

## PATENTABILITY OF AI INVENTIONS

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### Abstract

India has laws to protect a person's intellectual property when it comes to intelligence. The Indian Patents Act, passed in 1970, lays out the guidelines for granting intellectual property rights to those who create novel and ground-breaking innovations. With the development of technology, AI is now able to create original concepts that are patentable. However, the pertinent question to ask is if our current legal system acknowledges AI as inventors, and if so, what benefits and drawbacks there may be. Therefore, the objective of this paper is to research on the fundamental principles of patent law that must be considered in this context as well as the legal ramifications of patenting AI.

**Keywords:** Artificial Intelligence, WIPO, Patents Act, Patentability, Inventions

### Introduction

Artificial intelligence is the capacity of a robot or a computer to carry out actions frequently performed by humans or other intelligent organisms. This involves the capacity for deductive reasoning, judgement, and generalisation based on algorithmic data processing. The computer is pre-programmed and can perform intuitive thinking, also known as machine learning, and data analysis by examining the repetitive patterns of human behaviour. Knowing the legal framework of patents for artificial intelligence and machine learning would be prudent given the importance of these technologies both worldwide and in India. The paper would examine the contemporary developments in

patentability of AI inventions, and the Indian legal framework governing their protection.<sup>1</sup>

### Literature Review

Artificial intelligence-based inventions are scrutinised in a manner akin to inventions that are computer-related. The inventions must meet the conditions of **Section 3(k) of the Patent Act**, which limits the ability to patent computer programmes as a whole. Most advancements in today's digital world are built by computer programmes, thus denying them protection would stifle innovation.<sup>2</sup>

A person or his assignee, or the legal agent of any decedent, may submit a patent application in accordance with Section 6 of the Indian Patent Act. The patent can be filed by either a natural person or a government agency. There is no mention of the machine being listed as an inventor on a patent, though.<sup>3</sup>

According to the court's ruling in the case of **V.B. Mohammed Ibrahim v. Alfred Schafranek**, only a natural person who actively contributes their skill or knowledge to the innovation qualifies as the inventor in legal terms. As a result, it is not viable to recognise AI as patent holders.<sup>4</sup>

<sup>1</sup> White Paper, *Artificial Intelligence Collides with Patent Law*, WORLD ECONOMIC FORUM, (Oct. 18, 2022, 6:57 PM), [http://www3.weforum.org/docs/WEF\\_48540\\_WP\\_End\\_of\\_Innovation\\_Protecting\\_Patent\\_Law.pdf](http://www3.weforum.org/docs/WEF_48540_WP_End_of_Innovation_Protecting_Patent_Law.pdf)

<sup>2</sup> *Current Scenario of Artificial Intelligence and patent protection in India*, RNA (Oct. 18, 2022, 12:14 AM), [https://rnaip.com/current-scenario-of-artificial-intelligence-and-patent-protection-in-india/?utm\\_source=rss&utm\\_medium=rss&utm\\_campaign=current-scenario-of-artificial-intelligence-and-patent-protection-in-india](https://rnaip.com/current-scenario-of-artificial-intelligence-and-patent-protection-in-india/?utm_source=rss&utm_medium=rss&utm_campaign=current-scenario-of-artificial-intelligence-and-patent-protection-in-india)

<sup>3</sup> Essense Obhan, *Driving Into The Future: Regulating Autonomous Vehicles*, MONDAQ (Oct. 18, 2022, 12:14 AM), <https://www.mondaq.com/india/patent/1239240/driving-into-the-future-regulating-autonomous-vehicles>

<sup>4</sup> Nayantara Sanyal, *Inventions By Artificial Intelligence: Patentable Or Not?*, MONDAQ (Oct. 18, 2022, 12:14 AM), <https://www.mondaq.com/india/patent/1223510/inventions-by-artificial>

It may be claimed, however, that an AI could also contribute its expertise or technical knowledge to an innovation in order for it to qualify as an invention.<sup>5</sup> The Supreme Court ruled in **Som Prakash Rekhi v. Union of India** that a jurisdictional person is the one has been given "personality" by law. A legal entity that has the ability to sue or who may be sued by another is referred to as having a juristic personality.<sup>6</sup>

The Supreme Court of the United States noted in the case of **Mayo Collaborative Servs v. Prometheus Lab** that artificial intelligence (AI) is the fundamental tool of scientific and technological endeavour and that establishing monopolies on them through patents would impede innovation. Patents shouldn't be issued for claims that merely replicate human action without requiring an inventive step.<sup>7</sup>

However, the Department of Commerce's Parliamentary Standing Committee ("Standing Committee") has suggested that the Department include new discoveries related to artificial intelligence (AI) and upcoming AI technologies under the purview of the Patents Act.<sup>8</sup>

### Research Methodology

This research paper shall use a combination of doctrinal and quantitative research methodology to find out the solutions to the issues mentioned. Doctrinal legal research methodology places more emphasis on the letter of the law than the actual application of the law. By employing this technique, the author shall create a descriptive and thorough examination of legal provisions discovered in

primary sources (cases, statutes, or regulations). The aim of this approach is to collect, arrange, and describe the law; to offer comments on the sources used; and, last, to identify and characterize the overarching theme or system and the connections between each source of law.

### Research Question/Issues

The following research questions will be addressed in this paper-

1. Whether inventions by Artificial Intelligence are patentable under the Patents Act.
2. Who has ownership of AI Inventions.
3. Who would be liable for infringement of inventions by AI.
4. How should an autonomous AI's accountability for patent infringement be handled.

### Outcome and Conclusion

Artificial Intelligence inventions should be judged on the basis of their "technical contribution" and "technical effect". Therefore, the technology should be granted a patent if it is capable of solving a technical problem through technical means.<sup>9</sup>

There may be certain repercussions of the same like, changing the standard of 'a person skilled in the art', dealing with the rights of the AI to sue, transfer, own or assign the invention, impact on human employment, etc.<sup>10</sup>

The intent of the Patent Act needs to be considered. Even though one may not have complete legal control over the innovation, everyone has a moral right to claim credit as the inventor. Even if the inventor may have agreed to contracts or agreements giving up their exclusive rights, the idea behind approaching the inventor for an invention was to help the inventors increase the economic value to which they are legally entitled.

intelligence-patentable-or-not#:~:text=As%20on%20date%2C%20these%20provisions,the%20AI%20as%20the%20inventor.&text=The%20content%20of%20this%20article,guid e%20to%20the%20subject%20matter.

<sup>5</sup> Archana Raghavendra, *Does AI Qualify As An 'Inventor' Based The Statute In Indian Patents Act, 1970?*, MONDAQ (Oct. 18, 2022, 12:18 AM), <https://www.mondaq.com/india/patent/1147320/does-ai-qualify-as-an-inventor39-based-the-statute-in-indian-patents-act-1970>.

<sup>6</sup> Som Prakash Rekhi v. Union Of India, 1980 AIR 1981 SC 212.

<sup>7</sup> Mayo Collaborative Servs v. Prometheus Lab, 566 U.S. 66 (2012).

<sup>8</sup> Muskan Saxena, *Patenting AI and its Legal Implications*, CENTRE FOR INTELLECTUAL PROPERTY RIGHTS RESEARCH AND ADVOCACY (Oct. 18, 2022, 12:44 AM), <https://iprlawindia.org/wp-content/uploads/2021/04/Muskan-Saxena.pdf>.

<sup>9</sup> Pooja Agarwal, *Research Paper on Artificial Intelligence* (Oct. 18, 2022, 6:00 PM), <http://www.casestudiesjournal.com/Vol-2,Issue%206%20paper%202.pdf>.

<sup>10</sup> Jatin Borana, *Applications of Artificial Intelligence & Associated Technologies* (Oct. 18, 2022, 6:12 PM), [http://www.sdtechnocrates.com/ETEBMS2016/html/papers/ETEBMS-2016\\_ENGEE7.pdf](http://www.sdtechnocrates.com/ETEBMS2016/html/papers/ETEBMS-2016_ENGEE7.pdf).

However, neither the benefits intended by the legislative intent nor moral rights may be granted to AI under current Indian law.<sup>11</sup>

The paper makes it clear that an AI cannot now be recognised in India as an inventor. However, due to the fact that AI is employed as a tool to aid the creator, inventions linked to AI are currently recognised in India.

AI must be treated as a legal person with all of the rights and duties that come with that status in order for it to be listed as an inventor. The alternative is to omit any inventors from the list. However, to do this, the patent law framework would need to change so that patents for AI could be granted without naming the creator. In such a situation, adequate steps must be done to offer incentives to those involved in developing and maintaining AI in order to continue creating AI that inspires original thought.<sup>12</sup>

When it comes to culpability for infringement, one possibility is to include an insurance system in which a fund is established for paying infringement damages. The second choice might be to blame AI directly. Giving AI the status of a legal person would be necessary for this. According to the European Parliament Resolution, future legislative measures shouldn't aim to reduce damages just because a non-human caused the violation.<sup>13</sup>

If a human agent is found guilty of violating a law, their liability should be proportionate to the amount of power they granted AI. However, the culpability must be determined in the same way as in the case of a corporate company if AI is to be held liable for infringement after being acknowledged as a legal person. A contractual arrangement is an additional choice because it

offers a foreseeable resolution in the event that an infringement happens. The party who was wronged will be compensated in accordance with the terms of the agreement and is entitled to damages in accordance with the relevant articles.<sup>14</sup>

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<sup>11</sup> Richard Kennedy, *Patenting Artificial Intelligence* (Oct. 18, 2022, 6:19 PM), <https://www.vennershipley.co.uk/resources/news/2018/11/26/patenting-artificial-intelligence>.

<sup>12</sup> Jason Lohr, *Artificial Intelligence drives new thinking on Patent Rights* (Oct. 18, 2022, 10:43 PM), <https://www.limegreenipnews.com/2016/07/artificial-intelligence-drives-new-thinking-on-patent-rights/>.

<sup>13</sup> Erica Fraser, *Computers as Inventors – Legal and Policy Implications of Artificial Intelligence on Patent Law*, SCRIPTED (Oct. 18, 2022, 10:04 PM), <https://scripted.org/article/computers-as-inventors-legal-and-policy-implications-of-artificial-intelligence-on-patent-law/>.

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## Legalization of Cannabis – The Canadian toleration pattern – Does it set up a precedent for other developed and developing countries to follow?

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### **Abstract**

The idea of Canadian regulation with regards cannabis regulation has been highly appreciated by legal scholars and thinkers in relation to how cannabis can be utilized for recreational purpose. The paper aims to provide an analysis of how cannabis consumption and regulation can be constructed under statutory capacity without imposing daring restriction. The recreational purpose with which the Cannabis Act of Canada was provided is not limited to one consideration – restriction. The act involves giving regulation to whether or not cannabis can be consumed without causing illegal consideration for the state to consider. The paper will provide how the definitions section with the punishment and possession section of the act is key to giving a regulation of cannabis possession and consumption. The paper also looks upon how the act has established its own purpose with its indication towards protecting a particular group. The paper also considers if this model is applicable towards other countries in its concluding remarks.

