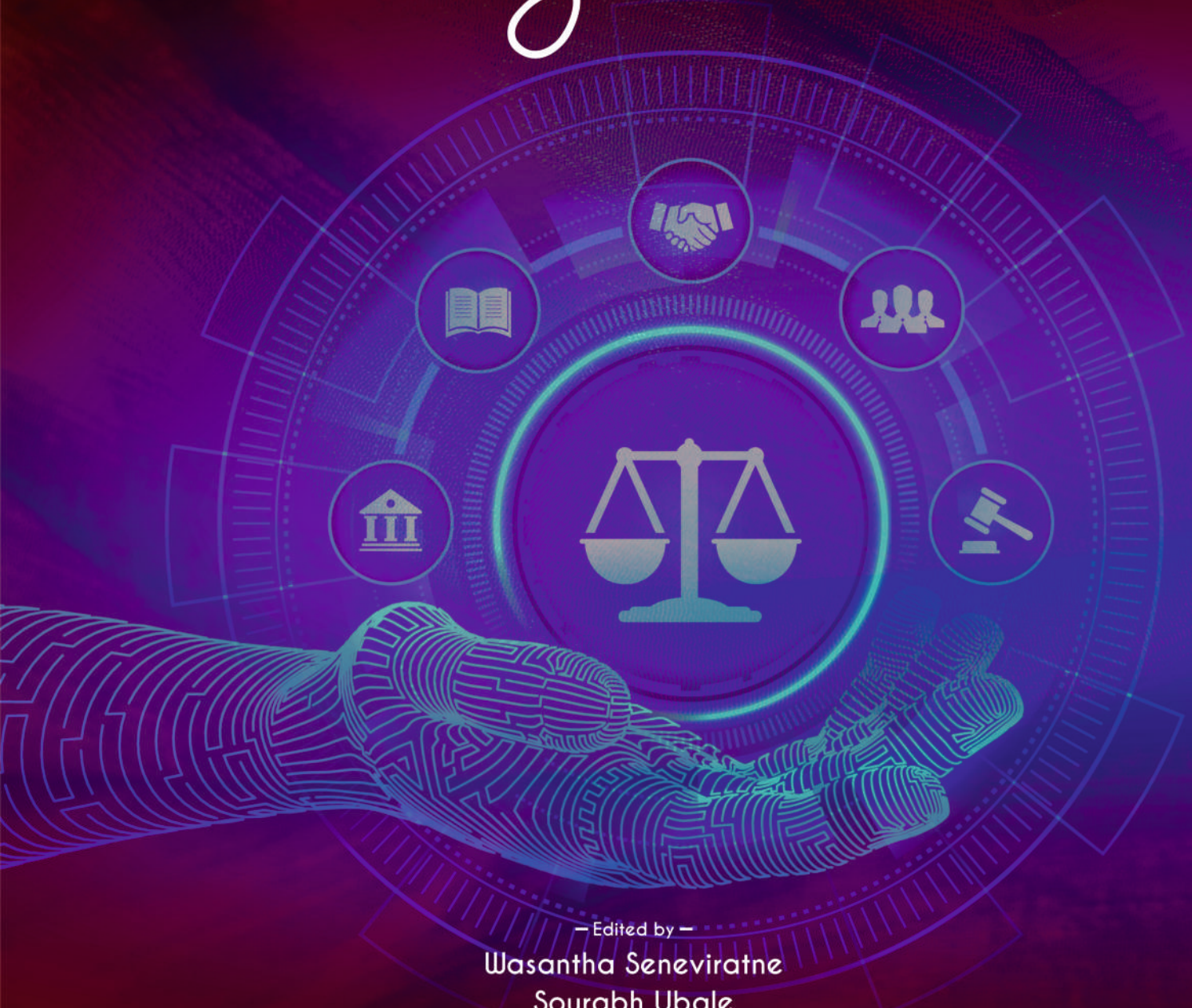


# Legal Dimensions of Human Rights in the Technological Realm



— Edited by —

Wasantha Seneviratne  
Sourabh Ubale

— PUBLISHED JOINTLY BY —



THE CENTRE FOR THE  
STUDY OF HUMAN RIGHTS (CSHR),  
FACULTY OF LAW, UNIVERSITY OF COLOMBO  
(SRI LANKA)



MARATHWADA MITRA MANDAL'S  
SHANKARRAO CHAVAN LAW COLLEGE, PUNE  
( AFFILIATED TO SAVITRIBAI PHULE PUNE UNIVERSITY,  
& ACCREDITED 'A' GRADE BY NAAC ) (INDIA)

# **Legal Dimensions of Human Rights in the Technological Realm**

~ EDITED BY ~

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The Centre for the Study of Human Rights (CSHR), Faculty of Law,  
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Marathwada Mitra Mandal's Shankarrao Chavan Law College, Pune  
(Affiliated to Savitribai Phule Pune University &  
Accredited 'A' Grade by NAAC)  
(INDIA)

