

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi-Disciplinary
Peer Reviewed

www.ijlra.com

DISCLAIMER

No part of this publication may be reproduced, stored, transmitted, or distributed in any form or by any means, whether electronic, mechanical, photocopying, recording, or otherwise, without prior written permission of the Managing Editor of the *International Journal for Legal Research & Analysis (IJLRA)*.

The views, opinions, interpretations, and conclusions expressed in the articles published in this journal are solely those of the respective authors. They do not necessarily reflect the views of the Editorial Board, Editors, Reviewers, Advisors, or the Publisher of IJLRA.

Although every reasonable effort has been made to ensure the accuracy, authenticity, and proper citation of the content published in this journal, neither the Editorial Board nor IJLRA shall be held liable or responsible, in any manner whatsoever, for any loss, damage, or consequence arising from the use, reliance upon, or interpretation of the information contained in this publication.

The content published herein is intended solely for academic and informational purposes and shall not be construed as legal advice or professional opinion.

**Copyright © International Journal for Legal Research & Analysis.
All rights reserved.**

ABOUT US

The *International Journal for Legal Research & Analysis (IJLRA)* (ISSN: 2582-6433) is a peer-reviewed, academic, online journal published on a monthly basis. The journal aims to provide a comprehensive and interactive platform for the publication of original and high-quality legal research.

IJLRA publishes Short Articles, Long Articles, Research Papers, Case Comments, Book Reviews, Essays, and interdisciplinary studies in the field of law and allied disciplines. The journal seeks to promote critical analysis and informed discourse on contemporary legal, social, and policy issues.

The primary objective of IJLRA is to enhance academic engagement and scholarly dialogue among law students, researchers, academicians, legal professionals, and members of the Bar and Bench. The journal endeavours to establish itself as a credible and widely cited academic publication through the publication of original, well-researched, and analytically sound contributions.

IJLRA welcomes submissions from all branches of law, provided the work is original, unpublished, and submitted in accordance with the prescribed submission guidelines. All manuscripts are subject to a rigorous peer-review process to ensure academic quality, originality, and relevance.

Through its publications, the *International Journal for Legal Research & Analysis* aspires to contribute meaningfully to legal scholarship and the development of law as an instrument of justice and social progress.

PUBLICATION ETHICS, COPYRIGHT & AUTHOR RESPONSIBILITY STATEMENT

The *International Journal for Legal Research and Analysis (IJLRA)* is committed to upholding the highest standards of publication ethics and academic integrity. All manuscripts submitted to the journal must be original, unpublished, and free from plagiarism, data fabrication, falsification, or any form of unethical research or publication practice. Authors are solely responsible for the accuracy, originality, legality, and ethical compliance of their work and must ensure that all sources are properly cited and that necessary permissions for any third-party copyrighted material have been duly obtained prior to submission. Copyright in all published articles vests with IJLRA, unless otherwise expressly stated, and authors grant the journal the irrevocable right to publish, reproduce, distribute, and archive their work in print and electronic formats. The views and opinions expressed in the articles are those of the authors alone and do not reflect the views of the Editors, Editorial Board, Reviewers, or Publisher. IJLRA shall not be liable for any loss, damage, claim, or legal consequence arising from the use, reliance upon, or interpretation of the content published. By submitting a manuscript, the author(s) agree to fully indemnify and hold harmless the journal, its Editor-in-Chief, Editors, Editorial Board, Reviewers, Advisors, Publisher, and Management against any claims, liabilities, or legal proceedings arising out of plagiarism, copyright infringement, defamation, breach of confidentiality, or violation of third-party rights. The journal reserves the absolute right to reject, withdraw, retract, or remove any manuscript or published article in case of ethical or legal violations, without incurring any liability.

