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ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

ECHOES OF ANTIQUITY: A DIGITAL REVIVAL

Team Code: PC1

Presented to the Lit Law 2024 and
Student Research Society of KES Shri. Jayantilal H. Patel Law College

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ABSTRACT

This paper examines digital technology and its diverse influence over the interconnected domains of law and literature. This is appreciated, but it overburdens its own myriad challenges: better information accessibility, modern design approaches, and laying the foundation for greater efficiency within the legal system.

This accessibility to digital production has led to most authors and creators suffering through unethical copyright infringement, which fundamentally questions authorship and the actual act of creating. Moreover, the internet is afflicted by privacy violations, misinformation, and growing disparity caused by the digital divide.

Navigating this environment requires gentle yet affirmative participation: To maximize all the digital age promises, it is imperative to implement specific measures to tackle these challenges. Quite crucial is erecting a strong and functional, infrastructural foundation for protecting intellectual property, privacy, and the rights against practices that contributes into the making of an equitable arena for law enforcing agencies and academics alike. Strong ethical technological stance, digital literacy, and open communication among lawmakers, technologists, legal researchers, and the general public must be birthed herewith. The furtherance into taking charge at overcoming challenges bound in digital law gives a chance to finally create societies that prove justly equal and educated, through literature.

INTRODUCTION:

"The intersection of law and literature is a rich and fertile field, and one that is increasingly relevant in the digital age."

- Justice Michael Kirby, High Court of Australia

One period that has significantly contributed to surpassing even the most hopeful human aspirations is the digital age. In this era, the transformation from traditional to modern has led to ease in communication and long-distance travel. In that sense, digital innovations have affected almost every dimension of social life, raising employment rates, faster economic growth, and making people's lives easier and efficient.

Though this digital transformation gave innumerable opportunities, it also brought forth a unique set of its own challenges. Among them is an area that is significantly hit by the digital revolution - the field of literature and law.

¹ Technology development mirrors literary history, from the early writings on stone to the major development of newspapers, the printing press, e-readers, audiobooks, and presentations of videos, a consistent variation in how people encounter and interact with stories. Along with this, there are improved choices for literary consumption.

In turn, this growth has influenced and renewed interest in reading, learning, and quests for self-improvement among people. The branch of Judiciary has radically transformed in this digital age. In particular, this one is distinguished by its passing from physical courts to cyber courts and online hearings.

² Likewise, electronic documents and submissions have overtaken the usage of paper documents in legal procedures. The entire procedure of filing cases offline to online has streamlined efficiency and access for lawyers as well as for the public. With online platforms and databases, legal information, research materials, and case precedents are now easily available to legal professionals and students.

The digital revolution also opened up judiciary to greater accountability and transparency. This has also led to facing issues of data security and privacy that enlarges disparities in access to justice, and also the need for educating and training legal practitioners in order to ensure that they are well equipped in this digital legal landscape.

¹ University of Toronto Press, *Windows and 'Windows': Reflections on Law and Literature in the Digital Age*, Vol. 57, No. 4 (Fall, 2007), <https://www.jstor.org/stable/20109826>.

² UNDP, *Digitalization and E-justice*, <https://www.undp.org/rolhr/justice/digitalization-and-e-justice>

THE DIGITAL RENAISSANCE:

The society was depended on different types of communication and dissemination of information before going digital. ³Communication evolved from letters to more sophisticated forms like faxes, e-mails, texting, and finally, direct messages. Similarly, literature was initially transmitted through the use of physical editions of books that were published through conventional means. Research was very time-consuming in the legal arena. Lawyers and judges were mainly relying on physical libraries and carefully studying vast legal texts. The extensive knowledge of the lawyers and judges played a major role. Locating precedents in multiple sources was challenging. It, therefore, affected the swift and effective administration of justice, since it required ample time and resources. Newspapers greatly helped bridge that gap. There were summaries of judicial decisions; meaning legal professionals now knew what latest legal developments or precedents said. The dissemination of legal knowledge, in real time, Internet became an air for advocates and judges to make informed decisions.

