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REGULATING NEURODATA AND NEURORIGHTS

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ABSTRACT

In this phase of rapid technology development, technologies that interact with or control the human brain are no exception. Neurotechnology is one such technology, where devices are designed to interact with the human brain and nervous system. These tools, or devices, collect, process, analyze, monitor, assess, or enhance the brain's functions. Brain-controlled prosthetics are one such device.

Neurotechnology, having more benefit in the field of medicine, has more threats to personal privacy, security, autonomy, and liberty. The existing cyber laws, like the Information Technology Act, 2000; the Digital Personal Data Protection Act, 2023; and the Information Technology (Reasonable security practices and procedures and sensitive personal data or information) Rules, 2011, protect personal data, its alteration, etc., data theft, privacy, and unauthorized use. These laws do not mention neurodata explicitly. Neurodata can be impliedly included under the category of data, information, personal data, sensitive personal data, or information, as these definitions are broader. However, the brain data is not data to be included impliedly; it is more sensitive than the data mentioned in the Acts. These brain data can reveal thoughts, intentions, moods, and behaviours, even subconscious states. The existing law does not cover the aspects of privacy, manipulation, and protection of such thoughts. Mental autonomy and cognitive liberty, known as neurorights, are the most important aspects of protection in brain data. These are not protected by any of the existing cyber laws.

In this paper, we propose a model law on neurotechnology which we feel should be implemented effectively by analysing the existing cyber laws and specific laws governing the aspects of brain data protection, its uses, mental privacy, cognitive liberty, consent, liability, and offenses to cover the legal perspective of neurotechnology.

Key Words: Neurotechnology, neurorights, mental autonomy, cognitive liberty, brain data

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INTRODUCTION

Neurotechnology is an advanced technology where the technology interacts with the central human body part, the nervous system to monitor and control its neural activities. It provides greater insight into human brain. It is a technology which is mostly used in medical context to track the brain patterns. It is used for brain imaging to gather information about mental illness and sleep patterns. These technologies are used in many ways to record brain activity and repair the parts to make it function well. There are devices that replace the injured or diseased part. Brain- computer interfaces are used in sending and receiving signal to prosthetics. Prosthetics are one such neurotechnology. The technology is developed to another level where it uses techniques to identify person's emotions, thoughts, moods, behavioural patterns.

This technology can be broadly covered under the existing law but the neurotechnology is not a one that can impliedly be interpreted. It deals with the most sensitive aspects of mental privacy, cognitive liberty, collectively neurorights. These technologies can alter the thought, mood, behaviour of the individual even without the conscious and consent of the individual. The lack of legal framework in this aspect, may control others activity to their convenience and human beings will lack their individuality. The need for separate legislation dealing with the aspect of neurotechnology is important.

EXISTING LITERATURE

- “The Time is Now for a Neuro-Rights Law in India”¹– This literature warns about the challenges and threats emerging from neurotechnology and argue for a need of dedicated legislation
- “New Dimension of Privacy: Mental Privacy or Neuro Privacy Rights”²– This paper discusses the need to include the mental privacy by expanding the concept of privacy.
- “Mind the Gap: Advocating for an Indian Legislative Response to Neurotechnology”³ – This article argues that the current legal frameworks and insufficient to deal with the aspect of neurotechnology.

1 Ishika Garg, “The Time is Now for a Neuro-Rights Law in India”, Vidhi Centre for legal policy, 7 Jan2022

2 Naavi, “New Dimension of Privacy: Mental Privacy or Neuro Privacy Rights”, Neuro rights, 22 May2022

3 Ishika Garg and Abinand Lagiseti, “Mind the Gap: Advocating for an Indian Legislative Response to Neurotechnology”, NLIU Law Review, 2023

- “Neuro-rights in India: A Legal Framework for the Future”⁴ – This literature argues that India’s current legal frameworks are inadequate to protect mental privacy, cognitive liberty and freedom of thought emerging from neurotechnology.
- “Brain Data in India: Taking it from your head to the Courtroom and dealing with all legal stuff”⁵ – The paper deals with the advancement of neurotechnology, highlighting its legal challenges and also argues for the need of legal framework in India.

