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JURISTIC PERSONALITY

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ABSTRACT

The term juristic people, also known as persona ficta or persona morale, is most commonly used to refer to the organisation through which corporate action is carried out. Public corporations are those that exist for the purpose of administering governmental powers. Private corporations are those that are run for the purpose of enriching private individuals. For the purposes of this investigation, the distinction is irrelevant; our goal is to determine the nature of the person, being, or group through which the collective will of the corporation's members manifests itself. Personality is thus considered an attribute not only of men, but of groups of men acting as a unit to achieve a common goal. This person, who is not a human being, is referred to as a juristic person in order to distinguish it from mankind's physical personality. The body corporate, as previously stated, is at the heart of the corporate or legal personality. It is difficult to find an exact definition for body corporate because there is controversy surrounding the term, with differing opinions on whether it has a real personality or if its juristic personality is merely a legal fiction.

INTRODUCTION

The primary goal of law is to regulate the interactions of individuals in society. The reasonableness of a person's acts and omissions is used to determine their validity. Acts that do not adversely affect the interests of others are considered legal, whereas acts that infringe on the rights of others are considered unlawful. Individuals are required by law to fulfill certain obligations in order to protect humanity's interests. As a result, rights and responsibilities serve as the foundation for determining the legality of man's actions. Liability for unreasonable and

unlawful acts is imposed by law, and its enforcement is ensured through legal sanctions. The law being concerned with regulating the human conduct, the concept of legal personality constitutes an important subject-matter of jurisprudence because there cannot be rights and duties without a person.

The word "person" comes from the Latin word "persona," which refers to a mask worn by actors while performing various roles in a play. Until the 1960s, the term was used to describe a man's role in life. After that, it began to be used in the sense of a living being with rights and responsibilities. It is now used in a variety of disciplines in various ways. The term has come to be used in a broader sense in modern times, encompassing not only human beings but also associations, gods, idols, corporations, and so on.

A human being's personality refers to the possession of certain characteristics that are unique to humans, such as the ability to think, speak, and act. As a result, there are certain characteristics that distinguish a human being as a person with a legal personality.

ORIGIN OF THE CONCEPT OF LEGAL PERSONALITY

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A 'person' is defined as a subject or bearer of a right in general. However, this is a rather narrow interpretation of the term, as a person also has responsibilities. Individual human beings are subjects of rights and duties in general, but the law also recognizes certain groups of persons or property as being capable of being subjects of rights and duties by bestowing artificial personality on them. The word 'person' comes from the Latin word *persona*, which originally referred to a mask worn by actors in a drama. Until the sixth century, the word was used to describe a man's role in life. Following that, it began to be used in the sense of a living being with rights and responsibilities.

There are two types of people recognised by the law: natural and artificial. The former refers to human beings, while the latter refers to non-human beings who have duties and rights recognised by the law. Corporation is one of the most well-known artificial persons. Many writers have limited the term 'personality' to human beings alone because they are the only ones who can be the subject of rights and duties, and thus of legal or juristic personality.

Many writers have limited the term 'personality' to human beings alone because they are the only ones who can be the subject of rights and duties, and thus of legal or juristic personality. However, it should be noted that the term has a much broader legal meaning in law, and includes gods, angels, idols, corporations, and other entities that are not human beings. On the other hand, there may be living persons, such as slaves, who were not treated as persons in law because they lacked the capacity to have rights and responsibilities. Similarly, under Hindu law, an ascetic (sanyasi) who has renounced the world loses all proprietary rights and his entire estate is passed on to his heirs and successors, as well as his legal personality.

DEFINITION OF LEGAL PERSON

Different jurists have defined 'persons' in various ways.

'Will' is the essence of legal personality, according to German jurist Zitelmana. "Personality is the legal capacity of will," he says, "and men's bodiliness for their personality is a wholly irrelevant attribute."

Salmond

A 'person,' according to Salmond, is: "any person or thing that the law recognises as having rights or obligations. Any being that is capable of such things is a person, whether human or not, and nothing that is not capable of such things is a person, even if he is a man".

Gray

A 'person,' according to Gray, is an "entity to which rights and duties may be attributed." In law, any being capable of holding a right or duty, whether human or not, is referred to as a "person." there may be a person who has duties but no rights such as 'slaves' when slavery was prevalent.

According to G. W. Paton, legal personality is a medium through which some such units are created in whom rights can be vested.

A person who practices law is not a human being. It could be any other subject-matter, such as a thing, a collection of property, or a group of people to whom the law has bestowed personality. In other words, juristic persons are things, masses of property, or institutions to which the law

bestows legal status and who, in the eyes of the law, have the same rights, liabilities, and responsibilities as natural persons.

