

Examining exclusions in the Public Distribution System

A policy ethics perspective on ensuring the right to food

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Abstract

Article 21 of the Indian Constitution guarantees the right to life, with the right to food being a fundamental aspect of this guarantee. Policies concerning beneficiary coverage and Aadhaar biometric identification have led to significant exclusions within the Public Distribution System, which undermine this right. This raises critical ethical questions regarding these policies. The ethical framework embedded in the Indian Constitution has substantial implications for contemporary policymaking. How can policy ethics ensure the right to food—the right to life—for all individuals? This study assesses policies through evidence-based research, centred on the implementation of the PDS in Nagaland, India. Exclusions primarily stem from the interplay of census and identity politics, coupled with a technological determinism largely influenced by centralized state control and surveillance. This often overshadows constitutional values and objectives in policy decisions, compromising the foundational ethical principles of policymaking. Policy formulation grounded in reliable population data, targeted inclusion initiatives, flexible identity verification, and dedicated support for the most vulnerable groups is essential for ensuring inclusivity. Empowering local institutions and community-led organizations, particularly self-help groups in the management of welfare programs, can significantly enhance inclusivity. Public policies must rekindle the radical spirit of the Constitution and actualize the ethical framework envisaged within it.

Keywords: Aadhaar, exclusion, constitution, policy ethics, PDS, right to food

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1. Introduction

The Constitution of India has enshrined fundamental rights for its citizens under part III. Article 21 of the Constitution specifically guarantees the right to life and personal liberty, stating that no individual shall be deprived of these rights except through procedures established by law. In the landmark case of *Maneka Gandhi v. Union of India* (1978), the Supreme Court emphasized that any exceptions to these procedures must be reasonable, fair, and just, and that any deprivation of life or personal liberty must be justifiable based on the specific facts and circumstances of each case.

In the case of *Francis Coralie Mullin v. Union Territory of Delhi* (1981), the Supreme Court recognized that Article 21 enshrines the right to live with human dignity, which includes access to basic necessities such as adequate nutrition. The interpretation of Article 21 in judicial rulings has profoundly shaped the imposition of positive obligations on the state to ensure the provision of necessities that support the right to life. The recognition of the right to food in India has broadened the state's obligations by establishing it as a legally enforceable entitlement.

The National Food Security Act (NFSA) 2013 places the responsibility on the state to guarantee rights-based food entitlements. This right to food is anchored in Article 21 of the Indian Constitution, which secures the right to life and personal liberty, as a lack of access to food would amount to a violation of the right to live with dignity. (The Supreme Court ruling in *Francis Coralie Mullin* stated that any law that infringes upon dignity can be deemed unreasonable.)

There is, however, a need for a more comprehensive framework delineating the nature and scope of these rights, as well as the intended beneficiaries (Surendranath 2016). The Indian judiciary has yet to develop a cohesive normative framework that links the concept of dignity with the right to life and personal liberty as enshrined in Article 21 (Surendranath 2016). In practice, the substantive political equality and the corresponding rights of citizens are often compromised, as policies routinely neglect the needs and coverage of the many impoverished individuals in India (Jayal 2024).

The NFSA being primarily implemented through the Public Distribution System (PDS) highlights two significant policy issues, which lead to exclusion of eligible beneficiaries.

The **first issue** pertains to the coverage of beneficiaries based on published population figures, referenced in Chapter IV, Section 9 of the Act. It establishes a maximum coverage of eligible beneficiaries at 67% of the Indian population based on the published census data. The government of India has not conducted the decennial census scheduled for 2021, citing challenges posed by the Covid-19 pandemic and administrative difficulties. Consequently, over the past decade, the coverage of beneficiaries in the PDS has largely relied on outdated census data from 2011, significantly contributing to ongoing exclusions.

The PDS generally provides 5 kg of foodgrains of rice and wheat at a highly subsidised rate (Rs. 3 and Rs. 2, respectively) per person per month. It currently serves around 800 million beneficiaries, representing 67% of India's population of 1.21 billion according to the 2011 census (Ministry of Consumer Affairs, Food & Public Distribution, 2023). With the latest population projection

estimating India's total population at 1.45 billion, this 67% figure would be approximately 971 million individuals. This indicates that an additional 171 million individuals could potentially be covered as eligible beneficiaries if updated census data were available. Overall, determining the number of excluded eligible individuals presents a significant challenge, as individual states and union territories (UTs) establish their own criteria for identifying beneficiaries once the central government establishes the maximum coverage limits. The backlog of ration card applications at the state level may offer some insight into the extent of exclusions; however, it is important to note that there are also eligible individuals who have yet to submit applications for a ration card, for whom data remains unavailable.

