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COLONISED BY CODE: THE RETURN OF EMPIRE IN THE AGE OF DATA

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Abstract

This paper endeavours to examine the tryst of technology and capitalism in relation to the world order in the age of information. The unique characteristics harboured by colonialism are manifestly visible in today's digital ascendance. Any effective protest against the internet-linked technologies encroaching upon private lives seems improbable unless the subjects are disconnected from the very hive of the instruments they seek to resist. The inquiry explores the state of the present world order where the transfer of resources of the digital age and that of material gain is not on equitable footing amongst 'former' colonisers and the liberated colonies. The researcher asserts that a capitalist investment is driven by imperatives that benefit just the stakeholders and their recognised partners; any incidental gain experienced by an alien is only peripheral. Data today is a user product destined to generate profit, for whosoever manages to capture and exploit it. While liberated states practice democracy, the standards remain prescribed by the colonisers. Thus, an introspection of the neutrality of the modern tools deployed to pursue such political ends is indispensable. A specific lifestyle has been engineered to streamline the process of data extraction for the purpose of profit generation. This study argues that colonialism never ended but only transitioned from the imperialistic form into the digital. The non-state actors, aided by their sovereign powers, facilitate the commodification and transaction of foreign citizens' data profiles. This practice helps such bodies manipulate unfavourable regimes. Once a favourable regime is planted, the infrastructure is designed to support capitalist interests i.e., to coerce beneficial data relations between the investors and the invested through systematic integration. The research method employed is doctrinal. The liberated democracies, such as India, have only recently begun to recognise the enforced character of the incumbent world order polarity. The challenge of countering the resultant conventions while functioning within the said system, however, remains formidable. This paper concerns methods of data extraction and exploitation; hence it offers a critical reflection essential to understanding the power structures of the contemporary era.

Keywords: Data, Capitalism, Autonomy, Democracy, Colonialism.

1. Colonialism Reimagined

Colonialism differs from imperialism, the latter being older to the former. Imperialism was a label sought after by colonialists to mask their deeds of colouring alien lands and people with their reason of thought and process. Imperialists deemed their uncongenial ways to be most virtuous and sought to serve their methods of life to the reluctant people whom

they viewed to be lessor; be the means employed in pursuit of such mission be desynced with the sought aspirations. The repulsive label of colonialist is so due to the inherent notion of exploitation posited by it. As trustees of civilisation⁵²⁵, any association with 'exploitation' would disturb the virtues colonialists seek to emit. The east viewed

⁵²⁵ A.P. Thornton, 'Colonialism' (1962) 17 *International Journal* 335.

colonialism and imperialism as branch of the same tree with a united aim of furthering international capitalism.⁵²⁶ Eventually, as Europe merited to busy themselves in shedding away this cloak, worn of populist resistance; they necessitated to liquidate their overseas properties into new identities to continue the process of exploitation.⁵²⁷ It is the will of the people that allows and sustains colonialism; hence, once a better alternate is envisioned by the controlled, the grip of the controller begins to loosen.

Likewise, data colonialism is the process of harvesting resources from the world through digital means for the benefit of elites. They colour their projects altruistic to obtain people's wilful subscriptions. Mark Zuckerberg remarked "I want to...keep working to break down barriers to connectivity in India and around the world",⁵²⁸ when his mission to provide free internet to Indians tasted dust in favour of net neutrality. While the attractive narratives and astroturfing campaigns by the Big Tech⁵²⁹ does make democracy turbulent, the state is compelled to combat such forces. It combats by developing technological infrastructures, which inadvertently benefits the very cause of the Big Tech that they sought to resist.⁵³⁰ Such projects, be so by the local government, enables data farming and exploitation by the Big Tech. Colonialism relies on resources. A fascinating aspect of Data colonialism is that while excess production conventional commodities lead to lessening of a commodities value, given the unique structure of data, excess generation and extraction,

results in inflation of the its value.⁵³¹ The subsequent chapters illustrate how such collaborations occur.

2. The Data Harvest

Personality Modelling is the process of identifying and classifying an individual's personality into OCEAN i.e., Openness, Conscientiousness, Extraversion, Agreeableness and Neuroticism.⁵³² The Psychometric Center at the University of Cambridge and the Department of Computer Science at the Stanford University have found that computer-based personality judgements yield more accurate results than could ever be humanly possible because, *inter alia*, "the way computers use information—through statistical modeling—generates consistent algorithms that optimize the judgmental accuracy, whereas humans are affected by various motivational biases".⁵³³ They deduced that even the 'likes' registered by the users on Facebook would be sufficient for psychographic grouping.⁵³⁴

The more the data, the higher the accuracy of the psychological profile, and higher its value for the advertisers.⁵³⁵ Chirstopher Wylie, a former employee at Cambridge Analytica admits that seemingly 'fun and casual' 120-question quizzes were exploited as "training set" to test their theories for broader application.⁵³⁶ Monetary incentives were used to attract gullible youth to take such surveys. The data of

⁵²⁶ *Id.* 337.

⁵²⁷ *Id.* 340.

⁵²⁸ 'India Blocks Zuckerberg's Free Net App' *BBC News* (8 February 2016) <https://www.bbc.com/news/technology-35522899> accessed 16 September 2024.

