DIA, DEOGHAR IAS ACADEMY

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Fully secure: EVMs and VVPATs kept in a storage room ahead of the vote counting for the Maharashtra Assembly elections, at a polling counting centre, in Akola on November 23. ANI

Are Congress's EVM allegations a legitimate concern or a strategic diversion?

It is important to note that the trust in Electronic Voting Machines has remained relatively steady over the past five years. In 2019, the then NES study indicated that over half the voters placed high trust in the machines, with nearly a quarter expressing moderate trust

Devesh Kumar
Sanjay Kumar

After the Maharashtra Assembly elections, the echoes of alleged Electronic Voting Machine (EVM) manipulation has once again reverberated through political spaces, particularly from the Congress party and its allies. This narrative of doubt had begun soon after Congress's unexpected loss in Haryana, bringing the EVMs under scrutiny.

The Congress president Mallikarjun Kharge's strong demand to reintroduce ballot papers by replacing the EVM highlights a recurring scepticism about the established electoral process. While such concerns warrant attention, it is equally vital to evaluate the degree of public trust in EVMs and probe why such claims persistently surface.

Public confidence in EVMs
If EVMs were indeed vulnerable to manipulation, public opinion – the cornerstone of any democracy – would reflect such apprehensions. Understanding how much people trust EVMs provides crucial insights into whether voters feel their democratic rights are compromised. The National Election Study (NES) conducted by the Lokniti-CSDS earlier this year sheds light on this issue. In a survey across 21 States, the study revealed that a significant majority of voters expressed confidence in EVMs. Nearly one-third (31%) reported trusting the machines "a lot," while another two-fifths (43%) said they "somewhat" trusted them. This cumulative trust – approximately three-quarters of voters – indicates a strong vote of confidence in the EVM technology.

However, distrust lingers among a notable minority. Around one fifth (17%)

Trust in the machine

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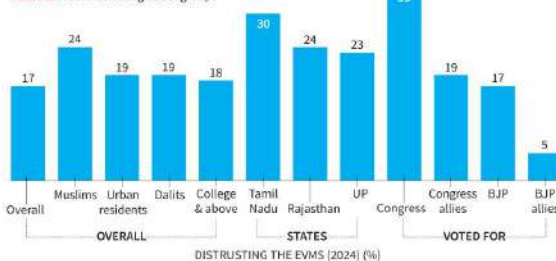
Table 1: Over two-thirds indicated trust in EVMs in the last two Lok Sabha elections (2024 & 2019)

Trust in EVMS	National Election Study 2024	National Election Study 2019
A lot of trust	31	52
Some trust*	43	26
Not much	-	8
No trust at all**	17	6

*Used as some trust in 2024 and somewhat in 2019 National election study.

**Used as No trust at all in 2024 and not at all in 2019 National election study

Note: The rest did not respond.

Table 2: Most distrusting social groups

DISTRUSTING THE EVMS (2024) (%)

OVERALL				STATES			VOTED FOR		
Overall 17	Muslims 24	Urban residents 19	Dalits 19	College & above 18	Tamil Nadu 30	Rajasthan 24	UP 23	Congress 35	Congress allies 19

BJP 17 • BJP allies 5

of respondents stated they did not trust EVMs at all, a figure that merits attention. This scepticism was particularly pronounced among urban voters (19%), individuals with college degrees (18%), and marginalised groups such as Dalits (19%) and Muslims (23%). Furthermore, distrust peaked in some States as compared to others. This scepticism was observed the highest in Tamil Nadu (30%), Rajasthan (24%), and Uttar Pradesh (23%). These findings indicate the need for a focused electoral outreach, and confidence-building measures by the

Election Commission of India.

It is also important to note that the trust in EVMs has remained relatively steady over the past five years. In 2019, the then NES study indicated that over half the voters placed high trust in the machines, with nearly a quarter expressing moderate trust. While these proportions remain largely consistent in 2024, the share of those who distrust EVMs has risen slightly, from 14% in 2019 to 17% in 2024. This shift coincides with Congress's sustained narrative questioning EVMs, which seems to

resonate among its voter base. Among those expressing distrust, nearly one-third voted for Congress (35%) and another one-fifth (19%) voted for its allies (Table 1 & 2). This pattern suggests that EVM scepticism has become a political tool – a strategic plank for Opposition parties rather than a pressing concern for the Election Commission of India to resolve.

Broader implications
While Congress is entitled to question its electoral setbacks, as the principal Opposition party, it bears a greater responsibility to present credible alternatives to voters. Relying on EVM-related conspiracy theories as a "primary" critique of the ruling Bharatiya Janata Party not only undermines the integrity of democratic institutions but risks alienating voters seeking substantive changes in their lives and policy solutions. For instance, alleging that the BJP "allowed" the Jharkhand Mukti Morcha (JMM) to win in Jharkhand reflects a narrative that can not only be implausible but is also mean-spirited.

Instead of fixating on claims that have not yet been verified by the Election Commission of India, Congress must confront a larger question. Is the party genuinely offering a compelling vision for India, or is it merely evading the need for introspection by blaming its defeats on external factors? To make a strong comeback the party must craft a distinctive agenda capable of countering the BJP's ideological narrative that runs at a mega scale. Resorting to allegations of EVM manipulation without real-time, verifiable evidence risks eroding public confidence in India's electoral process.

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The Constitution on minority rights

The preservation of diversity is the rationale behind minority rights in the Indian Constitution. On Minority Rights Day, it is essential to remember Franklin Roosevelt's words, 'no democracy can long survive which does not accept as fundamental to its very existence the recognition of the rights of minorities'

Faizan Mustafa

The debate on minority rights should be lifted from its current framework of secularism and placed in the theoretical field of democracy and substantive equality. Recognising the importance of minority rights, the UN General Assembly adopted a declaration on the 'Rights of Persons Belonging to National, or Ethnic, Religious and Linguistic Minorities' on December 18, 1992. This date is celebrated as Minority Rights Day all over the world. Minority rights are essential in a democratic polity because as Franklin Roosevelt reminds us "no democracy can long survive which does not accept as fundamental to its very existence the recognition of the rights of minorities".

Origin of minority rights

Article 19 of the Austrian Constitutional Law (1867) acknowledged that ethnic minorities have an absolute right to maintain and develop their nationality and languages. Similar provisions were found in Hungary's Act XLIV of 1868, and in the Constitution of the Swiss Confederation of 1874, which granted the three languages of the country equal rights in civil services, legislation and in courts. The provisions of the peace treaties after the First World War, focused particularly on the status of minorities. Minority protections were codified in the five treaties negotiated between the allied and associated powers on the one hand, and Poland, Czechoslovakia, Romania, Greece and Yugoslavia on the other. Special provisions for minorities were incorporated in the peace treaties with Austria, Bulgaria, Hungary and Turkey, while Albania, Finland and Iraq declared that they would protect their minorities. Article 27 of the Universal Declaration of Human Rights gives every individual a right to community – that is the right to enjoy their own culture and to participate in cultural forums, associations etc.

