INDIAN JOURNAL OF LEGAL REVIEW

VOLUME 5 AND ISSUE 9 OF 2025

INSTITUTE OF LEGAL EDUCATION

INDIAN JOURNAL OF LEGAL REVIEW

APIS – 3920 – 0001 | ISSN - 2583-2344

(Open Access Journal)

Journal's Home Page – https://ijlr.iledu.in/

Journal's Editorial Page - https://ijlr.iledu.in/editorial-board/

Volume 5 and Issue 9 of 2025 (Access Full Issue on - https://ijlr.iledu.in/volume-5-and-issue-10-of-2025/)

Publisher

Prasanna S,

Chairman of Institute of Legal Education

No. 08, Arul Nagar, Seera Thoppu,

Maudhanda Kurichi, Srirangam,

Tiruchirappalli – 620102

Phone : +91 94896 71437 - info@iledu.in / Chairman@iledu.in

INDIAN JOURNAL OF LEGAL REVIEW [IJLR – IF SCORE – 7.58]

VOLUME 5 AND ISSUE 9 OF 2025

APIS – 3920 - 0001 *(and)* ISSN - 2583-2344

Published by

Institute of Legal Education

https://iledu.in

POSTHUMAN LEGAL RIGHTS

AUTHOR - KRISHA THAKKAR, STUDENT AT AMITY LAW SCHOOL, AMITY UNIVERSITY, MUMBAI

BEST CITATION - KRISHA THAKKAR, POSTHUMAN LEGAL RIGHTS, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 5 (9) OF 2025, PG. 181-192, APIS – 3920 – 0001 & ISSN - 2583-2344.

This article is published in the collaborated special issue of Amity Law School, Amity University, Mumbai and the Institute of Legal Education (ILE), titled "Emerging Trends in Law: Exploring Recent Developments and Reforms" (ISBN: 978-81-986345-1-1).

Chapter 1: Introduction

1.1 Background and Rationale

With fast growth in technology, the line between humans and non-humans is not so clear anymore. Post-human beings like AIs, humans with machine parts, and made-from-scratch life forms are no longer just imaginary. With progress in artificial intelligence, cybernetics, and bio-engineering, these beings could soon have powers equal or even stronger than humans—like thinking on their own, being aware, and making choices.

The problem is that our current legal systems were made mainly for people, and sometimes for animals. These laws are not ready to deal with the new challenges that come from these post-human beings. The idea of "personhood"—which means having legal rights—has always been for humans. But now, as we come closer to creating life that can think or feel, it's clear that our legal rules need to change.

This study is important because of a few serious reasons:

Tech is moving fast: As AI and other techs grow, these new types of beings will soon be part of society. Even if they are not human, they might still deserve rights and protection so they are not treated badly.

Big moral questions: If a being can think or feel, how should we treat it? Our current laws don't answer this. That could lead to people using or abusing them unfairly.

What is a legal person? : If these new beings can act alone, maybe they need their own legal identity—not just "human" or "not human." They might need rights like freedom, privacy, or owning their own ideas.

Social changes: These beings could bring big changes in jobs, politics, and daily life. If they don't get legal protection, they might be ignored, mistreated, or left out, causing more unfairness in society.

This research wants to explore how laws can grow to fit post-human life. The goal is to build a fair system where these beings get the respect and protection they deserve. In the end, this work will help guide future laws so humans and post-humans can live together in a fair and balanced way.

1.2 Research Problem

The main problem in posthuman legal rights, especially about AI and non-human beings, is that today's laws are not enough to deal with the new issues brought by smart and independent technologies. Right now, our legal systems are not made to handle the presence of machines or created beings that can think, decide, or act on their own.

INDIAN JOURNAL OF LEGAL REVIEW [IJLR – IF SCORE – 7.58]
VOLUME 5 AND ISSUE 9 OF 2025
APIS – 3920 - 0001 *(and)* ISSN - 2583-2344
Published by
Institute of Legal Education
https://iledu.in

So, the big question is: How can we change and grow our legal systems to give proper rules, rights, and responsibilities to posthuman beings—like AI, robots, and bio-made life—while also making sure that human rights, ethical control, and accountability stay protected in this fast-changing tech world? This research looks at how laws must adapt for a future where humans and post humans live and interact together, to avoid legal gaps, unfair treatment, or chaos in society.