⁵²⁹ 'Facebook "I Support Free Basics" Campaign Is Wholly Misplaced, Says TRAI' *The Indian Express* (21 January 2016) <https://indianexpress.com/article/technology/social/trai-slams-facebook-letter-on-free-basics-campaign-wholly-misplaced/> accessed 16 September 2024.

⁵³⁰ Sarah A Paco, 'Data Colonialism, the Danger It Poses to India's Democracy, and the Effectiveness of Data Localization Laws as Resistance' (2022) 48 *Rutgers Computer and Technology Law Journal* 254, 272–73.

⁵³¹ Raj Kiran Tripathy, 'Big (Br)Other and Surveillance Capitalism' (2023) 13 *GNLU Journal of Law, Development and Politics* 40, 48–49.

⁵³² James W Grice, 'Five-Factor Model of Personality | Psychology, Traits & Assessment' *Britannica*, <https://www.britannica.com/science/five-factor-model-of-personality> accessed 16 September 2024.

⁵³³ Wu Youyou, Michal Kosinski *et. al.* 'Computer-Based Personality Judgments Are More Accurate than Those Made by Humans' (2015) 112 *Proceedings of the National Academy of Sciences of the United States of America* 1036, 1039.

⁵³⁴ 'How Researchers Learned to Use Facebook "Likes" to Sway Your Thinking' *The New York Times*, <https://www.nytimes.com/2018/03/20/technology/facebook-cambridge-behavior-model.html> accessed 16 September 2024.

⁵³⁵ 'Cambridge Analytica and Facebook: The Scandal and the Fallout So Far' *The New York Times*, <https://www.nytimes.com/2018/04/04/us/politics/cambridge-analytica-scandal-fallout.html> accessed 16 September 2024.

⁵³⁶ 'Cambridge Analytica: How Did It Turn Clicks into Votes?' *The Guardian*, <https://www.theguardian.com/news/2018/may/06/cambridge-analytica-how-turn-clicks-into-votes-christopher-wylie> accessed 16 September 2024.

up to 87 million people⁵³⁷ were compromised in the scandal. The political inclinations of the subjects so identified were sold to the highest bidder to tailor election campaigns and influence voter decisions.⁵³⁸ Unlike traditional colonialism, where discovery of resources was limited to those made by nature, data colonialism compels continuous user generation of data in all forms and dimensions with no end in sight until it appropriates everything human.⁵³⁹

In order to sustain generation of data, each stage of human thoughts and actions must be systematically surveyed and monitored by external forces.⁵⁴⁰ Capitalism appropriates resources to meet a justifiable end i.e., profit; in the course of which, disregarding autonomy of its subjects becomes imperative.

Products and services are marketed to attract potential customers. However, in case where the customer themselves is the cherished farm that generates the requisite harvest, how do you market your 'idea'? You do so by masquerading it as a convenience that eases life.⁵⁴¹ These extraction tools are marketed so well that the companies developing them sell them at premium, thus profiting not just from the data it will eventually extract but also by selling the very tool that is, primarily, designed to do so. It's akin to selling pick-axes during the gold rush.⁵⁴² Software enabling photo editing⁵⁴³, facial

recognition⁵⁴⁴, Chatting⁵⁴⁵ etc. normalise extraction of data and metadata for the purpose of surveillance encroachment of user autonomy.⁵⁴⁶ The information so accessed develops an opaque fiduciary 'relation' between the controller and the controlled, thereby eroding any decisive merit of user choices.

3. The Algorithmic Empire in India

a) Post-1991 Reforms and the Erosion of Sovereignty

The first few post-independence governments favoured state ownership at the cost of efficacy and commercial growth. The events that followed, caused significant erosion of Indian sovereignty from 1991, as India surrendered to the horrendous terms⁵⁴⁷ of the bailout deal with the multilateral and bilateral donors⁵⁴⁸. Such as the classic IMF prescription i.e., devaluation of the exchange rate and deflation at home, which has had an history of poor results when applied to developing markets⁵⁴⁹. The changes sought through the stabilisation and structural reform policies were short-sighted and advanced foreign interest at the cost of fiscal autonomy.⁵⁵⁰ The capital-intensive and labour-displacing economic liberalisation programme imposed onto India, however, opened up the then financially bleak nation to the capitalist sharks from global north to fiddle with the well-being of her largely rural population.⁵⁵¹ The high influx of

⁵³⁷ 'The Cambridge Analytica Scandal Affected 87 Million People, Facebook Says' <https://qz.com/1245049/the-cambridge-analytica-scandal-affected-87-million-people-facebook-says> accessed 16 September 2024.

⁵³⁸ 'Ted Cruz Says Cambridge Analytica Told His Presidential Campaign Its Data Use Was Legal' *The Texas Tribune* <https://www.texastribune.org/2018/03/20/ted-cruz-campaign-cambridge-analytica/> accessed 16 September 2024.

⁵³⁹ Nick Couldry and Ulises Mejias, *The Costs of Connection* (Stanford University Press 2019) 5.

⁵⁴⁰ *Id.* at 7.