These literature regarding neurorights in India concentrates on the constitutional and theoretical recognition of mental privacy and cognitive liberty but is deficient in doctrinal and institutional implementation aspects. It is common that scholars point out the insufficiency of the laws; however, they do not consider the possibility of interpretations or adaptations of the existing legal provisions by the courts in India, nor do they suggest any concrete institutions or enforcement measures for the regulation of neurotechnology. This disparity between current research and the legal reality necessitates a comprehensive examination of not only the existing laws but also the development of a viable legislative and institutional framework for the protection of neurorights in India.

RESEARCH PROBLEM STATEMENT

Neurodata is not specifically governed by the data protection and cyber laws in India at the moment. They deal with sensitive and private information, but they ignore the special characteristics of brain-derived data, which can disclose feelings, thoughts, intentions and ideas that are hidden from view. This leaves a legal loophole in the protection of mental autonomy, cognitive liberty, and mental privacy. The absence of precise definitions, guidelines for consent, liability, and enforcement emphasizes the necessity of a specific law to regulate neurodata and neurorights in India.

RESEARCH OBJECTIVE

This paper has defined objectives,

- To analyse and find the legal gaps in the existing cyber laws in relation to neurodata and neurorights

4 Somdyuti Das & Dr. Rajdeep Ghosh, “Neuro-rights in India: A Legal Framework for the Future”⁴, Bennett Journal of Legal Studies, 6 June 2025

5 Nar Hari Singh, “Brain Data in India: Taking it from your head to the Courtroom and dealing with all legal stuff”, Lextalk World, 8 July 2025

- To look into the international approaches on neurotechnology governance
- To propose a model law on neurotechnology

RESEARCH QUESTIONS

1. Whether existing legal frameworks adequately protect neurodata and neurorights?
2. Whether international jurisdictions effectively regulate and safeguard neurodata and neurorights?
3. Whether a distinct legislative framework is required to specifically protect neurodata and neurorights?

SCOPE AND LIMITATION

Scope – This study focuses on analysing the relevant provisions of existing Indian laws, reviewing international regulatory approaches, and analysing the legal, ethical, and technological aspects associated with neurotechnology.

Limitation – The research is doctrinal in nature and is constrained by the limited availability of case law and judicial precedents relating to neurotechnology and neurodata.

RESEARCH METHODOLOGY

The paper uses doctrinal research methodology in order to deal with the legal aspect of neurodata and neurorights.

NEURODATA AND NEURORIGHTS

Neurodata are data that are collected from the brain activity. Neurorights are the rights to mental privacy, cognitive liberty, mental autonomy.

Neurotechnology uses many techniques to record brain activity and stimulate its parts at will. These can be done either from outside or inside the brain. There are projects which are developed to obtain and send information. Later it was developed to identify moods, thoughts, emotions or intentions. These neurotechnology raises with challenges in ethical and legal aspect. The neurotechnology has the capability to influence the brain functions and so it has to be dealt with care to maintain its ethical limits⁶. The neurotechnology has to be responsible to such challenges which includes the issue of brain data privacy⁷. The neurotechnology has to be

⁶ Neurotechnology, Iberdrola, 2025

⁷ OECD, *Recommendation of the Council on Responsible Innovation in Neurotechnology*, OECD/LEGAL/0457

evolved along with the protection to neurorights. Neurorights protection is much important⁸. The neurotechnological devices accessing neurodata and storing it poses challenges as to consent and uses of such data, as it can be modified or interfered⁹.

Neurotechnology has to be carefully handled as it has challenges of neurodata protection and neurorights. These data or rights are not same as other general data or rights. These are related to brain which would affect an individual's brain data which would reveal personal thoughts, intention, behaviour, cognitive liberty and mental privacy.

VACUUM IN EXISTING LAWS

The existing laws, the Information Technology Act, 2000¹⁰, Information Technology (Reasonable security practices and procedures and sensitive personal data or information) Rules, 2011¹¹, Digital Personal Data Protection Act, 2023¹², do not cover the aspect of neurodata or neurorights. As the neurotechnology is rocketing in its development, its challenges will also develop along with it. It poses threats to neural data and neural rights. The Constitution of India¹³ provides a fundamental right which is right to privacy under Article

