



REPORT OF INTERNATIONAL CONFERENCE
ON THE TOPIC OF
“LEGAL DIMENSIONS OF HUMAN RIGHTS IN THE
TECHNOLOGICAL REALM”

(Asst. Prof. Sourabh Ubale – Programme Officer)

The imaginations in the Science fiction are reality now. The autonomous and intelligent technologies, endowed with independent reasoning and decision making, are transforming the landscape of human rights in prominent way. This potential impact is giving birth to new social, political, economic and cultural challenges clubbed with legal repercussions to be encountered with .The conventional legal perspective has to be widened to encompass these transformative yet exigent technological revolutionary tides. Its dynamic and dual nature poses a real & tormenting warning and threat to human rights and Law, being the custodian and protector, must take a call now.

These rapid & vivid developments inspired the faculty of Marathwada Mitra Mandal's Shankarrao Chavan Law College, Pune to organize the International Conference and as the Centre for the Study of Human Rights (CSHR) And the Faculty of Law, University of Colombo, Colombo (SRI LANKA) had same aim in their arena to inspire multi-disciplinary research and to provide an international platform for disseminating intellectual explorations of jurists, legal practitioners and judges, data science and IT specialists, policy-makers, national security and law enforcement experts and budding minds who are contributing significantly at all levels. Thus, the collaboration was achieved and MMM's Shankarrao Chavan Law College hosted the conference in its own campus on 17th & 18th of January, 2020.

Total 172 Participants from various law colleges in and around Pune, within and outside Maharashtra and outside India sought a unique opportunity to deepen their insights about the varying paradigm of human rights in context of the socio-legal implications of new data technologies globally. The participants belonged to categories ranging from students, academicians, professionals.

Along with this intellectual treat, participants were given an opportunity to present their research papers in front of eminent panel of experts. Total 38 participants presented their



papers. Thus, it was a mutually beneficial association which was sought to be achieved through these two days' program.

Foreign Delegates also had a cultural visit in Pune on the next day. Asst. Prof. Sourabh Ubale was the Programme Officer; Asst. Prof. Ashwini Ingole & Asst. Prof. Mayura Sabne were Programme Coordinators and Ms. Mugdha Satpute was Official Rapporteur.

17th January 2020

INAUGURAL FUNCTION

Principal of Shankarrao Chavan Law College Dr. Kranti Deshmukh

The preparation of the conference was being done since last 5 months in cooperation with the Sri Lankan Organizers.

Introduction of SCLC: SCLC was established as part of the Marathwada Mitra Mandal. Its objective is to provide quality legal education, and taking into the consideration the Indian diversity, the institution aims at providing quality education to the masses. The institution imparts student centric education.

Introduction of the International Conference: The theme of the conference makes us question whether the technology is made for us or are we made for the technology. It is a serious threat to the lives of human kind and it greatly affects the mental health. Hence urgent attention must be given to find the solutions for these problems.

Prof. Indira Nanayakkara:

She appreciated the warm hospitality, diligent work and meticulous arrangement done by the SCLC staff and volunteers. She expressed that she feels honored and delighted to be here.

Introduction of the Faculty of Law, University of Colombo: The faculty provides the students a 4 year Under graduate course in which one batch consists of 250 students. The courses are offered in 3 languages: Tamil, Sinhalese, and English. The institution aims at inculcating values, and legal skill training in the students, and the international conference creates an opportunity for more cooperation and connectivity. The M.Phil., PhD, and other such academic courses are also offered by the institution. Abundant skills and resources can be used together to make a valuable contribution to legal education. The Faculty of Law, Colombo shares the same objective with SCLC of providing and maintaining quality legal



education so as to benefit the legal education, legal profession, and jurisprudence.

Dr. Paramjit Jaswal:

