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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

THE DIGITAL AGE AND HUMAN RIGHTS: EXPLORING THE IMPACTS OF TECHNOLOGY ON PRIVACY, FREE SPEECH AND SOCIAL JUSTICE.

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ABSTRACT

The digital era really changes the living, working, and communicating pattern. So it really affects human rights, even in stressing such concerns as privacy and free speech or expression, and social justice. With accelerated growth in the technology sector, steps have been taken for better access to information and people connected with the global world. However, various novel challenges have appeared related to the protection of basic human rights as outlined in international legal instruments like the Universal Declaration on Human Rights and International Covenant on Economic, Social and Cultural Rights. The most significant issue of the digitalized world revolved around the right to privacy. Mass surveillance, data mining, and the usage of private information by the government or corporate bodies without the owner's consent is highly alarming. The privacy of a human being is guaranteed by Article 12 of the UDHR, but invasion is very common with the advent of such technologies as artificial intelligence and facial recognition systems along with online tracking. Regulation of data collection and digital rights has so far emerged as the supreme need for protection of personal freedoms. The digital space has also emerged as an important place for the exercise of the right to free speech, a right guaranteed under Article 19 of the UDHR. Social media and online platforms have further facilitated peoples' voices in expressing themselves, engaging in activism, and mobilizing themselves for social justice causes all over the world. These platforms are also rife with disinformation, hate speech, and government censorship and may even upset the balance between freedom of expression and protection against harmful content. The technology is both a potential bridge to bridge inequalities and a potential tool to magnify them in the world of social justice. The digital divide will further intensify economic, social, and cultural disadvantage in the disadvantaged communities because it violates most basic

principles of equality in access to resources and opportunities under the ICESCR. But technology has a noble role to turn the disadvantaged into the empowered, and therefore needs regulation—a control that would guide its use as a tool toward inclusion rather than oppression. It must serve the aims of human rights protection in the digital context and in this paper will address the challenges posed by technology in the digital age, particularly concerning privacy, free speech, and social justice. It will explore the profound impacts of these challenges on human rights, highlighting the need for a balanced approach to safeguard individual freedoms while embracing technological advancements.

Keywords:

Surveillance, Privacy, International law, Human rights, Technology.

1. INTRODUCTION

The emergence of the information age brings with it new challenges to individual civil liberties while dramatically changing the contextual terrain in which we consider time-honoured constitutional doctrines. Information technologies currently pose an ongoing issue by threatening individual privacy. Virtually every facet of personal life is eventually available to the prying eyes and ears of those in government or private industry with the resources and motive to secure and exploit personal data. The new technologies greatly enhance the capabilities of those who wish to infringe upon individual privacy rights. In addition, the set of individuals with the capability to impact the uses of such technologies offers no realistic prospects that the technologies will be used responsibly. Apart from the fundamental danger posed by new surveillance technologies, there are increasing qualitative differences in the information threatening repercussions put up by already existing technologies. A one-time potent source of keeping private thoughts private, the telephone is now no more than the subject of jest about the safety of the assumption of secure communication. Corporate security staff quietly confiscate time-activated transcripts and voice print identifications of 'suspicious' employees, police tapping without warrants becomes routine, and the soon-to-be proliferation of videophones will make personal knowledge of an interlocutor's location an affair less guarded than theretofore possible while one conducts a conversation from the relative seclusion of one's private telephone line.

1.1. HUMAN RIGHTS

Human rights are the fundamental rights and freedoms that belong to every person, regardless of nationality, sex, ethnicity, religion, or any other status. They encompass a wide range of protections, including the right to life, liberty, and security, as well as freedoms of expression, assembly, and religion.

1.2. UDHR

The Universal Declaration of Human Rights (UDHR), adopted by the United Nations General Assembly in 1948, is a landmark document that outlines these rights and serves as a common standard for all nations. The UDHR emphasizes the inherent dignity of every individual and the importance of promoting respect for human rights worldwide. It consists of 30 articles that detail various rights, including the right to education, work, and an adequate standard of living, highlighting the interconnectedness of civil, political, economic, social, and cultural rights.

As a foundational text, the UDHR has inspired numerous international treaties, national constitutions, and human rights laws, reinforcing the global commitment to uphold and protect human dignity for all.

2. HUMAN RIGHTS IN CYBERSPACE

Digital technologies and online environments permeate people's lives, supporting work, socialization, and learning. Digital transformation brings together numerous opportunities for economic growth in both the incorporation and connection of people across the globe and the development of a sense of community, markets, and inclusion, such as improved access to education and health and other public services. However, it may expose people to new risks, such as security threats and violations of privacy, and restrictions on freedom of expression. Whereas digital technology is a relatively recent development, the concept of rights has been part of human civilization for thousands of years dating back to the Cyrus Cylinder of 539 BC, the Magna Carta of 1215 and the English Bill of Rights of 1689. In 1945, the United Nations Charter defined the purposes of the UN to include promoting respect for human rights and fundamental freedoms for all.