⁵⁴¹ *Id.* at 10.

⁵⁴² 'NVIDIA- Selling the "Pickaxes and Shovels" During an AI Gold Rush' *Yahoo Finance*, <https://finance.yahoo.com/news/nvda-selling-pickaxes-shovels-during-100100834.html> accessed 16 September 2024.

⁵⁴³ 'Popular Photo Editing Software May Use Privacy Loopholes to Steal Your Identity, Warn Cops' *India Today* <https://www.indiatoday.in/mail-today/story/photo-editing-software-privacy-steal-identity-953756-2017-01-07> accessed 16 September 2024.

⁵⁴⁴ Meng Wang *et. al.*, 'Identifying Personal Physiological Data Risks to the Internet of Everything: The Case of Facial Data Breach Risks' (2023) 10 *Humanities and Social Sciences Communications* 9.

⁵⁴⁵ 'Elon Musk Targets WhatsApp over User Data Privacy' *The Hindu*, <https://www.thehindu.com/sci-tech/technology/elon-musk-targets-whatsapp-over-user-data-privacy/article68220492.ece> accessed 16 September 2024.

⁵⁴⁶ *Supra* note 15 at 12.

⁵⁴⁷ Davinder Kumar Madaan and Davinder Kumar Madan, 'India's New Economic Policy - A Macro Study' (1995-1996) 8/9 *Indian Journal of Asian Affairs* 104, 105.

⁵⁴⁸ R. Krishnaswamy and K. Kanagasabapathy, 'The Balance of Payments Situation: 1991 and Now' (17 August 2013) 48 *Economic and Political Weekly* 73, 75.

⁵⁴⁹ Arun Ghosh, 'New Economic Policy: A Review' (6 June 1992) 27 *Economic and Political Weekly* 1175, 1175.

⁵⁵⁰ Jiah L Sayson, 'Structural Adjustment Programs: Whose Colonizing Instrument?' (2006) 34 *Philippine Quarterly of Culture and Society* 53.

⁵⁵¹ Kalim Siddiqui, 'The Political Economy of India's Post-Planning Economic Reform: A Critical Review' (2018) 9 *World Review of Political Economy* 2.

investment functioned to widen the preexisting gap of inequality amongst the masses as the rise in meaningful employment was not accordingly proportioned.⁵⁵²

b) Foreign Investment and the Internal Divide

As Jason Hickel and others⁵⁵³ have put it, “Most of this appropriation occurs through global commodity chains, wherein Northern firms deploy monopsony and monopoly power to depress Southern suppliers’ prices at every node, from extraction to manufacture, while setting final prices as high as possible”. The concern with globalisation in its present state is the legitimate fear harboured by developing governments in respect of their scope of independent policy making which, if not satisfactorily addressed, would encourage “protectionism and autarky”, be so at the cost of optimum economic growth.⁵⁵⁴ Democracy is sustained by its concomitant of undisturbed speech and expression⁵⁵⁵, which includes, *inter alia*, the right to know⁵⁵⁶, learn⁵⁵⁷ and explore. India is leading in adapting latest technologies, with its 5G subscriptions projected to account for more than a quarter of all mobile subscriptions by 2026.⁵⁵⁸ The world over, India is today the largest consumer of data.⁵⁵⁹ Given India’s position, the inherent emittance of information is attractive for the global capitalists to encash over. E-governance initiative undertaken by the government aspires to bridge electronic islands to better serve the

communities under its realm.⁵⁶⁰ It’s no surprise that Facebook subscribed to 9.99% of shares of Jio Platforms Limited at USD 5.7 Billion.⁵⁶¹ Microsoft is investing USD 3.7 Billion in Telangana state⁵⁶², and is expanding it Pune unit buy acquiring adjacent land parcels.⁵⁶³ Jeff Bezos remarks that “the 21st Century would be *Indias*”⁵⁶⁴ as Amazon plans to invest up to USD 26 Billion by 2030.⁵⁶⁵

c) India: A New Battleground for Big Tech

Local businesses face fierce competition from such unprecedented influx of foreign investment, so much so that Anupam Mittal, the founder of *Shaadi.com* remarks “[t]his is the new Digital East India Co. and if we don’t put in the right safeguards now, nothing can prevent these companies from controlling our economic future.”⁵⁶⁶ The choices at the disposal of startups now rest at the mercy of these giants who dominate as intermediaries in the economic chain; survived only by judicial intervention.⁵⁶⁷ Eventually, domestic brands, should they survive, would be vassalized by

⁵⁵² Jason Hickel *et. al.*, *Imperialist Appropriation in the World Economy: Drain from the Global South through Unequal Exchange, 1990–2015* (2022) 73 *Global Environmental Change*.

⁵⁵³ *Id.* at 2.

⁵⁵⁴ Dani Rodrik, Newsletter (2007) *The Globalisation and Economic Policy Center* 1.

⁵⁵⁵ *Kaushal Kisbore v. State of Uttar Pradesh* [2023] 8 SCR 581.

⁵⁵⁶ *State Of U.P v. Raj Narain & Ors.* 1975 AIR 865.

⁵⁵⁷ *Unni Krishnan, J.P. and Ors. v. State Of Andhra Pradesh and Ors.* 1993 AIR 2178.