Debate in the Constituent Assembly

The framers of the Constitution showed profound sensitivity to the needs of minorities. Pandit G.B. Pant, moving the resolution to set up an Advisory Committee on Fundamental Rights and the Rights of Minorities, explicitly stated that the "satisfactory solution of questions pertaining to minorities will ensure the health, vitality and strength of the free State of India... now it is necessary that a new chapter should start and we should all realise our responsibility. Unless the minorities are fully satisfied, we cannot make progress; we cannot even maintain peace in an undisturbed manner." The committee headed by Sardar Vallabhbhai Patel examined the issue of minority rights and accordingly Articles 25 to 30 were enacted in our Constitution. The underlying argument in these Articles is that individualistic universal rights are not of much use in a heterogeneous country such as India, and that one needs to have discussions on the basis of multiculturalism, difference, and the rights of minorities that mark contemporary political theory.

Rationale behind minority rights

The preservation of diversity is the rationale behind minority rights in the Indian Constitution. In fact, individualistic rights under Articles 14-18 (equality), 19 (free speech) and 25 (freedom of religion) are not enough for the conservation of language, script or culture which comes under Article 29. One may not be individually unjustly treated but it hurts if the group to which one belongs is subjected to ridicule or denied any value. This also undermines an individual's right to dignity. An individual's right to culture holds little meaning or significance, unless the community of which a person is a member of, or is identified with, is accorded the right to exist in a viable form. It requires not only the presence of a group that shares a common culture but a conducive environment in which such cultures can flourish. Thus, under Article 30 both religious and linguistic minorities are allowed to establish and administer institutions of their choice so that such a space is created in these institutions.

Recently, a seven judge Bench in *Aligarh Muslim University* (2024) in unequivocal terms described Article 30 as a 'facet of equality and non-discrimination'. A nine judge Bench in *St. Xavier's College Society* (1974) too had observed that "the whole object of conferring the right on minorities under Article 30 is to ensure that there will be equality between the majority and the minority. If the minorities do not have such special protection, they will be denied equality." In *Keshavananda Bharati* (1973), rights under Article 30 were held to be part of the basic structure which even Parliament cannot change through a constitutional amendment.

What are minority rights?

Interestingly, though the term 'minority' has been used in four places in the Constitution no definition of the term 'minority' has been given. The Supreme Court has consistently held that minorities are to be defined at the level of the State. Since Hindus are a religious minority in Punjab, Kashmir and in the northeastern States, they too are entitled to minority rights. There are hundreds of Hindu minority institutions in India.

Article 29(1) lays down that 'any section of the citizens residing in the territory of India or any part thereof having a distinct language script or culture of its own shall have the right to conserve the same'. This provision signifies two vital dimensions. First, it concedes that different groups do have different cultures and that all people may not have just one culture. Since these linguistic and religious cultures are valuable for their members, they need to be given explicit rights to conserve their own culture especially since such minority cultures can face disadvantages in a majoritarian society. Secondly, the right to culture is an individualistic right, that is, individuals have been given the right to preserve their distinctive culture.

Article 30 guarantees that all religious and linguistic minorities shall have the right to establish and administer educational institutions of their choice'. In the *re Kerala Education Bill* (1957), the Supreme Court said that the dominant word in Article 30 is 'choice' and minorities can expand their choice as much as they want. The court also said that the term 'educational institution' includes universities. The courts have also been consistent in extending protection under Article 30 to pre-Constitution institutions in cases like *S.K. Patro* (1969), *St. Stephens* (1992) and *Azeez Basha* (1967). In the latest judgment of *Aligarh Muslim University* (2024), the majority has held that even an institution of national importance can claim minority character.

Additionally, Article 350 A provides for instruction in the primary stages of education in the mother tongue, and Article 350 B for the appointment of a special officer for linguistic minorities. Their religion based personal laws have also been constitutionally protected, for example, the customary law of Nagas. There is no religious qualification attached to the holding of high constitutional positions. There is also a National Commission for Minorities and a National Commission For Minority Educational Institutions to deal with the problems of minorities.

Defining a minority

The 11 judge Bench in the *TMA Pai Foundation* (2002) case had left unanswered the question of the indicia of minority institutions. Former Chief Justice Dr D.Y. Chandrachud in a historic judgment in the *Aligarh Muslim University* (2024) case has now laid down the indicia.

Interestingly, on the issue of indicia there was broad agreement amongst the seven judges. They all preferred holistic, broad and flexible yardsticks such as ideation – looking at the genesis or ideation or brain behind the idea. Moreover, the person taking the initiative must belong to the minority community. His intent must be to found an institution 'predominantly for the minority community' and other factors to be considered would be the collection of funds, getting land, construction of buildings and governmental approvals. It is not necessary that the administration must be vested within the minorities themselves. Right to administer is the consequence of establishment.

Though there is no right to get governmental aid, Article 30(2) explicitly says that the State cannot discriminate against a minority institution while granting aid. In the *re Kerala Education Bill* (1957) case, Chief Justice S.R. Das held that the State cannot impose such 'onerous' conditions either in granting aid or in giving affiliation to minority institutions that require surrendering the minority character of their institutions.

Furthermore, the Supreme Court has consistently maintained that minorities have no right to maladminister their institutions, and that the government can come up with reasonable regulations to insist on proper safeguards against maladministration, to maintain fair standards of teaching, and to ensure "excellence of the institutions." In *St. Xaviers* (1974), the top court explicitly observed that "under the guise of exclusive right of management, minorities cannot decline to follow the general pattern. In fact, they may be compelled to keep in step with others."

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Nation for all: A woman holds up a poster during a protest against the CAA during Republic Day at Shaheen Bagh, in New Delhi in 2020. SUSHIL KUMAR VERMA

THE GIST

▼ Recognising the importance of minority rights, the UN General Assembly adopted a declaration on the 'Rights of Persons Belonging to National, or Ethnic, Religious and Linguistic Minorities' on December 18, 1992.

▼ Article 29(1) lays down that 'any section of the citizens residing in the territory of India or any part thereof having a distinct language script or culture of its own shall have the right to conserve the same'.

