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## FROM MAGNA CARTA TO METADATA: A JOURNEY THROUGH MODERN HUMAN RIGHTS

~ *Ujjwal Jain*

### 1. ABSTRACT

The comprehensive development of human rights with one starting point in the Magna Carta of 1215 and one ending up at the need to solve challenges as digital surveillance, climate justice and artificial intelligence is traced in this paper. It analyses key historical moments, philosophical principles and the world law, such as the Universal Declaration of Human Rights (UDHR). This paper examines the radical shift of rights that started as the protection of aristocracy and aristocracy-related classes to rights of the universal individual and, more recently, of the necessity of algorithmic accountability and digital rights to privacy. It ends up with the argument that human rights are dynamic and therefore legal systems require constant changes to deal with the changing technologies and society.<sup>1</sup>

### 2. INTRODUCTION

The human rights that have been developed as a tremendously deep legal framework and also a kind of key moral guidance have experienced an unimaginable and constant development, a journey that covers more than 800 years. This convoluted path started with the Magna Carta of 1215 which became a fundamental document although at the time its purpose was directed at curbing monarchical authority and defending feudal rights it set out the germ of ideas of legal responsibility and procedural regularity. These are the initial embers of freedom which set solid foundation to further idealization of personal safeguards of spontaneous powers.<sup>2</sup>

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<sup>1</sup> See generally Universal Declaration of Human Rights, G.A. Res. 217A (III), U.N. Doc. A/810 (Dec. 10, 1948).

<sup>2</sup> J.C. Holt, *Magna Carta* (Cambridge Univ. Press 2d ed. 1992).

Many centuries later, Enlightenment period triggered an ultimate revolution, and these early concepts evolved into universal values. Intellectuals such as John Locke formulated the ideas of natural, inherent, rights by life, liberty, and property, according to which these rights were vested to all persons, regardless of their social status. This philosophical break offered intellectual cognizance to the discourse of contemporary human rights, in which liberties were proclaimed beyond national or monarchical lines.

The institutionalization of human rights had had a dramatic global scale in the 20th century, and this was in part due to the abhorrence of the events of the two World Wars. This came with the initiation of the United Nations and more importantly, the enactment of the Universal Declaration of Human Rights (UDHR), in 1948. UDHR inscribed a unified number of civil, political, economic, social and cultural rights thus setting forth an international standard of human dignity and universal entitlement never witnessed before.<sup>3</sup>

In modern times the rights of humanity are confronted with a new horizon of interlinked and fast changing problems. The digital era has brought essential questions about digital privacy, the ubiquitous metadata gathering, and the ethical consideration of artificial intelligence that includes the issue of bias present in algorithms and autonomous decision-making. Moreover, the problem areas like climate justice provide an argument that rights should be in such a way that they include environmental protection and the equal distribution of the burden and benefit of it.<sup>4</sup> This paper will discuss this entire historical progression, discuss the philosophical foundations which have informed our interpretation of rights, and discuss the most important legal devices that have attempted to entrench them. The idea to trace this path towards universal human rights protection, as an evolution of feudal protections, and a principled necessity of algorithmic accountability highlights the dynamism of approach to human rights, and the continuing imperative of the law to evolve to fit the changing human world.

### **3. MAGNA CARTA: THE ORIGIN OF LEGAL RIGHTS**

#### **A. Historical Context**

The Magna Carta 1215 signed by the King John of England against his own will through pressure by the rebellious barons is a turning point in the history of law. Although it was essentially a feudal document that was propagated as far as limiting royal power and safeguarding certain baronial rights, it has a much greater implication than that.

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<sup>3</sup> Universal Declaration of Human Rights, supra note 1.

<sup>4</sup> See generally Human Rights Watch, *World Report 2023* (2023), <https://www.hrw.org/world-report/2023>.

More importantly, it created the precedent-setting rule that even royalty was governed by the law itself thus establishing fundamental rules of the law that would later define constitutional rule as well as upon the evolution of human rights in general.<sup>5</sup>

### **B. Key Clauses and Legal Impact**

The legacy of the Magna Carta can be better seen in particular provisions that have preconditioned the basic law principles.