The digital age may have done revolutionary changes on most sectors, but the legal system, nevertheless, still attains traditional methods. For example, in some legal cases, like property disputes, the law requires parties to publish notices in at least two newspapers, English and in vernacular language. This requirement shows that traditional media channels are still important in legal processes. Judges and barristers sometimes quote novels and documentaries as part of their argumentation in court cases, even if they are not binding on the case. Obiter dicta, the name for this practice, permits these works to be cited as illustrations of a point, as expressions of society's values, and to make the legal argument more understandable and more convincing to an audience. Importantly, when it comes to issues of freedom of speech, the judge might quote George Orwell's "1984" in an effort to show the danger of censorship which could be perpetrated by the government. Altogether these literary references make for strong rhetoric, but few if any, cases would be decided upon them. Nevertheless, these references have significantly enriched legal discourse by bringing different perspectives and reflecting broader societal values. Additionally, they can instill sympathy and sensitivity among the judiciary towards all litigants so that in itself would lead the judiciary to deliver judgments being humane.

The common notion of books has changed from "A Book is a good source of Knowledge" to "A Book has a limited source of Knowledge" for the ever-living and expanding internet. The internet offers an integrated platform, which not only provides access to the works of authors but their full biographical details also. This digital revolution has brought unprecedented improvement in legal practice with great benefits accrued to

³ Vineet Kaul, *The Digital Communications Revolution*, Online Journal of Communication and Media Technologies, Volume: 2 – Issue: 3 – July – 2012, <https://www.ojcm.net/download/the-digital-communications-revolution.pdf>

advocates. They can directly access hundreds of case judgments, thereby making legal research easier and strengthening arguments. Access to online database for legal research, online filing, and reductions in costs incurred in legal work have greatly improved efficiency. In addition, the digital society has democratized access to legal knowledge. The catalogue of Digital Libraries, E-books, audiobooks, films, series, and documentaries has helped to understand the legal concept of things. These have enabled law students to have the tools needed to succeed in their studies, research papers, and debate competitions by providing students with ample online information directly at their fingertips. First, it streamlined the profession with a new convenience. Over time, however, these initial benefits gradually became unintended problems.

LITERATURE REVIEW:

⁴Digital technology changes many fields in the current society and has also the potential to change the realm of literature. Thus, literature must be digitized for it to be capable of keeping up with the demand of the digitalized world. The digital revolution in literature has spawned an era of awe-inspiring creations and technological solutions, bringing into being e-literature and hypertext that foster creativity and interactivity thanks to non-linear and interactive reading. The theory that code is a type of literature indeed proves the idea that digital tales derive their structure and expressiveness from computational procedures. Interactive fiction and games meanwhile push storytelling away from a passive act that spectators perform to an active and dynamic process where they cooperate with the author. Besides, social media platforms such as Twitter, Instagram, and TikTok have enabled the birth and flow of micro-narratives, thereby exemplifying the wide influence of digital technology on contemporary narrative expression. As we have moved to the digital age, the change in the way we create literature, receive it, and keep it safe has forced the authors to realize that they are no longer the single authority over that text since readers may creatively play around meanings inside digital texts through user comments, annotations, and code contributions. This flexibility also creates problems for the archivists and preservationists, one of the significant aspects of digital humanities research. The theory has changed much because of the impact of digital technology on criticism and the authority of the writer whereby the reader turned from a passive to an active player in the text.

As for the digital humanities field, it can be characterized by Franco Moretti's computational approaches which introduce new tools for this purpose by throwing massive digital text corpora into the discussion. These tools augment the study of digital literature's aesthetics, adding the visual, dynamic, and interactive effects. Internet undoubtedly has promoted the crowding out conventional publishing services because of its

⁴ Baharamand Shah & Nazish Naz Khaskheli, *Literature in the Digital Age*, Research Gate, Mar. 2024, https://www.researchgate.net/publication/378772833_Literature_in_the_Digital_Age_Challenges_and_Embracing_Opportunities.

transparency, efficiency, and lower cost attributes. The invasion of portable reading devices has truncated the reading length, changed the traditional settings of reading as well as the method of reading and place and the fact of where and when reading of literature takes place.