1.3 Research Objectives

Current legal systems are mostly built around human needs and behaviour, which makes it hard for them to handle the new problems caused by AI, robotics, and other non-human entities. These systems are not prepared to manage how independent and smart AI can be. Since AI can now make decisions and act on its own, old laws that focus only on human responsibility no longer cover everything. This creates big gaps in the law, especially when something goes wrong and it's not clear who should take the blame. One of the biggest issues is the split in liability. When an AI system causes harm, it's hard to say who should be responsible. Should it be the developer who built the AI? The user who ran it? Or the AI itself? Right now, there are no clear answers. Because of this, many researchers and lawmakers are looking at the idea of giving AI some kind of legal status, like "electronic personhood." This would mean treating certain AIs like legal persons in some situations, just like companies have legal rights even though they're not people. If AI is given some kind of personhood or legal status, it could change how we think about rights and responsibilities. It also raises big ethical questions, like what kind of rights AI should have and how we should treat them if they become more advanced. These decisions will affect how we build and use AI in the future, and how we protect human rights at the same time. To solve the problem of harm caused by AI, we need models that clearly show who should take the blame. This includes looking at the role of the developer, the user, and the AI itself. At the same time, there need to be new legal steps that make sure someone is always accountable for what AI does. That includes rules for when AI makes decisions that affect real people.

1.4 Research Questions

One important question in today's legal discussion is whether AI and other non-human beings should be given legal personhood or a similar legal status. As AI systems become more advanced, acting with autonomy and even making moral decisions, we need to think about how far the law should go in recognizing them as legal entities. There must be a clear set of criteria for this—maybe things like the AI's ability to make decisions, show self-awareness, or carry out complex tasks independently. These points can help decide if an AI is ready for legal recognition or not.

Another major concern is liability and accountability. When AI causes harm or damage, the big question is: who should take the blame? Should it be the person who created the AI, the person using it, the company that owns it, or the AI itself? Legal systems today struggle with this because AI decisions are often made without direct human control. We need new legal ideas that fit this situation—rules that clearly say who is responsible when an AI acts on its own.

At the same time, we need strong legal and ethical rules to make sure AI is being used the right way. Legal systems must be designed to support AI development but also protect society from harm. Ethical governance is key. This means laws should guide how AI is made and used, making sure developers and users act responsibly. We need models that keep a good balance—supporting innovation while also keeping fairness, safety, and human rights in mind.

1.5 Research Methodology

This research will use a mixed-methods approach, which brings together both qualitative and quantitative data to get a full understanding of the legal and ethical issues

around posthumanism—especially focusing on AI and non-human beings. The study will start with a wide review of academic research, law papers, policy files, and industry reports related to AI, robotics, legal theory, ethics, and technology law. This includes sources like scholarly articles, law journals, government rules, global treaties, and useful case studies. The research will look at how legal thinking about AI personhood, responsibility, ethics, and regulation has changed over time. It will also study current laws like the IT Act, 2000 in India and new global AI rules, such as the EU AI Act and the US AI Bill of Rights. Legal texts, court results, and policy documents will be analyzed to find the gaps, clashes, or unclear areas when it comes to AI.

For data analysis, the qualitative side will use thematic analysis to find repeating themes, ideas, and views in the literature, legal papers, and expert interviews. This will help build a deeper understanding of how AI affects law, society, and ethics. On the quantitative side, the study will use statistics to examine survey responses and find patterns in how AI is being regulated. This will also help measure the effect of AI on legal cases and judge which regulatory styles are working well.

A comparative legal analysis will also be done by closely comparing how different countries are managing AI rules. This will show what models work, what doesn't, and which ones might be useful for India. The goal is to give strong, fact-based advice for how India can regulate AI while keeping ethical values and innovation balanced. The study is expected to give a complete look at the legal and moral issues connected to posthuman life, especially AI. It will also point out weaknesses in today's laws and give realistic suggestions for how India can build better AI laws. The research hopes to also shine a light on the role of companies and ethical responsibility when making and using AI technology.