Article 56 also states that every member of the UN shall pledge "universal respect for, and observance of, human rights and fundamental freedoms for all". Three years into it, a common

standard for the protection of basic human rights was set for the first time in the form of the Universal Declaration of Human Rights.

Human rights are usually described as inalienable and universal. Office of the United Nations High Commissioner for Human Rights. Many rights are also regarded as absolute. However, the UDHR itself-along with other international human rights instruments-recognises the possibility for tension between the rights in practice, which can allow for de facto limitations on a person's ability to exercise specific rights ("qualified rights"). In those situations, interference with one right may be acceptable in order to give effect to another. Thus, for instance, a government may limit one right to make the enjoyment of another possible in circumstances where such limitation is necessary, proportionate, and "pursuant only to provision[s] of law which are applicable in the same way to all and are consistent with the nature of these rights and are necessary in a democratic society in the interests of national security, public safety or public order, the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others ")."society". In reality, legal systems of democratic states articulate to what extent such circumstances should be addressed. The dynamics of the electronic landscape in terms of pace, breadth, and lack of borders create new settings by which human rights are conceived and implemented, violate or misuse them, and use them in ways that are pitted against each other. Digital technologies, therefore, can be used in a way that contributes to non-enjoyment of rights and exacerbate individual and social damages. Abhorrent and unlawful surveillance practices, cyber and ransomware attacks, misinformation and disinformation. advocacy of discriminatory hatred constituting incitement to discrimination, violence and hostility, systemic discrimination and biases and intentional disruption of Internet connectivity and government services in the critical Times are examples of new threats to rights in the digital age.

3. EMPOWERING COMMUNITIES THROUGH TECHNOLOGY

This will be an era that opens opportunities for innovations in the factors that enhance the quality of human life, as long as it is accompanied by collective responsibility for its impacts. It is very important to appreciate the fact that it is not an easy process in order to address the challenges in the era of evolution in digital technology. The efforts should be collectively from various parties toward a balanced and sustainable technological ecosystem.

A few more measures to be adopted for overcoming the abovementioned challenges are as under:

1. **Technology Education and Digital Literacy:** Digital literacy among the masses has to be enhanced. Educating for the safe, wise, and productive use of technology should become an integral part of education curricula. When such essentials are understood by the mass through proper education, people can develop a deeper knowledge of risks versus benefits of technology and accordingly make appropriate judgments for its usage.
2. **Accountability and Transparency:** Technology firms must be open about how they are using and processing user information. Customer privacy should come first and allow more consumer control over personal data. Firm must also take responsibility for their societal effects through products and services that they offer.
3. **Global Cooperation:** Matters in the digital technology age often cut across their national borders. It means international cooperation and collaborative frameworks need to be prioritized. Information exchange of cyber threats, harmonization of global regulations, and promotion of digital security standards is among the measures.
4. **Ethical Technology Development:** There should be research and technology development with a core sense of strong ethical principles. Examples include designing AI systems and other technologies with certain social impacts, creating non-discriminatory algorithms, and maintaining transparency in the decision-making process.
5. **Technological Innovation in Community Empowerment** Technology can be an empowering tool for community involvement in decision making and local problem-solving. Initiatives such as participatory platforms and community engaging applications can help enhance the quality of democracy and reduce disparities among citizens in their ability to utilize technology.

By taking such steps, we can capitalize on the challenges that emerge in the digital technology. These can become avenues to a just, secure, and progressive world. A concern for the common good and a balance between innovation and moral considerations will ensure that technology remains a helpful tool for individuals and for society as a whole.

4. RIGHT TO PRIVACY IN THE DIGITAL AGE: IMPACT OF ARTIFICIAL INTELLIGENCE

The introduction of AI and ML in the present era can transform the society in numbers of ways, but how easily technology can sustain humanity has to be verified. Actually, the potential hazards, unavoidable ones, and associated risks that the public might need to face are the negative aftermaths of misuse or unassessed. The technology can infringe on human dignity, the essence of which is discrimination against the most vulnerable and marginalized people and other harms such as the violation of an individual's health and safety. The hazards can also be breaking the main rights such as equality, privacy, assembly, and association, and speech and expression. In this response, we take a broad look at privacy and related issues that come up from the deployment of AI systems in the Indian context and some of the legislative and policy developments to regulate AI in India. The use of different AI systems is perceived to be capable of undermining constitutional values of the Indian Constitution.