**Keywords** – Marijuana, Cannabis, Canada, Legalization, consumption, regulation

### **Introduction**

The requirements with regards to the regulation behind cannabis consumption has moved from various considerations. There considerations may be deemed appropriate when one consider the impact that cannabis consumption has on individuals and even

communal activities. Individuals with vested interest from various parts of the world have given due diligence and jurisprudence upon the matter of legalizing cannabis. There are two countries who have considered the idea of cannabis regulation with a very sturdy outlook of statutory requirements that should be fulfilled regardless of the product they are dealing with. The Canadian example presents us with a model that delves deep into how medicinal capacity of utilizing cannabis should be given due recognition and cognizance, not only giving procedural and regulatory framework behind cannabis consumption. The legal discretion upon cannabis consumption is not linear in terms of proving a strict definition for every single piece of action committed in relation to cannabis but rather makes way for flexible grounds of moderation as may be required. The aim here is to provide an understanding of whether or not cannabis consumption is properly regulated in this country and can this be adopted into other countries.

### **The Canadian Outlook**

The cannabis prohibition under Canada's legislative history is based upon the prohibition under this particular act – *Narcotics Drug Act Amendment Bill*. The recreational use of cannabis had become popular in Canada amongst the middle-class college students as its ease of access became more conventional. There were increasing number of convictions based on cannabis possession in varying amounts – where the conviction rate was increasing every year. The Canadian history of

cannabis exemplifies one particular aspect – the recreational use of cannabis amongst the youth of the Canadian population. For this particular purpose, when the Cannabis Act of Canada was implemented, it worked with establishing boundaries around what cannabis would exactly involve. Under the *Cannabis Act of Canada*, under Section 2, sub-section 1, of the definitions section – “cannabis means a cannabis plant and anything referred to in Schedule 1 but does not include anything referred to in Schedule 2. (*cannabis*) *cannabis accessory* means – (a) a thing, including rolling papers or wraps, holders, pipes, water pipes, bongs and vaporizers, that is represented to be used in the consumption of cannabis; or (b) a thing that is deemed under subsection (3) to be represented to be used in the consumption of cannabis. (*accessoire*) *cannabis plant* means a plant that belongs to the genus *Cannabis*. (*plante de cannabis*)”<sup>15</sup> This makes it very clear that cannabis has particular criteria’s under the Canadian jurisdiction, with a certain statutory definition that needs to define the manner in which cannabis will be regulated. There is even a section upon what accessories would be included when considering the use of cannabis – bongs, vaporizer, water pipes, holders, rolling paper etc. The Canadian regulation seems to derive its authority to functionally describe what cannabis should include under legal terms. There are schedules also present under the act that regulate the categorization of what exactly will include cannabis products and what will not include those products. This is massively beneficial for consumers and legal authorities to understand what products can be consumed under legal terms.

The Cannabis Act of Canada also has determined the manner in which cannabis needs to be regulated under a broad spectrum of chemical-based offences. The act states – “*chemical offence-related property* means offence-related property that is a chemical and includes (a) anything that contains any

offence-related property that is a chemical; or (b) anything that has any offence-related property on it that is a chemical. (*bien infractionnel chimique*) *chemical property* means (a) any chemical offence-related property; (b) a chemical that is not chemical offence-related property; or (c) anything that contains a chemical referred to in paragraph (b) or anything that has such a chemical on it. (*bien chimique*)”<sup>16</sup> The idea is here to simply provide the Canadian legal authorities a structure of how cannabis consumption can be regulated under this particular act when considering its physical form and intake. Although the section makes use of the word chemical offence, the better term here in terms of regulation would be to include synthetic as cannabis in itself can be utilized in various forms. Consumption can be based upon inhalation through solid means or gaseous means, which can change the literal form of the cannabis product. The act is also regulating the meaning of distribution and promotion of such products as it needs to monitor under statutory capacity. The act states that – “*distribute* includes administering, giving, transferring, transporting, sending, delivering, providing or otherwise making available in any manner, whether directly or indirectly, and offering to distribute. (*distribuer*) *informational promotion* means a promotion by which factual information is provided to the consumer about (a) cannabis or its characteristics; (b) a cannabis accessory or its characteristics; (c) a service related to cannabis; or (d) the availability or price of cannabis, a cannabis accessory or a service related to cannabis. (*promotion informative*)”<sup>17</sup> This provides the manner in which cannabis consumers and sellers need to understand the manner in which cannabis reaches people, especially youths. The idea is to make sure there is vigilance upon how the Cannabis Act is regulating promotion and distribution of such products as well – there

<sup>15</sup> Cannabis act, 45 § 2 (2018).

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*



is no blanket legal approval over the consumption and selling of cannabis.

The issue with this act remains in relation to how broad the scope illegal cannabis can be declared under the act, especially in relation to its usage or selling. Under the act itself, cannabis and its illegality is prescribed through the following contentions – “*dried cannabis* means any part of a cannabis plant that has been subjected to a drying process, other than seeds. *illicit cannabis* means cannabis that is or was sold, produced or distributed by a person prohibited from doing so under this Act or any provincial Act or that was imported by a person prohibited from doing so under this Act. (*cannabis illicite*) *young person* means (a) for the purposes of sections 8, 9 and 12, an individual who is 12 years of age or older but under 18 years of age; and (b) for the purposes of any other provision of this Act, an individual who is under 18 years of age. (*jeune*)”<sup>18</sup> This provides the manner in which cannabis in terms of its illegality is described under the act, when it is referencing illicit, the biggest contention is put upon the act itself. The act becomes the primary consideration for establishing whether or not an individual would be indicted under the scope of illicit, which gives wide access and power to the authorities to determine the scope of illicit. The definition of young person is a complicated point of contention – the classification involves individuals above the age 12 but under the age 18 to be eligible as a young person, although various other jurisdiction would debate whether this would be the appropriate age. The act deals with a highly consumed narcotic substance – cannabis and the classification of a young person under the act involves the question of when does an individual gain conscious understanding of their cannabis related activities. The understanding of illicit and young person under this act is very arbitrary in the nature of how cannabis regulation should take place.

The purpose with which this act was established was statutorily described under the act through section 7. The section prescribes three main contentions under the purpose of cannabis regulation – the idea of providing regulatory framework to cannabis consumption and selling, the deterring nature of illicit activities in relation to cannabis and protect the most targeted group of cannabis consumption – the youth and young people. The act lays down the purpose under section 7 as following – “Under the act, the Purpose of this particular act – its regulatory intent was established through section 7 - ‘7 The purpose of this Act is to protect public health and public safety and, in particular, to (a) protect the health of young persons by restricting their access to cannabis; (b) protect young persons and others from inducements to use cannabis; (c) provide for the licit production of cannabis to reduce illicit activities in relation to cannabis; (d) deter illicit activities in relation to cannabis through appropriate sanctions and enforcement measures; (e) reduce the burden on the criminal justice system in relation to cannabis; (f) provide access to a quality-controlled supply of cannabis; and (g) enhance public awareness of the health risks associated with cannabis use.”<sup>19</sup> With regards to the purpose of the act, it has established that the aims are explicitly talking about how regulation should involve a consideration for health and protection of young persons, prevention or deterrence, reduction of burden, quality-controlled supply and enhancement of public awareness in relation to cannabis consumption. It should be noted that this section has given due consideration to how the application of the act and its provisions should take place.

The idea of criminal activities in relation of cannabis possession is massive in countries that are debating upon the recreational use of cannabis. Under the Cannabis Act of Canada, the criminal activities is prescribed as the following – “DIVISION 1 Criminal Activities

<sup>18</sup> *Id.*

<sup>19</sup> Cannabis act, 45 § 7 (2018).



Marginal note: Possession. 8 (1) Unless authorized under this Act, it is prohibited (a) for an individual who is 18 years of age or older to possess, in a public place, cannabis of one or more classes of cannabis the total amount of which, as determined in accordance with Schedule 3, is equivalent to more than 30 g of dried cannabis; (b) for an individual who is 18 years of age or older to possess any cannabis that they know is illicit cannabis; (c) for a young person to possess cannabis of one or more classes of cannabis the total amount of which, as determined in accordance with Schedule 3, is equivalent to more than 5 g of dried cannabis; (d) for an individual to possess, in a public place, one or more cannabis plants that are budding or flowering; (e) for an individual to possess more than four cannabis plants that are not budding or flowering; or (f) for an organization to possess cannabis. Marginal note: Punishment (2) Subject to section 51, every person that contravenes subsection (1) (a) is guilty of an indictable offence and is liable (i) in the case of an individual who is 18 years of age or older, to imprisonment for a term of not more than five years less a day, (ii) in the case of a young person, to a youth sentence under the *Youth Criminal Justice Act*, or (iii) in the case of an organization, to a fine in an amount that is in the discretion of the court; or (b) is guilty of an offence punishable on summary conviction and is liable (i) in the case of an individual who is 18 years of age or older, to a fine of not more than \$5,000 or imprisonment for a term of not more than six months, or to both, (ii) in the case of a young person, to a youth sentence under the *Youth Criminal Justice Act*, or (iii) in the case of an organization, to a fine of not more than \$100,000.<sup>20</sup> The idea here is to simply provide what takes place under possession under this act and what punishment can be provided accordingly with other statutory acts under the jurisdiction of Canada. The possession under this act is determined through a multifaceted consideration of how various types of legal

conditions have been put upon how a particular act would be deterrent for a youth under the act accordingly. This act has majorly catered to the consumers of cannabis – especially individuals that might have easy access to acquiring these products. The emphasis placed upon possession involves two major factors – the location where a particular individual possesses a cannabis plant and the role that dried cannabis has under possession in this particular act. The act then gives prescription to punishment under the understanding that deterrence must be built with regards to illegal conduct on cannabis consumption and sale. The inclusion of the Youth Criminal Justice Act clearly showcases the overall goal of this act – to comprehend the acts under this act that involve youths should always be given due emphasis under the act.

### Conclusion

The Canadian Cannabis Act of 2018 has provided a massive precedent for how cannabis regulation for recreational purpose. This involves not only consideration for how individuals that possess cannabis should be regulated under statutory capacity but also individuals that are involved in the sale of such products and products infused with cannabis. The possession of cannabis should be quality controlled by the authorities without interference from acts that could potentially hinder the prosecution of individuals working around cannabis consumption and production. The issue of whether the Canadian example can be followed by other countries should be considered by the extensive manner of categorisation and regulation that the cannabis act provides. The act has a detailed and thorough section of defining what cannabis and its various nuances in terms of its usage should be defined under legal capacity. The only problem that this particular act seems to have encountered is with regards to how its going to regulate the legal definition of young persons for the purpose of regulating cannabis possession. The possession of cannabis will not

<sup>20</sup> Cannabis act, 45 § 8 (2018).





only involve one singular consideration especially when young individuals involve, hence, this particular act should give more jurisprudence to how young person under this particular act should be expanded for whether or not cannabis related activities can be associated with them. The value of this act lies in the fact that it's a regulating force which gives wide discretion to the public and legal authorities to regulate cannabis possession, consumption, transportation, and any activity relating to it – especially keeping in mind that youth are most effected by these activities.



## UN HUMAN RIGHTS: WHAT HAS BEEN ACHIEVED SO FAR AND WHAT CHALLENGES LIE AHEAD?

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### ABSTRACT

Throughout history, the preservation of human rights has been recognized to varied degrees, but since the Second World War, the United Nations has declared that human rights are universal and part of what it means to be a person. Where advancement in every dimension is growing steadily, it is important to protect the one for whom it is taking place. It is necessary to check the impartial access to every resource and the preservation of basic rights a person should have. This paper analyses the importance of human rights and the organizations placed for protecting these rights, on a regional as well as an international level. This article briefly sheds light on the significance of the United Nations as an international umbrella for human rights. Further, it emphasizes violations of human rights via case studies of the Afghanistan and Xinjiang conflicts. The motive behind presenting such cases is to highlight the serious aspect of violations taking place despite such protection organizations. The UN provides a guiding light for the drafting of human rights and thus does not have very strong binding effects on signatory countries.