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The challenge of universal health coverage

The ongoing national conversation on what India needs to do for universal health coverage (UHC) often misses the complexity of multiple health systems and the unique challenges they bring. Almost every health system type that is seen globally is present in different parts of India. Sometimes, more than one type can be seen within the same State.

Government expenditure (per capita) on healthcare, for example, varies significantly from State to State. Himachal Pradesh, Kerala, and Tamil Nadu spend ₹3,829, ₹2,590, and ₹2,039, respectively, while Uttar Pradesh and Bihar spend only ₹951 and ₹701, respectively (National Health Accounts – Estimates for India 2019-20).

West Bengal, a predominantly rural State, has a low fertility rate at 1.64, but it also has one of the highest teenage pregnancy rates (16%). This is very different from other States with low fertility, such as Kerala and Himachal Pradesh, where teenage pregnancy rates are 2.4% and 3.4%, respectively (National Family Health Survey-5, 2019-2021). A UHC plan for States must be developed considering these very different realities.

Not the solution
Government health expenditure in West Bengal, which was ₹1,346 per capita in 2019-20, is only about 61% of the estimated ₹2,205 (research-based and inflation-adjusted) required to offer UHC. This number compares with a similarly populated State such as Madhya Pradesh where government health expenditure is ₹1,249 per capita.

Growing government health expenditure is good but may not solve the problem. West Bengal's government health expenditure has been growing at 11% per annum over the last few years and, at this rate, could grow to fully meet the funds estimated to be required for UHC by 2030. However, the State's out-of-pocket expenditure was high at 67% in

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A universal health coverage plan in India must be developed considering the very different realities in each State

2019-20 and had only reduced by 2-3% from the previous years (National Health Accounts – Estimates for India 2019-20). The story is no different in Andhra Pradesh, which saw a 3% increase in per capita government health expenditure in 2019-20 from the previous years, but had a high out-of-pocket expenditure of 64% (National Health Accounts – Estimates for India 2019-20).

Deeper challenges
Thus, increasing government health expenditure does not appear to be working to contain a key issue relating to the health burden on citizens. This suggests that there are deeper design challenges with the health system. Without addressing these, increased government expenditure on health may do little to reduce out-of-pocket expenditure rates.

The implications of this are significant. Out-of-pocket expenditure already accounts for a majority of health spending in most of the States. A paper published recently (Sangar et al. 2018) noted that out-of-pocket expenditure accounted for more than 50% of health spending not just in poor States such as Jharkhand, Bihar, and Uttar Pradesh, but also in comparatively prosperous States such as Kerala and Punjab, which have strong healthcare systems.

In the case of West Bengal, high C-section rates even within the public sector strongly indicate that there is an adequate supply of public sector hospitals at which free care can be offered. This negates the need and relevance of the State's Swasthya Sathi scheme, which is intended to allow patients to seek care in private hospitals using the government's limited tax resources. It is designed to compensate for a deficiency in the supply of government hospitals.

On the other hand, that there is a significant share of adults with high blood sugar rates across West Bengal, relative to the rest of the country; and also relatively low

rates of hypertension in the State suggests high rates of genetically inherited insulin insufficiency, which needs to be addressed with urgency in primary care settings. Similar trends are observed in Bihar and Gujarat, which also have high blood sugar levels and relatively lower hypertension rates, in contrast to Kerala, Tamil Nadu, and Telangana, where both conditions are prevalent. This necessitates tailored health system strategies and region-specific public health messaging to address the varying trends in non-communicable diseases across different areas.

Data also show that while there is an income gradient, even the very poor in West Bengal have high blood sugar rates. It is clear from the high blood sugar rates that the current, largely out-of-pocket expenditure-driven health system design cannot address this challenge and that a much more proactive approach needs to be taken at the primary care level. However, with a 58% shortfall in primary health centres and health and wellness centres, the primary healthcare system in the State faces challenges in meeting the healthcare needs of its population; this needs to be addressed urgently.

A mosaic of challenges
The data here illustrate how healthcare is an interconnected system that presents a complex mosaic of challenges and opportunities. These cannot be addressed by blanket solutions that are unmindful of the uniqueness of the local area health profile, and its deeper relations to history, culture, and ways of working. Thus, leverage points vary and blunt instruments or even throwing resources can have little impact and, in some cases, make the situation worse. A holistic approach is essential, integrating public health initiatives, regional policy adaptations, and climate resilience, to build a robust and equitable healthcare system.

More of the same

India and Sri Lanka need to go beyond stated positions to take ties forward

Sri Lankan President Anura Kumara Dissanayake's visit to India, also his first overseas trip in keeping with tradition, marks a continuity in India-Sri Lanka bilateral relations. The joint statement, after his meet with Prime Minister Narendra Modi, covered aspects similar to the one subsequent to the visit of his predecessor, Ranil Wickremesinghe, in 2023. Mr. Dissanayake's assurance that Sri Lanka will not permit its territory to be used in any manner inimical to India's security and regional stability, on the face of it, appears to be a reiteration of Colombo's long-standing position, but it was significant in view of a perception that Mr. Dissanayake's Janatha Vimukthi Peramuna (JVP) is a Left-leaning pro-China party. India viewed his observation as one that could have a bearing on the clearance for Chinese ships visiting Sri Lanka in the light of the Wickremesinghe government's one-year moratorium (after India's concerns) on all "foreign research vessels" visits ending next month. In the last 10 years or so, the frequent presence of Chinese ships became the main irritant in bilateral ties. It remains to be seen how far the dispensation will be sensitive to India's concerns – the Wickremesinghe's regime took a stand about six months ago that it "cannot only block China".

That the statements of the two leaders or the joint statement did not touch upon the status of projects by the Adani Group was expected. The joint statement talked of India's commitment to help Sri Lanka in areas such as agriculture and the digital economy. The proposal to have a joint working group on agriculture is a welcome development. There was a mention of the proposed Economic and Technological Cooperation Agreement – 14 rounds of negotiations have been held so far. On the fisheries dispute, the two sides apparently stuck to their stated positions but Colombo should help facilitate an early meeting between the fishermen's associations in both countries. More importantly, there seems to be a nuanced shift, going by the English version of Mr. Modi's statement at the joint press conference. There is no reference to the 13th Amendment to the Sri Lankan Constitution, which envisages a measure of autonomy to Provincial Councils, despite Mr. Modi covering matters such as reconciliation, the need for Sri Lanka fulfilling its commitments towards "fully implementing" its Constitution and conducting Provincial Council polls. The JVP ran a virulent campaign against the Amendment, an outcome of the 1987 India-Sri Lanka Accord. As the coalition that Mr. Dissanayake heads secured a massive mandate across the country in the November 14 parliamentary election, he is in a comfortable position to show a new direction to ties with India. It is an opportunity for both countries to resolve their differences.