He complimented and congratulated the organizers for organizing an international conference on such an important theme as Human Rights and Technology are the topics which are hardly talked upon as they are inter-related. In this universe the Human Rights were born much earlier the birth of technology. Therefore, Human Rights are the most basic rights, and the technology was developed by humans themselves. But now-a-days, this technology is overtaking the human world, and is affecting Human Rights in many ways. The humanity must be respected or else we will or be able to survive. The world has faced the outcomes of World Wars, atom bomb attacks, which lead to sacrifice of innumerable lives. Hence in 1948 the UDHR talks about the basic human rights of people which are universally accepted as they are already in existence. These rights are noted based on the three generations, and today we are talking about the 4th generation of rights and 5th generation of rights. It is said that any right under the sun can be interpreted under the articles stated in the Constitution of India. Human rights are expanded in different categories such as right to privacy, right to live in healthy environment, right to earn livelihood and so on. Technology can work to protect Human Rights or to destroy Human Rights. In 1086, William the conqueror launched the project doom days book which recorded data of each farm, cattle, geographical dimension, location, etc. If he had access to computers in those days how much data he would have been able to collect! 85% customer interaction is handled by machines. Automation has affected a person's right to earn livelihood, and has created unemployment. Growth of internet technology is part and parcel of our life and it has impact on Human Rights in different ways. Children are addicted to the use of internet and technology which is adversely affecting their health. Any nation needs two basic components for growth and those are Health and Education. Large number of diseases are cured through new drugs, and the longevity of life increases due to technology. Surrogacy, cloning, greenhouse gases, and environment pollution are threats to human rights. Observing the present global conditions, if a war breaks out between two countries it will lead to mass destruction of the world. The question to be discussed is that how to use technology, whether it must be used to create pollution or to save environment from pollution? Human rights involve emotions but technology is made only of data. If developed Artificial intelligence is able to distinguish between humans and machines



then the human relationships will come to an end. Law is made to regulate the human conduct. But the development of law is much slower than the development of technology. No one can defeat nature and human rights are natural rights. Thus, Human Rights can see right future only if the technology is used with proper perspective, protecting the human rights.

Prof. Wasantha Seneviratne:

Ma'am said that the Sri Lankan team feels privileged for having such an important opportunity to collaborate with SCLC. Ma'am gave an introduction about the Centre for the Study of Human Rights, which works as the research arm. It conducts educational programs and research collaboration programs. We find advantages and disadvantages in technological advancement, and it helps in improving the future. She said that it is our responsibility to maintain fair and balanced approach to human rights, and between human rights & technology.

Dr. Nishtha Jaswal:

Ma'am stressed on the points of how the world would be if the robots start doing all the work. When humans rubbed two stones to ignite fire their happiness was beyond bounds, but we find no such type of happiness today. There will be no question of appreciation in the world where only comforts are present. We need to realize whether we are progressing positively, otherwise there will be consequences. The Constitution, jurisprudence, theories, and personality will be needed to be changed to include the rights of the robots. The IQ level of robot cannot be equated to IQ level of humans. And the question is who will ultimately rule – AI or those who operate AI.Machines cannot take instant decisions. And technology is provided as facilities when there is already unemployment, hunger, and poverty. She referred to the psychological testing in which the IQ along with EQ of a person is taken into consideration. She concluded her keynote address by sharing a poem regarding the impact of technology on the human kind.

SESSION 1:

HEALTH SECTOR, TECHNOLOGY, & HUMAN RIGHTS – Dr. Jyoti Bhakare



The technical session started with introduction of the concept of Eugenics, which emphasizes on the selective mating advocating good progeny. Started as a movement in UK in 1900s, the law on progeny spread to other countries. According to Nuremberg Code the subjects of human experimentation must be recorded and the informed consent must be taken, and the points provide an ethical guidelines for human experimentation. Animal rights should include the human rights since humans are also animals. She put forth the questions that arise during the organ donation process through technology. During this process the patient has to be involved in the decision-making process, and his consent must be taken. The Principles of Bio-ethics explains and answers the medical problems. Theory of Principlism leads to development of bio-ethics. Experiments are conducted on poor but the benefits are taken by rich. Research is meant for public, the IPR rewarded to MNCs is it at cost of the human rights of people? She also emphasized on the misuse of DNA samples, and how it must be regulated by the law. How the blood given for testing in laboratories, or the eggs and sperms are disposed, and for how long it is stored, the answers of these questions are not known by people, and these biological materials can be used for malpractices. When does the life starts and when does it end? Whether fetus has right to privacy? Do robots have life to dignity? What rights do they have? The session was highlighted on these questions and their solutions. Various cases regarding the topic were discussed. Through use of new technologies such as Genomics and Human Genome Projects there is an easy access to private data of people. Mind reading through FMRI consists of persuasive technology. But who is to be held liable if something goes wrong? Technology offers materialistic pleasures, it evolves, but the excitement coming out of it is momentary.

SESSION 2:

IPR, TECHNOLOGY, & HUMAN RIGHTS – Prof. Ganesh S. Hingmire

Global scenario of Human Rights and IPR was discussed in the session. Sir explained the functioning of the Doha Ministerial Conference, 2001, and the reason behind the formulation of TRIPS and Public Health Agreement. He also discussed the later working of Cancun Ministerial Conference 2003, and Hongkong Ministerial Conference 2005, and talked about the role played by the Proviso clause in the Agreement. Someone's monopoly rights should not deprive someone's life. Humans created machine, and these machines create IPR, so is



IPR a human right? Law is present to protect the intellect, i.e. IPR. He explained the importance of Copyrights, Patents, Trademarks and Trade secrets. One patent can solve the economic problems of a country by generating employment. Sir also emphasized on the concept of Geographical Indication and Indian patents. Indian agriculture G I is very less compared to other countries. IPR is in interest of human rights. Human rights are used to expand IPR, as well as they are used to impose external limitations on IP.