⁵⁵⁸ India Brand Equity Foundation, *India’s Telecom Industry Growth – A Global Leader in Telecommunication* (2024) <https://www.ibef.org/industry/telecommunications> accessed 16 September 2024.

⁵⁵⁹ *Id.*

⁵⁶⁰ Government of India, *Vision & Vision Areas – Digital India* <https://www.digitalindia.gov.in/vision-vision-areas/> accessed 16 September 2024.

⁵⁶¹ Facebook, *Facebook Invests \$5.7 Billion in India’s Jio Platforms* <https://about.fb.com/news/2020/04/facebook-invests-in-jio/> accessed 16 September 2024.

⁵⁶² ‘AI in India Gets a Boost as Microsoft, Amazon Invest Billions in Data Infra’ *Business Standard*, https://www.business-standard.com/technology/tech-news/ai-in-india-gets-a-boost-as-microsoft-amazon-invest-billions-in-data-infra-124061800328_1.html accessed 16 September 2024.

⁵⁶³ ‘Microsoft Acquires Rs 520 Cr Land in Pune for Data Centre Expansion Plans’ *Business Standard*, https://www.business-standard.com/companies/news/microsoft-acquires-rs-520-cr-land-in-pune-for-data-centre-expansion-plans-124091100740_1.html accessed 16 September 2024.

⁵⁶⁴ ‘Amazon’s Jeff Bezos Says the 21st Century is Going to be India’s’ *The Quint*, https://www.youtube.com/watch?v=HL_Cwjel_yA&ab_channel=TheQuint accessed 16 September 2024.

⁵⁶⁵ ‘Amazon Invests Rs 830 Crore in India Entity’ *Moneycontrol*, <https://www.moneycontrol.com/news/technology/amazon-invests-rs-830-crore-in-india-entity-12245801.html> accessed 16 September 2024.

⁵⁶⁶ Anupam Mittal, *Tweet*, X, <https://x.com/AnupamMittal/status/1764572355680997853> accessed 16 September 2024.

⁵⁶⁷ *Arba Media & Broadcasting Pvt. Ltd. v. Google India Pvt. Ltd. & Ors.* Special Leave Petition (Civil) No. 2711 of 2024 (SC); *Novi Digital Ent. Pvt. Ltd. v. Google LLC & Others* 2023 LiveLaw (Mad) 202; *Matrimony.Com Ltd. v. Alphabet Inc. and others* 2023 LiveLaw (Mad) 128.

those of foreign origin, paving way for absolute data colonialism.⁵⁶⁸

The omnipresence of technological solutions that surrounds us today is at on a steady rise. Gone are the days when locks functioned without of a Wi-Fi network, when keyholes didn't supply images straight to your smart devices, when window shades needed the human touch to operate. When even mundane everyday tasks are linked with the web, every interaction by user with such devices feeds into buttressing the algorithmic strength to largely advance the interest of capitalist elites.⁵⁶⁹ Thereafter, 'user consent' would bound the contours of the actions of these juristic fellows as much as would a paper lock keep a bear encaged.⁵⁷⁰ While these are individualistic data reflect miniscule value when viewed in isolation, like a fagot their value is strengthened when a big enough set of diverse data opportune itself for investigating patterns amongst psych-demographic sets; hence attracting peril to the entire society at once.⁵⁷¹

d) When Convenience Becomes Control

The U.S. Supreme Court has observed that the modern habit of revealing too much about themselves for sake of added convenience is deemed inevitable by the users.⁵⁷² For countries in global south in particular, this cost of convenience is a product of compulsion; given the lack of infrastructure and populist hypnotised under the spell of attractive ad campaigns. Aspirational societies are easier to

'trap' with attractive negotiations because all concerned parties are willing to secure such developmental support, including the government to fulfil the populist will. Occasionally, the poor states will surrender themselves at the cost of excessive dependence on private actors; thanks to their philanthropic ideas.⁵⁷³ While the Big Tech do bridge the gaps that some regimes may have failed to fill, the concern of colonialism creeps in once foreign non state actors functionally dethrone the civil government from the seat of the 'welfare' state.

4. Asymmetries in the Global Order

The 'third world' world is a grouping of diverse nations with distinct past facing disconnected challenges. One central theme that brings them together is the yearn for collective resistance against colonialism, in history; and against neocolonialism in present.⁵⁷⁴ Despite dwelling under dissimilar circumstances and combating battles as dictated by their unique geopolitical landscape, the international law deems it just to consolidate the causes of global south monotonously, and prescribe misfitting solutions under a lackadaisical masquerade of uniformity.⁵⁷⁵ For instance, the Economic Structural Adjustment Programs (ESAPs) pushed down the throats of the struggling debtor economies by the International Monetary Fund; and compliance thereof compelled by the World Trade Organisation are fashioned to produce implications that promoted export while disturbing and displacing indigenous markets.⁵⁷⁶ Since the adoption of the ESAPs, the economic success stories of Ghana and Zimbabwe, which thrived in the 1980s, today lay

⁵⁶⁸ Exclusive: Amazon, Walmart's Flipkart Breached India Antitrust Laws, Investigation Finds' Reuters, <https://www.reuters.com/world/india/india-probe-finds-amazon-walmarts-flipkart-breached-antitrust-laws-2024-09-12/> accessed 16 September 2024.

