

TECHNOLOGY AND HUMAN RIGHTS

AUTHOR – SIVARAMAKRISHNAN K, STUDENT AT MANIPAL UNIVERSITY

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ABSTRACT

The advancement of technology fulfils human desires that go beyond basic needs, serving as a significant aid to humanity. Innovations in technology have alleviated the burden of labour and have gained widespread acceptance. Throughout this evolution, social democracy has emerged as the most favourable outcome of both the Industrial Revolution and the technological revolution of artificial intelligence. The various uses of technology raise important questions about justice, particularly concerning the value, dignity, and rights of human beings. For instance, if Sophia, an artificial intelligence robot, is granted citizenship in Saudi Arabia that is equal to that of a real human, it challenges traditional concepts of work. The efficiency and accuracy of human labour are increasingly tested by artificial machines, leading to disputes over accountability in workplaces that blend human and machine efforts.

Keywords: Artificial intelligence, Jurisprudence, Accountability, Human rights.

Introduction

Are human values changing at the same time as technology, or are they changing in distinct instances? In either case, technology is a major help to humanity. Machines were presented as "technology" that alleviated the human burden of labor and gained widespread acceptance. (1) Throughout its advancement, "social democracy" (2) is the best outcome of both the Industrial Revolution and the technology revolution of "Artificial Intelligence."

The Greek terms "techne" (art, craft) and "logos" (word and speech) are the source of the word "technology," which historically represented discourse art in both the artistic and applied disciplines to accomplish Human possibilities. (3)

Unquestionably, the progress of technology satisfies Human wants beyond "basic needs"; people who receive formal education are likely to adapt to cultural advancement, and those who are informally educated are left behind due to cultural lag. The mere "technology" that

harmed the social fabric was "cultural lag. Eventually, it has also frequently resulted in turmoil in society. The advancement of technology is limited to being "sociotechnical," meaning that technology should "best fit" into the system of society. In contrast, it is merely being "technical." (4)

Human rights are thus disregarded by the fourth industrial revolution of technology. Social change is a result of inventions and discoveries, that comprise "nonmaterial elements of culture" over through "material cultural" elements of human civilization. (5)

Which are the nonmaterial cultures of human civilization? How does it affect the elements of those cultures? These questions are essential to understanding what is meant by "Human rights." To put it briefly, nonmaterial culture is abstract. It comprises the values, norms, and practices standard in all societies worldwide that give people "a sense of identity and practice their rights."

An Assertive Response to Concentration Camps

UN Charter of International Law has four primary sources: international *conventions*, *customary international law*, *general principles of law recognized by the state*, and *judicial decisions* (1) the Universal Declaration of Human Rights Article 3 as a powerful response against "concentration camps." As notwithstanding, *post-World War II*, profound reactions to *human rights and life* should be safeguarded. Eventually, Eleanor Roosevelt led the draft of the Universal Declaration of Human Rights (UDHR) came into enactment, in 1948.

With the UN's adoption of the UDHR in 1976, all fundamental rights recognized and safeguarded by the state under the Constitution are referred to as "Human Rights," and they become international law. India is one of the proudest members of the UDHR, having ratified and implemented the document in 1950 (2). Article 21 of the Indian constitution is directly derived from Article 3 of the UDHR (3).

Article 74 (1) of the South African Constitution, which discusses *democracy* as a cornerstone, served as the basis for the amendments made to the procedures of the Indian Constitution. The fundamental principle of Article 21 of the Indian Constitution, which guarantees everyone's right to life and liberty, is "democracy." The Indian Constitution serves as the nation's cornerstone. (4)

The "Manden Charter," Africa's oldest oral constitution, outlines the rights and duties of the "mandica society." UNESCO acknowledged the "preamble of the Manden Charter" as an incredible representation of traditional social and legal norms. Another illustration of the social legitimacy and efficacy of resolving women's issues is women's courts or *Nari Adalats* in INDIA, which serve as community protectors through "mediation centers". (5)

Human Rights and Technological Advancements:

The very notion that "uses of technology" raises questions of "justice" to ensure the value, dignity,

and rights of humans as stated in "article 21" of the Indian constitution. according to Rosco Pound's concepts of what constitutes "law" and what laws "ought to be" to protect human "rights, Does Jerme Bentham's "Pleasure and Pain" principles protect human rights when it comes to the utilization of technology? Or do technologically advanced society and the realistic school of law uphold human rights?

Is it right to look first to see if employing technology violates an individual's human rights? Let's take a short look at it: Globalization, privatization, and liberalization pushed for the Information Technology Act of 2000 for e-commerce. The IT Act of 2000, India created legislation that is actionable for violations of cyberspace law (1), even if *Article-19* of the UDHR is the cornerstone of the "information society." (2) International human rights statutes are therefore based on the *utilitarianism* of the Jerme Bentham Philosophy of the law. Eventually, this leaves the opportunities for what law ought to be to protect Human rights and it is indisputable that the "Pleasure and Pain" principles of inappropriate technology use are what gave rise to cybercrime

The court judgment mentioned that the online gaming market in India is poised for explosion moreover transfer of money through international routes causes jurisdictional issues. Thus, Rules made under IT Act 2011 of "prohibition of online game transaction" *M/s Gaussian Network Pvt.Ltd vs Ms. Monica Lakhnarpal AIR 2012, (1)* thus, it can be assumed that in the view of Bentham principles of "Pleasure and Pain" overuse of Technology leads to Violation of the law. (3)

A Right to Privacy to Technology Usage.

The case of *K.S Puttaswamy v Union of India & Ors AIR 2017 (1)* the claim of protection of privacy rights against the state and non-state actors as the danger of the technology advancement. The court held that control over the rights of the individual and his/her existence on the internet and unauthorized use of such

information in the aspect right to privacy is a violation of Article 21 of the Indian constitution.

Thus, **judicial supremacy** upheld the “**Human Rights**” of the citizens of India. H.L.A. Hart's principles of rule of recognition, rule of change, and rule of adjunction, however, were unable to define what constitutes “law” to uphold “Human rights,” especially privacy in “technology incorporates,” given the technology itself advance toward artificial intelligence, making it inconceivable to provide justice for the right to privacy.

Artificial intelligence and accountability of justice to Human Rights violations.

Technological advancements in artificial intelligence (AI) have been an incredible help in almost every profession, including criminal detection, natural disaster rescue, police identification of offenders, the medical industry, and more. However, there is a known risk associated with AI, which is the threat to “Human accountability.”

Ensuring justice in society will become more complex, particularly in the judiciary for its administration of Justice and the potential use of Artificial Intelligence (2). if Sophia, an artificial intelligence robot, is granted citizenship in “Saudi Arabia”(3) equal to that of a real human person. A Human being's work time, work efficiency, and accuracy are highly challenged by Artificial machines 'disputes arising from accountability between Human and machine-interpreted work environments.

As a result, the legal schools of thought are being challenged by the definition of “legal personality.” Is it attainable for the realistic school of law to deal with this to guarantee “Justice”? World leaders gathered at the Paris AI Summit, co-chaired by the Indian Prime Minister. During the summit, they reflected on the importance of ethics, regulations, and the productive use of AI for global development. India looks forward to hosting the next AI summit (5). Indeed, it is reasonable to conclude that there is a paradigm shift in understanding

jurisprudence to ensure “justice” in the context of accountability for both natural persons and artificial entities.