The **second issue** relates to the use of Aadhaar, a biometric identification system for beneficiary identification, as outlined in Chapter V, Section 12 of the Act. This policy mandate of Aadhaar for unique identification and targeting of beneficiaries has raised concerns of exclusion.

During the initial three years following NFSA implementation, there was uncertainty among local administrators regarding the relevance of Aadhaar in distributing benefits. While surveys from multiple states showed improved coverage, reports of exclusions and corruption also surfaced (*Economic and Political Weekly* 2016). Empirical studies highlighted exclusions related to Aadhaar issues, and with reports indicating that individuals faced challenges even after submitting all necessary documentation, including Aadhaar cards (Nayak and Nehra 2017; Ngullie and Ansari 2021; Ngullie 2018).

Jha and Kumar (2016) recounted the experiences of homeless migrants in Mumbai, arguing that the neo-liberal state's approach to the poor is exclusionary and apathetic. Even when some of these poor, migrant homeless individuals possess multiple documents such as Aadhaar, ration card, PAN card, and so on, they still lack access to basic amenities necessary for a decent life.

Dreze et al. (2017) observed that the Aadhaar system has encountered difficulties detecting biometric information, and has been susceptible to issues related to poor connectivity and technological glitches. Bhardwaj et al. (2016) argued that the implementation of an Aadhaar-enabled PDS has led to exclusions, particularly among the most vulnerable members of society, including widows, elderly citizens, and manual laborers. Khera (2017) criticized Aadhaar, calling it a tool of exclusion due to issues during implementation that threatened the right to life.

Biometric identification processes can also be humiliating for the homeless, as technology may discriminate and reject individuals with impaired bodies (Rao 2013). The challenging conditions associated with living on the streets contribute to the vulnerability of individuals, resulting in physical characteristics that may not be readily identifiable by automated systems. Consequently, biometric technology may categorize these individuals as non-compliant bodies, leading to their exclusion from state recognition and digital identity processes (Rao 2013). This concern is also relevant for daily wage laborers who may struggle to maintain consistent biometric readings. The cases of the elderly and disabled when implementing such technology were of concern (Khera 2011). The challenge is to

reconcile the fact that the human body is subject to change and decay, while the unique identification number remains the same (Nayar 2012).

Studies also brought attention to the impact of Aadhaar in the digital identity process, on social programs and development, access to welfare, and data injustices (Masiero and Das 2019). In India, the poorest of the poor – Dalits, Muslims, women, and migrants – bear the burden of digital identity distorting their citizenship status, rights, and identity (Jayal 2019). The conditionality of digital identity undermines their legal entitlement to food, as marginalized people endure the hardship in all processes, including identification, documentation, authentication, authorization, and datafication thereby facing numerous injustices (Masiero and Bailur 2021; Masiero and Das 2019; Rao and Nair 2019). Datafication pertains to the growing quantification of digital data, encompassing a range of elements such as user information, welfare entitlements, service automation, and dimensions of effectiveness and accountability, among others (Masiero and Das 2019).

Furthermore, it is argued that the use of digital identity in welfare has contributed to the government's centralizing tendencies, exacerbating the already weak connection between citizens and the state (Chaudhuri 2021). Information sharing between citizens and the state is unequal (Carswell and Neve 2022; Rao and Nair 2019): Citizens often find the state to be distant and inaccessible (Chaudhuri 2021), while the state has easy access to citizens' data and profiles (Carswell and Neve 2022), using tools like Aadhaar to monitor them (Rao and Nair 2019). This unbalanced state-citizen relationship highlights the state's lack of responsibility and accountability in governance.

2. Contextualizing the study within the framework of policy ethics

This literature situates the moral framework of the Indian Constitution as a foundational basis for the formulation of public policy. It aims to integrate ethical considerations into the decision-making processes inherent in democratic and constitutional governance. The text delineates the ethical foundation as a distinct field of inquiry within public policy studies. The discussion also encompasses various approaches to policy ethics, with a particular focus on the significance of democratic engagement throughout the policy-making process.