⁵⁶⁹ Federal Trade Commission, 'FTC and DOJ Charge Amazon with Violating Children's Privacy Law by Keeping Kids' Alexa Voice Recordings Forever and Undermining Parents' Deletion Requests' <https://www.ftc.gov/news-events/news/press-releases/2023/05/ftc-doj-charge-amazon-violating-childrens-privacy-law-keeping-kids-alexa-voice-recordings-forever> accessed 16 September 2024.

⁵⁷⁰ Federal Trade Commission, 'Ring's Privacy Failures Led to Spying and Harassment through Home Security Cameras' <https://consumer.ftc.gov/consumer-alerts/2023/05/rings-privacy-failures-led-spying-and-harassment-through-home-security-cameras> accessed 16 September 2024.

⁵⁷¹ Ulises A Mejias and Nick Couldry, *Data Grab* (University of Chicago Press 2024) 104.

⁵⁷² *United States v. Jones* 132 S. Ct. 945, 956 (2012).

⁵⁷³ *Supra* note 47 at 109.

⁵⁷⁴ B S Chimni, 'Third World Manifesto' (2006) 8 *International Community Law Review* 5.

⁵⁷⁵ Shridath S Ramphal, 'Third World Grievances' (1990) 16 *EPAJ* 39-40.

⁵⁷⁶ Saliwe M Kawewe and Robert Dibie, 'The Impact of Economic Structural Adjustment Programs [ESAPs] on Women and Children: Implications for Social Welfare in Zimbabwe' (2000) 27 *J. Soc. & Soc. Welfare* 80.

destitute for the appropriation by the developed western states.⁵⁷⁷

A) The Legacy of Trade Colonialism⁵⁷⁸

The East India Company had their slave plantations whereby they bargained cheap export from their colonial subjects to their homeland in Europe.⁵⁷⁹ It was sugar from the Caribbeans, Indigo from India and straight up able black men from the African subcontinent⁵⁸⁰; they were masquerading as employment schemes for the third world. As Marx puts it, it was the process of “divorcing the producer from the produced”.⁵⁸¹ Sven Beckert, a Professor of History at Harvard, labels it as ‘war capitalism’. He narrates that it divides the world into ‘inside’ and ‘outside’. The ‘inside’ nestles laws, institutions and norms of the dominant north, whereas the ‘outside’ walls the distant domination of alien lands and civilisations for the benefit of the insiders.⁵⁸²

B) Environmental Imperialism and the Burden on the Global South

The affluent states up north remain protected from smog, dust and open gutters. Through means discussed hereinabove, the exhaust of their joy is channelised deep into the realms in global south. Ecological debates determine the next person in their highest office⁵⁸³, a luxury that the nations busy combatting poverty may never face. This new founded morality, attainable for some and merely desirable for others, has attracted some intolerant and fundamentalist clamours onto the discourse.⁵⁸⁴

Prof. Carmen G. Gonzalez labels it “environmental imperialism” i.e., the norths imposition of its ecological agenda on the south while continuing to appropriate their natural resources.⁵⁸⁵

The Global Multidimensional Poverty Index 2023 indicates that 1 in 6 people across 110 countries suffer from poverty and about five out of six poor people reside in the low-income countries of Africa and Asia.⁵⁸⁶ When poverty as a socio-economic challenge is faced by select countries across the globe, the capital rich northern states’ ecological policing, channelised through International law, has ill effects on those who view it as a distant aim; barely in sight for those in particular who struggle to fetch their next meal or protect whatever limb remain on their torso.⁵⁸⁷

Dr. S. Jaishankar, the Minister of External Affairs of India, laments that the “Developed countries have been promising to finance, but they never delivered on it. They tell the countries to raise their climate ambitions, but they themselves won’t deliver on their old financial promises.”⁵⁸⁸ While environmental perils do affect both the north and the south, the costs involved and the capacity to bear them differ amongst them; an upsetting fact with limited recognition by those up north undisturbed by humanitarian challenges.⁵⁸⁹ The wealthy states encourage regimes in struggling states to deprive their populist of critical policies such as population control measures, social and industrial reforms to pave way for the environmental aspirations of the northern states; who have themselves

⁵⁷⁷ *Id.*

⁵⁷⁸ Ralph A Austen, ‘Monsters of Protocolonial Economic Enterprise: East India Companies and Slave Plantations’ (2017) 4 *Critical Hist Stud* 150.

⁵⁷⁹ *Id.* at 141-142.

⁵⁸⁰ *Id.*

⁵⁸¹ *Id.*

⁵⁸² *Id.* at 143.

⁵⁸³ ‘Climate Change and Nature Loss Impact UK Election Issues in Important and Underappreciated Ways | Chatham House – International Affairs Think Tank’ <https://www.chathamhouse.org/2024/06/climate-change-and-nature-loss-impact-uk-election-issues-important-and-underappreciated> accessed 16 September 2024.