Timeline:

Months 1–3: Do the literature review and finalize the research design.

Months 4–6: Start gathering data through legal and policy analysis and international comparisons.

Months 7–9: Continue with expert interviews and case study collection.

Months 10–12: Analyze all data and write the final report.

This method uses a strong and layered approach to study posthuman legal rights properly, helping create fair and practical solutions for AI law and ethics.

1.6 Scope and Limitations

The scope of this research covers the legal, ethical, and societal issues linked to posthumanism, especially in connection with artificial intelligence and other non-human entities. The study focuses on major areas such as legal personhood, rights, liability, accountability, governance, and ethical responsibilities. It will mainly center on India, considering its unique legal system and socio-economic background. At the same time, it includes a brief comparison with international legal systems like the European Union and the United States, to draw useful lessons and identify global best practices. Key Indian laws such as the Constitution of India, the Information Technology Act, 2000, the Digital Personal Data Protection Act, 2023, and the Consumer Protection Act, 2019 will be examined. International laws like the EU AI Act and the US AI Bill of Rights will also be considered. Topics like algorithmic bias, privacy, transparency, and fairness will be explored, alongside ethical impact checks on AI policies.

The research has some limitations. One challenge is getting real-time data about how AI is actually being used and how it affects legal outcomes. The study will rely mostly on existing research, legal documents, and expert opinions. Also, since AI technology and related laws are changing fast, some findings might become outdated over time. This makes it important to

keep the research updated as much as possible. Due to time and space limits, the research won't be able to explore every single angle of posthuman legal rights. Instead, it will focus on the main legal and ethical problems that matter most for India's AI governance. Although international laws will be mentioned, the deep analysis will stay centered on India. Also, differences in legal traditions and social situations might make it hard to apply all findings globally. Lastly, expert interviews may have bias or limited viewpoints, so the research will use information from many sources and carefully evaluate all opinions to keep the study balanced and reliable.

Chapter 2: Theoretical Framework of Posthumanism

2.1 Concept of Posthumanism

Posthumanism is a theory that questions the old idea of putting humans at the center of everything. Unlike humanism, which became popular during the Enlightenment and focused on human reason, value, and power, posthumanism tries to go beyond that. It shifts the focus away from humans being the most important and looks at how humans relate with technology, animals, and the environment in deeper ways.

One main idea in posthumanism is the rejection of anthropocentrism—the belief that humans are above all other life forms. Posthumanism argues that humans are just one type of being in a bigger system, and other beings—like animals, machines, and nature—also deserve attention and respect. It also brings non-human actors into the picture, like artificial intelligence and hybrid beings, and shows how they play a growing role in today's society.

Posthumanism doesn't believe in strict boundaries between humans, animals, and machines. Instead, it says we all exist in a shared, connected system and are made of the same basic materials. This leads to a new way of thinking about ethics and justice—one that includes non-human beings and their rights. It pushes for laws and values that take into account the voices and needs of all kinds of entities, not just humans.

Lastly, posthumanism believes that identity is not fixed. A person or being can grow, change, and become something new over time. It accepts that we live in a world of mixed identities and different ways of being, and encourages us to think in more open and flexible ways about life and existence.[286]

2.2 Defining Posthuman Entities

Posthuman entities are beings or systems that exist beyond the usual limits of what we consider human—whether those limits are biological, mental, or social. These entities are not just improved or upgraded versions of humans; they also include non-human intelligences and hybrids created through technology, biology, or environmental change. What makes posthuman entities unique is that their abilities go so far beyond current human standards that we can no longer clearly call them human. These changes might come from artificial enhancements, bioengineering, or other types of advanced modifications. Posthuman entities come in many forms. These include synthetic artificial intelligences (AIs), cyborgs that combine humans with machines, digital minds where human consciousness is uploaded into software, and biologically enhanced humans whose bodies or minds have been changed by science. There are also beings with mixed or shifting identities, shaped by their connection to technology, nature, or other species. Unlike traditional humans who are usually seen as fixed individuals, posthuman entities are flexible, changeable, and deeply connected to the world around them. They live in a networked reality where independence is replaced by interdependence. Their identities are not stable—they can evolve, shift, and embody many forms or viewpoints over time. Some examples of posthuman entities include self-aware AI systems that can