21. Article 21 provides right to privacy which was reaffirmed in Justice K.S. Puttuswamy v. Union of India¹³. The right to mental privacy in neurotechnology can be interpreted under this article. In Selvi & Ors v. State of Karnataka¹⁴, the Supreme Court struck down voluntary narco-analysis, polygraphy, brain mapping as it violates Article 20(3), which is right against self-incrimination. This says about mental privacy and non-consensual extraction of thoughts of a person. These techniques raise similar ethical challenges as neurotechnology. However, this won't be sufficient. There is need for explicit law to avoid risking people towards neuro- related threats.¹⁵

The Information Technology Act, 2000 and the IT Rules, 2011, and DPDP Act has provisions to protect personal data, sensitive personal data and its privacy. However, these provisions

8 Nayef Al-Rodhan, the rise of neuro technology calls for a Parallel Focus on Neuro rights, 27 May2021

9 Stanley Lai, The neurotechnology and data privacy interface, 28 Sept2023

10 The Information Technology Act, 2000 (Act 21 of 2000) (India)

11 Information Technology (Reasonable security practices and procedures and sensitive personal data or information) Rules, 2011 G.S.R 313(E)Notification dated April 11, 2011 (India)

12 Digital Personal Data Protection Act,2023(Act 22 of 2023) (India) ¹³

The Constitution of India, 1950

13 Justice K.S. Puttaswamy (Retd.) v. Union of India (2017) 10 SCC 1

14 Selvi & Ors v. State of Karnataka (2010) 7 SCC 263

15 Brainwaves and the Constitution: India's Missing Neuro-Privacy Laws, 11 July2025

don't mention the neural data and neural rights explicitly. It can be impliedly interpreted to include neurotechnology. The brain data and neurorights are not matter that to be understood impliedly. These are sensitive information which can reveal a person's emotions, thoughts, moods. These affect their mental privacy and cognitive liberty as these can be altered or interfered through neurotechnology. These data are not explicitly covered under any of the existing laws which require higher consent and security standards. These legal non recognition would affect other rights granted like, freedom of thought under Article 25¹⁶, freedom of expression under Article 19(1)(a)¹⁷, protection against self-incrimination under Article 20(3)¹⁸. These lack of proper recognition also leads to confusion of admissibility or inadmissibility of brain data as evidence, in the Bharatiya Sakshya Adhiniyam, 2023^{19, 20}

On the other side, the neurotech devices except which are used in medicine are not explicitly covered in regulations. These create a loophole in manufacturing and selling these neurotech devices without regulatory clearance. As there is no regulation, these devices are at risk to be used for illegal purpose by any consumer.²¹

These are the existing laws and the legal gaps it has to cover the aspect of neurotechnology. The lack of proper recognition of these aspects affects individual's rights. These necessitates the need for a specific framework on the concept of neurotechnology covering neurodata protection, neurorights protection, consent, liability, offence, and admissibility as evidence.

INTERNATIONAL APPROACHES²²

As the neurotechnology is emerging, countries in the world are started acknowledging it and providing regulations and protections. Following are some of the countries that has taken a step forward in recognising neurotechnology.

16 The Constitution of India, 1950, Article 25

17 The Constitution of India, 1950, Article 19(1)(a)

18 The Constitution of India, 1950, Article 20(3)

19 The Bharatiya Sakshya Adhiniyam, 2023 (47 of 2023) (India)

20 Gokul, Neurotech and The Indian Constitution, Record of Law, 29 Aug2025

21 Nar Hari Singh, "Brain Data in India: Taking it from your head to the Courtroom and dealing with all legal stuff", Lextalk World, 8 July2025

22 Nar Hari Singh, "Brain Data in India: Taking it from your head to the Courtroom and dealing with all legal stuff", Lextalk World, 8 July2025 and Gokul, Neurotech and The Indian Constitution, Record of Law, 29 Aug2025

1. Chile

Chile, a country in South America has undertaken a constitutional approach in protecting neurorights. Chile has amended its Constitution in October, 2021 and provides protection to mental integrity. The Article 19²³ provides right to mental integrity. This constitutional safeguard was reaffirmed in the case of *Girardi v. Emotiv*²⁴, where world's first neuro privacy ruling was held. The Court stated that "neurodata represent the most intimate aspect of human personality". This ruling became the important precedent treating it as a sensitive information mandating its strict protection. This became the first step in the world to recognise the emerging technology and provide protection to its challenges.