The efficacy of the NFSA, with its rights-based approach, in ensuring food security and subsequently safeguarding the right to live with dignity, is of significant importance. The PDS has proven to be an effective program, particularly evident in its high utilization rates, underlining its essential role in aiding impoverished populations (*National Council of Applied Economic Research* 2015).

When policies governing beneficiary coverage and Aadhaar lead to exclusions, this undermines the right to live with dignity. It provokes critical ethical questions concerning these policies. The ethical framework woven into the Indian Constitution has significant implications for contemporary policymaking.

The Constitution serves as a moral document that promotes a welfare state built on the principles of justice, equality, and fraternity, advocating for the resolution of socio-economic inequalities to fully achieve political freedom. Overall, the Preamble and Parts III (Fundamental Rights) and IV (Directive Principles of State Policy) of the Indian Constitution underscore the commitment to the socio-economic upliftment of the populace and the enhancement of living conditions alongside individual freedoms (Gajendragadkar 1969). These fundamental components establish the ethical framework for policymaking. They reflect the philosophy of the Indian Constitution and its vision of a social welfare state.

Within this context, the role of the judiciary extends to interpreting the Constitution's moral objectives. When adjudicating cases or disputes, addressing violations of fundamental rights, or evaluating the validity of legislation or executive actions that affect these rights, the Judiciary must take into account the prevailing needs of the time (Gajendragadkar 1969). Legal interpretations should align with the overarching goals of fostering a just and equitable society.

The potential for actualizing the objectives of the ethical framework of the Indian Constitution is reflected in the degree to which these objectives are incorporated into public policies. This alignment between ethics and public policy requires navigating the interplay of competing values and decision-making processes within the public sphere, thereby fostering practical ethics within a democratic environment.

In *Democracy through Public Opinion*, Laswell (1941) emphasizes the importance of values and goal-setting in policy studies, in order to propose appropriate public policies to achieve these values and goals. This approach to the study of politics, known as policy science, places emphasis on morality as a means for a democratic society to pursue justice (Easton 1950).

According to Laswell, the goal of democracy is to achieve justice, and justice entails respecting human dignity (Easton 1950). Central to this approach is the power of the people, their participation in decision-making, and the impact of such participation on democratic leadership and the achievement of democratic goals (Easton 1950).

The framework set forth by Lasswell for the policy sciences emphasizes the integration of both normative and positive arguments through reasoned discourse, drawing on multiple disciplines, and considering the specific context of time and place, aiming to serve as a bridge between citizens and government (Shapiro and Schroeder 2008). Public policy thus encompasses both empirical and normative approaches to tackle the practical challenges and ethical responsibilities that arise in democratic settings.

Wolff (2019) contends that an effective approach in public policy ethics is to delve into the real-life events and issues that require attention, as well as the debates surrounding them. This approach, known as engaged philosophy, involves identifying the issue, analysing arguments and values, assessing historical and comparative factors, creating a profile of potential solutions, evaluating options, and making policy recommendations (Wolff 2019).

An investigation grounded in the public policy ethics framework necessitates the involvement of democratic engagement, characterized by direct participation and direct observation of individuals' lived experiences. Orr and Johnson (2019) argue that policy inquiries conducted within democratic institutions necessitate the active involvement of citizens. Their discussion references the contributions of Nobel laureates such as Elinor Ostrom and Amartya Sen, who have underscored the significance of models, mechanisms, and metrics in the evaluation of evidence and the formulation of policy decisions through democratic participation.

One of the foundational sources for such policy ethics inquiry with democratic possibilities is Elinor Ostrom's influential work, *Governing the Commons* (2015). Ostrom argues that neither the state nor the market, in isolation, is sufficient for attaining policy objectives; rather, meaningful involvement of the intended beneficiaries is essential for successful governance. Ostrom advocates for collaborative governance that encourages active citizen participation, promoting self-governance as an effective model for policy implementation. Similarly, Amartya Sen, in *The Idea of Justice* (2009) argues that while institutions play a crucial role in addressing injustices and shaping values, a deeper understanding of justice can be gained through practical reasoning based on observing how people exercise their freedoms and lead their lives.