To point it out, the principles of AI ought to be carefully observed so as not to contravene the standalone non-discrimination clause in Part III of the Indian Constitution and other related judgments of the Supreme Court of India. For example, privacy was considered in the case of Justice K.S. Puttaswamy vs. Union of India to have a wider connotation that comprises autonomy, choice, and control in relation to informational privacy. Changes in global social media have significant impacts on freedom of speech in the digital environment. That in turn also affects human rights overall. Here are some impacts of changes in social media on human rights:

- a) Freedom of Speech and Expression: social media is a platform where people can openly express their opinions, views, and thoughts. However, some platforms might impose restrictions on some content, either as a product of governmental and policymaker demands or in response to the policies of the platforms.
- b) Privacy and Data Protection: social media also presents issues with regard to privacy and data security. Personal information uploaded to such sites might be exploited by technology companies or third parties without explicit consent. This violates human rights to privacy and control over one's life over personal information.
- c) The spread of false Information and Hoaxes: social media provides platforms where false information or hoaxes are spread expeditiously. In this regard, human rights

are negatively impacted because false information may cause harm to persons' reputation, cause conflict, or prompt inappropriate action.

- d) **Cyber Violence and Harassment:** The anonymity provided by the introduction of social media fosters some of the harmful behavior that presents itself in harassment and threats.
- e) **Manipulation of Messages and Public Opinion:** social media can also be misused by some to manipulate public opinion or master the narratives. This would violate the right of people to honest information, free from manipulation, and the right to hold their own opinion.
- f) **Dependence and Digital Divide:** "The digital divide" would isolate those who are less equipped or less skilled in the use of technology, making them feel excluded from the greater community. This would prejudicially affect human rights for education, information, and participation.

5. FREEDOM OF SPEECH AND EXPRESSION

Freedom of speech and expression Freedom of expression is a basic human right. This is enshrined in Article 19 of the Universal Declaration of Human Rights. However, there are governments and people in positions of power around the world that threaten this right. Many freedoms fall under the category of freedom of expression. This is because it plays an important role in ensuring transparency and accountability of government officials. Freedom of the media is therefore attacked in many areas. and other forms of freedom of expression, such as conscientious objection to military service. It is coming under more and more pressure.

The concept of free speech has dramatically changed over the years, the digital era in particular. In this era, Technological innovations have affected the means of communication and spread of information. There are now many websites including social networks, blogs, and forums, which have provided people with a platform for voicing their opinions and experiences. Initially, only the most favourable opinion towards the authorities was allowed; today this has changed, and advocacy for previously silenced segments of society has been gained and has allowed societies to engage in debates surrounding the tough subjects. However, these innovations have great dilemmas as well, mostly related to privacy and surveillance issues especially given the current politics.

While there is freedom of expression, as much as is granted, users are most often interpellated in speech activities than they can speak. If it were supposed that the conversation is in the public domain it will also be subjected to intrusion by either the business partners or the government. Comprehensiveness of responsible use often borders on the abuse of power or even governmental infringement of the individual's rights to privacy. Because of the feeling that they are under constant surveillance, some individuals may choose not to open up their views and ideas which in the long run affects the freedom of speech. There are people who want to talk negatively about the status quo, who might avoid such conversations because of the existence of such an environment characterized by spies. Privacy is an essential human right. Article 21 of the Constitution of India promises citizens right to privacy as integral part of life and personal liberty. People's right to privacy is protected not only against the arbitrary action of the executive but also against the legislative action. However, the State could interfere with the right only if it is supported by a valid law. Due to the advent of digitalization, the domain of privacy is increasing towards vulnerability in physical as well as in virtual world and with this expansion laws and safety mechanisms are required apparently.

In response to this need, we have the Constitutional safeguards as well as legislations like Indian Penal Code, 1860, The Information Technology Act 2000etc. in the context of cyber offences as infringement of privacy. However, cyber law in India is constantly evolving and it has to be seen how, over a period of time, it will respond to the current needs of people and community.

6. SOCIAL JUSTICE IN THE DIGITAL AGE

Justice is the concept of fairness. Social fairness is fairness in a society. Indeed, it implies equal distribution of opportunities in healthcare, employment, housing, and much more. In a socially-just society, the dignity of human rights is considered and discrimination is neither condoned nor tolerated. What's the origin of the phrase "social justice?" It was probably first used in the 1780s and is mentioned in Paper #7 of The Federalist Papers. Legal scholars in the United States counter the narrative towards economics after the Industrial Revolution ended. Currently, it is so broadly spread that it refers to all parts of the society. It is viewed in the context of race, class, sexuality, and gender amongst other traits.