RETHINKING PERSONHOOD: COGNITIVE CRITERIA AND THE LIMITS OF LEGAL RECOGNITION

AUTHORED BY - AYUSHI SINGH & ANANYA SINGH

ABSTRACT

This paper looks at a simple but important question what makes someone a “Person.” It explains the difference between just being biologically alive and actually being a person in a deeper sense. Some thinkers, like Michael Tooley¹, believe that being a person depends on having thoughts, feelings and especially the ability to understand. Thinkers like Michael Tooley believe that being a person depends on having thoughts, feelings and especially the ability to understand and want to continue living. Using this idea, the paper explores whether beings like ²foetuses, infants and even animals can be considered persons. At the same time, the paper compares this philosophical view with how the law actually works especially in India. The law usually focuses more on biological life and the need to protect everyone. Even those who may not be able to think or express their will. The paper highlights a key problem. If we define personhood only based on mental ability. Some vulnerable groups may lose protection. Therefore, it argues that the law should find a balance taking into account ideas about thinking and awareness while still ensuring that all individuals are protected equally.

KEYWORDS

Psychological continuity · Legal personhood · Moral personhood · Right to life · Article 21 · Indian Constitution · Desire-based rights theory · Speciesism · Animal welfare · Legal fiction · Constitutional morality.

¹ Michael Tooley, *Abortion and Infanticide*, 2 *Phil. & Pub. Aff.* 37, 44–45 (1972).

² Peter Singer, *Practical Ethics* 49–50 (3rd ed. 2011).

1. INTRODUCTION

1.1 The Ontological Paradox

One of the most fundamental questions humans have asked is what does it mean to be “Person”. This question is not just philosophical; it has real world consequences. It determines who is entitled to rights protection and dignity under the law as science and medicine advance especially in understanding life consciousness and the human mind this question has become even more complex.

Today, the law is often faced with difficult situations. For example, how should we treat a person who is biologically alive but has permanently lost the ability to think or feel?³ On the other hand, should certain animals be given rights⁴ because they can experience pain and emotions? Courts in India have encountered such questions, showing how legal decisions increasingly overlap with philosophical ideas about personhood.

This creates what can be called an ontological paradox, a conflict between what exists biologically and what qualifies as a person in a moral and legal sense.

1.2 The conflict: Biology versus cognition.

Traditionally, the law in India has linked personhood closely with being human that is. a biological definition. In simple terms, if you are a human being, you are treated as a person under the law.

However, philosophers offer a different perspective. Thinkers like Michael Tooley argue⁵ that being a person depends not just on being biologically human, but on mental abilities such as thinking, feeling and most importantly, having a desire to continue living. According to this view, the right to life is connected⁶ to the ability to understand and want one’s own continued existence.

This creates a clear conflict:

- If personhood is based only on biology, then all humans are persons, regardless of their mental state.
- If personhood is based on cognitive liabilities, then some humans (such as those in a permanent vegetative state) may not qualify as persons, while some non-human beings (Like certain animals) might.

³ *Aruna Ramchandra Shanbaug v. Union of India*, (2011) 4 SCC 454.

⁴ *Animal Welfare Board of India v. A. Nagaraja*, (2014) 7 SCC 547.

⁵ Michael Tooley, *Abortion and Infanticide*, 44–45 (1972).

⁶ Michael Tooley, *Abortion and Infanticide*, 44–45 (1972).

This raises an important concern: the terms “Human” and “Person” are often used interchangeably, but they may not actually mean the same thing.

1.3 Thesis Statement.

This paper argues that while the idea of personhood based on mental capacity especially the will to live is philosophically strong, it cannot be used as the sole basis in law.

The law must strike a balance. It must remain fair, practical, and protective, especially towards vulnerable individuals who may not may not strict cognitive criteria.

Therefore, this study proposes a more balanced approach: Personhood should be understood through the idea of continuity (the ongoing identity of an individual over time) while ensuring that legal protections are not denied to those who are vulnerable or unable to express their will.

1.4 Road map of the study

To support this argument, the study is divided into five parts:

1. Literature Review.

This section examines key philosophical ideas on personhood, including the works of thinkers such as John Locke⁷, Peter Singer⁸ and Derek Parfit⁹.