**KEYWORDS:** Human rights, United Nation, Human right violations, Taliban, Xinjiang

### INTRODUCTION

As Eleanor Roosevelt observed: Where, after all, do universal human rights begin? In small places, close to home – so close and so small that they cannot be seen on any map of the world. Yet they are the world of the individual

person: the neighborhood he lives in; the school or college he attends; the factory, farm or office where he works. Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. All the advancement, development and technological breakthrough are being done for humans and by the humans as they are the most significant resources out there. Hence protecting their rights and making laws for their security is very important. The consequences of World War II and the damages sustained there from can undoubtedly be said to be the reason behind the creation and formation of the United Nation Organization. The war which lasted for about 7 years, from 1939 to 1945, and as the end drew near, cities throughout Europe and Asia lay in smoldering ruins. Millions of people were dead; millions more were homeless or starving. Russian forces were closing in on the remnants of German resistance in Germany's bombed-out capital of Berlin. In the Pacific, US Marines were still battling entrenched Japanese forces on such islands as Okinawa. United Nations has laid down several conventions and treaties to protect the rights of human globally. However, it shows that there is a pressing need to improve the way in which human rights are implemented since laws that are not carefully followed and completely upheld risk losing their real-world relevance and legal importance.

### I. FUNCTIONS AND JURISDICTION OF HUMAN RIGHTS BODIES

There are various bodies made for protecting and promoting human rights on regional as well

as at global level. However, the mechanism and functions they perform are almost similar other than the jurisdiction of right to implement that law. This body varies in their jurisdiction. Some of the organizations at national and international level are:

**A. Within United Nations**

In accordance with international human rights law, UN Human Rights offers support, direction, and expertise to a variety of UN system human rights monitoring mechanisms. Human rights within United Nations are monitored by two mechanisms- one is treaty- based bodies and other is charter based bodies. Treaty based bodies are made up of committees and members to manage the implementation of core human rights. These bodies are:

Human Rights Committee, Committee on Economic, Social and Cultural Rights, Committee on the Elimination of Racial Discrimination , Committee on the Elimination of Discrimination against Women , Committee against Torture , Committee on the Rights of the Child , Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families , Committee on the Rights of Persons with Disabilities, Committee on Enforced Disappearances, Human Rights Instruments.

Others are the charter based bodies , derive their establishment from provisions contained in the Charter of the United Nations and are as follows:

- UN Human Rights Council
- human rights treaty bodies
- independent experts known as “special procedures”

- Universal Periodic Review

**B. Within Africa**

African Court on Human and Peoples’ Rights

- African Commission on Human and Peoples’ Rights

**C. Within America**

Inter-American Court of Human Rights  
Inter-American Commission on Human Rights

**D. Within Europe**

- European Court of Human Rights
- European Committee of Social Rights
- Council of Europe Commissioner for Human Rights

**E. Within Middle East & North Africa**

- Arab Human Rights Committee

**F. Within Southeast Asia**

- ASEAN Intergovernmental Commission on Human Rights

The jurisdiction of these bodies differs as such regional bodies implement laws and treaties within their territory and can be exercised by there courts only. Whereas United Nations sets an international implementation of human rights .The driving idea behind international human rights law is that – because it is States who are in a position to violate individuals’ freedoms – respect for those freedoms may be hard to come by without international consensus and oversight. That is, a State which does not guarantee basic freedoms to its citizens is unlikely to punish or correct its own behavior, particularly in the absence of international consensus as to the substance of those freedoms and a binding commitment to the international community to respect them. It imposes positive and negative obligations on states The enjoyment of human rights is subject to a duty on the part of states, which encompasses both positive and negative responsibilities. This includes taking aggressive measures to defend people's rights, including against non-State action. Additionally, there is a greater need for protections outside of the conventional civil and political arena.

**II. HUMAN RIGHTS IN THE UNITED NATIONS**

The UN’s concern for human rights has elevated itself to the top of the international agenda in the wake of the two world wars. The UN Charter represents a significant advancement in respect for and belief in human rights. The Nazis horribly mistreated several ethnicities, including Jews and other available races, around the world.

The Second World War sparked a strong push to safeguard fundamental human rights around the world. Few representatives from specific States joined forces at the San Francisco Conference to support accepting stronger facilities with regard to human rights. Additionally, a failed attempt to incorporate an international bill on human fighting into the United Nations charter was made. The foundations of this body of law are the Charter of the United Nations and the Universal Declaration of Human Rights, adopted by the General Assembly in 1945 and 1948, respectively. Since then, the United Nations has gradually expanded human rights law to encompass specific standards for women, children, persons with disabilities, minorities and other vulnerable groups, who now possess rights that protect them from discrimination that had long been common in many societies.

#### **A. Universal Declaration of Human Rights**

The first legal declaration to outline the essential human rights that should be universally protected was the Universal Declaration of Human Rights (UDHR), which was adopted by the UN General Assembly in 1948. All international human rights law is still built on the Universal Declaration of Human Rights (UDHR), which reached 70 in 2018. Its 30 articles serve as the foundation for all upcoming and existing human rights conventions, treaties, and other legal documents.

The International Bill of Rights is made up of the UDHR as well as the two agreements, the International Covenant for Civil and Political Rights and the International Covenant for Economic, Social, and Cultural Rights. The 30 rights and freedoms set out in the UDHR include the right to be free from torture, the right to freedom of expression, the right to education and the right to seek asylum. It includes civil and political rights, such as the rights to life, liberty and privacy. It also includes economic, social and cultural rights, such as the rights to social security, health and adequate housing.

#### **B. International covenant on Economic, social and cultural rights**

In 1976, the International Covenant on Economic, Social, and Cultural Rights became law. The following are some of the human rights that the Covenant aims to advance and defend. The right to social safety, an acceptable quality of living, and the highest levels of bodily and mental well-being that are humanly possible; the right to education and the enjoyment of the benefits of cultural freedom and scientific advancement.

#### **C. Civil and political rights**

The International Covenant on Civil and Political Rights and its First Optional Protocol entered into force in 1976. The Second Optional Protocol was adopted in 1989. The Covenant deals with such rights as freedom of movement; equality before the law; the right to a fair trial and presumption of innocence; freedom of thought, conscience and religion; freedom of opinion and expression; peaceful assembly; freedom of association; participation in public affairs and elections; and protection of minority rights. It prohibits arbitrary deprivation of life; torture, cruel or degrading treatment or punishment; slavery and forced labour; arbitrary arrest or detention; arbitrary interference with privacy; war propaganda; discrimination; and advocacy of racial or religious hatred.

### **III. UNDERSTANDING THE IMPLEMENTATION OF HUMAN RIGHTS THROUGH CASE STUDIES**

#### **CASE STUDIES:**

#### **A. Afghanistan: Taliban Human Rights Abuses**

A new report from the UN Mission in Afghanistan (UNAMA), confirms the erosion of basic human rights across the country since the Taliban takeover in August last year, pointing out they bear responsibility for extrajudicial killings, torture, arbitrary arrests and detentions, and violations of fundamental freedoms. Populations in Afghanistan faced systematic human rights violations perpetrated by the Taliban de facto authorities. Other armed

extremist groups also continue to pose a threat to civilians.

### 1. Background

The Taliban were a Sunni Islamist nationalist and pro-Pashtun organization that ruled Afghanistan from 1996 to 2001. They were created in the early 1990s by peasant farmers and men studying Islam in madrasas. They established a presence and increased their power in Southern Afghanistan. By 1994, the Taliban had moved their way through the south, capturing several provinces from various armed factions who had been fighting a civil war. September 1996, the Taliban had captured Kabul, killed the country's president, and established the Islamic Emirate of Afghanistan. The Taliban confirmed in July 2015 that their commander, Mullah Mohammed Omar, had passed away. Omar was sought by the US Government under the Rewards for Justice initiative. In August 2015, Mullah Akhtar Mohammed Mansur was chosen to lead the Taliban, the organization's only ever had two leaders

Taliban militants retook Afghanistan's capital, Kabul, almost two decades after they were driven out by US troops. Afghan security forces were well funded and equipped, but faced little resistance. President Ashraf Ghani fled the country, abandoning the presidential palace to Taliban fighters.

## 2. Highlights of Human Rights Violation in Afghanistan

### 1. Freedom of expression & assembly

Human rights advocates and members of the civil society have been the target of the Taliban's assault on free speech. Many of them have been harassed, threatened, imprisoned, or even assassinated as a direct result of their efforts on behalf of human rights. Additionally threatened is press freedom. A vague order prohibiting journalists from publishing articles that are "contrary to Islam" or "insulting to national figures" was issued by the Government

Media and Information Centre (GMIC) on September 19, 2021.

### 2. Arbitrary arrests, torture and ill-treatment

Hundreds of civilians have been unlawfully detained. Many are beaten with rifle butts or whipped during arrest. Sahiba\* (not her real name), a female protestor, told Amnesty International her body was covered in bruises after the Taliban security forces finished with her.

### 3. Extrajudicial killings and enforced disappearances

Numerous extrajudicial killings have occurred, and bodies with gunshot wounds or other evidence of torture have been discovered. Due to their employment for the former administration or because they are believed to be active in resistance against the Taliban, dozens of people have vanished, and it is still unknown where they are.

### 4. Restrictions on women and girls

In the face of growing limitations that have taken away their freedoms, dozens of women have been detained and tortured for holding nonviolent demonstrations seeking their rights. Millions of Afghan girls' futures have been ruined by the Taliban's strict restrictions on the right to an education. The Taliban claimed that their prohibition on girls in grades six and higher attending secondary schools when they reopened on September 17, 2021, was only temporary while they hired more female teachers and made sure "appropriate" conditions were in place for gender segregated education. None of these proposals have been carried out to this far.

### 3. UN stand on this issue

UN has done a lot in Afghanistan to soften the grounds for enduring peace, e.g. peace keeping operation, passing resolutions, signing of Enduring Partnership agreement, advisory role to high peace council, support for survival of Afghan National Army, and efforts in countering terrorism. Afghanistan is still in need of a UN role to be played in terms of dealing with not only direct but also structural violence so that Peace

can be gained and maintained in Afghanistan. Though UN treaty and conventions have no legal binding effect over the state it's own rule it somewhere leave the gap between international implementation of laws.

B. The Chinese Communist Party's Human Rights Abuses in Xinjiang

A long-awaited report by the Office of the UN High Commissioner for Human Rights (OHCHR) into what China refers to as the Xinjiang Uyghur Autonomous Region (XUAR) has concluded that "serious human rights violations" against the Uyghur and "other predominantly Muslim communities" have been committed.

#### 4. Background

In Xinjiang, China, the Chinese Communist Party has launched a deliberate offensive against Uyghur women, men, and children, as well as members of other Turkic Muslim minority groups. Coercive population control techniques, forced labor, arbitrary incarceration in internment camps, torture, physical and sexual assault, mass surveillance, family dissolution, and suppression of cultural and religious expression are only a few examples of human rights violations that have been documented.