2. United States

The United States have no safeguard of neurodata or neurorights in its federal system. However, some of its states like California and Colorado have incorporated neurorights law in its state legislation. The state legislation provides privacy laws to protect brainwave data, treating it as a sensitive personal data. In 2023, a bill, called Mind Your Own Business Act²⁵, was introduced to integrate the privacy protection against surveillance of the biometric and cognitive data. Although the bill was not enforced, it created a major debate about neurorights. There are cases that involve uncovering truth and violating privacy, which rises the tension between technological investigation and fundamental rights.

3. United Kingdom

The United Kingdom has not enacted a separate legislation but it relies on the existing medical device and data protection laws. However, there is gap in the regulatory framework for consumer neurotechnology. Experts have been asked to interpret the UK Human Rights Act's²⁶ guarantees of privacy under Article 8 and freedom of thought under Article 9 to protect the brain data explicitly.

4. European Union

European Union have no direct legislation on neurotechnology. The legal theorists say that the

23 Article 19, The Chilean Constitution, 1980

24 Chilean Supreme Court ruling of August 9, 2023, in the case *Girardi v. Emotiv Inc.*.

25 Mind Your Own Business Act of 2019, S.2637, 116th Cong. (2019)

26 Human Rights Act, 1988 (c. 42)

“personal data” under General Data Protection Regulation²⁷ include neurodata as biometric or health data. Artificial Intelligence(AI) that influence human behaviour or emotion is regulated under AI Act²⁸, which is enforced in 2024.

CONCLUSION

This research paper aimed to examine and analyse the implications of neurotechnology for protecting neurodata and neurorights. The implications of neurotechnology extend beyond privacy; they manipulate human behaviour, emotions, thoughts, thereby affecting cognitive liberty. The existing cyber laws and data protection laws in India have been analysed to understand the extent to which they cover neurotechnology. International jurisdictions have been taken into consideration to understand their approach to regulating neurotechnology. The findings of the paper have confirmed the research hypothesis. The findings of the study show that the existing laws are insufficient to include the protection of neurodata and neurorights. The current framework which provides only implied protection is not given the sensitivity of neural information. These findings point to the formulation of separate legislation on neurotechnology, where a model law has been proposed by the authors. Policymakers shall establish a clear framework in this area to prevent any illegal activity. As neurotechnology is progressing at a fast pace, it is also necessary for the law to be keep pace to prevent any challenges raised by the advancement of neurotechnology. Although there are not many reported cases involving neurotechnology, it is better to take preventive measures before the situation becomes severe and unmanageable.

The protection framework is not just a law to protect data; it would be legislation to protect the identity of the human being. The technology should advance hand in hand with the protection of people and not their decline. Ultimately, the research paper indicates that there is a need for specific legislation on neurotechnology protecting neurodata and neurorights and preventing its breach.

SUGGESTION

This research paper has been undertaken with the purpose of analysing the various aspects of neurotechnology. Based on the findings of this study, the following suggestion is proposed. We

27 Regulation 2016/679 of the European Parliament, General Data Protection Regulation), 2016 O.J. (L 119) 1.

28 Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024, 2024 O.J. (L 1689) 1.

suggest a specific legislation for neurotechnology to provide protection to neurodata and neurorights. The specific legislation shall cover all the aspects of neurotechnology covering neurodata and neurorights protection, consent, liability, offences, admissibility as evidence, and neuro devices regulation. As the neurotechnology is rocketing, it is mandatory for drafting a specific legislation. Even though there aren't many cases of neurotechnology, it is better to adopt a preventive legal approach, as prevention is better than cure. This is a serious and sensitive matter that is to be dealt with soon. Give the emerging nature of this field, the policy makers shall draft the legislation with due consideration to include ethical and legal aspects. Since the research shows that there is an absence of explicit laws on neurotechnology, it is suggested that a proper specific legislation to be drafted to deal with most sensitive aspects. It is also suggested to create awareness to the public to explain the importance of neurotechnology and to establish a committee to ensure that the legislation is efficiently enforced. Implementation of a specific legislation dealing neurotechnology would assure that the neurotechnology is not used for illegal purposes, and it aligns with constitutional principles. Authors have framed a model law on neurotechnology covering the aspects of neurodata protection, neurorights protection, consent, liability, offences, consumer regulation, and admissibility as evidence. The model provides a structural framework which may serve as a foundation for the national legislation. Even though the model law provides a comprehensive framework, it may require an adaptation to suit the Indian regulatory environment and other international regulations. The model law shall be analysed by the experts before incorporating into legislation. The model law has been attached as an annexure as Annexure I. Thus, the authors suggest a formulation of specific legislation on neurotechnology supported by the proposed model law.