2. Core Analysis.

This part focuses on the “Logic of desire,” exploring the difference between merely avoiding pain and actively wanting to continue living, and why this distinction matters for rights.

3. Jurisprudential Bridge.

Here, philosophical ideas are connected with legal theory. Concepts from scholars like Savigny and Hohfeld¹⁰ are used to explain how the law assigns rights, even when they do not perfectly align with philosophical definitions.

4. The Indian legal landscape.

This section analyses how Indian law approaches personhood, with reference to Article 21¹¹ of the Constitution, the Medical Termination of Pregnancy Act¹², and key judicial

⁷ John Locke, *An Essay Concerning Human Understanding*, Bk II, Ch XXVII, 9–10 (1690).

⁸ Peter Singer, *Practical Ethics* 49–50 (2011).

⁹ Derek Parfit, *Reasons and Persons* 202–203 (1984).

¹⁰ P.J. Fitzgerald, *Salmond on Jurisprudence* 299–302 (1966); Wesley Hohfeld, *Fundamental Legal Conceptions* 36–38 (1919).

¹¹ Constitution of India, Art. 21.

¹² Medical Termination of Pregnancy Act, 1971.

decisions, such as the common cause case¹³.

5. Conclusion.

The final section addresses concerns such as the “Slippery slope” argument and reflects on the future of personhood, especially in light of emerging developments like artificial intelligence.

2. METHODOLOGY

Simple explanation of the approach used this study mainly uses secondary data which means it does not rely on surveys, interviews or field work. Instead, it is based on already available material such as books, research papers legal provisions and court judgments. In simple terms, the paper studies what has already been written and decided about the idea of “Personhood” since the topic is connected to both law and philosophy, the research method combines legal analysis with philosophical understanding. The aim is to clearly explain how different thinkers and legal systems define who can be called a Person.

At the philosophical level. The study looks at the ideas of well-known thinkers like Michael Tooley and John Locke¹⁴. Their work helps explain concepts such as the desire to live and psychological continuity¹⁵ which focus on thinking memory and self-awareness as important factors in defining a person. These ideas are then used to understand how person can be viewed beyond just being biologically human. Since these ideas come from existing books and writings, they form part of the secondary data used in the research.

On the legal side. The study examines Indian laws such as the Constitution especially Article 21, the Indian Penal Code and the Medical Termination of Pregnancy Act¹⁶ along with important court judgment. This helps in understanding how the law defines and protects life and personhood. The research then compares philosophical ideas with legal rules to see where they agree and where they differ Overall this method helps the paper explain the issue in a balanced way by using existing knowledge to connect theory with real legal practice.

3. THE PHILOSOPHICAL FOUNDATION: DEFINING THE “SELF”

To really understand what it means to be a person we first need to ask an important question: what exactly is a person? We need to think about what makes a person the person over time.

¹³ *Common Cause v. Union of India*, (2018) 5 SCC 1.

¹⁴ Tooley (1972); Locke (1690).

¹⁵ Locke, 9–10; Parfit, 202–203.

¹⁶ Constitution of India, Art. 21; IPC, 1860; MTP Act, 1971.

This is a question that philosophers have talked about for a very long time. The question of what a person's is really important, to understanding personhood. If we want to understand, what personhood is we have to start with the idea of the person. We have to think about what makes someone a person. Personhood is an idea and it all starts with the person. While the law often uses existence as a way to determine personhood philosophers think that identity is not just about the body but about the psychological features that last over time.

There are important philosophical ideas about personhood. One is John Lockes idea that consciousness¹⁷ what makes someone a person. According to Locke what makes someone the same person at times is not their body but their memories and sense of self. This idea is important because it shifts the focus from what someone's to what they experience and remember.

Another important idea is Michael Tooley's "desire-based"¹⁸ theory of rights. Tooley thinks that rights the right to live are not automatically given to all human beings just because they are alive. Instead, they are based on the ability to want things. Tooley's argument is that for someone to have a right they must be able to want something and for them to want something they must be able to think about themselves as existing over time.