Under ICESCR AND INDIAN CONSTITUTION The International Covenant on Economic,

Social and Cultural Rights (ICESCR) and social justice guaranteed in the Indian Constitution do not stand apart from each other. In January, 1966, the ICESCR was adopted by the United Nations incorporating respect for all peoples cultural and social rights. Even so, constitution of India which was approved in 1950 contains a similar acknowledgment of social and economic rights by incorporating justice, equality and dignity in its Preamble. The Constitution also seeks to advance social justice principles through the guarantee of a wide range of Fundamental Rights including the right to equality, freedom and protection of life among others. Neither the ICESCR nor the Indian Constitution ignores how discrimination and inequality are able to undermine social justice and humanity and thus recognizes the need for affirmative legislation in favor of fighting structures of oppression. The provisions of “progressive realization” and “maximum available resources” contained under ICESCR is already captured under the directive principles of state policy in the Indian Constitution which enjoins upon the state the active promotion of the social and economic welfare of all citizens and fair distribution of the fruits of economic growth. There is also an explicit incorporation of social justice in the Indian Constitution in the form of affirmative action provisions addressing the protection of women, children, Scheduled Caste and Scheduled Tribe communities and other groups who are vulnerable.

Above all, there exists a mutuality of purpose in the ICESCR and the Indian Constitution in so far as the individual’s social, legal and political places are equitably upheld and taken into consideration in practice.

There are so many demands during the past few decades for social justice and even for the protection of human rights. Politically, the advocates for social justice were hand in hand with those who advocate for human rights. Social injustices of racial and sexual discrimination have been protested as violations of the most elementary human rights to equal opportunity and to the equal protection of the laws; a human right to an adequate standard of living has been proclaimed on the basis of the injustice of an affluent society in which the rich can enjoy luxuries while the poor lack the means to meet their basic human needs. Such political arguments assure the reflective thinker that there must be some close association between human rights and social justice. Human rights and social justice are not synonymous while at the same time two different concepts, though they run quite in tandem. In this regard, the Universal Declaration of Human Rights (1948) includes economic, social and cultural rights such as; right to health, security in case of unemployment, and education. In 1966, these rights

were incorporated in the International Covenant on Economic, Social and Cultural Rights (ICESCR), part of the International Bill of Human Rights. This The Vienna Declaration and Programme of Action says, "Human rights education should include peace, democracy, development and social justice, as set forth in international and regional human rights instruments, in order to achieve common understanding and awareness with a view to strengthening universal commitment to human rights." Hence the social justice finds its basis on the two very important concepts human rights and equality and can be defined as "the way in which human rights are apparent in the routine of people at all levels of society". The Constitution of India has solemnly promised to all its citizens justices – social, economic and political; liberty of thought expression, belief, faith and worship; equality of status and of opportunity; and to promote among the all fraternity assuring the dignity of the individual and the unity of the nation. The Constitution has tried to It is thus an atonement of apparently conflicting claims of socio-economic justice and of individual liberty and fundamental rights by putting some relevant provisions.

7. CONCLUSION

The digital age has changed the human rights landscape. Presenting opportunities and challenges This is despite technology facilitating greater access to information, connectivity and freedom of speech platforms. But it also poses a threat to privacy. freedom of expression and social justice is important as well. The rapid growth of digital platforms has led to the collection of huge amounts of personal data. They then subject individuals to censorship, misinformation, and cyberbullying. These platforms, which are often algorithm-driven, it can unintentionally amplify biases. Leads to digital inequality and the neglect of certain groups... Additionally, the digital divide is exacerbating existing social inequalities. Because access to technology is not left behind in the global conversation about rights and justice. Ensuring that human rights are protected in this digital age A concerted effort from the government is required. technology company and civil society as we deal with the complexities of technology's impact on human rights, creating a framework that prioritizes privacy Support freedom of speech and promoting social justice is important. The future of human rights in the digital age depends on our ability to adapt to technological advances. At the same time upholding the core principles of dignity, equality and freedom for all. we can say that human rights relevance in the age of technology is a double-edged sword; the advantages of technology may enhance or oppress the basic right of individuals. On the one hand, it brings in the joy of

unfiltered and far-reaching information including many 'silent' voices that have never been heard before. On the other, it jeopardizes the right to privacy and the sanctity of free speech. Lastly, as we prepare for this inevitable development, alertness should be of prime importance and we should call fierce measures to be put in place for the protection of all those who engage in cyberspace from being spied on or shut up. Ultimately, the purpose of the struggle is not to preserve human rights in a virtual world or even in the real world. The aim is to suppress the development of technologies that violate the principles of justice and equality. A time will come when it will be hard to speak of human rights as existing only on paper. They will have to be defended or enjoyed through interaction with technology.

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