⁵⁸⁴ ‘Aarey Forest Controversy: How an Environmental Issue Became a Political One | Latest News India’ *Hindustan Times*, [https://www.hindustantimes.com/india-news/explained-aarey-forest-](https://www.hindustantimes.com/india-news/explained-aarey-forest-controversy-how-an-environmental-issue-became-a-political-one-101656862633738.html)

[controversy-how-an-environmental-issue-became-a-political-one-101656862633738.html](https://www.hindustantimes.com/india-news/explained-aarey-forest-controversy-how-an-environmental-issue-became-a-political-one-101656862633738.html) accessed 16 September 2024.

⁵⁸⁵ Becky L Jacobs, ‘Pareto Negativity: The Enemy of My Enemy is Not Necessarily My Friend-Latin Leadership, Coalition Building, and Predatory Globalization’ (2008) 20 *St. Thomas Law Review* 601.

⁵⁸⁶ Oxford Poverty & Human Development Initiative, ‘Unstacking Global Poverty: Data for High Impact Action Multidimensional Poverty Index 2023’ (2023) 2.

⁵⁸⁷ ‘Misery as Strategy: The Human Cost of Conflict | Crisis Group’ <https://www.crisisgroup.org/global/misery-strategy-human-cost-conflict> accessed 16 September 2024.

⁵⁸⁸ “Only Promises but Never Delivers” S Jaishankar Exposes West Hypocrisy on Climate Change, *YouTube*, https://www.youtube.com/watch?v=IAWpwUESb6Y&ab_channel=ANINews accessed 16 September 2024.

⁵⁸⁹ *Supra* note 51 at 40.

engineered the global south to function as their factories to bank on the resultant cheap labour.⁵⁹⁰

5. The Erosion of Democratic Norms in the Age of Data Colonialism

As portrayed in the beginning of this paper, collection and process of data fuels identity profiling of individuals which helps sell them goods, services and agendas;⁵⁹¹ or hypnotise their will altogether. In most cases, if not all, there is no scope for meaningful negotiation for the consumer to enforce their privacy protections. If one disagrees with the terms of use of a platform, then the user is absolutely disallowed from accessing their service. Hence, it makes no difference for the consumers to bat an eye on their lengthy terms and condition sheets, as anyway they have no say.⁵⁹²

Democracy promises that the government shall be the manifestation of the will of the people subject only to constitutional limitations. The injection of Big Tech and their tools armed with AI has begun to displace such popular notions.⁵⁹³ As the information age progresses, the elites are discovering new methods to exploit these cyber tools to “advance political, ideological and other strategic objectives.”⁵⁹⁴

A) Technological Domination and Consent Illusions

Elections are contests, if not battles, between at least two opposing side. Coalitions are made and broken, unsustainable promises made and endorsed, fuelled by the desperation to be the governor and not the governed. Desperations attracts friends who may abhor your opponent for reasons that may not bring you gain directly; but the proverb “The enemy of my enemy is my friend” isn’t always true, is it?

⁵⁹⁰ ‘Manufacturing Malady’, *Asia Society*, <https://asiasociety.org/education/manufacturing-malady> accessed 16 September 2024.

⁵⁹¹ Karl Manheim and Lyric Kaplan, ‘Artificial Intelligence: Risks to Privacy and Democracy’ (2019) 21 *Yale JL & Tech* 106.

⁵⁹² *Id.* at 133.

⁵⁹³ *Id.* at 134.

⁵⁹⁴ *Id.* at 136.

Former C.I.A. operator Mr. Steven L. Hall argues that the motivation behind regime change exercises are justified by the nobility of its end.⁵⁹⁵ He says that US interventions have been aimed at supporting the ‘non-authoritarian’ candidates challenge dictators and to, thereby, secure democracy.⁵⁹⁶ I argue that USA’s ‘support’ to democratic interests of countries whom they label as ‘partners’ are through means that are least democratic. Moreover, the bilateral or multilateral partnerships between northern and southern states suffers from disproportional representation where the north expects the south to function as an union with uniform vision but doesn’t reciprocate when the south expects the same from them.⁵⁹⁷ From the systemic mass killings in Indonesia⁵⁹⁸ to armed coup through Project FUBELT in Chile,⁵⁹⁹ USA has continued to demonstrate its will and calibre to thwart populist and challenging governments by displacing legitimate governments for vassal regimes. In the Indian subcontinent too, populist leaders like Imran Khan in Pakistan⁶⁰⁰ and Sheikh Hasina in Bangladesh,⁶⁰¹ despite crying out that the gaze of the eagle has befallen onto their realm, ended up only predicting the demise of their career; along with that of the democracy in their respective states. While one may argue that democracy was barely visible in

⁵⁹⁵ ‘Russia Isn’t the Only One Meddling in Elections. We Do It, Too.’ - The New York Times’ <https://www.nytimes.com/2018/02/17/sunday-review/russia-isnt-the-only-one-meddling-in-elections-we-do-it-too.html> accessed 16 September 2024.

⁵⁹⁶ *Id.*

⁵⁹⁷ ‘How EAM Jaishankar Roasted West’s Hypocrisy Over India’s Global Positions | World News’ *YouTube*, https://www.youtube.com/watch?v=LVserGSxoMw&ab_channel=TIMES_NOW accessed 16 September 2024.