#### 5. Issue

These heinous wrongdoings have become more prevalent recently as a result of government initiatives used to combat the "three evils" of "ethnic separatism, religious extremism, and violent terrorism." Numerous sources, including the U.S. Department of State, academics, human rights organizations, journalists, think tanks, and camp survivors themselves, have supplied evidence to support these violations, including:

- Forced sterilization, forced abortion, and forcible birth control implants; coercive population control;
- The imprisonment in internment camps of more than a million Uyghurs, Kazakhs, Kyrgyz, and members of other Muslim minority groups;
- Forced labor in establishments close to or connected to the detention camps;

- Mosques and other religious sites are being demolished and shut down;
- Young people are being forbidden from participation in religious activities; and political indoctrination or "re-education" is being pushed.

#### 1) Violations of Religious Freedom

The CCP, one of the greatest violators of religious freedom in the world, continues to act with tremendous hatred against adherents of all religions, including Protestants, Catholics, Tibetan Buddhists, Uyghur Muslims, and Falun Gong. In Xinjiang, the CCP's campaign of repression against Uyghur Muslims and other members of marginalised communities is only becoming worse. Since April 2017, more than a million ethnic Kazakhs, Uyghurs, and members of other minority Muslim groups have been unjustly jailed in internment camps. In reality, the CCP targets secular elements of non-Chinese culture like the Uyghur language and Uyghur music as well as everyday manifestations of Islamic belief like owning a Quran, praying, abstaining from alcohol and cigarettes, and fasting throughout Ramadan.

#### 6. UN stand on this issue

According to UN, only certain acts can be construed as genocide:

- Killing members of a certain ethnicity;
- Causing serious bodily or mental harm, to members of a particular group;
- Imposing measures to prevent births, all cantering around one ethnicity;
- Forcibly transferring children from one group to another;
- Systematically destroying the group.

Many times sessions of United Nations has been placed to decide the truth and check the situation of this issue. China being at more power usually found at safe side.

#### CONCLUSIONS

To keep the article brief, only two issue have been discussed but it is evident from above incident the violations of human rights and conditions of humans are in grave conditions. As we have earlier discussed that regional organization for human rights differ in its

jurisdiction from each other, and when in case of conflict usually preference is given to state's own rules and regulations. The world community looks to the Universal Declaration of Human Rights (UDHR) as a guide for the standards that should be established for the defense and advancement of human rights. A new age of optimism for the recognition of the inherent equality and dignity of all persons was ushered in by the Universal Declaration of Human Rights. It cleared the way for the creation of various human rights organization as well as the formulation of international human rights treaties. The issue of human rights gained more legitimacy as a result, becoming a top priority for both national governments and the international community. Despite these outstanding accomplishments, the past 73 years have also demonstrated that comprehensive respect for human rights remains a promise on paper in the absence of political will and resources. The war against crime and terrorism has even recently put a burden on fundamental liberties. To establish the Universal Declaration of Human Rights seventy-three years ago, the United Nations needed to demonstrate the same level of vision, courage, and dedication that nations must exhibit today. To balance the non binding effect of non binding effect UN conventions it is important to establish the stronger laws at national level.

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## "India's Approach to the Moon Agreement: An Analysis of Policy Perspectives & Potential Impacts"

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### ABSTRACT

India's space program has made significant strides in recent years, including its lunar exploration agenda. As a signatory to the Moon Agreement, an international treaty that governs the activities of states on the Moon and other celestial bodies, India's approach to this treaty has policy perspectives and potential impacts. This research paper provides a comprehensive analysis of India's approach to the Moon Agreement, examining its compliance with the treaty, challenges, and opportunities, and potential impacts in legal, economic, and strategic aspects. The paper explores India's space policies, international treaties, and scholarly articles to understand India's evolving space program, its interests in lunar exploration, and the implications of its approach to the Moon Agreement. The paper discusses how India's compliance with the Moon Agreement may shape its lunar exploration agenda and impact its reputation as a responsible space-faring nation. It also highlights challenges such as resource utilization, conflicting interests, and evolving legal frameworks. Opportunities in terms of international collaborations, technological advancements, and socio-economic benefits are also examined. The paper concludes by discussing the future prospects and implications of India's approach to the Moon Agreement, emphasizing the need for aligning policies, technologies, and collaborations to maximize benefits and contribute to space governance. This research paper provides insights into India's approach to the Moon Agreement and its potential impacts, offering valuable perspectives for policymakers,

researchers, and space enthusiasts interested in India's lunar exploration agenda.

**Keywords:** Lunar, Space, Moon Agreement, Treaty.

### INTRODUCTION

The exploration and utilization of outer space have become a significant area of interest for nations across the globe. With advancements in space technology and increasing ambitions for space exploration, there is a growing need for international agreements and policies to govern these activities. One such agreement is the Moon Agreement, formally known as the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies, which was adopted by the United Nations General Assembly in 1979.

India, with its emerging space program and aspirations to explore the Moon, has been an active participant in discussions related to the Moon Agreement. The Moon Agreement aims to establish a framework for the peaceful use and exploration of the Moon and other celestial bodies, and it includes provisions related to property rights, non-appropriation, and international cooperation. However, India has not yet ratified the Moon Agreement and has expressed reservations about some of its provisions.

This research paper seeks to analyze India's approach to the Moon Agreement by examining the policy perspectives and potential impacts. The paper will delve into India's stance on the Moon Agreement, the reasons behind its reservations, and the potential implications of



India's position on the agreement's effectiveness and the future of lunar exploration. Through a comprehensive analysis of India's policy perspectives and potential impacts, this research paper aims to contribute to the understanding of India's approach to the Moon Agreement and its implications for the international space community.

The paper will begin with an overview of the Moon Agreement, its objectives, and key provisions. It will then discuss India's stance on the agreement, including its reservations and concerns. The paper will also explore the policy perspectives that shape India's approach to the Moon Agreement, including its national space policy, scientific goals, and strategic considerations. Furthermore, the paper will analyze the potential impacts of India's approach on the effectiveness of the Moon Agreement and the future of lunar exploration, including its implications for international cooperation, property rights, and space governance.

In conclusion, this research paper aims to provide a comprehensive analysis of India's approach to the Moon Agreement, shedding light on its policy perspectives and potential impacts. By examining India's stance on the Moon Agreement and the reasons behind it, this research paper will contribute to a nuanced understanding of India's position in the global discourse on space governance and the utilization of lunar resources.

### OVERVIEW OF THE MOON AGREEMENT

The Moon Agreement, formally known as the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies, is an international treaty adopted by the United Nations General Assembly in 1979. It aims to establish a legal framework for the exploration and use of the Moon and other celestial bodies, with a focus on promoting peaceful and cooperative activities. The key objectives of the Moon Agreement are:

1. **Non-appropriation:** The Moon Agreement prohibits any claim of national sovereignty over the Moon or other celestial bodies and their resources. It emphasizes that the Moon and its resources are the common heritage of humankind, and their exploration and use should be carried out for the benefit of all countries and humanity as a whole.
2. **International cooperation:** The Moon Agreement encourages international cooperation among states in the exploration and utilization of the Moon and other celestial bodies. It emphasizes the importance of sharing scientific knowledge and benefits, promoting technology transfer, and facilitating joint projects.
3. **Conservation and protection:** The Moon Agreement emphasizes the need to protect the lunar environment and its scientific, historic, and cultural values. It requires states to take appropriate measures to prevent the harmful disruption of the lunar environment and to ensure that their activities do not adversely affect the activities of other states.
4. **Freedom of access:** The Moon Agreement guarantees freedom of access and use of the Moon and other celestial bodies to all states, regardless of their economic or scientific capabilities. It prohibits any discriminatory practices in the exploration and use of the Moon and its resources.
5. **Dispute resolution:** The Moon Agreement provides mechanisms for the peaceful settlement of disputes related to its interpretation and implementation, including through negotiation, mediation, and arbitration.

The Moon Agreement has been ratified by 18 countries, but key spacefaring nations, including the United States, Russia, and China, have not ratified it. India, which has a burgeoning space program and has shown interest in lunar exploration, has also not ratified the Moon

Agreement and has expressed reservations about certain provisions of the treaty, which warrants further analysis of India's approach to this international agreement.

### **BACKGROUND ON INDIA'S SPACE PROGRAM AND INTERESTS IN LUNAR EXPLORATION**

India has made significant strides in space exploration, establishing itself as a leading spacefaring nation in recent years. The Indian Space Research Organization (ISRO), India's national space agency, has been at the forefront of India's space program, undertaking a wide range of space activities including satellite launches, planetary exploration, and lunar missions.

India's space program dates back to the 1960s, with the establishment of the Indian National Committee for Space Research (INCOSPAR), which later evolved into ISRO in 1969. Since then, ISRO has developed a robust space program, with notable achievements such as the successful launch of India's first satellite, Aryabhata, in 1975, and the development of the Polar Satellite Launch Vehicle (PSLV) and the Geosynchronous Satellite Launch Vehicle (GSLV) for satellite launches.

India's interest in lunar exploration has been evident through its Chandrayaan program. Chandrayaan-1, India's first lunar mission, was launched in 2008 and successfully orbited the Moon, conducting extensive scientific studies and mapping the lunar surface. The mission also confirmed the presence of water molecules on the lunar surface, which has implications for future lunar exploration and utilization of lunar resources.

Following the success of Chandrayaan-1, India launched Chandrayaan-2 in 2019, which aimed to land a rover on the lunar surface. Although the rover did not successfully land, the orbiter continues to operate and conduct scientific experiments, furthering India's scientific and technological capabilities in lunar exploration.

India's space program has been driven by various objectives, including scientific research, technology development, national pride, and strategic considerations. India has highlighted the peaceful nature of its space program and has expressed intentions to promote international cooperation in space activities, including lunar exploration.

India's interests in lunar exploration are multifaceted, including the potential scientific discoveries, technological advancements, and the utilization of lunar resources for economic and strategic benefits. However, India's approach to the Moon Agreement, as an international framework governing the activities on the Moon, has been a subject of policy perspectives and analysis, given its reservations about certain provisions of the treaty. Understanding India's approach to the Moon Agreement is crucial in comprehending its stance on the international governance of lunar exploration and utilization.

### **INDIA'S SPACE PROGRAM: EVOLUTION, OBJECTIVES, AND LUNAR EXPLORATION**

India's space program has evolved significantly over the years, with the Indian Space Research Organisation (ISRO) playing a pivotal role in its development. ISRO, established in 1969, has been responsible for planning, developing, and implementing India's space missions, which have encompassed a wide range of activities, including satellite launches, remote sensing, communication, navigation, and planetary exploration.

**The objectives of India's space program are multi-fold:**

1. **Scientific Research:** India's space program has a strong emphasis on scientific research and exploration. ISRO has conducted numerous missions to study the Earth, the Moon, Mars, and other celestial bodies, with the aim of advancing scientific knowledge, understanding planetary processes, and unraveling the mysteries of the universe.

2. **Technological Advancement:** India's space program has been instrumental in developing indigenous technological capabilities, including launch vehicles, satellites, ground systems, and payloads. ISRO has focused on developing cutting-edge technologies in areas such as propulsion, communication, remote sensing, and navigation, to drive self-reliance and technological prowess.
3. **Societal Applications:** India's space program has been geared towards addressing societal needs and leveraging space technology for national development. ISRO has developed a range of applications, such as telecommunication, meteorology, disaster management, agriculture, and health care, to improve the lives of people in India and beyond.
4. **International Cooperation:** India has actively sought international cooperation in its space program, with a view to fostering collaboration, sharing of expertise, and building mutual capabilities. ISRO has collaborated with various countries and space agencies in joint missions, satellite launches, and scientific research, demonstrating India's commitment to global cooperation in space exploration.
5. **Economic Benefits:** India sees its space program as a means to drive economic growth and generate socio-economic benefits. ISRO has focused on commercial satellite launches, technology transfer, and fostering a vibrant space industry ecosystem, with the aim of stimulating economic growth, creating jobs, and promoting innovation.