Stuck in the classroom — students, teachers, NEP 2020

Indian students in Higher Education (HE) are spending considerably more time in the classroom than their European Union (EU) and North American counterparts. Yet, they remain at risk of being relatively undereducated. There are primarily two reasons: higher proportion of teaching time in course credits and higher number of courses a semester under the National Education Policy (NEP) 2020.

A contrast and the academic impact

An average student in a university in the EU or North America takes approximately four courses a semester with a maximum of three hours of lectures a course a week. This brings the total classroom time to a maximum of 12 hours a week. On the other hand, Indian students enrolled in the new four-year undergraduate programmes in Indian universities must take five courses a semester with four hours of lectures a course a week. This amounts to 20 hours of classroom time a week. These extra eight hours in the classroom do not leave much time for essential academic activities outside the classroom such as self-study, reading, or working on assignments, most likely leading to exhaustion and reduced learning.

A casualty of this increased classroom time is the number of assessments that are actually feasible in a course. In the earlier version of the choice-based credit system in the three-year undergraduate programme, where students took only four courses a semester, there was relatively more scope for continuous assessment. Now, with increased classroom time, students find it difficult to work on anything more than two assessments a course. This could impact the diversity of assessments, privileging multiple choice questions-based assessments that are easily graded via phone apps over assessments such as a term paper or a reflective essay that

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Increased classroom time runs the risk of students becoming passive recipients, affecting the vision of the NEP 2020

requires more time and effort from students.

Thus, increased classroom time risks incentivising rote learning and perpetuating the school dynamics where teachers are owners of knowledge and students are passive recipients. At least at the university level, students need to be pushed to own their learning. This is possible only if they are allowed time to reflect, plan, and execute their learning, explore learning outside the classroom individually and with peers scaffolded by assignments such as reflective essays, group projects, and cross-disciplinary problem solving.

The subject of continuous assessment

Addressing this reduction in the number of possible assessments is important because NEP 2020 lays emphasis on continuous assessment. In this system, the final grade can be aggregated from three or four assessment components spread over the semester. Such a system provides an opportunity to design a mix of low and high stakes assessments, incentivising continuous effort and learning, rather than cramming up before one or two examinations. Continuous assessment allows considerable flexibility for faculty to tailor assessment frequency and type to meet the learning outcomes of their courses. It is also a way to receive continuous feedback for faculty to adjust teaching strategy and for the students to adjust self-study strategies.

The increased classroom time impacts the quality of teaching as well. The extra eight-hour a week in the classroom for Indian teachers eats into the time available for research, course revisions, development of new courses, and cross-disciplinary collaborations. This negatively affects the quality and currentness of teaching. The classroom time of two to three hours a course a week in the EU and North American universities, with a total teaching load of two to

three courses a semester brings the average weekly classroom teaching load of a typical university teacher in these countries to nine hours. In contrast to this, an average Indian faculty is expected to teach 14-16 hours a week, with time spent in the classroom varying from eight-16 hours depending on how flexible the institutional administration is in interpreting University Grants Commission guidelines.

The centres of learning

Teaching a course as per the vision of the NEP 2020 includes designing the course, selection of reading materials, development and administration of assessments, as well as grading. This is in complete contrast to the earlier model where teachers were responsible mostly for classroom lectures with assessment and grading taken care of centrally by the affiliating university. The elite central universities, Indian Institutes of Technology, and the Indian Institutes of Management could be an exception to this with possibly fewer than eight hours a week in classroom teaching a faculty along with substantially higher resources. But it is important to note that the bulk of teaching and learning in India happens in public universities and colleges, and not in these elite institutions.

Thus, to realise the vision of the NEP 2020 fully, a serious reconsideration of the number of courses and classroom time a course in the new four-year undergraduate programmes across India is necessary. Doing so will improve the teaching and learning outcomes for Indian students putting them on a par with their global counterparts. It will also get students out of the habit of rote learning, improve their self-learning skills, and ensure their readiness for further higher-level educational pursuits.

Inputs by Devayani Tirthali, an educational researcher
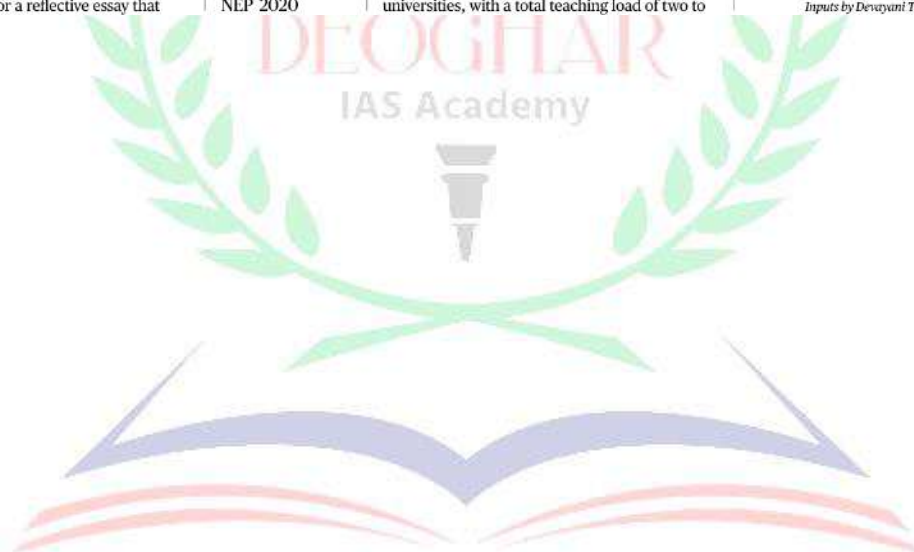
The legal gaps in India's unregulated AI surveillance

In 2019, the Indian government made headlines by announcing its intention to create the world's largest facial recognition system for policing. Over the next five years, this ambition has materialised with Artificial Intelligence (AI)-powered surveillance systems being deployed across railway stations and the Delhi Police preparing to use AI for crime patrols. The latest plans include launching 50 AI-powered satellites, further intensifying India's surveillance infrastructure.

While technological integration in law enforcement is commendable, it raises substantial legal and constitutional concerns. The use of AI for surveillance has global parallels, often resulting in "dragnet surveillance", a term that refers to indiscriminate data collection beyond just suspects or criminals. As observed with Section 702 of the Foreign Intelligence Surveillance Act (FISA) in the United States, even well-intended surveillance laws can result in overreach, infringing on citizens' rights.