Derek Parfits idea of "connectedness"¹⁹ is also important. Parfit thinks that personal identity is not about consciousness but about the connections between different psychological states over time. This idea helps us understand that personhood is not a simple. There are no doubts in which a personhood can be seen as a spectrum. These philosophical ideas matter in the Study of personhood because they help us grasp how complex being a person really is. They question the view that just being human is enough to have rights. Instead, they stress the importance of being aware having desires and a continuous sense of self.

These three perspectives together give us a foundation to analyse personhood. They challenge the legal view that just being human is enough, for rights. They highlight how being conscious having desires and a sense of self are key.

At the time they show how hard it is to turn philosophical ideas into laws. This is an issue that the next parts of this study will try to solve.

¹⁷ Locke, 9–10.

¹⁸ Tooley, 44–45.

¹⁹ Parfit, 202–203.

4. CORE ANALYSIS: THE LOGIC OF DESIRE AND ITS IMPLICATIONS

The idea of the "Logic of Desire"²⁰ is especially important when it comes to problems. Tooley's idea that the right to live is based on the ability to want things has some implications. For example, it suggests that babies and people who are very sick may not have the right to live as people who are able to think about themselves and want things.

This idea is in conflict with what most people believe about the sanctity of life which says that all human life is valuable and should be protected. However, it is important to look at this idea and think about the assumptions that underlie our legal frameworks.

The purpose of looking at Tooley's idea is not to say that it is okay to kill babies or people who're very sick but to understand the complexities of personhood and the moral problems that come with personhood and the difficulties of dealing with personhood. Tooley's idea is something that we need to think about, in order to understand the complexities of personhood and the moral problems that come with personhood. Tooley's idea also highlights the difference between kinds of killing. While killing a self- adult is clearly wrong killing a being that is not able to think about itself may not be the same. This is a deal because it makes us think hard, about how our actions affect others morally.

The study of what makes a person is really tough. It makes us think about ideas and how they relate to right and wrong and laws. When we look at viewpoints and ideas, we can understand better what it means to be human and how we should treat each other.

The legal system cannot make a distinction between types of people in practice. This is because the law against killing babies is based on things, including keeping society safe protecting people who are vulnerable and recognizing the potential of babies to become thinking beings. A newborn baby even if it is not yet a person in the way that Tooley says has the potential to develop into a being that's aware of itself. This potential, combined with the need for laws justifies the laws strong protection of babies' lives.

The debate about killing babies is a one. Tooley's argument is consistent. Makes sense from a philosophical point of view but its conclusions are not acceptable in a legal and social context. This tension shows the challenge of balancing ideas with practical considerations.

Tooley's theory raises hard questions about humans but Peter Singer takes the debate further by challenging the boundaries of what we consider moral. Singers' idea is based on usefulness.

²⁰ Tooley, 44–45.

Focuses on things that are morally important like the ability to feel pleasure and pain. He provides a bridge between the philosophy of being a person and the ethics of animal rights.

Singer says that if we base status on things like intelligence, self-awareness or continuity of personality then it is not fair to make a strict distinction between humans and non-human animals. Some animals, like chimpanzees, dolphins or dogs show cognitive sophistication and emotional complexity than human babies or people with severe cognitive impairments.

This leads to what Singer calls the "argument from marginal cases."²¹ The argument is that we should treat all living things fairly. If we protect babies and people who are severely disabled even though they cannot think like everyone then we should also protect animals that can think and feel like humans do. If we do not do this it is, like being prejudiced against them just because they are not human. This would just be another od of discrimination towards a specific species.

The implications of this idea are very important. If the legal system wants to be consistent it faces a choice. It must. Extend rights to include some non-human animals thereby lowering the threshold of being a person or it must acknowledge that human rights are not strictly based on cognitive criteria but are sustained by a form of legal fiction namely the attribution of intrinsic value to all members of the human species regardless of their individual abilities.

This realization supports the argument that the law cannot rely on philosophical definitions of personhood without destabilizing its own foundations. Instead, it must balance criteria with socially constructed principles, such as dignity, potentiality and species membership.