CHALLENGES:

We live in a hyperconnected, digital age where information is freely shared across national boundaries and time zones. This presents new problems to the global legal system that touch on topics like jurisdiction, human rights, commerce, intellectual property, security, finance, and more, even as it ushers in a new level of business empowerment, social connection, and individual experience. Let's talk about them in brief.

1) COPYRIGHT INFRINGEMENT:

Though the world of art is a mine of unlimited possibilities, technology, being the most powerful of all invention, has its dark side and troublemakers who exploit it. The act of copying data and then pasting it onto other documents has encouraged many people to plagiarize the work of other artists, be it the art of someone, the song produced by a musician or even the text of a book by a writer. Consider a situation where you employ many hours to work on a project, and then you hit a situation where your very same piece has a different home. This is a testing time for artists who have to endure the loss of the rights to their work and at the same time suffer from the financial aspect. ⁵It is the laws like the Copyright Act that provide creators the freedom to produce their art that prevents this madness. By all rights, the law makes authors the only persons who can decide whether their works are used in the original or duplicated format. Be aware, though, the system is still under construction and AI is the technician of the day.

In the twinkling of an eye AI can produce images, films, and even literal narratives that are look very similar with little detail from the creator. While fascinating, this technology has its downside. ⁶The use of AI with the generation of "deep fakes," that is photos and videos altered with the intention to spread fake news or defame some person, has already become a reality. AI is likely to supplant human creativity in literary domains such as novels, poems, and articles, as well as manipulate the scope of the human creative arts. Amid such a situation, it is about time we offered a new space for nurturing and guarding creative expression against the fast-paced technological regime. Our focus should be to transform the use of AI from a blatant program to a mean of creative activity and thus fairly compensate human developers for their formulation of the same.

⁵ Divya Bansal, *Copyright Infringement in the Digital Age*, Feb. 29, 2024, <https://blog.iplayers.in/copyright-infringement-in-the-digital-age/>.

⁶ Carol Odero, *Deepfakes: The dark side of AI*, CIO Africa, Jan. 3, 2025, <https://cioafrica.co/deepfakes-the-dark-side-of-ai/>.

2) DATA PRIVACY AND ALGORITHMS:

“Close your eyes and imagine this - every time you pick up a book, someone is holding the book right next to you”. That is the virtual reality for readers in the modern digital world. Even though technology provides an extensive pool of data, it can also lead to poor outcomes in the case of privacy being the victim. It collects data from the users and then later use this to bombard us with targeted ads, often revealing more about our interests than we'd like. As for writers, the digital era is challenging in a somewhat different way. Sites like Wikipedia might be counterproductive to writers when they publish their personal information by mistake. Yet, if one is able to edit this information without some kind of protocol, the author's privacy is at risk of becoming public. Also, the algorithms and software that are the driving force behind most of the social media and online platforms might be a significant stumbling block for the emerging and less known authors. These algorithms are designed to give preference to content that a user happens to like already. That is how the so-called "echo chamber" is created, where readers are limited to the same authors in the same book genre. As a result, the reality for creators is that the hordes of content producers that they have to compete with will drown their attempts to join a larger crowd, and hence many good authors will feel unimportant.

3) FREEDOM OF EXPRESSION:

The internet is like a humming, global town square in which everyone can apparently share their ideas and chatter. The social networks of the online space allow each one of us to have a voice-a chance to speak up to what matters, organize for good causes, and hold the powerful accountable.

But like any healthy town center, it can turn dirty. Misinformation is rampant, with harassment and attempts at propaganda. When everyone shouts at once, it becomes cluttered and disorderly. The question remains: how do we keep this online town center a space for free speech, but one which also is safe and considerate of the truth? It goes without saying, an ever balance.