The models and metrics referenced within Ostrom and Sen's framework for policy inquiry, which incorporates democratic elements, effectively capture strategic interactions and their outcomes. These frameworks link unobservable mechanisms to causal relationships, and conceptualizing and measuring the results of policy initiatives (Orr and Johnson 2019). Ultimately, these methodologies of policy inquiry are critical for ensuring democratic participation in the policy-making process, which should encompass not only policymakers and government officials but also the active engagement of ordinary citizens (Orr and Johnson 2019). Policy ethics process unfolds through informed dialogue that respects the rights and opinions of citizens, aimed at enhancing the quality of individuals' lives and improving community well-being (Provis 2007).

In the context of democratic engagement and ethical inquiry, this study evaluates policy perspectives through evidence-based research focused on the implementation of the PDS in Nagaland, a region in northeastern India. It highlights the real-life challenges faced by vulnerable groups in accessing welfare services, while also exploring the broader context of digital identity governance and the roles of institutions in contemporary India.

Additionally, the study reflects on the socio-political landscape of tribal and indigenous societies, along with their governance structures. It specifically seeks to address the question: How can policy ethics ensure the right to food—a right integral to the right to life—for all individuals?

3. Method

The field visit took place in January 2024 in Nagaland, India, focusing primarily on the Kohima district, which includes both rural and urban areas. As the capital of Nagaland, Kohima also serves as the district headquarters. The majority of the district's residents belong to the Angami Naga tribe. However, owing to its status as the state capital, the city is home to a diverse array of ethnic groups, including individuals from various tribes and outside communities, creating a rich social mosaic.

The study focused on five key social categories for the target respondents: the elderly (80 years and older), individuals with disabilities, widows, manual laborers (including marginal farmers), and migrants – all of whom represent some of the most marginalized groups in society. These groups were specifically selected due to their heightened vulnerability to social exclusion. The criteria for selecting respondents were based on their belonging to any of the five social categories, regardless of access to PDS.

50 semi-structured interviews were conducted with the target respondents, who also represented their households. Out of the 50 respondents, 11 were individuals aged 80 years and above, 10 were persons with disabilities, 10 were manual laborers (mainly marginal farmers), 9 were migrants, and 10 were widows. The age range of respondents varied from 16 to 103, with an average of 59. The majority of respondents (72%) were female, with 28% identifying as male.

As in occupation, among the 50 participants, 15 were homemakers, 15 were manual labourers (mostly marginal farmers), 8 were unemployed, 2 were self-employed (running small businesses), 1 individual was employed in the private sector as a sweeper, and 2 individuals worked in the government sector – one as a Peon, and the other in a contracted position with a fixed salary. Additionally, 1 respondent was a student with disability, and another had previously been a student but had to discontinue their studies due to a disability. All 8 of the unemployed respondents were persons with disabilities.

Out of the 31 respondents who provided information about their household income, five reported zero income, and the average monthly income was Rs. 15971 (approximately 186\$).

In terms of religious identification, 96% identified as Christian, while 4% identified as Hindu. The Hindu respondents were migrants from Nepal, with one being in the old age group. All respondent migrants were from Nepal, including some indigenous Naga women married to Nepali migrants. All migrants have established permanent residency in Nagaland and, like most of the local population, most identified as Christians.

In addition to the above interviews, Key informant interviews (KIIs) were conducted with representatives from the Directorate of Food and Civil Supplies Department in Nagaland, Fair Price Shops, and Aadhaar Enrollment Agencies. In addition, a Focus Group Discussion (FGD) was held with members of the Village Council alongside the FPS dealer.

The KIIs and FGDs were conducted to evaluate the roles and functions of these institutions, as well as to examine the potential implications of their actions, with particular emphasis on welfare governance, Aadhaar, and issues related to exclusion. Responses to interview questions from the Directorate's office were provided via email, undersigned by the Joint Director. The office also shared data regarding FPSs in Nagaland, detailing their numbers and administrative structure.

An onsite interview with the FPS dealer was conducted in the rural area of Kohima village to observe the implementation of the Aadhaar-based identification system for ration delivery. Interviews with officials from two Aadhaar enrollment agencies in urban Kohima provided insights into their hands-on experiences with the biometric registration process and their perspectives on the system's functionality.

Overall, the study aimed to deepen understanding of the policy implications surrounding welfare access and digital governance. The questionnaires for the target respondents focused on assessing access to welfare by examining the mechanisms of inclusion and exclusion within the PDS, the modes and preferences for identity verification, and overall experiences with Aadhaar, including concerns related to data privacy and protection.