Taken together Tooley's and Singers arguments show the weaknesses in rights discourse. They demonstrate that any attempt to define personhood based on logic and cognitive ability will lead to conclusions that challenge deeply held moral intuitions and legal practices. At the time they highlight the need for a more nuanced framework that acknowledges philosophical insights while preserving the protective function of the law

5. THE LEGAL BRIDGE: THEORIES OF PERSONALITY

The tension between rigor and legal pragmatism is resolved not by choosing one over the other but by understanding the unique nature of law. While philosophy seeks to define what a person is law is concerned with whom it chooses to treat as a person. This distinction is crucial.

²¹ Singer, 49–50.

5.1 The Fiction Theory²²: Personhood as a Legal Construct

The Fiction Theory provides a bridge between philosophy and law. It says that legal personhood is not a reality but a construct, created to serve functional purposes. The term "person" comes from the Latin "persona," meaning a mask. In terms this means that the law gives rights and duties to entities regardless of their characteristics. A newborn child, a corporation or even a deity in law may be treated as a "person" not because they meet philosophical criteria of selfhood but because the law deems it necessary for social order.

Applied to this study this theory explains how the Indian legal system avoids the requirements of Tooley's framework. Even if a newborn lacks continuity or self-conscious desire the law gives personhood to it to protect its interests, such as inheritance rights and protection against harm. The inquiry shifts from "What's a person?" to "Whom must the law protect?"

5.2 The Bracket Theory²³ and Potentiality

The Bracket Theory further refines this understanding by conceptualizing legal personhood as a "bracket" that groups together a set of interests. A foetus can be viewed as representing the interests of the person it will become. This framework provides a justification for the doctrine of potentiality. Even if a foetus does not currently possess attributes it is part of a developmental process that will likely lead to such attributes. The law extends protection not based on capacities but on future possibilities.

5.3 Hohfelds Jural Relations and Rights Structure²⁴

Hohfelds framework allows for a breakdown of rights and duties. When applied to the right to life it reveals the complexity of protections. If a fetus has a "right to life " this implies a duty on professionals not to terminate it. However, this must be balanced against the woman's liberty over her own body. The State exercises its power to define the threshold at which rights attach, imposing liabilities on individuals.

This analysis demonstrates that rights are not automatic but are constructed by the system. In the context full rights-bearing status crystallizes only at or near birth while earlier stages are governed by a balance of competing interests.

²² Salmond, 299–302.

²³ Rudolf von Ihering, *Law as a Means to an End*, 398–400.

²⁴ Hohfeld, 36–38.

6. THE INDIAN LEGAL LANDSCAPE: ARTICLE 21 AND THE COGNITIVE SPECTRUM

The Supreme Court of India has progressively interpreted article 21 to encompass broader dimensions of existence.

6.1 Article 21 and quality of life²⁵

Article 21 now includes “quality of life” dignity, and autonomy. In *Aruna Ramachandra Shanbaug v Union of India* 2011²⁶ The court held that loss of psychological continuity diminishes life’s intrinsic value, aligning with Tooley’s 1972 paper that experiential subjectivity is essential for personhood.

6.2 The MTP Act²⁷ and Potentiality

The Medical Termination of Pregnancy Act represents a compromise within the framework. By setting a 24-week limit, the law adopts a market as a proxy for personhood. However, from a Tooleyan perspective, this threshold remains arbitrary as a viable foetus still lacks self-consciousness.

6.3 Expanding the Boundary: Animal Welfare and Dignity

In *Animal Welfare Board of India v. A. Nagaraja*²⁸, the Supreme Court extended protection to animal recognizing their right to live and dignity. This makes a shift toward incorporating elements of singer frame work, the emphasis on sentience and the capacity to suffer

Conclusion of the Integrated Analysis

The effect of philosophical argument, counterargument and legal doctrines reveals a complex picture. While theories like Tooley's and Singer's expose inconsistency the law responds by mediating between values through doctrines, like legal fiction, potentiality and constitutional morality. Indian jurisprudence demonstrates that personhood is not merely a concept but a normative and institutional choice shaped by social necessity and logical reasoning

²⁵ Constitution of India, Art. 21.