To put it another way, a legal person does not have to be a human being. An idol, for example, is a legal person in Hindu law. Legal personality is a legal device that grants artificial persons certain powers and capacities

LEGAL PERSONALITY IS A FICTION OF LAW

The artificial personality bestowed on certain non-living entities and inanimate objects, and their treatment as 'persons,' is the result of a legal fiction introduced for the purpose of bestowing the character and properties of individuality on a group of people. To put it another way, legal fiction is something false that the law assumes or accepts as true. For example, despite not being a natural person, a company, corporation, or idol is treated as a legal person by fiction of law in order to determine their rights, claims, duties, obligations, and liabilities.

LEGAL PERSONALITY CONSTITUTES RECOGNITION

Human nature is not legal personality. The identification of an object or corpus as the embodiment of specific rights and duties by the law is known as legal personality. In some circumstances, rights and duties that are normally granted on natural persons are conferred on inanimate objects or collectives, resulting in the establishment of an artificial legal person. An artificial legal person is a legal person to the degree that the law recognises the rights and responsibilities that have been attributed to them, whether by statute or judicial interpretation. Salmond correctly observes that the rights and responsibilities bestowed on artificial legal entities eventually serve the interests and welfare of natural individuals. Human nature is not legal personality. The identification of an object or corpus as the embodiment of specific rights and duties by the law is known as legal personality. In some circumstances, rights and duties that are normally granted on natural persons are conferred on inanimate objects or collectives, resulting in the establishment of an artificial legal person. An artificial legal person is a legal person to the degree that the law recognises the rights and responsibilities that have been attributed to them, whether by statute or judicial interpretation. Salmond correctly observes that

the rights and responsibilities bestowed on artificial legal entities eventually serve the interests and welfare of natural individuals.

Legal systems have broadened the definition of a 'legal person' beyond natural beings by giving legal personhood. Juristic beings formed in this manner do not have human nature. Their legal personality, on the other hand, is made up of the rights and responsibilities bestowed upon them by statute or the courts in order to fulfill the goal for which such identity was conferred. It's critical to comprehend the circumstances, under which legal personality is bestowed, as well as the rights and responsibilities ascribed to the inanimate things on whom it is bestowed.

LEGAL STATUS OF UNBORN PERSON

From the moment of his birth until his death, an individual is regarded a natural person. Such a natural person has legal personality because he is capable of bearing rights and obligations. A natural person does not have a legal personality before birth or after death. As a result, a natural person must be living in order to have rights and responsibilities.

By legal fiction, a child in a mother's womb is considered to be already born. He will have legal status if he is born alive. Though the law typically considers live human beings, an exemption is made in the instance of an infant in ventre sa mere. A child in the mother's womb is considered as existing under English law, and property can be vested in its name. Article 906 of the French Civil Code allows property to be transferred to an unborn child. A gift to a person who does not exist, however, is void under Mohammedan law. Both the law of crimes and the law of torts recognise a child in the mother's womb to be a person.

Property can be transferred in trust for the benefit of an unborn person under section 13 of the Transfer of Property Act. Similarly, section 114 of the Indian Succession Act of 1925 allows for the development of a prior interest before an unborn person can be made the owner of property, whether corporeal or incorporeal, but no property is regarded to be vested in the unborn person until he is born alive. In Hindu law, a child in the mother's womb is also considered to exist for certain purposes. Such a child has a right to coparcenary property under Mitakshara law.

LEGAL STATUS OF A DEAD MAN

The term "Dead man" does not refer to a legal entity. A person's legal personality ends the moment he dies. Dead men are considered to have put down their rights and duties with their death, therefore they are no longer bearers of rights and duties. Personal action moritur cum persona- activity dies when a man dies. Death marks the end of a person's personality. A dead person no longer has any legal rights or obligations. Nonetheless, the law recognises and considers the wishes or intentions of a deceased person to some extent. Law ensures a dignified burial, honours the deceased's intentions for the disposition of his possessions, safeguards his reputation, and, in some situations, continues ongoing legal action brought by or against a person who is now deceased.

In terms of a dead man's body, criminal law ensures that all dead men are properly buried. In addition, under Section 297 of the Indian Penal Code, any crime that amounts to indignity to any human corpse is punishable. Any imputation made against a deceased person that hurts the reputation of that individual if he or she is alive and is meant to hurt the feelings of his family or other close relations is considered defamation under section 499 of the Indian Penal Code.

In the case of *Ashray Adhikar Abhiyan v Union of India*¹, the Supreme Court ruled that even a homeless person who is found dead on the street has the right to a respectful burial or cremation according to his religious beliefs.

In Article 21, the word and expression 'person' would include a dead person in a limited sense, and his rights to his life, which include his right to live with human dignity, would have an extended meaning to treat his dead body with respect, as he would have deserved if he had been alive and subject to his tradition, culture, and religion, which he professed. Unless it is required for the purposes of establishing a crime to ascertain the cause of death and be subjected to postmortem or for any scientific investigation, medical education, or to save the life of another person in accordance with law, the State must respect a dead person by allowing the body to be treated with dignity.