The primary data was analyzed to assess current policies and identify the factors contributing to both inclusion and exclusion in welfare, and the implications of Aadhaar biometric governance. This analysis aims to propose potential solutions and options, as well as to provide further recommendations for enhancing inclusivity in welfare programs.

4. Findings

A significant and supported finding indicates that legislation aimed at enhancing beneficiary coverage contributes to greater inclusivity in access to welfare services. The NFSA plausibly facilitated the inclusion of beneficiaries within the PDS. Nagaland implemented the NFSA in 2016, and over the last decade, the majority of surveyed registered households have been integrated into the PDS. Notably, while 36% of these households have been receiving rations for ten years or more, 64% of these households have been receiving ration for periods ranging from less than one year to up to nine years.

An important observation is that, despite the high utilization rate of welfare within the PDS, there exists an underlying issue of exclusion that is not immediately apparent in this overall assessment. The significant utilization rate of the PDS among households, evidenced by the consistent collection of allocated rations, underscores the program's essential role in supporting vulnerable populations. However, this heightened engagement simultaneously masks the underlying exclusions experienced by registered households; over one-third of these households indicate that one or more members are not beneficiaries of the PDS.

The primary reasons for these exclusions are related to the challenges encountered in acquiring the application form for ration cards, as well as difficulties associated with the Aadhaar identification system.

- Among the 50 persons interviewed, 47 were registered, while three were unregistered (excluded from the PDS).
- Of the registered households, while 64% had all household members included on their ration cards, 36% faced exclusions for one or more members. Specifically, within the 215 individuals representing the 47 registered households, 32 were not included on their family's ration card.
- Among the 32 individuals excluded from the study, 62% were omitted due to the non-application or non-renewal of their ration cards, which resulted in the exclusion of these members at the registration stage.
- Issues with Aadhaar verification accounted for 25% of the exclusions.
- The remaining excluded individuals included two who had applied and were awaiting inclusion, two whose names had been deleted for unspecified reasons, and a three-year-old infant.

Another form of exclusion to note within registered households is when individuals or households receive less than their legal entitlements. In these cases, some benefits may be diverted at the delivery point, leading to a denial of rights. Nearly one-quarter of beneficiaries reported that they did not receive their full entitlements, highlighting the gaps and potential instances of corruption within the system or service delivery.

Households and individuals that were completely excluded from the PDS have been identified as the most vulnerable in relation to their health status. These included the elderly and individuals with disabilities. An elderly woman, aged 103, was bedridden and had not updated her ration card in the past decade, resulting in her exclusion from the program.

A 25-year-old blind man and his visually-impaired younger sister were excluded from the PDS. Although they possessed Aadhaar cards, the siblings and their family of six had yet to apply for a ration card due to reported bias in the distribution of application forms in their urban Kohima locality. Allegations suggested that the colony chairman exercised discretion in distributing forms, favoring members of the Angami tribe, the district's local inhabitants. The respondents belonged to a different tribe from another district, not Kohima.

Similarly, a 66-year-old man with an intellectual disability faced challenges in acquiring an application form, and thus dispossessed a ration card. His sister-in-law attempted to inquire about the form in their nearby village but was told that it was unavailable. When asked if they needed rations, she replied '*We need it but what can we do?*'

At the state level, the predominant factor contributing to exclusion from the PDS was attributed to the Aadhaar compliance policy. The data obtained from the Directorate indicates that over one hundred thousand individuals in the state have been excluded from PDS due to inadequate levels of Aadhaar enrollment. The precise number of households and individuals pending receipt of ration

cards remains unclear; however, reports indicate that the elderly and minors are disproportionately affected.

The integration of new applicants into the system remains an ongoing endeavor; however, the processing of certain individuals' ration applications is hindered by incomplete updates to their Aadhaar information. Complaints and grievances from the Directorate concerning the exclusion of eligible individuals or households were also linked to issues related to Aadhaar.

At the village level, findings indicate that exclusion has occurred due to the relevant department's failure to process ration card applications in a timely manner. For example, the FPS dealer in Kohima village, which has 351 registered beneficiaries, reported that four or five individuals have been excluded from the locality. This group includes married women and never-married men, whose names were removed from their family ration cards upon marriage or when they moved out of their primary household.

Despite having re-applied, it has been a year since the FPS dealer submitted their applications to the Department of Food and Civil Supplies at PR Hill in Kohima for new ration cards, and the process remains ongoing at the departmental level. The Village Council members confirmed that new cards for these applicants have yet to be issued by the department. However, they were unable to specify the exact number of people excluded in their locality, as a significant portion of the village's population resides in the adjacent urban area of Kohima.