²⁶ (2011) 4 SCC 454.

²⁷ MTP Act, 1971.

²⁸ (2014) 7 SCC 547.

7. COUNTER- CRITICAL REBUTTAL

The question of personhood is an important one. we need to think about what makes someone a person. This is a deal because it affects how we treat people and what right they have. The ideas of Michael Toxuooley and Derek Parfit are very important. They say that to be a person you need to have ability is like being able to think and want things some people do not agree with them they say that these ideas are not good enough.

One of these people is Don Marquis²⁹ he says that killing is wrong because it takes away the things that the person would have had in their life. This is called the “future like ours”³⁰ argument. It is a good point. If we kill someone, we are taking away all the things they would have had. This is a bad thing. Marquise also says that Tooley ‘s ideas are not good enough. Tooley’s Says that you need to be able to think want things to be a person. Marquis says that is not fair. What about people. Who are sleeping and not able to think they are still people? they are still people.

The potential argument is very important it says that because someone is not able to do something it does not mean they will not be able to do it in the future. This is a good point just because a baby cannot talk or walk now does not mean they will not be able to do it in the future.

There is a problem with these arguments if we say that all people have the right to life just because they might able to do things in the future then we have to think about what that means. Does it mean that all people are equal or some people are more important than others?

the law is very important here. the law has to make fair rules and protect everyone. The law is not perfect.it has to make decision based on what is best for everyone. Sometimes this means making rules that are not exactly what the philosopher thinks is right. So what do we do?

We need to think about what makes someone a person we need to think about what’s right they have and we need to think about how the law can protect them this is a hard question it is one we need to think about

In the end we need to think about personhood in two ways. We need to think about what makes someone a person we need to think about how the lock and protect them this is an important question It is one we need to keep thinking about.

The conclusion of all this is that person would is a complex thing we need to think about what makes someone a person we need to think how the lock and protect them this is a hard question

²⁹ Marquis, 189–190.

³⁰ Marquis, 189–190.

it is one we need to keep thinking about.

8. CRITICAL ANALYSIS & FINDINGS

8.1 Statement of Problem.

The core problem addressed in this paper is how should the law define personhood in a way that is both philosophically sound and practically capable of protecting all individuals especially when biological existence and cognitive capacity do not always align.

In simpler terms, the problem is,

The conflict between viewing a person as any human being, biological Approach.

VERSUS

Viewing a person as someone with thinking, awareness, and a desire to live (Cognitive approach).

This conflict creates uncertainty in deciding who should have rights, particularly in cases involving foetuses, infants, animals, and individuals with diminished cognitive abilities.

8.2 Evaluation of Legal and Philosophical aspect of Personhood

After examining multiple philosophical theories and legal perspectives on personhood, this paper reveals a central tension that cannot be easily resolved on one hand philosophical thinkers like Locke, Tooley and Parfitt provide a logically consistent framework that connects personhood with psychological features such as consciousness, memory and the desire to continue living. These theories successfully challenged the traditional assumption that merely being biologically human is enough to be considered a “person.” They push us to think deeper about what truly gives a being moral value and right to life.

However, when these philosophical ideas are applied in a legal context, serious practical and ethical concerns arise. A strict cognitive approach such as Tolley’s Logic of desire may lead to the exclusion of vulnerable groups like infants, persons with disabilities, or individuals in a vegetative state from legal protection. At the same time, arguments like Peter Singer’s raise uncomfortable questions about extending rights to non-human animals, thereby challenging human-centric legal systems. On the other hand, legal frameworks especially in India, continue to rely on biological markers, potentiality and legal fictions to ensure clarity, stability and universal protection. As seen throughout the paper, the law does not aim for perfect philosophical accuracy; instead, it prioritizes social order, dignity and protection of all individuals.