[286] https://www.emerald.com/insight/content/doi/10.1108/978-1-80043-107-220211001/full/pdf?title=prelims

think and act on their own, humans with built-in tech like neural chips or robotic limbs, people whose minds have been transferred into digital form, and living organisms transformed by science to gain new abilities. Other examples are beings closely linked with nature or ecosystems, showing how posthumanism blends technology, biology, and the environment into one shared future.[287]

2.3 Theories of Legal Personhood

Summary Table

Theory	Core Idea	Examples	Implications
Traditional/Orthodox	Legal person = holder of rights and duties	Humans, corporations	Binary status, fixed categories
Bundle/Cluster	Personhood as a cluster of legal incidents	Animals, AI, natural objects	Flexible, context-dependent recognition
Functional/Capacity-Based	Based on functional legal capacities	AI systems	Personhood tied to abilities, not consciousness
Legal Fiction	Personhood as a legal construct for convenience	Corporations	Enables legal transactions, not actual personhood
Expanding Personhood	Inclusion of non-traditional entities	Rivers, animals, AI	Challenges anthropocentrism, broadens legal scope

These theories offer a foundation for understanding the current legal debates over who or what should be granted legal personhood, particularly as technology advances and environmental issues develop.

Chapter 3: Legal Challenges and Global Perspectives

3.1 Legal Personhood of Non-Human Entities

The idea of granting legal personhood to non-human entities has gained traction in recent years, driven by ethical, environmental, and technological concerns.

Natural Features: In some regions, like New Zealand, legal personhood has been extended to natural entities such as rivers and forests. Landmark cases like Te Urewera and Te Awa Tupua have set a precedent, where legal personhood was granted to these natural features, along with new governance structures that shifted ownership and control from the state to indigenous communities. This approach uses legal personhood not as a way to grant inherent rights to nature, but as a tool to redistribute rights and responsibilities among humans.

Artificial Intelligence and Robots: The idea of granting legal personhood to artificial intelligences and robots has also emerged, particularly within the European Union. However, these proposals have

[287] N. Katherine Hayles. How We Became Posthuman: Virtual Bodies in Cybernetics, Literature, and Informatics. Chicago: The University of Chicago Press, 1999. 350 Pp.

faced backlash and were eventually abandoned, mainly because legal personhood alone did not address critical policy concerns like liability and accountability. The focus of the debate shifted to clarifying the rights and duties associated with personhood and pinpointing the human actors ultimately responsible for the actions of these non-human entities.

Animals: The debate surrounding animal personhood continues to evolve, with some legal scholars and advocates pushing for the recognition of certain animals as legal persons to better protect their welfare. This shift would move away from seeing animals as mere property and towards acknowledging them as entities that possess rights. However, the scope and nature of these rights remain a topic of significant debate.

Theoretical Perspectives

Minimalist theories of legal personhood, like those proposed by Hans Kelsen, argue that legal personhood should not be viewed as an inherent status, but rather as a bundle of legal norms—rights and obligations. Under this view, both natural entities and artificial persons are legal constructs designed to allocate rights and duties among human actors. The development of a non-human legal person, then, becomes a tool to reshape governance and liability frameworks, rather than an acknowledgment of moral worth or agency.

Analytical and Policy Considerations

Granting legal personhood to non-human entities does not automatically provide them with substantive rights or protections. Specific rights and obligations must be carefully defined. In practice, these rights and duties are typically assigned to humans—such as guardians, managers, or beneficiaries. The success of legal personhood initiatives depends largely on the accompanying legal and governance frameworks. For example, New Zealand's approach works because it includes a well-established structure for managing the rights and responsibilities associated with legal personhood. It's important to note that legal personhood does not necessarily equate to moral personhood. The law may grant personhood for pragmatic reasons without implying that these non-human entities possess the same moral value as humans.