The Aadhaar policy has the potential to result in the exclusion of individuals, particularly those who experience biometric failures during the enrollment and verification processes. These complications are often linked to various health-related and social factors. Findings indicate that occurrences of biometric failures are significantly more prevalent during the verification phase at FPS than during the Aadhaar enrollment phase. Specifically, while 6% of individuals reported experiencing difficulties with biometric recording during the Aadhaar enrollment process, a notable 40% encountered challenges during the Aadhaar biometric verification conducted at FPS.

The elderly faced significant obstacles in biometric verification, attributed to factors such as mobility issues, memory loss, bedridden conditions, and difficulties with fingerprint detection. Individuals with disabilities face distinct challenges, both intellectual and physical, that often necessitate specialized transportation or assistance in order to access biometric venues.

For instance, the biometric data of a patient with palsy proved difficult to detect. The patient's father requested that the Deputy Commissioner's office permit the recording of his son's biometrics at home, given his lifelong bedridden condition. 'Typically, individuals visit the office for biometric registration, but in my son's case, a staff member came to our home,' he explained. He noted that the process took three to four hours because the biometrics were not successfully captured on the first attempt. After multiple attempts, they were able to record the fingerprints, reporting that 'out of 10 fingers, only 2 were detected and accepted.'

Manual laborers, such as farmers and migrant workers, encounter difficulties during the biometric verification process. Young children face challenges in both the registration and verification phases.

According to Aadhaar enrollment agencies, young children, farmers with injured hands, and elderly individuals frequently experience obstacles during the biometric recording process. It has been reported that young children experience difficulties with biometric devices due to their fingers being 'very tender,' resulting in lower detection rates, particularly for those under seven or eight years old.

The Aadhaar enrolment agency indicated that during the biometric recording process, fingers are pressed onto the machine five times. If they achieve success rates of only 20%, 30%, or 40%, or if one or two fingerprint records display a green signal, they proceed with the enrolment. The agency emphasized that fingerprints not fully captured during registration are more likely to lead to verification failures when individuals attempt to collect their rations at service delivery points.

Findings indicates that providing flexibility in identity verification—whether through hand signatures or biometric methods—promotes greater inclusion in accessing welfare services. At the time of this study, the Aadhaar biometric verification system had not yet been fully implemented in the state. Some FPSs were in the process of transitioning from hand signature verification to biometric verification, with the linking of biometric details to the system still underway. In this context, beneficiaries were given the option to either provide a hand signature or verify their biometric information at the service delivery point. This flexibility has significantly contributed to enhancing the usage rate and overall success of the PDS. Nevertheless, certain individuals who have not completed the verification of their biometrics with the FPS dealers may be at risk of exclusion.

With respect to the preferences of beneficiaries regarding identity verification, the findings revealed that 42% of respondents favored hand signatures as their preferred method of verification, while 28% opted for biometric verification. Additionally, 30% of participants indicated that they found both hand signatures and biometric methods to be convenient.

The preference for hand signatures were attributed to concerns such as health issues, machine malfunctions, difficulties in fingerprint detection, network connectivity problems, and limited power availability. On the other hand, some individuals, particularly the elderly and farmers, favored biometric verification due to illiteracy-related challenges, such as being unable to write their names, as well as for security reasons. Others appreciated the option to choose between both methods.

A significant number of beneficiaries were found to be unaware of the Digital Personal Data Protection Act (DPDPA), 2023, and largely unable to articulate concerns regarding data privacy or misuse. Additionally, FPS dealers did not receive training on data privacy and protection. The Directorate confirmed that officials, including FPS dealers, had not participated in e-governance training specifically addressing data privacy and protection issues.

5. Discussion

This study suggests that policies designed to enhance coverage for beneficiaries, including providing flexibility in identity verification and addressing health and social factors, promote

inclusivity in access to welfare. Conversely, policies that inhibit coverage and impose constraints on biometric identity create potential risks of exclusion.

The lack of comprehensive coverage can largely be traced back to a reliance on outdated census data and the absence of policy measures that leverage reliable population data for beneficiary inclusion. Aadhaar policy compliance, combined with a backlog of applications for ration cards that are tied to maximum coverage determined by the 2011 census data, contribute significantly to social exclusion.