ANNEXURE – I MODEL LAW

THE NEUROTECHNOLOGY ACT, 2025

PREAMBLE

A Bill to provide for the regulation and protection neurodata and neurorights in a manner that it recognises both the right of individuals to protect their personal data, privacy and the need to process such data for lawful purpose and for matters connected therewith or incidental thereto.
Statement of Objects and reasons

The technology has been advanced where it can even influence the thoughts, emotions, moods, intentions or any other brain activity. This technology, called neurotechnology, is not regulated or protected explicitly by any existing law. This affects the mental privacy, cognitive liberty and the brain data of the individual. This legal vacuum, which poses serious threats to individual mental autonomy, needs to be addressed.

Therefore, the proposed model law satisfies these legal gaps and provides a comprehensive framework regulating and protecting the neurorights and neurodata along with other related aspects.

BE it enacted by the Parliament in the Seventy-sixth Year of the Republic of India as follows:-

CHAPTER I

PRELIMINARY

1. Short title, extent, and commencement. – (1) This Act may be called the Neurotechnology Act, 2025.
 - (2) It shall extend to the whole of India, and also offences or contravention thereunder committed outside India by any person.
 - (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
 - (4) This Act shall apply to neurotechnology-related documents, data, devices, or transactions.

2. Definitions. – (1) In this Act, unless the context otherwise requires, -

- (a) “Appellate tribunal” means the appellate tribunal established under Section 10 of the act;
- (b) “Appropriate Authority” means the Neurotechnology Regulation Authority established under Section 8 of this act;
- (c) “Neurodata” means the data that is generated, collected, processed or inferred from the brain through neurotechnology;
- (d) “Neurodevice” means any hardware or software that is used to generate, collect, process, or transmit neurodata;
- (e) “Neurorights” includes the fundamental rights ensuring protection of mental privacy, cognitive liberty, mental autonomy, mental integrity and others;
- (f) “Neuroservice provider” means any person or entity that does the manufacture, distribution, research, or operation of neurodevice.
- (g) “Neuroservice receiver” means any person on whom neurotechnology is applied;
- (h) “Neurotechnology” means any technology that uses any system or device to record, interpret, or influence the neural activity of the brain or nervous system;
- (i) “Procedure” means the procedure prescribed by the Central Government.

(2) Any reference in this Act to any enactment or any provision thereof shall, in relation to an area in which such enactment or such provision is not in force, be construed as a reference to the corresponding law or the relevant provision of the corresponding law, if any, in force in that area.

CHAPTER II

PROTECTION OF NEURODATA AND NEURORIGHTS

- 3. Protection of neurodata. – (1) Neurodata can be designated as a Critically Sensitive Personal Data.
- (2) No person or entity can generate, collect, store, process, or share the neurodata without the consent of the respected person.
- (3) No neurodata can be transferred from outside or to outside without the prior approval of the appropriate government and proper procedure prescribed by the Central Government.
- (4) No neurodata shall be used for any purpose without proper authorisation.

4. Protection of neurorights. – (1) Every individual shall have the right to – (a) mental privacy and protection against unauthorised access to brain;
(b) cognitive liberty and freedom from coercive manipulation;
(c) mental integrity against neurotechnological harm;
(d) mental autonomy and free from manipulation;
(e) psychological continuity upholding personal identity and autonomy remain unmodified.
- (2) These rights shall be constitutionally safeguarded under Article 21 of the Indian Constitution, guaranteeing right to life and personal liberty.
5. Consent. – (1) Consent shall be obtained from the respected person in writing, mentioning the purpose, duration, and the extent of use with such other conditions.
- (2) Consent given shall be free, specific, informed, unconditional and unambiguous with a clear affirmative action, and shall signify an agreement to the processing of her neurodata for the specified purpose and be limited to such neurodata as is necessary for such specified purpose.
- (3) Any person can withdraw his consent if he reasonably believes that the consent compromises his safety, privacy or his individuality.
- (4) Withdrawal of consent shall compel immediate cessation of process for which it was obtained and deletion of already obtained data.
- (5) No person shall be compelled, coerced, induced or manipulated to provide consent to undergo such neurotech process.
- (6) Every person giving consent shall have the right to information about the process for which consent was obtained.