In terms of lunar exploration, India has been actively pursuing missions to the Moon through its Chandrayaan program. Chandrayaan-1, launched in 2008, successfully orbited the Moon and conducted scientific experiments, mapping the lunar surface and confirming the presence

of water molecules. Chandrayaan-2, launched in 2019, aimed to land a rover on the lunar surface, but the rover did not successfully land. Despite the setback, India has expressed its intention to continue its lunar exploration efforts in the future, with plans for Chandrayaan-3, a follow-up mission to Chandrayaan-2, and other potential lunar missions in the pipeline.

India's lunar exploration plans are driven by scientific objectives, technological advancements, and the potential utilization of lunar resources for societal and economic benefits. However, India's approach to the Moon Agreement, as an international framework governing the activities on the Moon, has been a subject of analysis and policy perspectives, with India expressing reservations about certain provisions of the treaty, which may impact its approach to future lunar exploration and utilization. Further analysis of India's policy perspectives and potential impacts of its approach to the Moon Agreement would shed light on India's stance on international governance of lunar activities.

#### **POTENTIAL IMPACTS OF INDIA'S APPROACH TO THE MOON AGREEMENT: LEGAL, ECONOMIC, AND STRATEGIC CONSIDERATIONS**

India's approach to the Moon Agreement, which is an international treaty governing the activities on the Moon, may have potential impacts across various domains, including legal, economic, and strategic considerations.

1. **Legal Impacts:** India's stance on the Moon Agreement may have legal implications. The Moon Agreement, adopted in 1979, sets forth principles for the use, exploration, and exploitation of the Moon's resources in a manner that promotes international cooperation, avoids harmful interference, and ensures the equitable sharing of benefits. India's approach to the Moon Agreement, including its reservations or interpretations of certain provisions, may impact its compliance with the treaty and its legal obligations. It may also have

implications for India's engagement with other countries or entities that are parties to the Moon Agreement, as well as its standing in the international community in the context of space governance.

- Economic Impacts:** India's approach to the Moon Agreement may also have economic implications. The Moon is believed to contain valuable resources such as water ice, minerals, and potential energy sources, which could be utilized for various purposes including fuel production, construction materials, and scientific research. The Moon Agreement prohibits any unilateral appropriation of lunar resources and emphasizes the principle of common heritage of mankind, which may impact the scope and manner in which India can exploit lunar resources. India's stance on the Moon Agreement may influence its ability to participate in potential future economic activities related to lunar resources, and may also impact its engagement with other countries or entities in bilateral or multilateral agreements for lunar resource utilization.
- Strategic Considerations:** India's approach to the Moon Agreement may also be driven by strategic considerations. As space exploration and utilization, including lunar activities, are intertwined with strategic interests, India's stance on the Moon Agreement may reflect its strategic priorities in the space domain. This may include concerns about preserving its strategic autonomy, safeguarding national security interests, and ensuring access to potential strategic resources or advantageous positions on the Moon. India's approach to the Moon Agreement may also be shaped by its relations with other spacefaring nations, geopolitical dynamics, and regional security concerns, which may impact its policy decisions and actions related to lunar exploration and utilization.

Understanding the potential legal, economic, and strategic impacts of India's approach to the Moon Agreement is crucial in comprehending the implications of its policy perspectives and its stance on international governance of lunar activities. Further analysis and examination of India's approach to the Moon Agreement in the context of these considerations would provide valuable insights into India's overall approach to lunar exploration and its implications at various levels.

#### **COMPLIANCE WITH THE MOON AGREEMENT: CHALLENGES AND OPPORTUNITIES**

India's compliance with the Moon Agreement, which is an international treaty governing the activities on the Moon, may pose challenges and offer opportunities.

#### **Challenges:**

- Interpretation and Reservations:** The Moon Agreement allows states to interpret and make reservations to certain provisions, which may lead to differences in understanding and application of the treaty. India's approach to interpreting and making reservations to the Moon Agreement may pose challenges in terms of aligning with the treaty's principles and requirements, as well as potential conflicts with other states' interpretations or reservations. This may impact India's compliance with the treaty and raise issues related to legal consistency and harmonization.
- Domestic Regulations:** India's compliance with the Moon Agreement may also be influenced by its domestic regulations and policies related to space activities. Ensuring consistency between domestic laws and regulations with international obligations under the Moon Agreement may pose challenges, particularly in areas such as licensing, authorization, and supervision of lunar activities. Harmonizing domestic regulations with international obligations

may require careful coordination and legal framework development.

3. **Resource Utilization:** The Moon Agreement prohibits unilateral appropriation of lunar resources and emphasizes the principle of common heritage of mankind. India's compliance with these principles may pose challenges in terms of resource utilization, as it would need to navigate the balance between national interests and international obligations. Ensuring equitable sharing of benefits, avoiding harmful interference, and promoting international cooperation, as required by the Moon Agreement, may require careful consideration and practical implementation.

#### Opportunities:

1. **International Cooperation:** The Moon Agreement promotes international cooperation among states in the exploration and utilization of the Moon. India's compliance with the treaty may offer opportunities for increased collaboration with other countries and entities, fostering joint efforts in lunar exploration, research, and resource utilization. International cooperation may provide access to expertise, technology, and resources that could enhance India's lunar exploration capabilities and accelerate its progress in space exploration.
2. **Leadership in Space Governance:** Complying with the Moon Agreement can position India as a responsible space-faring nation, demonstrating its commitment to international space governance principles. India's adherence to the treaty could present opportunities for leadership in shaping global norms and regulations related to lunar activities, contributing to the development of a multilateral framework for sustainable and

cooperative lunar exploration and utilization.

3. **Technological Advancements:** Compliance with the Moon Agreement may also create opportunities for India to develop and showcase its technological capabilities in space exploration, resource utilization, and related areas. This could lead to advancements in space technologies, innovation, and expertise, which could have broader benefits for India's space program, economy, and technological prowess.

In conclusion, while India's compliance with the Moon Agreement may pose challenges in terms of interpretation, domestic regulations, and resource utilization, it also offers opportunities for international cooperation, leadership in space governance, and technological advancements. Navigating these challenges and leveraging the opportunities will be crucial in shaping India's approach to the Moon Agreement and its implications for India's space program and interests in lunar exploration.

#### FUTURE PROSPECTS: IMPLICATIONS FOR INDIA'S LUNAR EXPLORATION AGENDA AND BEYOND

The future prospects of India's approach to the Moon Agreement have significant implications for India's lunar exploration agenda and beyond. These prospects may shape India's policy decisions, technological advancements, and international collaborations in the realm of lunar exploration and space governance.

1. **Policy Decisions:** India's approach to the Moon Agreement may influence its policy decisions related to lunar exploration. Complying with the treaty's principles of international cooperation, equitable sharing of benefits, and avoiding harmful interference may guide India's policy choices on resource utilization, scientific research, and commercial activities on the Moon. This may impact India's priorities,

strategies, and plans for future lunar missions, and shape its engagement with other countries and entities in lunar exploration.

2. **Technological Advancements:** India's compliance with the Moon Agreement may also drive technological advancements in areas such as lunar landing and rover capabilities, resource prospecting and extraction technologies, and sustainable lunar habitat design. Adhering to the treaty's principles may require India to develop innovative and sustainable technologies for lunar exploration and resource utilization, which could have broader applications in other space missions and technologies. This may also spur collaborations with other countries and entities to jointly develop and utilize advanced space technologies.
3. **International Collaborations:** India's approach to the Moon Agreement may impact its engagement with other countries and entities in international collaborations for lunar exploration. Complying with the treaty's principles of international cooperation may foster partnerships, joint missions, and information-sharing among countries and entities engaged in lunar activities. This may open up opportunities for India to collaborate with other space-faring nations, international organizations, and private entities to share resources, expertise, and risks in lunar exploration, and promote global cooperation in space governance.
4. **Diplomatic Relations:** India's compliance with the Moon Agreement may also have diplomatic implications, as it may shape India's relations with other countries, particularly those that are parties to the treaty. Adhering to the treaty's principles may contribute to India's reputation as a responsible space-faring nation and a cooperative partner in international space

governance. This may strengthen India's diplomatic relations, create opportunities for diplomatic initiatives, and enhance its standing in the global space community.

5. **Legal and Regulatory Framework:** Compliance with the Moon Agreement may also impact India's legal and regulatory framework related to space activities. It may require India to develop or revise domestic laws and regulations to align with the treaty's principles, which could shape the legal and regulatory environment for India's space program. This may involve establishing licensing and authorization mechanisms, defining property rights and responsibilities, and addressing liability and dispute resolution issues related to lunar exploration and resource utilization.
6. **Socio-Economic Benefits:** India's approach to the Moon Agreement may also have socio-economic benefits. Complying with the treaty's principles of equitable sharing of benefits and promoting international cooperation may create opportunities for Indian companies and researchers to participate in global space ventures, access new markets, and generate economic returns from lunar exploration and utilization. This could stimulate economic growth, technological innovation, and job creation in India's space industry and related sectors.

In conclusion, the future prospects of India's approach to the Moon Agreement have wide-ranging implications for India's lunar exploration agenda and beyond. They may influence policy decisions, technological advancements, international collaborations, diplomatic relations, legal and regulatory framework, and socio-economic benefits. Navigating these prospects effectively can shape India's engagement with the Moon Agreement and contribute to its long-term objectives in lunar exploration and space governance.

## CONCLUSION: ANALYZING INDIA'S APPROACH TO THE MOON AGREEMENT AND ITS IMPACTS

India's approach to the Moon Agreement is a significant aspect of its lunar exploration agenda and has potential legal, economic, and strategic impacts. Through a thorough analysis of India's compliance with the Moon Agreement, challenges and opportunities, and future prospects, it is evident that India's approach to this international treaty can shape its policies, technologies, collaborations, diplomatic relations, legal framework, and socio-economic benefits in the field of lunar exploration.

India's compliance with the Moon Agreement may require careful navigation of the treaty's principles while addressing challenges such as the evolving legal framework, resource utilization, and conflicting interests of various stakeholders. However, it also presents opportunities for international collaborations, technological advancements, and socio-economic benefits. India's commitment to the principles of international cooperation, equitable sharing of benefits, and avoiding harmful interference can contribute to its reputation as a responsible space-faring nation and foster global cooperation in space governance.

As India advances its lunar exploration agenda, it needs to consider the potential impacts of its approach to the Moon Agreement and align its policies, technologies, and collaborations accordingly. This may involve revisiting domestic laws and regulations, promoting international partnerships, fostering technological innovation, and maximizing socio-economic benefits. India's approach to the Moon Agreement can have broader implications not only for its lunar exploration efforts but also for its standing in the global space community, diplomatic relations, and long-term strategic interests in space.

In conclusion, analyzing India's approach to the Moon Agreement and its impacts requires a comprehensive understanding of the legal,

economic, and strategic considerations. By navigating the challenges and opportunities associated with the Moon Agreement, India can shape its lunar exploration agenda and contribute to the broader goals of space governance, while maximizing its benefits from lunar exploration and utilization.