This article explores the legal frameworks, gaps, and concerns surrounding AI surveillance in India and how they intersect with constitutional rights, particularly the right to privacy.

The Telangana Police data breach earlier this year revealed deep-rooted concerns about the data collection practices of Indian law enforcement agencies. According to reports, Hyderabad police had access to databases from social welfare schemes, including "Samagra Vedika", raising questions about the scope of data being collected and the lack of transparency regarding its use.

Lack of proportional safeguards

While data-driven governance offers solutions for public welfare and crime prevention, these practices must be measured against the individual's right to privacy, as guaranteed under Article 21 of the Constitution. The Supreme Court of India, in *K.S. Puttaswamy vs Union of India* (2017), recognised privacy as a fundamental right, extending its scope to "informational privacy". The judgment emphasised that the era of "ubiquitous dataveillance" brings challenges that must be addressed through robust legal frameworks. However, the extent of surveillance infrastructure in India currently lacks proportional safeguards, leading to legitimate concerns about the implications of AI-driven data collection.

The Digital Personal Data Protection Act (DPDPA), passed in 2023, was meant to provide a framework for managing consent and ensuring accountability for data privacy in India. However, the law has been heavily criticised for broad exemptions that grant the government unchecked power to process personal data.

For instance, Section 7(g) of the DPDPA waives

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There needs to be a comprehensive regulatory framework that addresses AI's implications for civil liberties

the need for consent when processing data for medical treatment during an epidemic. Section 7(i) further exempts the government from consent requirements for processing data related to employment, a particularly concerning clause given that the government is India's largest employer. These exemptions raise red flags about the potential for misuse, especially when applied to AI-powered surveillance technologies that operate on vast quantities of personal data.

Moreover, the DPDPA introduces obligations for citizens that could further exacerbate privacy concerns. Section 15(c) mandates that citizens not to suppress any material information when submitting personal data. This provision, while intended to ensure data accuracy, could lead to punitive measures for something as simple as an outdated address or technical error in data collection systems.

In short, the DPDPA places heightened scrutiny on individual data while offering the government broad leeway in its use and collection. Given the profound implications of AI technologies in processing sensitive personal information, the legal framework appears unbalanced, skewed in favour of state surveillance over individual rights.

The approach in the West

India is not alone in grappling with AI and its impact on civil liberties. The European Union (EU) has enacted regulations that could serve as a useful guide for India. The EU's Artificial Intelligence Act takes a risk-based approach to AI activities, categorising them into unacceptable, high, transparency, and minimal risk levels. Unacceptable risk activities, such as real-time remote biometric identification for law enforcement, are prohibited under EU law unless exceptions apply, such as searching for victims of serious crimes or responding to imminent threats. In stark contrast, India has begun deploying AI-powered facial recognition technology and CCTV surveillance in public spaces with little to no legislative debate or risk assessment. For example, Delhi and Hyderabad have integrated AI into policing without any publicly available guidelines on how data is collected, processed, or stored, or how potential abuses of the technology will be prevented.

As of now, AI remains largely unregulated in India. In 2022, the government promised that AI technologies would be regulated under the upcoming Digital India Act, but draft legislation has yet to materialise. This regulatory void leaves citizens vulnerable to the risks associated with AI-powered surveillance, including the infringement of privacy, discrimination, and data breaches.

Countries such as the United States and members of the European Union have already begun to legislate on the use of AI in public systems, with clear categorisations and restrictions for technologies that could pose a significant threat to civil liberties. The absence of a similar legal framework in India is troubling, especially given the government's ambitious plans to expand surveillance capabilities.

At its core, the debate over AI surveillance in India touches on fundamental constitutional questions. The right to privacy, as enshrined in Article 21, and the principle of proportionality, as outlined in the Puttaswamy judgment, demand that any intrusion into personal data be backed by law, pursue legitimate aims, and be proportionate to the goal pursued. However, the existing surveillance framework, bolstered by AI technologies, appears to stretch these principles to their limits.

Address the impact on civil liberties

It is not the use of AI in governance itself that is problematic, but rather its unchecked application without sufficient safeguards. A comprehensive regulatory framework that addresses AI's implications for civil liberties is urgently needed.

It would help protect public interest in consonance with the 'Right to Privacy' if such a framework includes provisions for transparent data collection practices, where it is publicly disclosed, what data is being collected, for what purpose, and how long it will be stored. Furthermore, the framework must ensure consent gathering mechanisms have narrow and specific exemptions for processing data with independent and effective judicial oversight. This will not only ensure transparency in consent gathering but also safeguard the constitutionality of such applications of AI-based data processing. In this context, India could benefit from adopting a risk-based regulatory approach, such as the EU's, which categorises AI activities based on the risks they pose to citizens' rights.

India is at a crucial juncture in deploying AI-powered surveillance. While integrating advanced technologies in law enforcement and governance offers immense potential, it must be balanced against citizens' constitutional rights. Policy decisions that embed privacy measures into infrastructure before deployment, with inherent safeguards in surveillance protocols, are vital. Consent mechanisms, transparency reports, and judicial oversight at relevant stages of data collection and management can avoid costly retrofits and retraining.

Though the DPDP Act addresses some issues, criticisms persist, and the long-awaited DPDP Rules remain unnotified. To mitigate risks from AI-driven surveillance, regulating "high-risk activities" through restrictions on digital personal data processing and transparent auditor oversight of data sharing is crucial. A proactive regulatory approach will ensure AI serves public interest without compromising civil liberties.

Private aviation is releasing more than its 'fair share' of emissions

Scientists analysed flight data from the ADS-B Exchange platform and focused on five recent global events which were accompanied by international travel. They found some 47% of all these flights were for distances shorter than 500km and around 19% were in fact for distances shorter than 200km. About 5% spanned less than 50km

Monika Mondal

If the aviation sector were a country, it would be among the world's top 10 greenhouse gas-emitting nations. Air travel is one of the most polluting modes of travel for its relatively higher carbon dioxide and nitrogen oxide emissions and the effects of vapour trails and gases it deposits in the atmosphere.

But even within air travel, private jets and chartered planes have a higher carbon footprint per passenger. According to a 2021 report of the European Federation for Transport and Environment, private jets are five- to 14-times more polluting per passenger than commercial flights and 50-times more than trains.

A recent study in *Nature* reported emissions increased by 46% between 2019 and 2023, especially thanks to private aviation. The number of aircraft increased from 25,993 in December 2023 to 26,454 in February 2024 and is expected to grow further. According to the paper, "Private aviation contributed at least... about 3.6 tonnes of CO₂ per flight."