- **Clause 39:** “No free man is to be arrested, or imprisoned, or disseised, or outlawed, or exiled, or in any other way ruined, nor will we go against him or send against him, except by the lawful judgment of his peers or by the law of the land.”<sup>6</sup>
- **Clause 40:** “We will not sell, or deny, or delay right or justice to anyone.”<sup>7</sup>

### **C. Influence on Constitutionalism**

The Magna Carta influenced the development of:

- The English Bills of Rights (1689)
- The U.S. Constitution and Bill of Rights (1789)
- Common law principles of fairness and legality

## **4. BIRTH OF UNIVERSAL RIGHTS AND ENLIGHTENMENT**

### **A. Philosophical Foundations**

The Enlightenment period significantly changed the interpretation of human rights because it brought a significant idea of natural rights, which could not be taken away since they were rights of the people, not the gifts of the rulers. Other important theoreticians who supported these concepts are:

- **John Locke:** He supported the basic natural rights to these people such as life, liberty, and property, which they claim were endowed to them by God and not the state.
- **Jean-Jacques Rousseau:** The idea of social contract as a legitimate foundation of government was proposed by him, stating that the rights were rooted in common will and consent of people.

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<sup>5</sup> Holt, *supra* note 2.

<sup>6</sup> Magna Carta, cls. 39 (1215), reprinted in *Select Historical Documents of the Middle Ages* 295–96 (Ernest F. Henderson trans., 1907).

<sup>7</sup> Magna Carta, cls. 40 (1215), reprinted in *Select Historical Documents of the Middle Ages* 295–96 (Ernest F. Henderson trans., 1907).

- **Baron de Montesquieu:** Provided great importance to the key concept of separation of powers in the government to avoid tyranny, and to protect individual liberties.<sup>8</sup>
- **Immanuel Kant:** Strengthened the idea of a natural worth and dignity of human beings even more by arguing that people have a right to exist merely because they are human beings.

All these philosophers essentially reason that all rights are inherent to the human being and can be used as the basis of right to govern and claim individual rights.

## **B. Revolutionary Documents**

Philosophical foundations of Enlightenment were further reflected through the symbolic revolutionary writings which established universal rights:

- **U.S. Declaration of Independence (1776):** This historical document is said to have proclaimed that all people were created equal and invested with some unalienable rights, such as, to life and liberty and the right to pursue happiness.<sup>9</sup>
- **French Declaration of the Rights of Man and of the Citizen (1789):** The French Declaration was developed during the French Revolution, denouncing liberty, equality, and fraternity as universal laws, and the right to property and the right to struggle against oppression.

These statements were preliminary to an underlying transformation of rights proceeding on basis of monarchic privilege to a status of initial universal rights in all people.

## **5. INSTITUTIONALIZING HUMAN RIGHTS: THE 20TH CENTURY**

### **A. The Universal Declaration of Human Rights (1948)**

The UDHR was formulated as a reaction to the horrors of the World War 2 and created a universal standard of morality. Among important articles are:

- Article 1: All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.
- Article 3: Everyone has the right to life, liberty and security of person.

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<sup>8</sup> Locke, supra note 3; Rousseau, supra note 3; Baron de Montesquieu, *The Spirit of the Laws* (1748); Immanuel Kant, *Groundwork of the Metaphysics of Morals* (1785).

<sup>9</sup> Declaration of Independence para. 2 (U.S. 1776); Déclaration des Droits de l'Homme et du Citoyen [Declaration of the Rights of Man and of the Citizen] art. 1 (Fr. 1789).

- Article 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.<sup>10</sup>

## **B. Binding International Instruments**

- International Covenant on Civil and Political Rights (ICCPR, 1966)<sup>11</sup>
- International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966)<sup>12</sup>
- European Convention on Human Rights (ECHR, 1950)<sup>13</sup>
- American Convention on Human Rights (1969)<sup>14</sup>
- African Charter on Human and Peoples' Rights (1981)<sup>15</sup>

This treaties/agreement established viable (mechanisms) redress and obligations.