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## LEGALIZATION OF PROSTITUTION IN INDIA

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### ABSTRACT

Prostitution is a very old concept in the Indian society which has been a part of society since time immemorial. Prostitution is a business in which a person sell their bodies as means of survival, or in simple word, prostitution means providing sexual favors in return of money. Prostitution is considered as a taboo in Indian society, the sex workers are treated very harshly in society and people don't give any type of respect to them. In India, the estimated population of sex workers is almost three million. Among those, Mumbai, the most humongous sex industry of Asia, is the place for 1, 00,000.

The country has a complex history with prostitution, with different regions and cultures treating it differently. In today's society, prostitution has become synonym for violence, discrimination and exploitation, the business of prostitution has grown widely and has become a profitable business. Female children are kidnapped in order to make them work in brothel, forcibly and without their consent.

The debate over the legalization of prostitution in India is ongoing and multifaceted, with arguments for and against the issue. This essay will explore the historical background, causes, its affect in society, legal status in different countries and legalization of prostitution in India.

### INTRODUCTION

The word prostitution is derived from a latin word prostituere which means to expose publicly. Ransom House Dictionary describes prostitution as "the act or practice of engaging in sexual intercourse for money". In

21<sup>st</sup> century, not only women, but men and transgender also works as a sex worker in order to meet their ends. The legal status of prostitution differs from nation to nation, it is legal in some nations, like Netherlands, Germany, Austria, Greece, Turkey, Senegal, etc. Whereas it is also illegal in nations like UAE, Saudi Arabia, Pakistan, Qatar etc. .

In India, Prostitution has been a controversial issue in India for a long time. The country has a complex history with prostitution, with different regions and cultures treating it differently. It is neither explicitly illegalized nor regulated. Associated work of owning or working in a brothel, pimping, and organized sex work have been made illegal under The Immoral Traffic (Prevention) Act, 1956. The debate over the legalization of prostitution in India is ongoing and multifaceted, with arguments for and against the issue.

### CAUSES OF PROSTITUTION IN INDIA

Prostitution in India is a complex and multifaceted issue, and its causes are rooted in a range of social, economic, and cultural factors. Here, we will discuss some of the main causes of prostitution in India.

- **Poverty**- One of the primary causes of prostitution in India is poverty. Many women and girls are forced into prostitution due to economic hardship, with few other options available to them. Women who are from marginalized communities, such as Dalits or Adivasis, are particularly vulnerable to this kind of exploitation. Poverty can also lead to the exploitation of children, with some

families selling their daughters into the sex trade in order to make ends meet.

- **Human trafficking**– Another major cause of prostitution in India is trafficking. Human trafficking is a lucrative business, with criminal networks trafficking women and children across borders and within the country. These victims are often subjected to physical and sexual abuse, and forced into prostitution against their will. The trafficking of women and children for sexual exploitation is driven by demand for commercial sex, both from within India and from other countries.
- **Gender inequality**– Gender inequality is also a contributing factor to prostitution in India. Women and girls in India often face discrimination and limited opportunities compared to men, and this can lead to their exploitation in the sex trade. Women may be coerced into prostitution by their partners or by those in positions of power, such as landlords or employers. They may also be vulnerable to sexual violence and abuse, with little protection from the law.
- **Social factors**– Social stigma and lack of support services are other factors that contribute to prostitution in India. Prostitution is often stigmatized in Indian society, with sex workers facing discrimination and harassment. This stigma can make it difficult for sex workers to access healthcare and other support services, which can further exacerbate their vulnerability.
- **Cultural factors**– Cultural factors also play a role in the prevalence of prostitution in India. The caste system and patriarchal attitudes towards women contribute to the marginalization and exploitation of women in India. The practice of devadasi, in which young girls are dedicated to temples as a form of religious service, has also been linked to the sex trade, with some girls being

forced into prostitution as part of this tradition.

### PROS AND CONS OF LEGALISING PROSTITUTION IN INDIA

Legalizing prostitution in India has been a topic of debate for many years. Here are some potential pros and cons of legalizing prostitution in India:

#### PROS:

1. **Protection for sex workers:** Legalizing prostitution would provide legal protection for sex workers who would be able to seek assistance from law enforcement and healthcare professionals without fear of punishment.
2. **Regulation of the industry:** The Prostitution industry of India is a very large and unregulated industry. Legalization of prostitution would provide an opportunity for the government to regulate the industry, ensuring that sex workers are not exploited and are working in safe and healthy environments.
3. **Increased tax revenue:** As we all know that the Prostitution industry of India is a very large industry, its Legalization could potentially generate significant tax revenue for the government, which could be used to fund social programs and infrastructure projects.
4. **Reducing human trafficking:** By legalizing and regulating prostitution, the government could potentially reduce human trafficking, as more or less, human trafficking is associated with the illegal prostitution.

#### CONS :

1. **Morality and cultural values:** Indian society is a very old and primitive society which consider prostitution as a Taboo. Many people in India consider

prostitution to be immoral and contrary to cultural values, and legalizing it could be seen as a threat to these values.

2. **Increased demand for prostitution:** Legalization could lead to an increase in demand for prostitution, which could result in exploitation of vulnerable individuals and an increase in sex trafficking.
3. **Health risks:** prostitution is a hub for STDs like AIDS and HIV as the sex worker may be suffering from AIDS or HIV. Even with regulation, the nature of the industry puts sex workers at risk for sexually transmitted infections and other health issues.
4. **Difficulties in implementation:** There could be difficulties in implementing and regulating the legalization of prostitution, including issues related to licensing, monitoring, and enforcement.

Overall, the issue of legalizing prostitution in India is a complex one, with both potential benefits and drawbacks. It is important to carefully consider all the potential consequences before making a decision.

#### LEGAL ASPECTS RELATED TO PROSTITUTION IN INDIA

Prostitution in India is regulated under the Immoral Traffic (Prevention) Act, 1956, which criminalizes trafficking and prostitution-related activities. Here are some key legal aspects related to prostitution in India:

1. Prostitution is not illegal: While soliciting sex for money or operating a brothel is illegal under the Immoral Traffic (Prevention) Act, prostitution in and of itself is not illegal in India.
2. Trafficking is illegal: The Immoral Traffic (Prevention) Act criminalizes trafficking, which includes buying or selling someone for the purposes of prostitution, as well as transporting

individuals across state borders for the purposes of prostitution.

3. Brothels are illegal: Running or owning a brothel is illegal under the Act, and anyone found guilty can be punished with imprisonment and/or a fine.
4. Soliciting is illegal: Soliciting or making a public display of soliciting for prostitution is also illegal under the Act.
5. Sex workers have rights: The Act recognizes the right of sex workers to protection and rehabilitation, and provides for the establishment of protective homes and rehabilitation centres for rescued sex workers.
6. Penalties for violation: Anyone found guilty of violating the Immoral Traffic (Prevention) Act can be punished with imprisonment, fines, or both.

There are laws regarding prostitution in *The Indian Penal Code* as well. Section 366 Clause (A) of the IPC[20] talks about the procurement of a minor girl for illicit sexual intercourse and prescribes punishment for the same. Clause (B) of the same talks about the importation of a girl from an alien country for the purpose of prostitution. In the case of *Fateh Chand v. State of Haryana*[21], a man was booked under section 366 for procuring a minor girl for prostitution. Section 372[22] and 373[23] of the IPC prohibit the selling or disposing of a minor girl knowing that such a girl will be roped into prostitution, and buying or hiring of a minor girl to force her into prostitution respectively.

#### LEGALISATION OF PROSTITUTION IN INDIA

Prostitution is a controversial issue in India, with different opinions on whether it should be legalized or not. Prostitution is currently illegal in India, under the Immoral Traffic (Prevention) Act (ITPA) of 1956. The law criminalizes the solicitation, brothel-keeping, and trafficking of women for sexual exploitation. However, prostitution continues to exist in the country, both in red-light districts and as a hidden



practice. The debate around legalizing prostitution in India has gained momentum in recent years, with some advocates arguing that it would improve the lives of sex workers and reduce the negative social consequences of prostitution.

One of the main arguments in favor of the legalization of prostitution is that it would protect the rights of sex workers. Advocates argue that decriminalizing prostitution would allow sex workers to access basic labor rights and protections, such as safe working conditions, healthcare, and legal representation. It would also allow them to negotiate better pay and working conditions, and reduce their vulnerability to exploitation by pimps and clients. Legalization could also make it easier for sex workers to report instances of violence, abuse, or trafficking without fear of being arrested or punished.

Firstly, it is important to recognize that prostitution is a complex issue, and there are valid arguments on both sides of the debate. Opponents of legalization argue that prostitution is inherently exploitative and harmful to women, and that legalization would only serve to legitimize and normalize a practice that is fundamentally immoral. They also point to the potential negative consequences of legalization, such as increased demand for commercial sex, the exploitation of vulnerable individuals, and the undermining of moral and cultural values.

However, we believe that the case for legalization is strong, and that it would have a number of positive benefits for both sex workers and society as a whole. Firstly, legalization would provide sex workers with legal protection, access to healthcare, and safer working conditions, reducing the risk of violence and sexually transmitted infections. This is particularly important given the high rates of violence and abuse that sex workers face, often at the hands of clients or pimps.

Secondly, legalization could reduce the exploitation of sex workers by pimps and clients, leading to more control and agency for sex workers. This is because legalization would allow sex workers to work more openly and safely, without fear of arrest or prosecution, and would enable them to negotiate better wages and working conditions. It would also make it easier for sex workers to report abuse or exploitation, without fear of retaliation or arrest.

Thirdly, legalization would generate tax revenue for the government, which could be used for social welfare programs. This would be particularly important given the high rates of poverty and inequality in India, and would help to address some of the root causes of prostitution, such as economic desperation.

Fourthly, legalization could help reduce human trafficking, as trafficking is often associated with illegal prostitution. By legalizing and regulating the industry, the government could help to reduce the demand for trafficked individuals, and could work to ensure that sex workers are not coerced or forced into the industry against their will.

The foremost legislation regarding sex workers is The Immoral Traffic (Prevention) Act. It commonly makes pimping and other exercises culpable – giving a business view point to prostitution which creates an obvious possibility to abuse the person of the prostitute. It allows prostitutes to work in private, not public solicitation of customers. In India, prostitution

itself is not illegal, but organized prostitution such as operating brothels, pimping, soliciting sex etc. is illegal. As male prostitutes are recognized by Indian Law, a woman sanctioned to use their body to gain money provided it is done in privacy and with free consent. Law disallows a sex worker to practice her profession within 200 meters of place of public use.

The Act prohibits the commercial aspect of flesh trade and the vice of trafficking in woman rather than prohibiting prostitution per se. The sex workers does not get

protection under labour, being different from other Profession. In spite of this difference they have the inherence of the right to be rescued and rehabilitation along with all the other rights enjoyed by other Subjects provided by the law.

## IMPACT OF LEGALISATION OF PROSTITUTION IN INDIA

### Positive impacts:

1. **Improved safety and health for sex workers:** Legalization would provide sex workers with legal protection, access to healthcare, and safer working conditions, reducing the risk of violence and sexually transmitted infections.
2. **Reduced exploitation:** Legalization and regulation could reduce the exploitation of sex workers by pimps and clients, leading to more control and agency for sex workers.
3. **Increased tax revenue:** Legalization would generate tax revenue for the government, which could be used for social welfare programs.
4. **Reduced human trafficking:** Legalization could help reduce human trafficking, as trafficking is often associated with illegal prostitution.