⁵⁹⁸ ‘Telegrams Confirm Scale of US Complicity in 1965 Genocide’ *Indonesia at Melbourne*, <https://indonesiatmelbourne.unimelb.edu.au/telegrams-confirm-scale-of-us-complicity-in-1965-genocide/> accessed 16 September 2024.

⁵⁹⁹ ‘US State Department Declassifies More Documents about Pinochet’s 1973 Coup’ *The Guardian*, <https://www.theguardian.com/world/2023/aug/26/state-department-declassifies-pinochet-coup-documents-chile> accessed 16 September 2024.

⁶⁰⁰ ‘Did US Ask for Imran Khan’s Removal as Pakistan PM after He Visited Russia?’ *Al Jazeera*, <https://www.aljazeera.com/news/2023/8/10/did-us-ask-for-imran-khans-removal-as-pakistan-pm-after-he-visited-russia> accessed 16 September 2024.

⁶⁰¹ ‘Sheikh Hasina News: Former Bangladesh PM Levels Big Charge against US in Undelivered Speech, Report’ *Deccan Herald*, <https://www.deccanherald.com/world/sheikh-hasina-levels-big-charge-against-us-in-undelivered-speech-3146305> accessed 16 September 2024.

these countries, I deem it sound to add that questionable democracies offer more hope to civilians than military run (or aided) dictatorships, particularly to the vulnerable communities.⁶⁰²

B) The NGO Complex and Manufactured Civil Society

NGOs, once designed to democratise and introduce social change have today become agents of the north to develop suitable politics and feed narratives that benefit the hitherto discussed global neoliberalism.⁶⁰³ The standards of civil liberties preached by NGOs advances norms mimic the northern perspectives, privileging some norms over the others.⁶⁰⁴ In other words, they dictate the south to adapt the norms and standards of the north, and subscribe to causes that may be completely alien to them.

The government of India has sensed the foregoing pattern, and has busied itself since past several decades by delisting⁶⁰⁵ such NGOs from operating in India. Since 1976, up to 20,701 NGOs have lost their license to operate in India for, *inter alia*, flaunting regulations.⁶⁰⁶

C) Manufactured Consent and Citizen Disinformation

Advertisements are protected under the fundamental right to free speech in India. However, it doesn't bestow a license to mislead the masses under the pretext of commercial speech.⁶⁰⁷ Influencers, i.e., content creators on

platforms like Meta, Twitter, YouTube, may advertise not only misleading products and services⁶⁰⁸, but destabilising agendas too.⁶⁰⁹ Autonomous accounts such as 'bots' engineer astroturfing develop political narratives and influence electoral results.⁶¹⁰

6. The Politics of Protectionism in a Post-Globalised World

A) Forced Disconnection

Arguably the only country that is protectively positioned amongst those in global south is China.⁶¹¹ It foresaw the implications, calculated repercussions of globalisation and strategized accordingly to not only cocoon itself from its ill effect but also to be aptly positioned to exert dominance over global north.⁶¹² China, known world over for its great wall⁶¹³, has put in place an abstract but effective 'great firewall' around its cyberspace.⁶¹⁴ The great firewall 'protects' the Chinese from all web contents that displeases the Chinese regime.⁶¹⁵ It relies entirely on indigenous products, platforms and services that effectively afford an alternate 'breads and circuses' to its population without the fear of malicious indoctrination.⁶¹⁶

Recently, India too banned platforms that threatened its national interest, even though

<https://pib.gov.in/PressReleasePage.aspx?PRID=1832906> accessed 16 September 2024.

⁶⁰⁸ *Supra* note 88 at 37-41.

⁶⁰⁹ 'Most Troubling Abuse of YouTube Involves Targeting of Muslims in India by BJP Backers: NYU Stern Report' *CJP*, <https://cjp.org.in/most-troubling-abuse-of-youtube-involves-targeting-of-muslims-in-india-by-bjp-backers-nyu-stern-report/> accessed 16 September 2024.

⁶¹⁰ 'How Artificial Intelligence Conquered Democracy' <https://theconversation.com/how-artificial-intelligence-conquered-democracy-77675> accessed 16 September 2024.

⁶¹¹ "Americans Don't Know How Capitalist China Is", available at <https://hbr.org/2021/05/americans-dont-know-how-capitalist-china-is> (last visited 16 September 2024).

⁶¹² "How China Seeks to Dominate the Information Age | United States Institute of Peace", <https://www.usip.org/publications/2024/03/how-china-seeks-dominate-information-age> (last visited 16 September 2024).

⁶¹³ "The Great Wall - UNESCO World Heritage Centre", <https://whc.unesco.org/en/list/438/> (last visited 16 September 2024).

⁶¹⁴ "What Is the Great Firewall of China?", <https://www.techtarget.com/whatis/definition/Great-Firewall-of-China> (last visited 16 September 2024).

⁶¹⁵ *Id.*

⁶¹⁶ Zahra Takhshid, "Regulating Social Media in the Global South" (2021) 24 *Vanderbilt Journal of Entertainment and Technology Law* 27.