## **6. BUILDING THE SCOPE: IDENTITY, EQUALITY AND JUSTICE**

### **A. Gender Rights**

The progress of gender equality is the notable milestone in the history of the establishment of the human rights problematic, which is characterized by such central international standards and movements:

- **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979):** Frequently, termed as the international bill of rights of women, CEDAW is established with an aim to fight and eliminate any form of discrimination against women in all areas of life, not only in the political, economic, social, cultural and civil domains.<sup>16</sup>
- **Beijing Declaration and Platform on Action (1995):** This comprehensive blueprint was adopted at the Fourth World Conference on Women, in which

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<sup>10</sup> Universal Declaration of Human Rights, supra note 1, arts. 1, 3, 19.

<sup>11</sup> International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171.

<sup>12</sup> International Covenant on Economic, Social and Cultural Rights, Dec. 16, 1966, 993 U.N.T.S.

<sup>13</sup> European Convention on Human Rights, Nov. 4, 1950, 213 U.N.T.S. 221.

<sup>14</sup> American Convention on Human Rights, Nov. 22, 1969, 1144 U.N.T.S. 123.

<sup>15</sup> African Charter on Human and Peoples' Rights, June 27, 1981, 1520 U.N.T.S. 217.

<sup>16</sup> Convention on the Elimination of All Forms of Discrimination Against Women, Dec. 18, 1979, 1249 U.N.T.S.

13; Beijing Declaration and Platform for Action, Fourth World Conference on Women, U.N. Doc. A/CONF.177/20 (Sept. 15, 1995).

governments all over the world were pledged to promote women rights as well as gender equality in twelve areas of concern which are deemed crucial.

- **#MeToo Movement:** As a new form of international social activism, the #MeToo movement created an unimaginable level of awareness surrounding the unacceptable norm of systemic sexual harassment and assault, that there must be accountability and culture change imminently.<sup>17</sup>

## **B. Rights of the races and Indigenous people**

Considerable progress has also been achieved to address and safeguard racial and indigenous rights due to major movements and treaties of the international community:

- **Civil Rights Movement (1960s):** This was perhaps one of the most instrumental movements in United States that not only wiped away legal segregations and other practice of discrimination but, it influenced a lot in terms of civil as well as the political rights of the African American.
- **International Convention on the Elimination of All Forms of Racial Discrimination (ICERD, 1965):** one of the cornerstones international agreements, ICERD is a comprehensive instrument of commitment by states parties to the ultimate abolition of racial discrimination in any form.<sup>18</sup>
- **UN Declaration on the Rights of Indigenous Peoples (2007):** It listed the rights and freedoms of Indigenous Peoples in a historic declaration as collective and individual rights to material and spiritual culture, self-determination, and their rights to land, territories, resources, their cultural, identity, and language, and accompanying traditional knowledge.

## **C. The Rights of LGBTQ +**

Substantial achievement has been recorded in both identifying and safeguarding the prerogatives of lesbian, gay, bisexual, transgender, and queer (LGBTQ+) people all over the world. This includes:

- **Decriminalization of Homosexuality:** The first step towards improving the situation was the decriminalization of same-sex relations in many jurisdictions

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<sup>17</sup> Tarana Burke, *Me Too Movement*, <https://metoomvmt.org> (last visited July 7, 2025).

<sup>18</sup> International Convention on the Elimination of All Forms of Racial Discrimination, Dec. 21, 1965, 660 U.N.T.S. 195; United Nations Declaration on the Rights of Indigenous Peoples, G.A. Res. 61/295, U.N. Doc. A/RES/61/295 (Sept. 13, 2007).

across the globe with significant developments that were observed in states such as India (2018)<sup>19</sup> and Botswana (2019).

- **Marriage Equality:** Same sex marriage has been legalized in various countries, and a case is celebrated in 2015 in the U.S<sup>20</sup>., where marital equality was upheld.
- **Gender Identity Protections:** Greater awareness of gender identity and gender expression has included the passing of forward-thinking legal legislation that offers protection to transgender and gender non-conformers on multiple fronts.

## 7. METADATA AND DIGITAL RIGHTS: USING THE NEW FRONTIER

### A. Metadata and Surveillance

Digital era has brought about complicated issues to human rights, especially, the gathering and utilization of metadata. Metadata, data about communications, and not the content, can expose intimate information about person behaviour patterns, associations, and venues and this is a major privacy issue when this data are harvested by institutions, governments, and corporations.