CHAPTER III

REGULATION OF NEUROTECHNOLOGY

6. Registration of neurodevice. – (1) No neurodevice shall be manufactured, imported, exported, marketed, or used without registration under this Act.
- (2) The appropriate authority shall prescribe the procedure for registration of such neurodevices along with such terms and conditions and fee.
- (3) Any unregistered neurodevice or neurodevice that has been used for purpose other than for which consent was obtained shall be deemed to be illegal and subject to confiscation and other liability.

- (4) Any person obtained registration by providing false information or by means of fraud shall have such registration revoked forthwith and shall be liable.
- 7. Liability. – (1) Every neuroservice provider shall be responsible for the safety, accuracy, and ethical operations of such neurodevice.
 - (2) Strict liability shall be applied where any neurodevice breaches any neurorights.
 - (3) No human experimentation shall be conducted without both consent and prior approval of government for ethical clearance.
 - (4) No neuroservice provider shall be liable if the fault is on neuroservice receiver.

CHAPTER IV

ADMINISTRATION AND ENFORCEMENT

- 8. Establishment of Neurotechnology Regulation Authority. – (1) The Central Government shall, by notification, establish Neurotechnology Regulation Authority.
 - (2) The Regulation Authority shall consist of experts in neurotechnology, law, public policy, and a social worker.
 - (3) The functions of the Authority shall include –
 - (a) ensuring compliance with this act;
 - (b) framing procedure for registration;
 - (c) issuing registration and certification of neurodevices;
 - (d) investigating complaints;
 - (e) adjudicating disputes under this Act;
 - (f) advising the Central Government on neurotechnology policy.
- 9. Admissibility of neurodata as evidence. – (1) No neurodata shall be admissible as evidence in judicial proceedings unless accompanied by consent and judicial authorisation.
 - (2) Any neurodata obtained violating Article20(3) of the Indian Constitution shall not be admissible.
- 10. Filing of Complaints. – (1) Any person aggrieved by the use, misuse, operation, or malfunction of a neurodevice, or by any violation of the provisions of this Act or the rules made thereunder, may file a complaint before the Authority.
 - (2) A complaint may be filed—
 - (a) in writing;
 - (b) through electronic submission on the portal notified by the Authority; or (c) through any other manner as may be prescribed.

- (3) Every complaint shall contain—
 - (a) the name and details of the complainant;
 - (b) a description of the alleged violation or grievance;
 - (c) supporting documents or evidence, if any; and
 - (d) any other particulars as may be required by the Authority.
 - (4) The Authority shall, upon receipt of a complaint, acknowledge the same and initiate a preliminary examination to determine its maintainability.
 - (5) Where the complaint is found maintainable, the Authority shall—
 - (a) conduct an investigation under clause (d) of sub-section (3) of section 8; and
 - (b) proceed to adjudicate the dispute in accordance with clause € of sub-section (3) of section 8.
 - (6) The Authority may dismiss frivolous, vexatious, or malicious complaints after recording reasons in writing.
11. Limitation for Filing Complaints. – (1) No complaint shall be entertained by the Authority unless it is filed within one year from the date on which—
- (a) the alleged violation occurred; or
 - (b) the complainant first became aware of such violation, whichever is later.
- (2) The Authority may, for reasons to be recorded in writing, condone delay up to an additional six months, if it is satisfied that the complainant had sufficient cause preventing timely filing.
- (3) Complaints filed after the expiry of the period specified in sub-section (1) or (2) shall be rejected as time-barred.

CHAPTER V

THE APPELLANT TRIBUNAL

12. Appellate Tribunal. – (1) The Central Government shall establish an Neurotechnology Regulation Appellate Tribunal.
 - (2) The Central Government shall specify, by notification, the matters and place in relation to which the Appellate Tribunal may exercise jurisdiction.
13. Appeal to Appellate Tribunal. – (1) Any person aggrieved by any order made by the Neurotechnology Regulation Authority under this act can appeal to the Appellate Tribunal having jurisdiction in the manner.
- (2) No appeal shall lie to the Appellate Tribunal from an order made with the consent of both the parties.