⁶⁰² 'Hindu Protests Erupt in Bangladesh Demanding Action against Community Attacks' *The Economic Times*, <https://economictimes.indiatimes.com/news/international/world-news/hindu-protests-erupt-in-bangladesh-demanding-action-against-community-attacks/articleshow/113341797.cms?from=mdr> accessed 16 September 2024.

⁶⁰³ Ronaldo Munck, 'Global Civil Society: Royal Road or Slippery Path?' (2006) 17 *International Journal of Voluntary and Nonprofit Organizations* 325, 328.

⁶⁰⁴ *Id.* at 329.

⁶⁰⁵ Foreign Contribution (Regulation) Act, 2010 (Act No. 42 of 2010) s. 12.

⁶⁰⁶ 'Why 20,701 NGOs Lost Their FCRA Licences since 1976: Cause, Impact Decoded' *Business Standard*, https://www.business-standard.com/finance/personal-finance/why-20-701-ngos-lost-their-fcra-licences-since-1976-cause-impact-decoded-124041200227_1.html accessed 16 September 2024.

⁶⁰⁷ Food & Public Distribution Ministry of Consumer Affairs, 'Centre Issues "Guidelines on Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements, 2022"' *PIB*,

they commanded popularity amongst the masses.⁶¹⁷ Most Big Techs and their platforms are based out of global north, the policies, cultures and norms in practice therein may not be in sync with that of the country where these entities operate.⁶¹⁸ These incompatibilities generate mistrust between the host countries in global south with vulnerable civic infrastructure and the wealthy ‘altruistic’ platforms who claim to be supporting the suppressed voices; which, in their view, is a just *casus belli* to disobey domestic laws.⁶¹⁹

B) Protectionist Recalibrations

GATT⁶²⁰ and GATS⁶²¹ mandate affirmation of the principle of non-discrimination. The principle of National Treatment⁶²² requisites that nations must treat the goods and services of one another as equal. However, socio-economic imperatives compel states to deviate from such norms.⁶²³ ‘Make in India’ an illustrious campaign undertaken by the Indian government to transition into a self-sufficient economy.⁶²⁴ Its success, however, has irked India’s northern ‘allies’. India imposed and raised import duty on Information and communication technologies (ICTs) products to support local production of the same, and when select countries from global north and their ‘partners’ disputed to India’s actions, WTO ruled against India.⁶²⁵ Fascinatingly, USA continues to abuse its economic prowess world over by imposing

unilateral sanctions on foreign states.⁶²⁶ In a globalised world, maintaining ‘selective embargo’⁶²⁷ has a cascading effect that primarily affect small economies; a destitute state wherefrom the suffering actor may escape only should they hold on to the kind ‘helping hand’ of the very nation that caused the whole fiasco.⁶²⁸ Even when the allies positioned in global north suffer the misadventures lead by USA, resistance against the mighty capitalist remains absent.⁶²⁹

⁶¹⁷ “Full List of Chinese Apps Banned in India so Far: PUBG Mobile, Garena Free Fire, TikTok and Hundreds More”, *IndiaToday*, <https://www.indiatoday.in/technology/news/story/bgmi-garena-free-fire-tiktok-and-more-banned-in-india-check-the-full-list-1990048-2022-08-19> (last visited 16 September 2024).

⁶¹⁸ *Supra* note 88 at 34.

⁶¹⁹ “Jack Dorsey: India Threatened to Shut Twitter and Raid Employees”, *BBC*, <https://www.bbc.com/news/world-asia-india-65886825> (last visited 16 September 2024).

⁶²⁰ The General Agreement on Tariffs and Trade, 1947, Art. 1.

⁶²¹ *Id.* at Art. 2.

⁶²² *Id.*, at Art. 3; General Agreement on Trade in Services, 1995, Art. 7.

⁶²³ Joseph M. Senona, “Global Economic Recession and Protectionism: Legitimacy of the Proudly South African and Buy Local Campaigns” (2009) 10 *The Journal of World Investment and Trade* 629.

⁶²⁴ “Make in India | Major Initiatives (PM India)”, available at https://www.pmindia.gov.in/en/major_initiatives/make-in-india/ (last visited 16 September 2024).

⁶²⁵ WTO, India — Tariff Treatment on Certain Goods in the Information and Communications Technology Sector, WT/DS582/R.

⁶²⁶ “What Are Economic Sanctions? | Council on Foreign Relations”, available at <https://www.cfr.org/background/what-are-economic-sanctions> (last visited 16 September 2024).

⁶²⁷ “US Eases Some Sanctions on Russian Banks for Energy Deals’ *Forexlive*, <https://www.forexlive.com/news/us-eases-some-sanctions-on-russian-banks-for-energy-deals-20240429/> (last visited 16 September 2024).

⁶²⁸ “US Economy Is Reaping Benefits from the Ukraine Crisis’ *Global Times*, <https://www.globaltimes.cn/page/202203/1253787.shtml> (last visited 16 September 2024).

⁶²⁹ Julia Schmidt, “The Legality of Unilateral Extra-Territorial Sanctions under International Law” (2022) 27 *Journal of Conflict and Security Law* 55–56.