The companies that operate these online forums have a burden to make. They must set clear standards of what is acceptable and what is not, attempting to curtail the hate speech, bullying, and fake news, without drowning real and important voices. But it's not only up to them. We all need to be more informed internet users. We need to learn how to recognize fake news, how to analyze what we see online, and how to be good neighborly digital citizens. It is about giving everybody the skills to exist safely and responsibly in the digital world, and to enjoy all its benefits while at the same time cutting through the noise and the negativity. While the freedom of expression stands out as a cornerstone upon which a democracy resides, it could spell significant trials for writers and creators therein. The expression of views by citizens-wonders, thoughts, and criticisms have leveled admirably against creators and has become a possible source of negative

repercussions.⁷ This can manifest in various forms, from online criticism and hate speech to legal challenges, as exemplified by the controversy surrounding the film "Adipurush." This backlash, often driven by strong reactions from segments of the public, can stifle creativity and force creators to self-censor. Fear of facing criticism, legal repercussions, or social ostracization may discourage them from exploring controversial or provocative themes, ultimately narrowing the scope of artistic expression. This delicate balance between the freedom of expression of the creator and the freedom of expression of the public poses a significant challenge in today's increasingly sensitive and polarized environment.

4) INTELLECTUAL PROPERTY RIGHTS:

⁸Intellectual property (IP) can be best understood as the legal protection for anything created by one's intellect – inventions, stories, logos, etc. A neat little shield giving authorization, "This is mine and I decide how it's used." But that shield has been under immense attack in today's digital workings. On the internet, anything is copied and shared almost effortlessly-a song, a book, or a movie gets copied and circulated around the globe within seconds. Such ease of copying has led to many believing their works can be used without authorization-generally referred to as copyright infringement and digital piracy. This works against those who made those works possible in the first place as they get no remuneration for their input. They are like thieves stealing from you. This situation has built quite a polemic.

The arguments seem to be strong for one side-that strong IP laws can inspire creativity and innovation. Those who can have their contribution protected will invest their effort and time into it; and thus encourages innovation processes. On the flip side, however, all must also be able to access information and culture. Overly strict rules might hamper creativity, erosion of the bounds and vectors of what each one of us learns or appreciates.

Next comes online platforms like social media and streaming services, which complicate matters more. These platforms provide a good way of spreading the content wide, but they are allowing users to share, which more often than not means infringing on copyrights. On the one hand, it's like a town square-it brings people together; on the other, it sometimes makes way for trouble. And then new technologies, such as artificial intelligence (AI) and blocks, change the rules to such an extent that they're incomprehensible.

⁷ GQ Staff, *Adipurush: 7 biggest controversy*, Jun. 20, 2023, <https://www.gqindia.com/content/adipurush-7-biggest-controversies-surrounding-the-prabhas-saif-ali-khan-and-kriti-sanon-star-rer>

⁸ Intellect Vidhya, *The Advantages and Disadvantages of Intellectual Property Laws*, Aug. 12, 2023, <https://intellectvidhya.com/advantages-and-disadvantages-of-intellectual-property-rights/#:~:text=While%20patents%20and%20copyrights%20encourage,creators%20and%20inventors%20exclusive%20rights.>

OPPORTUNITIES:

1) DIGITAL LIBRARIES:

Online platforms have helped creators to write or produce movies on real life criminal incidents or landmark cases.⁹ These cases can now be accessed through various mediums like books, movies, podcasts, offering a vast source of information to the public. For example, the 26/11 attack had more than enough documentation in writing from books to film depictions, and even podcasts by eyewitnesses. Not only is the availability of other channels an option for us to become aware of these events, but also it is a point of the film and podcasts to be able to thrive and thus new careers are created, increasing the employment rate. They can give a new look to this story by adding the insider's information from those who were impacted by the event and the backstory of the hectic legal proceedings.

Because of that, via online platforms such as blogs and vlogs, people benefit by participating in social activities that are based on legal issues. Social media platforms provide a forum for members of the public to express their opinions and share their experiences on legal matters and provide a glimpse into the backstory of the event. Ultimately, everything revolves around the principle of democracy; "by the people, of the people, and for the people" because the opinion of the masses gives birth to the legal system and is a harbinger of change and development in a positive way.