¹ Writ Petition (civil) 143 of 2001

LEGAL STATUS OF IDOL AND MOSQUE

Idol is a legal entity that has been recognised by the courts and hence has the ability to own property.

Its role, however, is similar to that of a minor because the priest, i.e., Pujari, serves as a guardian for the idol, i.e., Deity.

In *Yogendra Nath Naskar v. Commissioner of Income Tax*², the Supreme Court of India declared that an idol is a legal entity capable of owning property and being taxed through its shebait, who are entrusted with the possession and management of its assets.

The Supreme Court held in *Vijay Chand v. Kalipa* that if an idol (deity) is allowed to own property under the law, there is no reason why it should not be subject to taxation under the law of taxation. The rule against perpetuity does not apply to religious endowments because of the legal personality of idols. In *Devkinandan v. Muralidhar*³, the Supreme Court declared that the property of a Hindu temple or an idol belongs with the idol, whereas custody and control vests in Shebait as estate manager.



The legal identity of a mosque has been a source of contention in the courts. The High Court of Lahore held in *Maula Bux v. Hafizuddin*⁴ that a mosque was a juristic person who may be sued. The Privy Council, on the other hand, held the opposite opinion in the case of *Masjid Shahid Ganj*, stating that mosques are not artificial people in the sense of the law, and so no cases can be launched by or against them. However, the Privy Council left open the question of whether a mosque can be considered a juristic person for any purpose.

The Supreme Court ruled in the case of *Siromani Gurdwara Parbandhak Committee v. Somnath Das*⁵ that the 'Guru Granth Sahib' is the Sikhs' holy Granth as a legal person. The Court denied the request to equate Guru Granth Sahib to a Hindu idol because idol worship is against Sikh

² 1969 AIR 1089, 1969 SCR (3) 742

³ 1957 AIR 133, 1956 SCR 756

⁴ 1970 AIR 1955, 1970 SCR (1) 928

⁵ Civil Appeal No. 3968 of 1987

religious teachings, but asserted that Sikhs regard and revere Guru Granth Sahib in the same way as Hindus consider and respect an idol. The Supreme Court further clarified that the Holy Books of other religions, such as the Bibles of Christians, the Holy Qurans of Muslims or the Ramayana, and the Bhagavad Gita of Hindus, are not considered as legal people, although Guru Granth Sahib is.

CONCLUSION

The Latin word 'persona' is the source of the word 'person.' It encompasses not only human beings, but also anyone or anything who is allowed to assert legal claims or is bound by legal obligations. From a legal standpoint, human beings are not required to wear the mask of personality. Artificial legal persons are created, and the law recognises them as such. They are only persons in the eyes of the law, not in the eyes of the public. They're also made up of legal fiction, so they're referred to as fictitious. They are referred to as fictitious, juristic, artificial, or moral, among other terms.

In law, for example, idiots, dead people, corporations, companies, idols, and so on are all considered legal entities.

In philosophic terms, personality refers to a person's rational substratum. In law, it refers to a unit that has both rights and responsibilities. Humanity and personality should be distinguished. Humanity refers to natural human beings only, but personality has a technical definition that includes inanimate objects as well. As a result, personality extends beyond humanity. Humanity and personality sometimes coincide, and sometimes they don't. Similarly, there are legal entities that are not humans, such as an idol or a corporation.

As a result, legal personality in law raises two issues. The first question is who is recognised as a person by law, and what are the principles or theories that underpin that recognition. The second question concerns the scope of these (legal) persons' rights and obligations.

At various levels, a person's legal status, the legal status of an unborn child, and the legal status of environmental resources differ. The person who benefits the most from rights and privileges is said to be a natural or legal person. The rights and privileges of an unborn child are conditional on whether or not he is born alive. In the legal world, the environment and its resources are given a lot of weight. To protect the environment from degradation, various case laws, doctrines, and

principles have been established.

These non-living personalities have legal personality and can own, use and dispose of property in their own names. This benefit is denied to unincorporated institutions because their existence is not distinguishable from that of their members.

Only incorporated bodies can sue or be sued, and unincorporated bodies cannot sue or be sued in their own names. This rule was particularly useful for trade unions, which were frequently not incorporated. The House of Lords decided in 1901 in *Taff Vale Railway Co. v. Amalgamated Society of Railway Servants*⁶ that a trade union could be sued for damages arising from the wrongful acts of its officials. In addition, the union was required to pay £ 2300 in damages and legal fees. The trade unions campaigned against the decision, and the Trade Disputes Act of 1906 provided complete protection from decisions like the *Taff Vale Railway Company*.

Keelson's analytical approach to legal personality has led him to the conclusion that there is no legal distinction between natural and legal persons. Personality in law entails the assignment of rights and responsibilities. As a result, the procedural form of the concept of juristic personality should be used to assign rights and responsibilities.

REFERENCES:

1. Indian Penal Code, 1869
2. N. V. Paranjape, *Studies in Jurisprudence and Legal Theory*, 2016

⁶ [1901] AC 426