3.2 International Legal Frameworks

There is no universal standard for granting legal personhood to non-human entities; it varies widely across jurisdictions and contexts, influenced by local legal traditions, cultural values, and policy goals. The main challenge is ensuring that the recognition of legal personhood for non-human entities is supported by fair and robust frameworks for governance, accountability, and the allocation of rights and duties.

3.3 AI Liability and Accountability

The rapid integration of artificial intelligence (AI) across various sectors has introduced complex legal challenges related to liability and accountability. As AI systems become more autonomous and capable of self-learning, traditional legal frameworks often struggle to determine responsibility when AI causes harm or error. AI's autonomous decision-making further complicates the assignment of liability, particularly in situations where human oversight is minimal or absent. For example, accidents involving autonomous vehicles or errors in AI-driven healthcare diagnoses raise questions of product liability and negligence that are not well-suited to AI. Product liability, which typically covers manufacturing or design defects, becomes complicated when AI systems evolve after deployment, making it difficult to pinpoint fault. Similarly, negligence standards based on foreseeability and duty of care are challenging to apply when AI actions are unpredictable or not directly controlled by humans. Existing laws, such as those in Germany and the EU, often fail to directly address AI, leading to legal uncertainty. Without clear statutory provisions for AI-generated harm, courts are left to

interpret outdated laws, resulting in inconsistent outcomes.

Emerging Legal Approaches

Approach	Description	Example/Development
Product Liability	Treats AI as a product; manufacturers, importers, and suppliers can be held liable for defects.	EU's proposed Product Liability Directive now explicitly covers software and AI systems.
Fault-Based Liability	Requires proof of negligence or failure to exercise reasonable care.	Challenging for AI due to opacity and unpredictability.
Strict Liability	Holds parties liable regardless of fault, especially for high-risk AI systems.	Under debate; concerns about stifling innovation.
Burden of Proof Reversal	Shifts the burden to manufacturers to prove they were not at fault, especially after substantial modifications or updates to AI.	EU's Product Liability Directive amendments.
Documentation & Transparency Requirements	Mandates thorough documentation of AI development, deployment, and updates to facilitate liability assessment.	EU and German proposals; crucial for self-learning AI.
AI-Specific Legislation	New laws and directives tailored to address unique risks and challenges posed by AI.	EU's draft AI Liability Directive and AI Act

Chapter 4: Indian Legal Framework and Challenges

4.1 Existing Legal Frameworks Related to AI in India

India currently lacks a dedicated, comprehensive legal framework specifically regulating artificial intelligence (AI). However, several existing laws, policies, and government advisories collectively offer indirect governance and oversight of AI technologies, focusing on areas such as data protection, digital transactions, content regulation, and ethical AI deployment.

Information Technology Act, 2000 (IT Act)

The IT Act is India's primary legislation governing electronic transactions, cybersecurity, and digital governance. While it was enacted before the rise of AI, several provisions are relevant to AI systems. For instance, Section 43A mandates compensation for negligence in handling sensitive personal data, which applies to AI systems processing user data. Section 66D penalizes cheating through impersonation using computer resources, which is relevant to AI-generated deep fakes or fraudulent content. Section 67

prohibits publishing or transmitting obscene material electronically, which could extend to harmful AI-generated content. The IT Act also lays the foundation for intermediary liability rules affecting AI platforms.

Digital Personal Data Protection Act, 2023

This recent legislation provides a comprehensive framework for personal data protection, which is crucial for AI systems that collect, store, and process large volumes of data. Requirements for user consent, transparency, and data minimization. Data localization mandates for sensitive personal data, impacting AI services reliant on cross-border data flows. Obligations for timely reporting of data breaches, enhancing accountability in AI deployments.

4.2 Judicial Precedents and Recognition of Non-Human Entities in India

Indian courts have played a pivotal role in recognizing non-human entities as legal persons, marking a shift from anthropocentric to ecocentric and inclusive jurisprudence. This judicial recognition has extended to deities, animals, and environmental entities such as rivers, forests, and even "Mother Earth." Below are key judicial precedents and their significance:

Judicial Precedents and Recognition of Non-Human Entities in India

Deities and Religious Idols

Indian law has historically recognized Hindu deities and idols as juristic persons, enabling them to hold property, sue, and be sued through human representatives. The Supreme Court, in cases like *Shiromani Gurudwara Prabandhak Committee, Amritsar v. Shri Somnath Dass* and *Ram Jankijee Deities & Others v. State of Bihar & Others*, reaffirmed that the recognition of a juristic person arises from societal needs and faith. This allows non-human entities, such as deities, to possess rights and duties in the legal realm.