Nonetheless, neither of the underlying rationales provides sufficient justification for exclusion, thereby resulting in the denial of the fundamental right to food. In particular, the most vulnerable individuals often struggle to even obtain the application form for a ration card, despite holding an Aadhaar card. The following discussion centers on the identification of the determinants that influence policy decisions related to census data and compliance with the Aadhaar system, followed by examining potential solutions to mitigate exclusionary practices.

The country's political discourse influences how census data is collected and how people are categorized to serve the interests and agenda of the ruling political class (Gill 2007). In India, census data has served as a political tool closely connected to issues of caste, religion, gender, and ethnicity, all of which are central to identity politics. Demographic questions surrounding the census fostered a communal discourse during British colonial rule, shaping Hindu-Muslim consciousness and relations even after independence (Bhagat 2012).

Since gaining independence, India has maintained a decennial census process that has generally functioned smoothly; however, recent disruptions raise concerns. India's latest census, as of now, is of 2011. Over the past decade, the coverage of beneficiaries in the PDS has been largely based on the outdated census data of 2011, which has significantly contributed to ongoing exclusions.

Exclusions occur right at the outset—specifically, the inability to obtain the application form for a ration card, even for those who possess Aadhaar cards. Furthermore, those who have submitted their applications often find themselves in prolonged waiting periods, without any clear communication regarding the reasons for the delays.

The government of India has not conducted the decennial census scheduled for 2021, citing the challenges posed by the Covid-19 pandemic and administrative difficulties. However, this failure has been described as indicative of a 'flailing state,' characterized by institutional breakdown, insufficient state capacity, and politicized institutions (Daniyal 2023).

Pritchett (2009) posited that India can be characterized as a 'flailing state' due to the Indian administration's inadequacy in delivering public services, while suggesting that this failure may be rooted in identity politics related to caste and communitarian issues, which are often disconnected from the provision of broad-based benefits to the citizenry. In the recent past decade, the intensified politics of citizenship in India, based on religious faith while undermining secularism, has resulted in the exclusion of marginalized sections of society, which in turn affects their access to government benefits (Jayal 2022).

The politicization of the census, especially in relation to the controversial Citizenship Amendment Act (CAA) and the National Register of Citizens (NRC), has transformed its role into one of exclusion and marginalization based on religious classification. This shift dilutes the original purpose of the census as a mechanism to assist in socio-economic policy planning and to empower disadvantaged groups, particularly minorities (Bhagat 2012).

The lack of reliable census data has significantly hampered the planning and implementation of public policies, disproportionately affecting marginalized groups (Koya and Kumar 2023). It raises considerable concerns regarding the status of democracy in India and the accountability of its representative government (Fernandez 2024). The census, a key defining characteristic of the modern state, serves as evidence of a functioning government (Whitby 2020). The opacity surrounding data complicates governance, making policy-making and resource allocation not only difficult but also illogical and unethical.

In the 21st century, digital welfare has become a crucial element of reforming public service delivery on a global scale. The Aadhaar initiative serves as an example of a large-scale big data resource that collects and stores a wide array of citizens' identity information, including biological features. While uniqueness through biometrics and identification numbers may seem valid for targeted programmes, Aadhaar is not impervious to shortcomings, and may inadvertently result in the exclusion of individuals from welfare programs, particularly affecting the most marginalized populations. The policies surrounding Aadhaar are primarily responsible for instances of exclusion within the state, notably due to low enrollment figures and the inadequate updating of Aadhaar information.

Challenges related to biometric identification manifest at both the Aadhaar enrollment and verification stages conducted at FPS. Although the system is designed to eliminate ghost or unintended beneficiaries, it unfortunately risks disqualifying legitimate beneficiaries in the process. The inadequacy in accurately recording and verifying biometric identities presents a considerable threat to the inclusion of these individuals in welfare initiatives. With Aadhaar, there has been a lack of proactive assessment of its potential impact and risks, both for individuals and institutions, including the government (Young 2019).

In its current form, Aadhaar governance represents a dysfunctional centralization. The implementation of Aadhaar registration is directly overseen by the statutory authority—the Unique Identification Authority of India (UIDAI) under the Ministry of Electronics and Information Technology, Government of India. 'It is the UIDAI authority that accepts or rejects applications through system detection.', said the Aadhaar enrolment agency.