This study critically finds that neither approach is sufficient on its own. Pure philosophy, while logically, can lead to morally unacceptable outcomes. Purely legal or biological approaches, while practical, often lack conceptual clarity. Therefore, the key insight of this paper is that personhood cannot be understood through a single lens it must be approached as a balance between philosophical reasoning and legal necessity.

8.3 Conclusion Statement.

The answer proposed by this paper is a balanced dual layered approach to personhood:

At a philosophical level personhood is best understood through psychological continuity and the capacity for self-awareness and desire, as these provide a logically consistent basis for moral rights.

At a legal level, however, the law must go beyond strict philosophy and ensure inclusive protection by using concepts like legal fiction, biological thresholds and potentiality so that vulnerable individuals are not excluded.

In essence, the paper concludes that:

While philosophy helps us understand what a person truly is the law must decide whom to protect and it must do so in a way that is fair, practical and inclusive.

9. CONCLUSION

This study was about what makes someone up person it is about what right they have 8 was about how the law can protect them will be looked at the ideas of Philosophers we looked at how the law works we found out that person would is not about being human it feels about being able to think and want things. It is also about what the law says the law has to make rule that Are fair and protect everyone

We also found out that the law is not perfect it has to make decisions based on what's best for everyone sometimes this means making rules that are not exactly what Philosopher think is right .The most important thing we found out that person wood is a very complex thing we need to think about what makes someone a person we need to think about how the law can protect them. This is a hard question. It is one what we need to keep thinking about.

The Indian law is an example of this. it says that everyone has right to life. As artificial intelligence neuroscience and biotechnology get bitter, they are changing how we think and being alive and who we are. In the future laws and judges will have to deal with things that do not fit into the categories like advanced artificial intelligence systems and people who have

enhanced in some way.

In this changing word a simple definition of what it means to be a person will not be enough the idea presented in this paper is based on the idea of continuity but it also uses the idea legal and the concept of possibility this gives us a forward-thinking model. This way the concept of being a person remains logical and fair in the in a word that is changing fast.

9. BIBLIOGRAPHY

I. Cases

- Animal Welfare Board of India v. A. Nagaraja, (2014) 7 S.C.C. 547 (India).
- Aruna Ramchandra Shanbaug v. Union of India (2011) 4 S.C.C. 454 (India).
- Common Cause v. Union of India (2018) 5 S.C.C. 1 (India).

II. Statutes & Constitutional Provisions

- INDIAN CONST. Art. 21.
- The Indian Penal Code, 1860 312–316 (India).
- The Medical Termination of Pregnancy Act 1971 No. 34 Acts of Parliament, 1971 (India).
- The Transfer of Property Act, 1882 13 No. 4 Acts of Parliament, 1882 (India).
- The Transplantation of Human Organs and Tissues Act, 1994 No. 42 Acts of Parliament, 1994 (India).

III. Books

- DEREK PARFIT, REASONS AND PERSONS (1984).
- JOHN CHIPMAN GRAY, THE NATURE AND SOURCES OF THE LAW (ed. 1921).
- JOHN LOCKE, AN ESSAY CONCERNING HUMAN UNDERSTANDING (Peter H. Nidditch ed., Oxford Univ. Press 1975) (1689).
- P.J. FITZGERALD, SALMOND ON JURISPRUDENCE (12th ed. 1966).
- PETER SINGER, PRACTICAL ETHICS (ed. 2011).

IV. Journal Articles

- Don Marquis, Why Abortion is Immoral 86 J. PHIL. 183 (1989).

- Joel Feinberg, The Rights of Animals and Unborn Generations, in PHILOSOPHY & ENVIRONMENTAL CRISIS 43 (William T. Blackstone ed. 1974).
- Michael Tooley, Abortion and Infanticide 2 PHIL.. PUB. AFF. 37 (1972).

V. Other Authorities (Texts)

- WESLEY NEWCOMB HOHFELD, FUNDAMENTAL LEGAL CONCEPTIONS AS APPLIED IN JUDICIAL REASONING (Walter Wheeler Cook ed. 1919).