### Negative impacts:

1. **Social stigma:** Prostitution is still heavily stigmatized in India, and legalization could further perpetuate this stigma.
2. **Increased demand:** Legalization could lead to increased demand for commercial sex, leading to exploitation and trafficking of vulnerable individuals.
3. **Difficulty in regulating the industry:** Regulating the industry could be challenging, with issues related to licensing, monitoring, and enforcement.
4. **Undermining of moral values:** Legalization could be seen as a threat to moral and cultural values, potentially leading to social unrest and opposition

## CONCLUSION

The legalization of prostitution in India would have a number of positive benefits for both sex workers and society as a whole. By providing legal protection, improving working conditions, generating tax revenue, and reducing exploitation and trafficking, legalization would help to create a safer and more equitable industry for all involved. While there are risks associated with legalization, these can be managed through careful regulation and enforcement. It is time for India to take a bold and progressive step towards legalizing prostitution, and to recognize the rights and agency of sex workers as legitimate members of society.

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## NEW MEDIA AND POLITICAL TRANSFORMATION

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### **ABSTRACT**

The present article analyses political modernity, or the transformation of politics under the impact of new media. Observing the change in dynamic concepts of politics and new media helps one to understand the implications of strong governance and new media dominance. This article sheds light on such political and socio-cultural change in the age of new media systems. However, this study is done briefly and primarily focuses on issues due to this change, with a balanced analysis of its beneficial factors too. This transformation of media culture comes up with substantial issues in the political sphere as to how the dominance of new media creates a dilemma in politics, further empowering the potential of participation of the public without being actually in power, and the development of concepts such as "pop politics," "echo chambers," "political polarization," and "political activism in new media." The study further raises the question of how this new media is building a bridge to bring people into real politics, which is actually a double-edged sword. Moreover, the development of internet politics has raised the concern of the transfer of information without any limits, fact-checking, or filtering, and the question of how to know what is true and what is not without any editorial check and standards. The judicial aspect of new media has also been discussed, and to conclude, the future dilemma due to this change has also been put into shadow. The aim of this article is to enlighten readers with the above-mentioned concept and leave it to their discretion to conclude whether the dominance of new media in politics makes the political landscape a better or worse place than before.

**KEYWORDS:** New media, political modernity, political polarization, social media, media culture, politics

### **INTRODUCTION**

Over the last three decades, we have seen an incredible transformation in media technology, especially in the political sphere. Politics shaped by media would have sagacious results for the goals of the political process, constraints, pressures, and institutions. This change in the dynamics of media culture has not just widened the sphere of the political landscape but has also increased the participatory format of people in politics. In this new media culture, the active participation of people has been encouraged rather than their passive engagement. This new transformation catalyst massive social, political, economic, and institutional change. The ultimate goal of a political approach to media development is to help build domestic political support for the media as an independent pillar of development and governance. The relationship between media and politics is very significant for the development and advancement of a nation. Hence, Understanding the dynamics of this relationship is essential as it has implications for the information public gets and strong democracy. <sup>21</sup>Although the term 'media' came into use only in the 1920s to denote the structures of such communication, media history takes account of the period at least from the advent of the hand press in the fifteenth century, and some interpretations include the scriptoria, oral traditions, and wall paintings

<sup>21</sup> Yusuf Yuksel, *An analysis of the media and government relationship*, Selçuk İletişim [57] [(2013)], [MEDYA VE H K MET L K LER NE Y NEL K B R ANAL Z\[\[1\].pdf](#)

of medieval times, delving occasionally into ancient and prehistory<sup>22</sup> as well after the transformation in media technology brought a massive change in the system of political communication, this technology has both provided capacities as well as constraints on institutional change. But, the unremitting presentism of new digital technologies always runs up against the ruttedness of pre-existing identities and world-views. By the same token, succeeding generations are unlikely to experience new technologies as in any way discommoding because they are woven into the fabric of everyday living<sup>23</sup>. This dynamic nature of the advancement of new media makes it quite difficult to define. This study aims to define the same and how it has transformed the political system.

#### A. What do you understand by the term 'New Media'?

New media as computer technology used as a distribution platform – New media are the cultural objects which use digital computer technology for distribution and exhibition. e.g. (at least for now) Internet, Web sites, computer multimedia, Blu-ray disks, etc. The problem with this is that the definition must be revised every few years.<sup>24</sup> The term "new media" will not be "new" anymore, as most forms of culture will be distributed through computers.<sup>25</sup> It is the convergence of all the forms of media in one form, which has widened the domain of this concept. It digitalized the existing arena of media for development. Accordingly, new media has been expected to transform the ways we interact and communicate, and the term pinpoints the epoch-making phenomena, related to a more encompassing landscape of social, technological, and cultural change (Rice 1999, Manovich 2003; Lister et al. 2003). The wide range of characteristics of these new media technologies can be summarized by the 5 C's:

<sup>22</sup> Brendan Dooley, *Media and History*, ScienceDirect, (Mar, 27, 2023, 9:30 PM), <https://www.sciencedirect.com/topics/social-sciences/media-history>

<sup>23</sup> Barrie Axford and Richard Huggins, *New Media and Politics*, [11], [SAGE Publications, 2001]

<sup>24</sup> New Media Meditation - Rownak, <https://rownak.com/NEW-MEDIA2.html>, [mar 22, 2023, 9 : 36 PM]

<sup>25</sup> Ibid at 4

communication, collaboration, community, creativity, and convergence.<sup>26</sup> It has built a community or bridge to bring people into real-world politics. But the question is, Does bringing new people into politics make the political landscape a better place or worsen it even more? To answer this we need to understand the relationship between media and politics and the political nature of the media system.

#### I. RELATION BETWEEN MEDIA AND POLITICS

The narrative we tell and our told has the potential to create and continue prejudiced beliefs, in this regard, media is said as a powerful instrument to change the algorithm of socio-political culture. According to the American T.V. journalist Katie Couric, she says that "The media can be an instrument of change, it can maintain the status quo and reflect the views of society or it can hopefully awaken people and change minds."<sup>27</sup> Media is the fourth pillar of estate and its nature with other pillars is dynamic and is influenced by many factors such as social structure and historical aspects of a nation. Other factors such as candidates' political behavior in media, political rhetoric, and politicians' strategies. Even the degree of commercialization, political parallelism, norms of journalists, and professionalism in different media systems influence the degree and nature of this relationship. There are three ways in which media deals with the political institutions of a country. In the first category, media is not biased and not affiliated with any political party, secondly, media creates imbalance by giving preference to one political party and third which reflects on the dark side of political institutions. In either case, the public is majorly influenced by the narrative of media. Though with the development of new media, the domain of active participation of the public in political

<sup>26</sup> Linda Weiser Friedman and Hershey H. Friedman, *THE NEW MEDIA TECHNOLOGIES: OVERVIEW AND RESEARCH FRAMEWORK*, [April 2008], [The New Media Technologies: Overview and Research Framework by Linda Weiser Friedman, Hershey H. Friedman :: SSRN](https://www.ssrn.com/sol3/papers.cfm?abstract_id=1000000)

<sup>27</sup> D. Al-Bayati, *The Relation between Media and Politics*, pdfcoffee, (mar, 29, 2023, 22:06 PM) <https://pdfcoffee.com/the-relation-between-media-and-politics-pdf-free.html>



affairs has widened the echo chambers created by this algorithm, and the propagation of information without any limits, without any editorial check and standard makes filtering of information as what to believe and what not, quite difficult. This symbiosis is crucial to study because it involves idealistic functions, such as informed democracy, deliberative debate, and empowerment of the citizens, but also feared effects such as polarization, echo chambers, propaganda, and 'fake news'.<sup>28</sup>

## II. TRANSFORMATION OF MEDIA CULTURE

A radical shift has been witnessed in the propagation of information and political communication. As much as this modification benefits in building the connection between media and viewers the other side are also not so far to impact politics. The substantial difference between 'old media' and 'new media' brings out attention to an understanding of change in context. Old Media order was based primarily on national systems of broadcasting and national print mediums; a high incidence of state ownership, Funding, and regulation; the limited availability of broadcast spectrums; And the centrality of the public service ethos. By contrast, the new media Order is distinguished by transnational and global communication and also by a good deal of local variation; by privatization and the deregulation of technical and legal barriers on ownership, content, programming, and production; by spectrum abundance; and by the commercialization of both mission and outputs. New media is more of a convergence of all forms of media rather than a change in the entire media system. <sup>29</sup>As Mainstream journalists have come to rely heavily on new media content as a source of news. <sup>30</sup>Though the domain of new media is much wider it is more or less reduced in the

form of 'social media'. Social media is the biggest contributor in developing the space for cyber politics as the degree of engagement of candidates and their interaction in the political context is certainly marked up but is this interaction healthy for the political stability of a country? Without any ethical conduct, control over candidates' behavior on social media, fact-checking, and filtering it is providing space to promote fragmented ideologies and beliefs as well as has set up the hierarchy of political culture where interaction between powerful politicians and voters has been lowered. Research indicates that people's access to social media networks has a positive effect on their sense of political efficacy and tendency to participate in politics (Gil de Zuniga, et al., 2010). However, there also has been backlash when social media discourse has become too nasty, and users have blocked content or dropped out of their social media networks (Linder, 2016). Moreover, a key finding is that social media have contributed to an increase in the personalization of politics, also in party-centered political systems (Enli and Skogerbø 2015). In tandem with the personalization of politics, studies of for example US President Donald Trump's Twitter account, has demonstrated that social media is used by politicians to come across as authentic, and perform a role as rebellious (Ott 2017; Enli 2017)<sup>31</sup>

## III. POLITICAL MODERNITY

Politics they are described as "actions and activities concerned with achieving and using power in a country or society" Collins Dictionary. Politics has been transformed to accommodate new media and forms of communication (Franklin, 1994; Jamieson, 1984; Kavanagh, 1995; Scammell, 1995). The cultural and institutional shift in the nature of politics has come up with extensive use of media and technology, urbanization, and parties can no longer anchor to one interests or identities. This cultural change can be brought in two ways either with an entire change of political structure with new

<sup>28</sup> Enli, Gunn, *New Media and Politics*, Annals of international Communication Association, (pages 1-8),(2017), [https://www.duo.uio.no/bitstream/handle/10852/59107/Enli-NewMedia%26Politics\\_Revised33.pdf?sequence=2](https://www.duo.uio.no/bitstream/handle/10852/59107/Enli-NewMedia%26Politics_Revised33.pdf?sequence=2)

<sup>29</sup>Bariee Axford , *The world power making of New media* , ebn.pub ,( Mar, 29, 2023, 9:00 AM) , [The World-Making Power of New Media: Mere Connection? 9780415743655, 9781315813554 - EBIN.PUB](https://www.world-making-power-of-New-Media-Mere-Connection?9780415743655,9781315813554-EBIN.PUB)

<sup>30</sup> Diana Owen, *The New Media's Role in politics*, openmind BBBA, (Mar 29, 2023, 11:36 AM), <https://www.bbvaopenmind.com/en/articles/the-new-media-s-role-in-politics/>

<sup>31</sup> Ibid at 8

advancement tools or gradual change within the political system, it means creating a new system over an old system. One example of political modernity is an exit poll during elections, an exit poll is a poll of voters taken immediately after they have exited the polling stations also opinions polls through which government gets to know the real will of citizens.<sup>32</sup>Every coin has a flip side, and so does this transformation Tolson (1991: 178) observes, which has an ambivalence inscribed in it: it is designed 'both to inform and to entertain; to appear serious and sincere, but also playful and even flippant'. These ambiguities, and the ironic reaction they evoke, can have negative political consequences – by making serious matters seem trivial – but they may also have positive consequences.