Despite the presence of Aadhaar enrolment agencies nationwide, neither the state government nor the enrolment agencies have any control over the system nor solution over the failures of Aadhaar biometric registration and identification. There exists a significant deficiency in communication and coordination among governing systems at all levels—central, state, and local—regarding the implementation of Aadhaar policies and the attainment of associated policy objectives.

The centralized governance structure of Aadhaar possesses the authority to accept or reject individuals and to monitor their activities; however, it fails to offer a mechanism for citizens to seek redress for grievances. In instances where biometric recognition systems prove ineffective, FPS dealers, Aadhaar enrollment agencies, and citizens encounter significant limitations in terms of recourse. Commonly-adopted methods to mitigate recognition failures include rubbing the hands or applying substances such as Vaseline or oil. Additionally, some individuals are counseled to either create new Aadhaar cards or update their biometric information.

The FPS dealer, reflecting on this issue, remarked, '*We witness and experience this problem firsthand, and yet, for the time being, we continue to operate in this manner. We are not the only ones facing this challenge.*' This underscores the widespread nature of the problem within the ecosystem reliant on biometric verification.

In a related context, Aadhaar governance exemplifies a form of knowledge that is abstracted and generalized within the framework of modernist statecraft, often overlooking the intricate realities encountered in everyday life (Scott 1998). While the government assumes no responsibility for the exclusions arising from the Aadhaar, the onus of transparency and accountability is predominantly placed upon the citizens. This distribution of responsibility does not correspond with the tenets of democratic governance. The core principle of democracy is rooted in the ultimate sovereignty of the populace, with elected representatives serving as conduits for the articulation of the public's will (Jayal 2001). When the formulation of digital laws, policies, and governance structures is primarily oriented toward enhancing state authority rather than prioritizing the needs of citizens, there is a significant risk of fostering a centralized dystopia rather than a decentralized utopia (Cengiz 2023). This shift from centralization and state planning to authoritarianism poses a threat to democratic principles, and can engender moral decline within society (Ellul 1964).

The ethical considerations presented herein highlight the potential risks linked to governmental interventions and public policy formulation (Cohen 2015). They raise critical questions about democracy and the functionality and accountability of a representative government, particularly regarding the government's failure to execute census population data for effective policy implementation.

Further, the judiciary serves as the key authority in interpreting and upholding the ethical principles enshrined in the Constitution, especially those articulated in the Directive Principles of policymaking, striving to balance individual rights with the collective good of society. However, the policy decisions stemming from its ruling on Aadhaar, particularly its implementation without adequate prudence and risk assessment, have faced criticism. The government's actions were seen as contrary to the rule of law, and the Supreme Court was criticized for not providing adequate oversight (*Economic and Political Weekly* 2015).

6. Conclusion

Census data and identity politics, along with technological determinism driven by centralized state control and surveillance, significantly contribute to exclusion within the PDS. These elements frequently overshadow constitutional values and objectives in policymaking, undermining the foundational principles that govern policy decisions and effectively denying individuals their legal entitlement to food. This denial poses a serious threat to the inherent right of marginalized populations to lead dignified lives.

The central government should formulate and implement policies, grounded in updated population data, to safeguard the fundamental right to life, with particular emphasis on the right to food. A significant policy initiative to uphold this right could involve targeted inclusion drives through door-to-door surveys, specifically aimed at the most vulnerable populations, including individuals with disabilities, the elderly, and the homeless. It is essential to provide dedicated support for elderly individuals, particularly those facing mobility challenges, intellectual disabilities, and those who are bedridden, to ensure they receive their entitled rations.

In this regard, introducing doorstep delivery of rations and making Aadhaar verification optional for this demographic are critical steps. Implementing flexible identity verification methods—such as biometrics or handwritten signatures—could significantly improve inclusivity and the overall success of the program.

The NFSA outlines directives prioritizing public institutions or local bodies, including self-help groups and women's collectives, for the licensing and management of FPSs. It is vital for the government to effectively implement these directives to promote inclusivity and strengthen the welfare system. We can then anticipate a significant transformation toward a future welfare-based digital society, that emphasizes sustainable policies focused on solidarity and social cohesion.

Public policies should reinvigorate the radical ethos of the Constitution and actualize the ethical framework it espouses. It is essential to recover the radical impetus inherent in the Constitution by exploring avenues to transform the fundamental directive principles into enforceable rights (Baxi 1992).

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