The difference between absolute growth and sustainable growth must be achieved for striking balance between IPR and Human rights.

RESEARCH LEX TALKS:

1. CHALLENGES OF OBSERVING HUMANITARIAN LAW PRINCIPLES IN TIMES OF ARMED CONFLICT IN THE TECHNOLOGICAL ERA WITH SPECIAL REFERENCE TO CYBER WARFARE

- **Prof. (Mrs) Samarasundara Seneviratne Muhandiramge Wasantha Seneviratne**

Implications of Cyber warfare from an International Humanitarian Law (IHL) perspective are discussed. The acts of cyber espionage, cyber-crimes and cyber warfare makes us state that who needs a gun when you have a keyboard. Few examples of cyber warfare are the Drone strike on the Iranian General Qaseem Suleimani , 15years old boy hacks into NASA and US Defense Department in 1999, etc. The concerns of cyber warfare, challenges for IHL, and problems faced were discussed in the session. In cyber warfare we may not see physical damage, but the damage includes impairing functionality. Through the use of malware, indiscriminate attacks are done. But the question is whether the law of war imposes its limits on cyber-attacks? Ma'am also emphasized on the Conduct of hostilities which consists of certain principles as follows:

- Principle of Distinction
- Principle of Proportionality
- Principle of Precautions

And even if the traditional sources of IHL does not expressly refer to cyber warfare, however IHL does apply to cyber warfare.



2. IMPACT OF MODERN TECHNOLOGY IN NATIONAL SURVEILLANCE: A HUMAN RIGHTS PERSPECTIVE

- **Mr. HarankahaArachchigeMenaka**

States can be National Surveillance State or National Security State. The modern technology of surveillance interferes with the personal life and personal data of people. Records of biometrics and the records of surveillance can be used for unlawful practices trespassing the legal regime. The question is whether government has right to use such technology and to what extent they must be used? Such technology must be used only for legitimate purposes and must not be used unnecessarily. The law in a country must allow such surveillance mechanism, it must be in the judicial machinery. Sir also focused on the role of Private Companies producing such technology, and if such technologies would adversely affect a person's right then there must be a rethought on it. The interpretations of existing laws to cope up with technology from Human Rights perspectives, must be done.

3. DESIGNING AN APPROPRIATE INTELLECTUAL PROPERTY AND HUMAN RIGHT INTERFACE IN A TECHNOLOGY DRIVEN WORLD: A SOUTH ASIAN PERSPECTIVE

- **Dr. (Mr) Nishantha Sampath Punchichewage**

IPR are given to incentivized innovations and creations. IPR must not be permitted to violate (Human Rights) HR. UDHR and European Human Rights organizations accept IPR as a part of HR. From a jurisprudential stand point IP is the product of Social Contract between the creator and society. HR can expand IPR and it can also curtail excessive growth of IPR. IPR system has in-built mechanisms and limitations. Tensions between IPR and HR must be solved by the judiciary by limiting conflicts. Rights of average people regarding IP system must be limited by external means of HR. Sir also discussed the Conflict approach and the Coexistence approach of HR. The legitimization and public acceptance are needed to be taken into consideration.

4. RIGHT TO TRADITIONAL FISHING AND EMERGING CHALLENGES OF MODERN FISHING TECHNOLOGY: A LAW OF THE SEA PERSPECTIVE



- Mr. Mohamad Abubakar Hakeem

Traditional techniques of fishing are used but the lack of fishes creates problems for the local fishermen community along the seashore. These fishing community is a vulnerable group having traditional knowledge of fishing and hence their collective rights must be protected.

Fishermen know the types of fishes available at which location in the sea and at what time according to their traditional knowledge, and thus they make profitable venture out of their fishing. But now-a-days, fishing is done by various companies in the oceans, and they exhaust the available possibility of catching fishes causing a problem for local fishermen. This process of over exploitation affects the ecosystem of the sea. And thus the basic rights of fishermen are affected – Right to Occupation, Right to Life, Right to Livelihood, etc. There must be sustainable use of the modern fishing technology. And it is upto the states, how they formulate their policies and how they cooperate with other states as same problems are faced by other countries as well.

The first day of the International Conference was concluded with the sweet memories created through cultural evening presented by the students SCLC and the guests from Sri Lanka. Both of the nations represented their cultural heritage through songs and dance performance which gave a delightful treat to the audience.