2) FUNDING FOR LEGAL MATTERS:

The presence of the public has put motivation in the mind of individuals and the community to stand up for themselves and against anyone or anything that doesn't treat them rightly. No longer would the community be silent victimizers of either the public or the state, as they now have the opportunity to enforce court cases against those who violate their rights. To pay for these trial lawsuits, communities are relying on the power of online campaigns and initiatives. One of the most powerful ways of raising funds for legal challenges is crowdfunding campaigns. People from any corner of the globe can donate to these campaigns without any difficulties. This not only provides the people directly affected by the issue with financial support but also involves people from different places in causes they find relevant. In addition to the initiatives of a community, online platforms have found great use and have become essential for the artists who seek help in dealing with legal issues. Musicians and writers can organize crowdfunding events that will cover their legal battles, especially those concerning copyright-related issues, thus making sure that their intellectual property is well guarded. Furthermore, these platforms effectively promote various artistic activities and offer mutual help among creators by which they can back and donate to each other's legal campaigns.

⁹ Katie Terrell Hanna, *Digital Library*, Feb. 2023, <https://www.techtarget.com/whatis/definition/digital-library>

This digital age has been a great aid to democratization of nation as the accessibility to justice system has been upgraded from traditional to modern. This accessibility has empowered individuals and communities to conquer equity and justice through collective action and support.

3) E-DISCOVERY:

¹⁰The legal community is in the full throes of its transformation, driven by the acceleration of change from technology. E-discovery tools now allow lawyers to collect, process, and review massive sets of data in a timely way with respect to evidence. With the advances afforded by data mining and analytics, these software programs enable lawyers to make more sophisticated and informed strategic decisions during litigation.

Further, the rise of the online legal services and the virtual law firm is broadening access to justice. Clients can now connect with lawyers distant from their geographical location. This may bring added benefits like lower cost and increased flexibility for them and in favor of attorneys contribute to improving their work-life balance and reducing overhead.

Integrating technology into the legal profession improves the efficiency of the practice and at the same time enhances the human touch involved in legal practice. A case study on virtual hearings gives us an insight into how they can improve accessibility for the disabled and people located in remote geographic areas. Therefore, technology can help the profession to overcome the hurdles of being client-centric within the tremendous scope for access to justice.

SUGGESTIONS:

Our research has thrown up some aspects of the digital world that really need a retouch. To begin with, the algorithm biasness has resulted in the focus of the platforms being on only a few major creators. Giving more control to users over the algorithms can counter the filter bubble and pave the way for a more diversified content experience. Balancing freedom of expression with considerations toward others constitutes the second perspective. The writers are responsible and knowledgeable about how their works end, while their listeners should never mute those beliefs which they feel need to not be expressed at any cost. Coexistence value, therefore becomes pivotal for that kind of electronic world that makes freedom of speech possible within boundaries and conducts respectful polemic.

The digital age unleashes various challenges for creators. Telegram and some other similar platforms promotes publishing original content, such as books, without providing sufficient remuneration to authors.

¹⁰ Himangshu Rathee, *Digitization of Legal Practice: The Future is now*, Aug. 12, 2024, <https://www.ncuindia.edu/digitization-of-legal-practice-the-future-is-now/>

Quite simply, the act of passing free books constitutes an infringement on copyright, which spans its toll on the creative life of the author. We should guarantee the sustainability and fairness of the digital ecosystem that won't stoke torment between creators and consumers by reinforcing copyright protection and providing for adequate recompense for the creators. This, in turn, will foster greater creativity, breed new ideas, and continuously develop quality content intended for the masses.

CONCLUSION:

The digital era has completely changed the law-literature relationship. With all these opportunities for technological creativity and access to knowledge, technology also poses substantial challenges, including the ever-widespread violation of copyrights and where algorithmic nature can suppress marginalized voices. Once again, such a complex landscape demands a balanced approach. We must protect the rights of authors with strong copyright enforcement and efficiency in digital rights management systems, while simultaneously developing a culture of responsible sharing, fair use, and open access. The major determinant of successful law and literature in the digital age is building an inclusive and equitable environment that recognizes difference and principle, ensures fairness to creators for their work, and values multiple perspectives. It is through collaboration between creators, policymakers, and technologists that we will ensure the digital revolution serves to enrich both law and literature in the quest for a more just and creative society.

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