More millionaires in India

As of March 2024, 112 private planes were registered in India. According to the paper, India has very few aircraft per lakh population (0.01) compared to Malta (46.51), the U.S. (5.45), Switzerland (3.76), the U.K. (0.78), Brazil (0.43), France (0.36), and Russia (0.1). China has a comparable 0.02.

"But India is actually among the top 20 countries in terms of private aircraft ownership and the highest among low-middle-income countries," Ramya Natarajan, a research scientist at the Centre for Study of Science, Technology, and Policy (CSTEP), a think-tank in Bengaluru, said. "This isn't surprising because India, while still a developing country, has the third highest number of billionaires in the world and also has a rapidly growing millionaire population."

Despite nascent efforts to decarbonise the aviation industry, solutions like sustainable aviation fuels (SAFs), hydrogen, and electrification haven't been easy to implement at a large scale.

Private flight usage

In the study, researchers from institutes in Sweden, Germany, and Denmark analysed flight data from the ADS-B Exchange platform and focused on five recent global events accompanied by international travel.

These events were the World Economic Forum in Switzerland; the Super Bowl in the U.S.; the COP28 climate talks in the U.A.E.; the Cannes Film Festival in France; and the 2022 FIFA World Cup in Qatar. In many cases, the researchers found the same aircraft units were used for these events.

Some 47% of all these flights were for distances shorter than 500km. Around 19% were in fact for distances shorter than 200km; many of them were actually empty or used to deliver goods. About 5% of the flights spanned less than 50km – a distance otherwise easily covered by road or rail.

The study also reported that the use of private aircraft for leisure destinations like Ibiza in Spain and Nice in France peaked in June-August, which is summer in the northern hemisphere, and especially over the weekends.

Around 69% of private aviation was concentrated in the U.S.

The researchers also estimated that another 8,500 jets will be delivered to private parties in the next 10 years, although how many will end up in India is unknown. "How many additional private flights might be added every year as India becomes a wealthier, developed country? Can India afford to take the U.S. route? What would the overall impact of such lifestyle choices be?" Natarajan asked.

Air travel and India's emissions

In the last decade, the Indian government launched the policies 'Ude Desh Ka Aam Nagrik' (UDAN) to enhance rural connectivity and 'Nextgen Airports for Bharat Nirman' (NABH) to increase airport capacity by more than five times.

Indian airplane operators have also been testing low-carbon fuels. In 2018, for example, SpiceJet operated a flight from Uttarakhand to New Delhi on aviation fuel blended with oil from seeds of the jatropha plant, to the tune of 25% by volume. In 2023, Air Asia flew a flight from Pune to New Delhi powered by SAF blended with aviation turbine fuel (ATF) based on indigenous feedstock and supplied by the Indian Oil Corporation, Ltd. But these attempts have not translated into the commercialisation of SAF due to its limited availability and efficiency. According to one April 2024 estimate, it also costs "at least 120%" more than conventional jet fuel for reducing emissions by at least 27%.

Apart from SAFs, both experts and lawmakers have discussed hydrogen and electrification as possible alternatives to kerosene, which is used in aviation for its

> In India, the alcohol-to-jet pathway seems most likely in the medium term. However, planning is needed to avoid negative land-use change and groundwater implications. Demand for SAF should not incentivise sugarcane or maize

high energy density. Hydrogen packs three-times more energy in the same mass but handling it is a nightmare. Engineers will need to redesign, remodel, and restructure aircraft bodies as well as the fuel storage, transportation, and fuelling facilities at airports to use hydrogen-based fuels in aviation. Likewise, electrification is currently a poor solution due to issues of battery weight, flight stability, and its dependency on other economies for its raw materials, industry experts have said.

"In India, the alcohol-to-jet pathway seems most likely in the medium term, given that we already have a good ethanol production supply chain," Natarajan said. "However, this should be carefully planned to avoid negative land-use change and groundwater implications. A demand for SAF should not incentivise increased cultivation of sugarcane or maize. Instead, only surplus sugar should be used."

However, Natarajan added, the work of her and her peers at CSTEP suggests there is hope. "If by the year 2050, only surplus sugar is converted to ethanol and ethanol is fully used to make aviation fuel, instead of blending with petrol as we do currently, then we can meet almost 15-20% of the aviation fuel demand of 2050," she said.

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As of March 2024, 112 private planes were registered in India. Representative photo. CHRIS LEIPELT

THE GIST

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Private jets are five to 14 times more polluting than commercial flights and 50 times more than trains. *Nature* reports emissions increased by 46% because of private aviation

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India is among the top 20 countries in terms of private aircraft ownership. India though a developing country has the third highest number of billionaires and a rapidly growing millionaire population

▼

Hydrogen and electrification are being discussed as alternatives to kerosene. Hydrogen packs three times more energy but handling is a nightmare. Electrification is beset by issues like weight, flight stability, and raw materials

Scientists develop *Kisan Kavach* to help farmers

Akin to the protective PPE kits that health workers don, scientists affiliated to the Department of Biotechnology (DBT) have developed an 'anti-pesticide' suit called *Kisan Kavach*. The suit is intended to protect farm labourers from imbibing the pesticides they spray. Several of the common pesticides are potential neurotoxins and detrimental to health. The kit consists of a trouser, pullover, and a face-cover made of 'oxime fabric' that can chemically breakdown any of the common pesticides that get sprayed onto cloth or body during spraying operations. This prevents chemicals from leaching into the skin. The price per kit is ₹4,000.
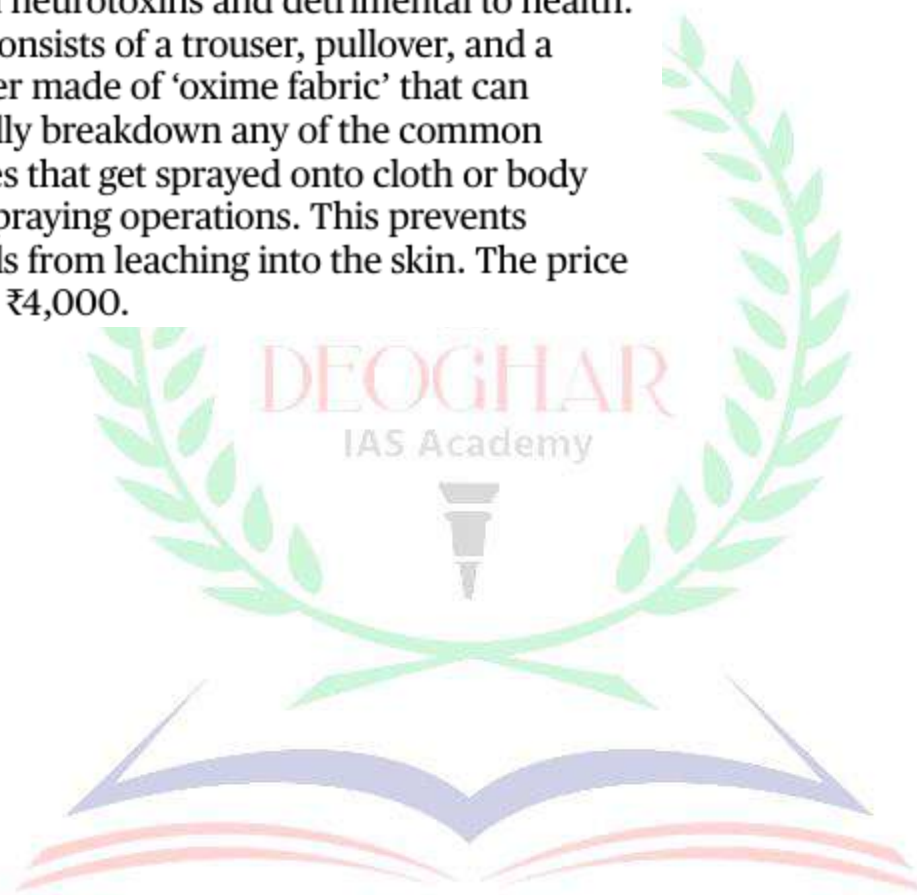
Panel led by ex-ISRO chief advises restructuring of NTA