Animals as Legal Persons

Animal Welfare Board of India v. A. Nagaraja & Ors. (2014):

The Supreme Court expanded the scope of Article 21 (Right to Life) of the Indian Constitution to include animals, affirming their right to live with intrinsic worth, honor, and dignity. While this judgment did not explicitly grant personhood to animals, it laid the groundwork for further legal advancements regarding animal rights.

Narayan Dutt Bhatt v. Union of India & Ors. (Uttarakhand High Court, 2018):

The court declared the entire animal kingdom as legal entities with corresponding rights, duties, and liabilities similar to those of humans. It recognized citizens as "in loco parentis" (guardians) for animals, reinforcing the notion of legal protection for animals.

Karnail Singh & Ors. v. State of Haryana (Punjab & Haryana High Court, 2019):

The court extended legal personhood to all animals, including avian and aquatic species, declaring that all citizens act as guardians for them. This decision marked a shift towards an eco-centric legal approach, emphasizing that legal personhood should not be confined to humans alone.

Environmental Entities and Rivers

Mohd. Salim v. State of Uttarakhand (Uttarakhand High Court, 2017):

The court granted legal personhood to the Ganga and Yamuna rivers, conferring upon them rights, duties, and liabilities similar to those of living persons. This ruling was later extended to glaciers, forests, and other natural entities, marking a significant moment in Indian environmental jurisprudence.

Subsequent Developments:

Though the Supreme Court stayed the Uttarakhand High Court's decision, the judgment remains a milestone, influencing ongoing debates about the rights of nature. It has inspired a broader conversation on

recognizing the legal status of environmental entities in India.

Madras High Court (2022): In a ground breaking move, the Madras High Court declared "Mother Earth" as a legal personality. This decision further expanded the scope of environmental entities recognized by Indian courts, signaling a shift towards greater legal recognition for the natural world.[288]

4.3 Challenges in Regulating AI and Posthuman Entities in India

India currently lacks a comprehensive, dedicated law for artificial intelligence (AI). Instead, the regulatory landscape is characterized by a patchwork of sector-specific regulations, policies, and guidelines. These include the Information Technology Act, 2000 (IT Act), the Digital Personal Data Protection Act, 2023, and various advisories issued by agencies like NITI Aayog and the Telecom Regulatory Authority of India (TRAI). This fragmented regulatory approach results in several gaps in oversight, inconsistent enforcement, and legal uncertainty for stakeholders, particularly those involved in the development and deployment of AI technologies.

The Indian government's stance on AI regulation has varied over time, oscillating between a hands-off, pro-innovation approach and calls for more stringent regulatory intervention aimed at protecting users from potential harm. This shifting approach, exemplified by ongoing discussions about the proposed Digital India Act, reflects the uncertainty surrounding the government's strategy on AI governance. Such uncertainty complicates long-term planning and compliance for businesses and investors, as they face an unpredictable regulatory environment.

One of the most significant challenges in regulating AI in India is assigning liability for harms caused by autonomous AI systems. Traditionally, Indian law associates criminality and liability with human actors, making it difficult to address situations in which AI systems operate independently or in unexpected ways. There is a lack of legal clarity on who should be held accountable for AI-driven errors, biases, or damages—whether it is the developers, deployers, users, or manufacturers of these systems. The complexity of AI systems, especially those based on deep learning, often results in them operating as "black boxes" where it is difficult to audit decisions or explain outcomes. This opacity adds to the challenge of regulatory oversight and raises concerns about the embedded biases, discrimination, and unfair outcomes that may occur in AI-driven systems—issues that current Indian laws are poorly equipped to address.