- (3) Every appeal shall be filed within forty-five days of which the order was made by the Neurotechnology Regulation Authority, which shall be accompanied by such fee. Provided that the Appellate Tribunal may entertain the appeal after the expiry of forty-five days if it is satisfied that there was sufficient cause for not filing within the time.
 - (4) On receipt of appeal under sub-section (1), the Appellate Tribunal may after giving the parties to appeal, an opportunity of being heard, pass such orders thereon as it thinks fit, confirming, modifying or setting aside the order appealed.
 - (5) The Appellate Tribunal shall send the copy of every order made by it to the parties to the appeal and the Neurotechnology Regulation Authority.
14. Procedure and Powers of the Appellate Tribunal. – (1) The Appellate Tribunal shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 (5 of 1908) but shall be guided by the principles of natural justice.
 - (2) The Appellate Tribunal shall have power to regulate its own procedure include the place at which the matter shall have its sittings.
 - (3) The Appellate Tribunal shall have, for the purpose of discharging its functions under this Act, the same powers as vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908).
 - (4) Every proceeding before the Appellate Tribunal shall be deemed to be a judicial proceeding.
 15. Right to Legal Representation. – The appellant may either appear in person or authorise any legal practitioner to present his case before the Appellate Tribunal.
 16. Limitation. – The provision of the Limitation Act, 1963 (36 of 1963), shall, as far as may be, apply to an appeal made to the Appellate Tribunal.
 17. Civil Court not to have Jurisdiction. – No civil court shall have jurisdiction to entertain any suit in respect to which an Neurotechnology Regulation Authority or the Appellate Tribunal constituted under this act is empowered to take any action in pursuance of any powers conferred by the Act.
 18. Appeal to High Court. – Any person aggrieved by any decision or order of the Appellate Tribunal may file an appeal to the High Court within sixty days from the date on which the order was made by the Appellate Tribunal.

Provided that the High Court may entertain the appeal after the expiry of sixty days if it is satisfied that there was sufficient cause for not filing within the time.

19. Recovery of penalty or compensation. – A penalty imposed under this Act, if not paid, shall be recovered as an arrears of land revenue and the certification of registration shall be suspended till the penalty is paid.

CHAPTER VI

OFFENCES AND PENALTIES

20. Unauthorised Access to neurodata. – Any person or entity who intentionally access, or discloses neurodata without the proper consent of the neuroservice receiver shall be punishable with imprisonment for a term not less than ten years but which may extend to fifteen years or fine which shall not be less than twenty lakhs but may extend to thirty lakhs or with both
21. Manipulation of brain activity. – Any person who intentionally alter, manipulates, interferes, or influences another person’s brain activity through neurotechnology shall be punishable with imprisonment for a term not be less than fifteen years but which may extend to twenty years or fine not less than thirty lakhs but may extend to fifty lakhs or with both.
22. Commercial exploitation of neurodata. – Any person who does any unauthorised sale, transfer, or use of neurodata for advertisement, profiteering or commercial gain shall be punishable with the imprisonment of up to ten years and with fine up to fifty lakhs.
23. Illegal manufacture of neurodevice. – Any person who manufactures neurodevice without proper registration shall be punishable with imprisonment up to seven years and with fine up to ten lakhs.

CHAPTER VII

MISCELLANEOUS

24. Power of police officer and other officers to enter, search, etc. – (1) Notwithstanding anything contained in the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023), any police officer, not below the rank of Inspector, or any other officer authorised by the Central Government in this behalf may enter public place and search and arrest without warrant any person found therein who is reasonably suspected of having committed or of committing or being about to commit any offence under this Act.
- (2) Where any person is arrested under sub-section (1), shall be produced before the magistrate having jurisdiction in the case, without any unnecessary delay.

- (3) The provisions of the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023) shall apply in relation any entry, search or arrest made under this section, subject to the provisions of this section.
25. Act to have overriding effect. - The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.
26. Power to give directions. – The Central Government may give directions to any State Government or any Neurotechnology Regulation Authority as to carry on any functions of the provisions of this Act.
27. Power to make rules. – The Central Government or the State Government may, by notification, make rules as to carry out the provisions of the Act.
28. Protection of action taken in good faith. – No suit, prosecution, or other legal proceedings shall lie against the Central Government, the State Government, the Neurotechnology Regulation Authority or any person acting on behalf of him, for anything done in good faith in pursuance of this Act.

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