**January, 2021**

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## Convenor's Message

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**Prof. (Mrs.) W. Indira Nanayakkara**  
Professor & Dean, Faculty of Law,  
University of Colombo, Sri Lanka



**Dr. Kranti Deshmukh**  
Principal, Marathwada Mitra Mandal's  
Shankarrao Chavan Law College, Pune

Being the Oldest University in Sri Lanka, the University of Colombo carries the legacy to maintain academic excellence in all areas of study with nine faculties with 56 Academic Departments, 7 Institutes and 8 Centres and Units, in pursuit of its motto "*Buddhi Sarvathra Bhrajate*", Sanskrit for "Wisdom Enlightens". With a proud history of over 115 years, it continues in its endeavour to meet the challenge of maintaining its position as the "Metropolitan University, Modern and International in Outlook and Character". The complex of the University, located in the heart of the capital city of Colombo has enchanting features. The Faculty of Law of the University of Colombo is the only Faculty of Law in the entire University system of Sri Lanka. The Department of Law was established in July 1947. The Faculty of Law has three Departments, Department of Public and International Law, Department of Private and Comparative Law and Department of Commercial Law, along with the Centre for the Study of Human Rights. The main objective of legal education in the Faculty of Law has been not only to teach its students what the law is but also, and importantly, to teach them what the law ought to be. Apart from this students are trained in various skills required for the legal profession. It is not a place where only knowledge is imparted; it is a place where students are educated to develop a habit of mind which will enable them to search for the truth. They should contribute to the rule of law and be responsible citizens with social sympathy and with proper attitude to serve their motherland which has provided a lot for them to obtain this education. The Faculty of Law concentrates not only on transmission of legal knowledge but inculcates contemporary perspective towards Human Rights. The CSHR is an educational and research centre attached to the Faculty of Law, University of Colombo, Sri Lanka. Its mandate is to conduct and facilitate human rights education and research programmes for the university community and the community at large. The CSHR carries out human rights based multi-disciplinary programmes and projects under its mandate of human rights education and research in its four identified areas of work, which are: Human Rights Education, Research, Capacity Building and Knowledge Services, which are accessible to diverse groups of persons. Currently it offers many educational programmes ranging from certificate courses to a Master Degree in Human Rights and Democratization and has collaboration with regional Universities in the Asia Pacific region.

Being established through an inspiration of socially and educationally charged personalities, we, Marathwada Mitra Mandal established in 1967 as the charitable trust, serves with a motto "*Yethe Bahutanche Hit*" (Welfare of Masses). At its various educational

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campuses, excellent facilities of education are provided to more than 12000 students pertaining to Architecture, Management, Law, Commerce, Pharmacy and Engineering etc. Recently Marathwada Mitra Mandal's four colleges are accredited with 'A' Grade by National Assessment and Accreditation Council (NAAC). Under the patronage of Marathwada Mitra Mandal, Shankarrao Chavan Law College was established in 2003 with the objective of nurturing future legal professionals and researchers with ideals and values required for playing constructive role to create a better world. The College is affiliated to Savitribai Phule Pune University, approved by Bar Council of India, recognized by Government of Maharashtra with an ISO Certification and accredited with 'A' Grade by NAAC. And thus stands as one of the premier law colleges in India. Our College has a motto 'Quality Legal Education for Masses'. Since inception our College has been encouraging the students to develop themselves into the legal professionals having legal knowledge, acumen and expertise suitable for dynamic and globalized legal industry. With this view, apart from academic excellence, we nurture the students with several co-curricular and extra-curricular activities. We host wide range of co-curricular activities such as Justice P.B. Sawant National Moot Court Competition, Late Shri Shankarrao Chavan Memorial State Level Elocution Competition, PG Department of Law National Conference, etc. We also run various centers and cells such as Center for Advanced Legal Research & Training (CALRT), Family Counselling Center, Center for Academic Research, Publication & E-content in Law (CARPEL), etc. The CARPEL is to endeavour new frontiers of knowledge by way of inculcating the skills of deep inquiry, scientific investigation, fact and solution finding mechanism with various experiments. Activities through CARPEL are helping in improving and discovering new challenges to our knowledge and to overcome all such contemporary challenges with futuristic approach. It works into three wings namely- Research, Publication and E-Content Development. Apart from the Student and Faculty Research activities on National & International Level, under its flagship, we publish an International Journal 'SCLC Law Review', a national journal 'SCLC Journal of Contemporary Issues' (Student Edition), edited books and various compilations as study material. It is also developing electronic content in law in the form of Audio, Visual, Audio-visual, Video Lectures, electronic readable content, etc.