The committee suggests better coordination with States and Digi-Exam to make exam process foolproof; Union Minister says NTA will be restructured in 2025 and new posts will be created

The Hindu Bureau
NEW DELHI

A high-level committee of experts, headed by the former Chairperson of the Indian Space Research Organisation (ISRO) K. Radhakrishnan, has recommended restructuring of the National Testing Agency (NTA).

Union Education Minister Dharmendra Pradhan, while talking to presspersons about the report submitted to the Education Ministry recently, said the NTA would be restructured in 2025 on the recommendations of the panel.

The seven-member panel was appointed in June following complaints of question paper leak in the Common University Entrance Test-Undergraduate (CUET-UG).

The panel has recommended Digi-Exam, on the lines of Digi-Yatra, to make the examination process foolproof. The report said such a system will ensure that the candidate writing the exam is the one who joined the programme. "Essentially, authentication at the stages of application, test, admission/induction and study/

Complete overhaul: Students protesting against the NTA at Jantar Mantar in New Delhi in August. FILE PHOTO

work..." the report said.

The panel recommended that an empowered and accountable governing body with three designated sub-committees should be set up to oversee test audit, ethics and transparency, nomination and staff conditions and stakeholder relationships. "NTA needs to be manned with internal domain-specific human resources and a leadership team with domain expertise, proven experience and skill sets who should take charge of the testing process in the future," the report said adding that the NTA should primarily conduct entrance examinations. "Enhancing its scope for other examinations may be considered after the capacity of NTA is augmented," the report said.

The Director-General should be an officer not below the rank of Additional Secretary to the Union government under the Central Staffing Scheme, the report said and recommended 10 specific verticals for NTA, headed at the director level.

To address the complaints from the States, the panel said the NTA should develop institutional linkage with State/District authorities for providing a secure test administration apparatus. "The Committee recommends that coordination committees at State and District levels may be set up with specified roles and responsibilities," the report said.

The panel recommended three policy interventions: multi-session testing

and multi-stage testing for NEET-UG and multitude subject streams for CUET.

"The parameters and methodology of normalisation process that is integral to multi-session testing, should be well-defined, established, documented, and communicated transparently for each test," it said.

The panel has also recommended a coherent series of measures to prevent breaches and malpractices while conducting the tests.

It has also provided detailed precautions while setting question papers, printing press, transportation, selection of centres, seat allotment, frisking, steps to prevent impersonation, handling of unused OMR sheets and question papers, back transportation of OMR sheets and declaration of results.

Mr. Pradhan said the NTA will be restructured in 2025 and new posts will be created.

"The NTA will be limited to conducting only entrance exams for higher education and not conduct any recruitment exams from next year," Mr. Pradhan said and added that CUET-UG will continue to be held once a year.

A deal done in unseemly haste against expert advice

The approach from the Solar Energy Corporation of India (SECI) on September 15, 2021 came out of the blue. The federal agency wanted to know if Andhra Pradesh would like to sign India's largest renewables contract.

Just a day later, the Y.S. Jagan Mohan Reddy Cabinet at the time gave the deal its preliminary approval, according to Cabinet records seen by *Reuters*.

By November 11, the State government had secured the nod from the energy regulator. On December 1, State authorities signed a procurement agreement with SECI for the deal, which could eventually be worth over \$490 million annually, with 97% of that amount going to Adani Green, the supplier of solar power.

The rapid 57-day timeline for the 7,000-megawatt deal was unusually fast, according to experts.

The solar deal is now under scrutiny by U.S. prosecutors, who indicted Gautam Adani and seven other executives in November for alleged involvement in a bribery and securities fraud scheme involving several States.

Adani Green did not respond to *Reuters'* questions about the alleged corruption nor the speed of the approval process.

However, the office of Mr. Reddy, who was not named in the U.S. indictment, referred *Reuters* to a November 28 statement in which he denied being bribed and justified the deal on grounds it provided free power to farmers.

For most of September 15, 2021 then-Energy Minister Balineni Srinivasa Reddy was unaware of any potential solar deal, he told *Reuters*. But late that night, he received a call from a

Y.S. Jagan Mohan Reddy interacting with Gautam Adani at the World Economic Forum in Switzerland in 2022.

person in his office, whom he did not identify, about a proposal that required his signature for discussion in Cabinet the next day, he said.

In the dark

Mr. Srinivasa Reddy said he signed off after being assured by a senior official at his department, whom he did not identify, that the contracting party was SECI. He said he had "no idea the supplier was Adani".

The next day, the Cabinet approved the deal "in principle," according to minutes from the Cabinet meeting, allowing the regulatory process to be fast-tracked. On October 21, the Andhra Pradesh Power Coordination Committee – which had been tasked with studying the deal after the preliminary approval – filed a report recommending the deal.

Seven days later, the Andhra Pradesh Cabinet officially committed to procuring 7,000 megawatts from SECI.

In doing so, it overrode advice from officials at the Finance and Energy departments that the contract did not represent good value.

On October 28 – the same day as the Cabinet meeting that approved the deal but before the greenlight was given – the Finance Department made a submission to the Cabinet stating there was an industry trend of falling solar prices and that future agreements would likely be cheaper, according to Cabinet minutes.