Furthermore, AI's integration with other emerging technologies, such as blockchain and the Internet of Things (IoT), exacerbates cybersecurity risks. The lack of specificity in current laws regarding AI's role in cyber threats, adversarial attacks, and data privacy breaches creates significant gaps in regulatory response and risk management. As AI continues to converge with other technological advances, the complexity of managing these risks will only increase, making it imperative for Indian law to evolve and develop clearer, more comprehensive frameworks for AI governance.

Chapter 5: Future of Posthuman Legal Rights

5.1 Future Legal and Policy Directions

The future of posthuman legal rights will be shaped by fast-moving tech changes, new ways of thinking, and the growing need to fix the limits of human-centered laws. As things like AI, biotech, and climate problems push legal boundaries, a few key directions are starting to stand out:

Rethinking Who Counts as a Legal Person

Moving from just "human rights" to broader "person rights" is becoming more important. If AI, animals, ecosystems, or even cyborgs are seen as legal persons, then the law has to move

[288] https://pucl.org/manage-writings/jallikattu-violates-the-dignity-and-civil-liberties-of-non-human-animals/

past just biology or species. Instead, it might focus more on things like function, relationships, or certain abilities when deciding who gets rights. Experiments in giving legal status to rivers, animals, or AIs are just the beginning. For this to work long term, laws need to clearly say what rights and duties these non-human beings have, and who will speak or act on their behalf—like we already see with guardianship models in some countries.

Posthuman and New Materialist Law Ideas

Posthuman legal thinking says we need laws that don't just put humans at the center, but also include the role and impact of tech, nature, and other living or non-living forces. This means reworking ideas like ownership, blame, and rule-making to match the messy, mixed-up reality of humans, machines, and the planet. Some countries like Ecuador and Colombia are already showing how law can be reimagined by blending in Indigenous beliefs, giving nature and culture equal respect. This "bottom-up" shift helps create new kinds of rights based on shared living and local knowledge.

Rules for Enhanced Humans and Cyborgs

As tech starts mixing with our bodies—through implants, genetic tweaks, or brain-computer links—laws will need to catch up. People with these upgrades might need new rights, like protection from being treated unfairly or having their privacy invaded. But it's also important to make sure these advances don't widen the gap between rich and poor, or break the core idea that everyone should be treated equally. Strong social and ethical rules will be key to keep things fair and humane in a posthuman future.[289]

5.2 Recommendations for AI and Posthuman Rights Regulation

Taking cues from the latest policy reports, expert panel suggestions, and how other countries are handling things, India needs a proper gap analysis of its existing legal system to spot where AI-specific rules are missing, where just tweaking current laws might be enough, and where things are already working fine. This process should involve the Ministry of Consumer Affairs, Department of Legal Affairs, and independent research institutes working together.

The main focus should be on high-risk areas like healthcare, finance, and critical infrastructure—these need clear rules and strict oversight. At the same time, the system should leave space for innovation in sectors that carry lower risks. What's needed is a well-coordinated, "whole-of-government" approach. This means putting sector-specific regulators like the RBI, TRAI, and CCPA in charge of their domains, having MeitY set the basic ground rules, and ensuring all of this is aligned and streamlined through central coordination—ideally by a high-level body like the PMO or National Security Council Secretariat.

A dedicated National AI Safety Institute (AISI) should be set up to give expert advice, keep tabs on policy development, and build ties with global AI safety networks. AI use should be categorized based on how risky it is: binding legal rules for high-stakes uses like facial recognition or decisions that affect people's lives, and flexible ethical standards for lighter-use cases. The government should also have the power to act fast on new threats—this includes flagging key players in the AI ecosystem, responding to harms, and stepping in when the market doesn't regulate itself properly.[290]

5.3 Final Reflections on the Need for Legal Evolution

The fast growth of artificial intelligence and the rise of posthuman entities are pushing traditional legal systems into new territory. These developments are showing where existing human-centered laws fall short, and highlight the need for a major rethink in both

[289] Covarrubias, J. Z. L. HUMAN RIGHTS, TRANSHUMANISM AND POSTHUMANISM.

[290] https://www.europarl.europa.eu/RegData/etudes/STUD/2020/634452/EPRS_STU(2020)634452_EN.pdf