#### IV. CONCEPTS DEVELOPED DUE TO THIS TRANSFORMATION IN NEW MEDIA AND POLITICS

##### A. Political activism in new media

The use of active and coercive online initiatives and campaigns to create awareness about political issues and/or promote political reforms is political activism.<sup>33</sup>New media is changing the political correspondence in the entire world. It is changing the expectation of the public regarding the participatory format of governance. Now the public has a more active role in the political domain, credit goes to innovation in media. And the dominance of new media has just reduced to "social media buzz". Social media has brought about more extensive types of social, economic as well as cultural variations which include; a movement from advancement to post advancement; escalating procedures of globalization; a substitution in the West during the industrial period of development by a "postindustrial" information era; the decentering of built up and incorporated geopolitical commands.<sup>34</sup>It

<sup>32</sup> Gktoday, <https://www.gktoday.in/question/which-one-of-the-following-statements-regarding-ex>, (Mat, 29, 2023)

<sup>33</sup> Igi- global, <https://www.igi-global.com/dictionary/online-political-activism-among-young-people-in-sub-saharan-africa/43672>, (last visited: March 29, 2023)

<sup>34</sup> Ayesha Karamat and Ayesha Farooq, *Emerging Role of Social Media in Political Activism*:

empowers people to contradict the emerging or existing beliefs without actually coming into power or political position. The impact of digital activism on politics is disputed, and some studies point to the strengths and possibilities such as networked mobilization or the involvement of "politics of Visibility" that alters traditional identity dynamics (Milan 2015).<sup>35</sup>As in the case of the Me too movement or the black lives matter campaign. The best can be seen in the "Arab Springs" where social media proves to be an effective tool for a political uprising. The "Arab Spring" is noted for the young protesters who took to the streets, utilizing social media during the uprisings to organize, create awareness around the political issues, and document the experience on the ground. It provides space for documenting violence, dissent opinions exercising the right to speech, and freedom-enhancing engagement. Even in the case of black lives matter, it worked as a space to create an anti-black racial community and led the public to think out of political manipulation of few. But the question always lies in the statement that up to what degree engagement is healthy? For instance, in the case of spreading religious propaganda and try to manipulate people with the same, goes into evil hands of social media. Studies emphasize what they regard as weaknesses and limitations such as digital divide, and the difficulties of Sustaining stable ties between activists (Van Laer and Van Aelst 2010) No doubt, it is creating ambiguous boundaries between political activism and entertainment in the name of 'pop politics'.<sup>36</sup>

##### B. Echo chambers and political polarization

We are consuming media every day and rocking the nods coming to us through the screen and this is one of the substantial issues in the country right now. Political polarization

*Perceptions and Practices*, vol. 31, A Research Journal of South Asian Studies, (starting page: 381), (page cited: 386), [http://pu.edu.pk/images/journal/csas/PDF/25%20Ayesha%20Karamat\\_v3\\_1\\_no1\\_jan-jun2016.pdf](http://pu.edu.pk/images/journal/csas/PDF/25%20Ayesha%20Karamat_v3_1_no1_jan-jun2016.pdf)

<sup>35</sup> Ibid at 8

<sup>36</sup> Ibid at 8

refers to the divergence of political attitudes to ideological extremes. Mass polarization or popular polarization occurs when an electorate's attitudes towards political issues, policies, and celebrated figures are neatly divided along party lines.<sup>37</sup>No doubt, new media has given space to users to go to the extreme extent of achieving something whether good or bad. For instance, as the political divide on the beliefs of consistently liberal and consistently conservative; United Nations has had a fair divide of political disagreement and the current alarming situation on both the side aisle. The reason why we still have political polarization today is dumbroll, people don't talk to the people they disagree with and this kept creating a larger chamber resulting in political polarization. If we compare with media half a century ago it was broadcasting a moderate stance, and showing the facts there were ideologies or political stances being taken, unlike today's media. In contrast to ideological polarization, which mostly considers differences in political views, affective polarization is more of an identity-based comparison between in and out-groups (Iyengar et al., 2012; Mason, 2015; Mason, 2018).<sup>38</sup> As supporters of right-wing populist parties strongly oppose partisans of green or left-wing parties and vice versa, both strongly favor their own fellow partisans. Importantly, such animosity is based on strong in-group identification and negative partisanship with out-groups (Tajfel and Turner, 1979; Medeiros and Noël, 2014) Polarization is tearing at the seams of democracies around the world, from Brazil and India to Poland and Turkey. It's a global illness.<sup>39</sup> A constant similarity has been seen in factors affecting political polarization in countries with different forms of government. You might expect, for instance, that a growing economy would ease polarization. Yet we found that in some places,

<sup>37</sup> Wikipedia, [https://en.m.wikipedia.org/wiki/Political\\_polarization](https://en.m.wikipedia.org/wiki/Political_polarization) , (Mar 30, 2023)

<sup>38</sup> Ibid at 8

<sup>39</sup> THOMAS CAROTHERS, ANDREW O'DONOHUE, *How to Understand the Global Spread of Political Polarization*, Carnegie Endowment for International Peace, (Mar, 30, 2023, 01:46 AM), <https://carnegieendowment.org/2019/10/01/how-to-understand-global-spread-of-political-polarization-pub-79893>

such as India, it actually made things worse. Indeed, the growth of India's middle class has led to rising support for polarizing Hindu nationalist narratives. Another factor In Turkey, for instance, the head of the main opposition party stoked tensions by calling on the military to oppose Erdoğan's potential bid for the presidency in 2007. Here, Opposition leaders often fan the flames as well by responding with antidemocratic and confrontational tactics of their own. In the concluding statement, here submits that as professor Helen Milner in his research on **Ecology and Evolutionary Biology**, said that "Polarization is a dynamic process and that is what complexity theory can best help us understand," they wrote. "As environmental and complexity scientists have shown in other contexts, diversity maintenance is critical for many systems to thrive, and often to survive at all.". "The polarization currently being experienced both within and among nations undercuts efforts to deal with critical issues facing societies. <sup>40</sup>But unfortunately, we are seeing polarization today and a subsequent loss of diversity in the range of positions in society globally moreover communication in the right direction could solve various dissenting opinions and beliefs.

New media and politics is the degree to which the recent user migration to online platforms contributes to political polarization through so-called 'echo chambers' and 'filter bubbles' (Pariser 2011).In news media and social media, an echo chamber is an environment or ecosystem in which participants encounter beliefs that amplify or reinforce their preexisting beliefs by communication and repetition inside a closed system and insulated from rebuttal. The echo chamber effect occurs online when a harmonious group of people amalgamates and develops tunnel vision. Participants in online discussions may find their opinions constantly echoed back to them, which reinforces their

<sup>40</sup> Morgan Kelly, *Political polarization and its echo chambers: Surprising new, cross-disciplinary perspectives from Princeton*, Princeton University,(Mar 30, 2023, 2:13 AM), <https://www.princeton.edu/news/2021/12/09/political-polarization-and-its-echo-chambers-surprising-new-cross-disciplinary>

individual belief systems due to the declining exposure to others' opinions.<sup>41</sup>

## V. JUDICIAL ASPECT OF NEW MEDIA AND POLITICS

Do political polarization and echo chambers created on social media influence the mind of the judiciary? Many are chances that any judge who might be using social media could be hijacked by the polarized beliefs or situations portrayed as real despite being fake. The judiciary needs to be more cautious towards the imbalance created in the political sphere to not mix with the judicial sphere.

Judges may want to distance themselves from such publicity, but it can be difficult to avoid being subconsciously influenced by it. Especially since it envelopes us through all mediums, and in cases that have garnered significant media attention, it's even more difficult. 'Media trial' is such a threat to democracy. "Media trials are defined as certain regional or national news 'events' in which the criminal justice system is co-opted by the media as a source of high drama and entertainment." study conducted by Walden University's Dr. VVLN Sastry, theorized that a positive correlation existed between media trials and court verdicts in India, thereby affecting the country's justice system<sup>42</sup>. Not only do these media trials subvert the role of the legal system, but they also have societal impacts that distort public opinion and malign public perception. About 430 of the 450 advocates 'strongly agreed' that the public media could influence judges' opinions if the case is under trial. While twelve advocates 'agreed'<sup>43</sup>. The public's and the media's attention amounted to a biased jury and judgement. By refraining from participating in complicated court cases so early on, which call for careful interpretation and in-depth study, the press should uphold its moral principles, professional standards, sense of social responsibility, and

credibility. The importance of uniform, liberal regulations to regulate media cannot be overstated. Courts could make such rules under a liberal hand, such that there's no interference from the legislature.

## VI. THE FUTURE DILEMMA

The relationship between media and politics is the question of symbiosis, and to what degree new media changes the power balance between politicians and the media. The fact that media is a medium to ask for accountability of government on the behalf of citizens never goes out of the way but there should be no intermixing of these two. The borderline between media and government is getting blurry. The culture of preference political institutions, pop politics, and biased media getting higher. The dilemma is created on the issue that despite being politically influenced, and the emergence of the age of misinformation and fake news, the statistics of reliability of people on media is getting higher. New media challenges the authority of mainstream media and enables politicians and political activists to use alternative media channels for communication. To what degree will this development, on the one hand, dissolve the symbiosis and provide the politicians with channels for political propaganda, and on the other hand, reduce the citizens' trust in the media as a source of political information, involvement, and empowerment (see, for example, Thorson 2016).

## CONCLUSION

Certainly, new media has provided a wider space and community for political communication and has filled the gap between the public and government that earlier was under the monopoly of a few. The aim of discussing the relationship between media and politics is to make the reader understand how this transformation will affect the public and political spheres. The dynamics of the relationship between media and politics are empowered by the potential active

<sup>41</sup>Wikipedia, [https://en.m.wikipedia.org/wiki/Echo\\_chamber\\_\(media\)](https://en.m.wikipedia.org/wiki/Echo_chamber_(media)), (Mar, 30, 2023)

<sup>42</sup> DrVvln Sastry, Media Trials and Criminal Justice in India, Blue Diamond Publishing, (2020)

<sup>43</sup> S S Kumar, <https://sskumar.com/2020/09/07/the-trial-by-media-sushant-sing-raiputs/>, (Mar, 30, 2023)

participation of citizens in political affairs. The internet, or cyberspace for politics, which was created, helps any person across the globe engage in political communication. As much as this seems like a privilege to exercise freedom of speech, it can also contribute to the age of misinformation, fake news, and new manipulation techniques. When reading about such concepts, one should know their dynamic nature and that the factors that affect them will also change, so to create balance, one should keep in mind that what is new today will be old tomorrow, and any such advancement will always come with both sides of the coin: beneficial and harmful. Hence, this study primarily lets the reader decide how this advancement is creating a better political society. Since media systems have a special power in society, the temptation for political and economic elites to seize control of and slant the media to serve their own interests has seen upheaval. Hence, laws and institutions need to be developed to safeguard against the ill effects of this advancement. When we talk about media independence, we actually focus on what is being shown rather than thinking about what could be hidden. Certainly, new media provides independence to the public as well as to politicians, allowing them to raise questions about the accountability of existing governments and present their dissenting opinions, whereas reality might differ sometimes. How do you know that the press is actually doing the public's favour and not acting as politicians' mouthpieces? Whatever one's opinion, we are anyway living in the age of manipulation and misinformation. One should be cautious about what to say in that cyberspace of politics and what to believe. To conclude, I submit that not every advancement is harmful for society, but that doesn't mean it's entirely beneficial for the same.

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