One of the most significant events in this discussion was the events of Edward Snowden in 2013 that unravelled large-scale surveillance activities by the NSA and other intelligence services.<sup>21</sup> Such revelations incited an uproar around the world, bringing to the fore the existential right to privacy, authorization, and the need to have strong control measures, placing in direct opposition, the applicability of the right to privacy in the digital sphere as stated under Article 12 of the Universal Declaration of Human Rights (UDHR).

### B. Responses by Law

As much as there have been increasing concerns on digital rights, several jurisdictions have come up with strong legal frameworks:

- **General Data Protection Regulation (GDPR, EU, 2018):** As a landmark law, it provided huge enforcement to the rights to data protection and individual privacy of individuals in the European Union, focusing on user consent and responsibility of data processor.<sup>22</sup>

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<sup>19</sup> Navtej Singh Johar v. Union of India, (2018) 10 SCC 1 (India)

<sup>20</sup> Obergefell v. Hodges, 576 U.S. 644 (2015).

<sup>21</sup> Glenn Greenwald, *No Place to Hide: Edward Snowden, the NSA, and the U.S. Surveillance State* (2014).

<sup>22</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council, 2016 O.J. (L 119) 1 (GDPR)

- **California Consumer Privacy Act (CCPA, 2020):** Voted in the United States, CCPA gave consumers greater control of their personal data that was in businesses and was a major digital rights boost in the area.<sup>23</sup>
- **India Digital Personal Data Protection Act (2023):** This is a comprehensive Digital Personal Data Protection Act, which regulates the processing of digital personal data in India, and sets out rights of individuals and duties of those processing or acting as data fiduciaries.<sup>24</sup>

### C. Challenges

Even with development of law structures, there remains a crucial task of realization of digital rights and human rights in the digital world:

- **Striking Balance on Security and Privacy:** Another burning issue that has been in continuous debate is resolving the issue between national security considerations and the privacy rights of individuals especially with the rise of sophisticated AI-based tools of surveillance.
- **Insufficient Transparency:** Transparency in algorithmic decision making, particularly in such topics as social media content moderation, credit scoring and predictive policing, is currently a question of both bias and fairness.
- **Cross-border Data Flows and Jurisdictional Conflicts:** The international character of the digital data may be accompanied with unresolved legal and ethical questions caused by difference in the laws of different countries, which means a problem of jurisdictional conflicts in data control and security is established.
- **Lax Enforcement Under Authoritarian Rule:** As a rule, the enforcement of the digital rights is lax in various authoritarian conditions, as governments tend to use the technology to censor, spy and squirrel out the opponents, because of which the privacy and the freedom of expression are destabilized.

## 8. RISING GLOBAL HUMAN RIGHTS PARADIGMS

### A. Human Rights to Digital Rights

The changing digital environment has led to an increased demand of ensuring digital rights are regarded as extensions of human rights. The most important issues to consider are:

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<sup>23</sup> California Consumer Privacy Act, Cal. Civ. Code §§ 1798.100–1798.199 (West 2020)

<sup>24</sup> Digital Personal Data Protection Act, No. 22 of 2023, Gazette of India (Aug. 11, 2023).

- **Access to the Internet a Human Right:** More proponents are demanding that access to the internet is a basic human right, a fact that has been backed by a 2016 UN Resolution.<sup>25</sup>
- **Defense Against Algorithmic Bias:** There exists an essential requirement of protection against discrimination and unfairness inherent to the algorithmic decisions, which can cause a disproportionate consequence on vulnerable groups.
- **Right to encryption and anonymity:** The right to encryption in communications and to online anonymity is crucial, as well as ensuring that this and other rights allow individuals to explore their privacy, freedom of expression and dissent in the online environment.<sup>26</sup>

## B. Climate Justice

Climate justice has become a highly important aspect of human rights, by underlining the fairness of the costs and advantages of the climate change process, on the disadvantaged people. The important dimensions of this developing field are:

- **Right to Healthy Environment:** There is an increasing campaign to ensure the right of living in a healthy, clean, and sustainable environment as a core human right.<sup>27</sup>
- **Legalisation of Ecocide:** The trend is towards the recognition of "ecocide" as a crime against peace and individuals and bodies would be responsible in cases of significant and mass scale environmental damage.<sup>28</sup>
- **Future Generations:** Future generations should also have a right to an inherited viable planet and this is part of what is referred to as climate justice.