18th January 2020

The second and last day of the International Conference was started with paper presentations. Total 38 participants presented their research papers in front of total 4 panels of experts who analyzed and appreciated the efforts of presenters. Then the day was followed by 2 more technical sessions.

SESSION 3:

TIDE OF TECHNOLOGY FACILITATED GENDER BASED VIOLENCE: A HUMAN RIGHTS PERSPECTIVE – Dr. Dipa Dube

The speaker inaugurated her session by introducing the concepts such as Information and Communication Technology, Artificial Intelligence, Block chain, Internet of Things and Computing Technologies which lead in transforming lives, business and social environment. She further elaborated that through the use of technology how women are stalked, defamed,



bullied and how they have become subject to sex-based harassment, hate speech, human trafficking, etc. Apart from women, people from specific sections or specific individuals can also be targeted, for example third gender people, vulnerable groups, disabled people. She stressed that technology facilitated gender-based violence which is a constant threat to security and dignity of our lives. Growing evidences suggest that technology facilitated gender-based violence which is a complex and pervasive issue, because of anonymity of perpetrators, unsuspecting victims, unprecedented speed and reach of technology as law doesn't go with speed of technology, and spillover of online violence to real life and vice versa. The conceptions of patriarchy, misogyny, and gender stereotypes are magnified in the digital world. Expertise regarding cyber-crime is not available in our country. In order to address the issues, UDHR, ICCPR, ICESCR, CEDAW, and CRC provide the human rights framework to protect the value and dignity of human life. In the light of these developments, she suggested that it is important for women to become the part of the process thus helping victims. Technology must be used to combat technology other than law and self-regulation since it is hard for law to keep the pace. Technology must be developed on the basis of ethnic and value-based technology as per the Human Rights perspective.

SESSION 4:

PRACTICAL APPROACH OF TECHNOLOGY & HUMAN RIGHTS – Prof. Kalyan Tankasali

The Speaker illuminated that disciplines have their own perspectives about problems and they have their own limitations. The world can be divided into two different sides – one side includes the modern, technologically advanced world and the other side includes rural, non-technological side. Due to advancements in technology, the other side of the world is being ignored. The present technologies are present on four human instincts; therefore, we must try to develop a new technology based on humanity. Sir also discussed the qualities of a good and appropriate technology. He concluded the session by stating that technology decides what impact you have left behind you.

VALEDICTORY CEREMONY



Dr. Kranti Deshmukh (Principal of Shankarrao Chavan Law College, Pune, India):

Ma'am gave an introduction of the topic discussed in the international conference. She said that the issue of adverse effects caused by advanced technology to the human kind must not be ignored.

Prof. Wasantha Seneviratne (Director, Centre for the Study of Human Rights, Faculty of Law, University of Colombo, Sri Lanka):

Ma'am expressed her gratitude to the organizers of the international conference on behalf of Faculty of Law, University of Colombo.. She said that all the Sri Lankan delegates would rate the conduction of the conference as 100% success. She also informed about the MoU to be done between the two institutions, and said that this kind of international collaboration must be continued annually.

Hon'ble Justice Vinay Joshi (Judge, High Court of Bombay, Nagpur Bench):

Hon'ble Justice Vinay Joshi sir discussed the importance of conceptual understanding of legal processes. He said that students should explore, widen their horizons and should grab all the opportunities for their self-growth and self-development. Understanding of legal language is important but language must not become a barrier, the content is more important. Sir advised students that they should master the facts, and understand the issue involved and how legal provisions are interpreted rather than focusing on citations. Now-a-days various online legal apps are available, so students must use them for their legal study and for understanding the ratio decidendi of judgements. Various e-courts are being established in the judicial structure, but these e-courts consist of pros as well as cons. We have to preserve the rule of law to protect the human rights and justice. There is no substitute to human mind since only we have thinking capacity. Technology must be used as a compliment to the main objective and not as a substitute. Sir also emphasized on the judicial perspectives towards technology and human rights, and how the system must be vibrant to cope up with the technological advancements.

Conclusion

This journey of two days encompassed a visit to diverse techno-legal outlooks of human rights and ensured an opportunity to discuss appropriate policy and legal responses to benefits and risks.



**Marathwada Mitra Mandal's Shankarrao Chavan Law College, Pune
The Centre for the Study of Human Rights (CSHR) And
The Faculty of Law, University of Colombo, Colombo (SRI LANKA)**



The global guardian of Human rights, UN has already taken a lead to develop “A *Magna Carta for the Digital Age*”. The resultant international collaborative research of the present International Conference will surely enlighten a new beacon and assist the global legal efforts in imprinting manner.

(OFFICIAL RAPPORTEUR)