The Treasury also questioned the duration of the 25-year contract, especially since supply was scheduled to start only in 2024, according to the minutes.

The records of the Cabinet deliberations do not document any discussion about the Finance and Energy departments' concerns beyond a statement in the minutes that the Cabinet was "duly overruling the finance remark".

Andhra Pradesh will pay ₹2.49 per kWh when the solar power comes online, according to the deal.

However, an analysis re-

leased by the office of Chief Minister N. Chandrababu Naidu – who ousted Mr. Jagan Mohan Reddy's government in elections this year – found the State would likely have to pay more, because the contract did not account for certain taxes and duties that are typically included in such calculations.

Andhra Pradesh is now seeking to suspend the deal due to the indictment of Gautam Adani. A decision could come by year-end, an official told *Reuters*.

If the Adani deal goes ahead, the State Treasury will be directly on the hook for solar bills running hundreds of millions of dollars annually, according to *Reuters'* review of contract documents. Annual payments to Mr. Adani once the power supply is fully operational will be roughly equal to State spending on social security and nutrition programs for the previous fiscal year.

MGNREGS wages do not match rising cost of living: House panel

Sobhana K. Nair
NEW DELHI

A parliamentary panel has made a strong case for increasing wages of Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) workers, finding the current payment not in "consonance with the rising cost of living".

The committee tabled its report on Tuesday in both Houses of Parliament after a study of the wages paid under the scheme since 2008, and urged the government to link it with an index commensurate with national inflation.

The Rural Development

The panel noted that since the inception of the MGNREGS, the base rate for fixation of wages has been unrevised. DEBASISH BHADURI

Ministry, in its submission to the panel, said people took up MGNREGS works as a "last resort" and fallback option. But the panel noted that wages of such "nominal nature", along with delayed payment, "only discourage them [workers] and propel them to migrate and seek work in areas giving better remuneration".

In the financial year 2024-25, the average MGNREGS wage increased across India by ₹28 a day. In absolute terms, Haryana pays the maximum daily wage of ₹374. Arunachal Pradesh and Nagaland pays the lowest of ₹234.

The panel noted with dismay that since the inception of the MGNREGS, the base rate for fixation of wages has been unrevised. The Government of India notifies the wage rate using the Consumer Price Index for Agricultural Labour, and by keeping the wage rates thus obtained on April 1, 2019 or ₹100, whichever is more, as the base for indexation for the States.

Report flags India's violation of rights of Rohingya detainees

The Hindu Bureau
NEW DELHI

A new study on the condition of Rohingya refugee detainees in India, conducted by the Azadi Project, a U.S.-registered nonprofit, and Refugees International, an American non-profit that advocates for displaced people, has flagged "gross violations of constitutional and human rights" and "a failure by India to adhere to its commitments to international human rights treaties."

The study, based on conversations with refugee detainees in India, their families and lawyers, and a visit to a detention centre, found that "most Rohingya refugees are detained even after they have served their sentences". In India, there are about 22,500 Rohingya refugees registered with the United Nations High Commissioner for Refugees (UNHCR).

The UNHCR estimates that there are 676 Rohingya in immigration detention across India, of which "608 have no ongoing court cases or sentences pending". About 50% of the detainees are women and children.

The report highlights that "very limited access to legal aid and to international institutions like the UNHCR has meant many Rohingya refugees have been arbitrarily detained for over a decade [with no criminal charges] and with no end in sight." And such detainees included "pregnant women, breast-feeding mothers, children, differently-abled people, and older people."

Poor living condition

Children in these detention centres had no access to schooling or playgrounds, and "older people with age-related mobility issues are left at the mercy of fellow detainees for food and toilet access."

The report also flags chronic hunger, unpalatable food, poor nutrition, poor sanitation, and lack of ventilation leading to severe mental and physical ailments, including temporary paralysis. It details how men and women were segregated, spouses were not allowed time together, and older children were forcibly separated from their parents in violation of India's model detention code, which states that "families should not be separated".

The report recommends that "rather than revictimising a population that has survived genocide," the Indian government should "provide dignified refuge, starting with immediately releasing the most vulnerable Rohingya detainees and ending the arbitrary detention of more Rohingya."

It states that over the longer term, "India should clarify the legal status of Rohingya, revise the Foreigners Act of 1946, and ensure that its polices toward refugees are in line with international standards."

It also calls upon the U.S. to "engage directly with the Indian government" to advocate for the release of Rohingya refugees detained unlawfully, and push for better conditions at the detention centres and reunification of families.

India is not a signatory to the 1951 Refugee Convention or its 1961 Protocol. As a result, Rohinya refugees in India are sentenced to imprisonment under section 14 (a) (b) of the Foreigners Act 1946 and Rule 6 of the Passport Act, 1980. But as the report points out, "the latter was omitted in 1985, implying that under India's own law, the indefinite detention of Rohingya refugees is illegal and arbitrary."

Seeds of short neck clam released in Ashtamudi Lake to replenish population

The Hindu Bureau
KOLLAM

In a significant step to combat the dwindling population of short neck clams, the ICAR-Central Marine Fisheries Research Institute has initiated a stock enhancement programme.

On Tuesday, three million seeds of short neck clam (*Paphia malabarica*), produced at the Vizhinjam Regional Centre of the CMFRI, were released into Ashtamudi Lake here.

This strategic intervention aims to revitalise the clam population in the lake, which has been experiencing a significant decline. The ranching was part of the Pradhan Mantri Matsya Sampada Yojana Blue Growth Project,

Under threat: The seeds of short neck clam (*Paphia malabarica*) being released into Ashtamudi Lake in Kerala. SPECIAL ARRANGEMENT

aimed to restore the marine ecosystem, ensure long-term sustainability, empower local fishers, and stimulate export revenues.

According to officials, it is a sustainable approach to replenish clam stocks and safeguard this vital resource in the backwaters.

This initiative became feasible after a year of intensive research. Short neck clam is a treasured resource in Ashtamudi Lake with significant economic and ecological importance. "However, in recent years, the fishery of this clam has witnessed a drastic decline, threatening the livelihoods of thousands of fishermen who rely on this resource," said M.K. Anil, Principal Scientist at the Vizhinjam Regional Centre of CMFRI.

Fall in numbers
According to CMFRI estimates, recent annual catches have fallen below 1,000 tonnes as against 10,000 tonnes during the early 1990s. Scientists said that issues such as environmental pollution, invasion of non-native species like the Charru mussel, and the impact of climate change, including altered salinity and water temperature, have reduced the clam population.