In addition, the phenomenon of rights-based climate litigation has emerged, with a prime example of **Urgenda Foundation v. Netherlands**<sup>29</sup>. That sort of litigation makes solid connections between environmental damage and climate inaction and breaches of its fundamental human rights, which states must act in a more ambitious climate way.

## C. Human dignity and AI

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<sup>25</sup> Human Rights Council Res. 32/13, U.N. Doc. A/HRC/32/L.20 (June 27, 2016).

<sup>26</sup> IEEE Global Initiative on Ethics of Autonomous and Intelligent Systems, *Ethically Aligned Design* (2020).

<sup>27</sup> U.N. Env't Programme, *Making Peace with Nature* (2021).

<sup>28</sup> Polly Higgins et al., *Protecting the Planet: A Proposal for the Crime of Ecocide*, 59 *Crime, L. & Soc. Change* 251 (2013).

<sup>29</sup> *Urgenda Foundation v. State of the Netherlands*, Case No. C/09/456689/HA ZA 13-139 (Hague Dist. Ct. 2015).

Significant improvement in Artificial Intelligence (AI) systems forces enormous changes in human dignity and rights concepts and needs new ethic and legal rules. Among main considerations, one should consider:

- **Ethical Governance of AI:** The importance of strong ethical principles and standards to regulate the advancement and implementation of AI cannot be emphasized, considering that, by doing so, AI would be in line with human values and rights.<sup>30</sup>
- **The Algorithmic Bias can be Prevented:** Algorithmic discrimination is one of the factors that causes such AI systems to create or reinforce inequality levels that exist in society. It is important to avoid such form of discrimination to maintain equality and fairness.
- **Meaningful Human oversight in Automated decision-making processes:** To protect human autonomy and accountability, meaningful human oversight in automated decision-making processes is important, particularly in critical domains.
- **Issues Related to Autonomous Weapons:** The existence of the autonomous weapon system poses serious ethical and legal concerns, which address the issues of liability, the sanctity of human life, and uncontrolled escalation directly challenging the existing principles of rights framework.<sup>31</sup>

## 9. CONCLUSION

The arc of human rights, curving through time is made of centuries, parchment to pixel, crucible to crucible of labour and struggle, of heartache and despair, to achieve what must be achieved: a decent life for all, the denial of which is fierce inequality itself.

Before a context belies about the human rights, it is recorded to be on the threshold of that very course that was laid by the foundational principles in the Magna Carta as well as the modern issues of metadata and Artificial Intelligence. The history of each step, starting with the early feudal protections and including such protections established in the international law and subsequent digital rights, is the reaction of people to the new challenges and their desire to receive the sense of dignities and justice.

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<sup>30</sup> UNESCO, *Recommendation on the Ethics of Artificial Intelligence*, 41st Sess., U.N. Doc. 41 C/Res. 22 (Nov. 24, 2021).

<sup>31</sup> Int'l Comm. of the Red Cross, *Autonomous Weapon Systems: Implications of Increasing Autonomy in the Critical Functions of Weapons* (2021).

Whereas important steps towards the promotion of equality and justice in different domains have been already made, the introduction of new technological paradigms and growing environmental issues pose a unique combination of challenges. With technology carving out the very fabric of privacy, autonomy and justice, it is time that law is not just evolving but even creating to protect the immortal soul of human dignity. What the future of human rights needs and must have is the collective capacity to not only maintain the hard-withered achievements of the past but also to be able to anticipate and meet the challenge of the rights implications of our ever more interconnected, technologically complex and data driven world.<sup>32</sup>

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<sup>32</sup> See generally U.N. High Comm'r for Human Rights, *Human Rights in the Digital Age* (2022), <https://www.ohchr.org/en/digital-age>.