To strengthen the ties of both of these renowned Institutions, we have organised International Conference on "Legal Dimensions of Human Rights in the Technological Realm" on 17<sup>th</sup> & 18<sup>th</sup> January, 2020 which was graced by the presence of luminaries from the field of law and students, academicians and professionals across the country and abroad.

In the light of the same, and celebrating the first anniversary of our association, we are greatly honoured to have this publication of an edited book in continuation of our research collaboration, edited by our esteemed faculties of both the institutes, Wasantha Senevirante & Sourabh Ubale who are also acting as Representatives of respective Institutions in this collaboration.

We extend our profuse thanks to all the contributors from distinguished institutions across the country and also extend our warm wishes to all the august readers.

16<sup>th</sup> January 2021  
Colombo/Pune

**Prof. W. Indira Nanayakkara &  
Dr. Kranti Deshmukh**  
(Convenors)

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## **Acknowledgement**

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We are deeply indebted to Prof. Chandrika N. Wijeratne, Vice Chancellor of the University of Colombo and Prin. Mr. B. G. Jadhav, Executive President, Marathwada Mitra Mandal for their constant support, expertise knowledge and encouragement which have been the force behind the successful accomplishment of this edited book.

We are expressing our special thanks to Prof. (Mrs) Wellalage Indira Nanayakkara, Professor & Dean, Faculty of Law, University of Colombo, Sri Lanka; Mr. S. D. Ganage, President, & Mr. Kishor Mungale, Secretary, Marathwada Mitra Mandal; Dr. Kranti Deshmukh, Principal, Marathwada Mitra Mandal's Shankarrao Chavan Law College, Pune & Mr. Mohamad Abubakar Hakeem, Dy Director, Centre for the Study of Human Rights, University of Colombo, Sri Lanka.

We wish to offer my sincere gratitude to Mr. Harankaha Arachchige Menaka, Dr. (Mr) Nishantha Sampath Punchihewage, Dr. (Mr) Walakada Appuhamilage Darshana Jeewantha Sumanadasa, Mr. Godawatha Isuru Madushanka Liyanage, Mrs. Dona Saipath Enoke Udapadie Sepala Liyanage, Ms. Gammanpila Imiyage Don Isankhya Udani, Ms. Thilini Ruwanthika Galappaththige, from Faculty of Law, University of Colombo, Sri Lanka.

We are also grateful to Dr. Ashwini Ingole & Ms. Mayura Sabne without their assistance we would not have successfully conducted the International Conference on "Legal Dimensions of Human Rights in the Technological Realm" organized by Marathwada Mitra Mandal's Shankarrao Chavan Law College, Pune in Collaboration with The Centre for the Study of Human Rights (CSHR) And The Faculty of Law, University of Colombo, Colombo (SRI LANKA).

We extend our gratitude to Dr. Pratapsinh Salunke, Dr. Pradipkumar Tambe, Dr. Vikas Bhatnagar, Mrs. Revati Naik, Dr. Bhagwan Gawali, Mr. Gajendra Dhamal, Ms. Krushna Badade, faculties at Marathwada Mitra Mandal's Shankarrao Chavan Law College, Pune.

We are also very great to have wonderful team of young students from Shankarrao Chavan Law College to help us during this work, Mr. Sahil Shrivastav, Ms. Mugdha Satpute, Mr. Prafful Tonge, Ms. Aditi Kalbhor, Ms. Rucha Kulkarni, Ms. Anushita Dubey, Mr. Yash Sahu, Mr. Ashutosh Patare, Ms. Amruta Borge.

Finally, we are ever graceful to everyone who has become the part of our extended family in India & Sri Lanka for their prayerful blessings and moral support without which this work could not be a successful one.

16<sup>th</sup> January 2021

Colombo/Pune

**Wasantha Senevirante &  
Sourabh Ubale**  
(Editors)

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## Preface



**Wasantha Senevirante**

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**Sourabh Ubale**

(Assistant Professor, Academic Research  
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Chavan Law College, Pune, India)

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.

In the light of these rapid developments, the theme of present edited book is aimed 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. Reading of this edited book will provide you with the unique opportunity to deepen your insights about the varying paradigm of human rights in context of the socio-legal implications of new data technologies globally. The journey of reading this edited book will encompass a visit to diverse techno-legal outlooks of human rights and will ensure an opportunity to articulate appropriate policy and legal responses to benefits and risks.

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 edited book will surely enlighten a new beacon and assist the global legal efforts in imprinting manner.

The chapters of this book almost covers Human Rights in the Realm of AI Era, Comparative Copyright on Technological Interference, Digital Media, Right to Privacy, Siri Technology, Analysis of Reproductive Justice in Tech-Developing Globe, Media Trial, Environment related aspects, Child rights in Digital Era, Data Privacy, Right to Health, Water Rights, Outer Space, IP Regime, etc.

We wish to thank all the contributors, their respective esteemed institutions and readers of this book.

**Wasantha Senevirante & Sourabh Ubale**  
(Editors)

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