to address these issues. It should also include international best practices that are adapted to its socioeconomic setting. In accordance with constitutional requirements and bolstering public confidence in institutions, such a framework would guarantee that AI functions as an instrument for justice. Importantly, any discussion of AI personality needs to wait until human rights safeguards are consistently applied in order to avoid prematurely elevating artificial beings above underprivileged groups. India can embrace AI's revolutionary potential while preserving the Constitution's commitment

to justice, equality, and dignity by promoting inclusive government, judicial monitoring, and innovative legislation. The way forward is a principled strategy that combines the long-standing principles of India's constitutional democracy with ethical AI development, making sure that technology strengthens rather than weakens the rule of law. India runs the danger of widening disparities and eroding public confidence in a system already burdened by backlog and complexity if it does not have a strong AI law. To maximize AI's advantages while preserving the fundamental principles of the Constitution, a forward-thinking regulatory structure based on accountability, openness, and inclusion is necessary.