



ISSN: 2583-7753

LAWFOYER INTERNATIONAL JOURNAL OF DOCTRINAL LEGAL RESEARCH

[ISSN: 2583-7753]

Volume 4 | Issue 3

2026

DOI: <https://doi.org/10.70183/lijdlr.2026.v04.346>

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PRICED OUT OF PERSONHOOD: HOW DIGITAL MIGRATION REGIMES CONVERT LEGAL RECOGNITION INTO AN ECONOMIC COMMODITY

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I. ABSTRACT

Digital migration governance utilises data-driven biometric identification systems to govern mobility, work, and access to public resources. While these systems are touted as a method of increasing administrative efficiency, this article contends that these systems serve to facilitate the conversion of migrant legal status into an economic commodity that determines access to economic participation. Legal personhood can no longer be seen as an inherent right, but rather, a condition that is dependent upon data and validated through algorithms. This concept is further developed utilizing a law and economics framework which reimagines legal personhood as an economic infrastructure that determines access to labour markets, access to benefits, and legal protections. This concept is further demonstrated through the operation of digital governance as an economic barrier to economic participation by, for example, excluding migrants that suffer from data poverty or limited forms of recognition which result in lost income, denied benefits, and reliance on precariously informal forms of work. The article also demonstrates the migration of financial risk and administrative costs from the state to migrants, while at the same time the state is extracting economic value from legally unrecognised workers. This article concludes by arguing for a rights-based reimagining of digital migration governance that reinstates the inherent right to legal personhood.

II. KEYWORDS

Digital Migration Governance, Legal Personhood, Data Poverty, Law and Economics, Economic Exclusion.

III. INTRODUCTION AND RESEARCH PROBLEM

Legal personhood is now a market-generated condition of digital migration. In the current regimes of digital migration, access to work, social benefits, and protections depends on having a visible digital presence and the validation of the algorithms that create that existence. Recognition has changed from something that acknowledges your legal existence to a gatekeeping mechanism that

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regulates and manages your economic or social inclusion/exclusion. Migrants who cannot be seen within these digital systems not only experience exclusion but also have their rights systematically removed. Thus, there is an insurmountable gap between state efficiency and human vulnerability. *Non habet* (You cannot give what you do not own) also reflects this paradox: without a digital identity, no claim to entitlements.

At the same time, *ubi remedium* (where there is a right, there is a remedy) is frustrated when algorithms supplant enforceable legal safeguards. In *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1, the nine-judge Bench unanimously recognised privacy as a fundamental right and subjected restrictions upon it to requirements of legality, legitimate State aim, and proportionality. Separately, in *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2019) 1 SCC 1 (Aadhaar), the five-judge Bench, by a 4:1 majority, upheld Aadhaar authentication for welfare schemes falling within Section 7, while rejecting compulsory Aadhaar linkage with bank accounts and mobile connections and its mandatory use for school admission; Justice D.Y. Chandrachud dissented. In *Olga Tellis v. Bombay Municipal Corporation*, (1985) 3 SCC 545, the Court held that livelihood forms part of Article 21, but that deprivation may occur through a procedure that is fair, just and reasonable; the decision did not turn upon legal recognition.

The majority's acceptance of biometric authentication for welfare delivery therefore sharpens this paper's concern regarding technologically conditioned access to entitlements. The exclusion of rights, therefore, allows the state to extract economic value from, and transfer the risk of such economic value to, the migrant by rendering their unrecognized labour effectively hidden as an asset. This paper seeks to re-establish legal personhood as an inalienable right rather than a market credential and re-characterize legal recognition as the basis for establishing justice rather than a commodity to be purchased or paid for as a condition of accessing those fundamental rights.

Digital migration governance increasingly mediates access to welfare, employment opportunities and legal protection through biometric identification and algorithmic verification. Although such systems may improve administrative efficiency and reduce certain forms of fraud, authentication failures and data exclusion may impose disproportionate economic and procedural burdens upon migrants. This creates a central legal and economic problem: the State may obtain administrative efficiencies while affected individuals bear the consequences of technological exclusion through loss of benefits, reduced access to formal economic participation and difficulty in enforcing legal rights. This study therefore examines whether technologically conditioned access to entitlements is compatible with the guarantees of equality, dignity and procedural fairness associated with Articles

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14 and 21, and how the resulting risks and costs should be distributed between the State and affected individuals.

A. Research Objectives

1. To conceptualise legal recognition as a form of economic infrastructure and examine how digital identification affects access to work, welfare benefits and legal protection.
2. To apply a law-and-economics framework to examine how digital migration governance distributes administrative costs, authentication risks and the economic consequences of exclusion between the State and migrants.
3. To examine the implications of biometric and algorithmic gatekeeping under Articles 14 and 21 of the Constitution of India, particularly in relation to equality, dignity, livelihood and procedural fairness.
4. To compare the principal regulatory approaches adopted in India and the European Union concerning digital identification, automated decision-making and safeguards against exclusion.
5. To identify legal and policy safeguards capable of reducing technology-induced exclusion while preserving legitimate administrative efficiencies.

B. Research Questions

1. How does biometric and algorithmic verification affect migrants' access to welfare, employment opportunities and legal protection, and in what sense can legal recognition operate as economic infrastructure?
2. How does digital migration governance redistribute the risks and costs of authentication failure between the State and migrants?
3. To what extent do Articles 14 and 21 constrain the use of biometric or algorithmic systems where technological failure affects access to livelihood, welfare or other essential entitlements?
4. What regulatory and procedural safeguards, particularly with reference to India and the European Union, can reduce digital exclusion while retaining legitimate administrative efficiencies?

C. Research Methodology

This paper employs a qualitative, doctrinal, and interdisciplinary research technique within a law and economics framework. The study primarily relies on secondary sources, including

constitutional provisions (specifically Articles 14 and 21), judicial precedents, international guidelines for digital identity, European regulatory developments, and recent scholarship about legal personhood and algorithmic governance.

This research uses a doctrinal approach to analyse how legal personhood has traditionally been used as a governance mechanism to distribute responsibilities and establish rights between persons or individuals. It also assesses how digital migration policies redistribute risk, cost, and opportunity for individuals' economic activities through algorithmic validation systems. The study synthesizes previously researched empirical evidence related to the wage penalty for jobless individuals following the receipt of welfare benefits and relies on labour to provide evidence of the physical effects of an individual being made legally invisible.

This interdisciplinary approach allows for an evaluation of digital migration governance as a matter of legal economy and its impact on the availability of wages, welfare, and accretion of enforceable rights.

D. Literature Review

1. **Joffrey Baeyaert, Beyond Personhood: The Evolution of Legal Personhood and Its Implications for AI Recognition, Technology and Regulation, 2025, 355-386 • 10.71265/ssvg8a97 • ISSN: 2666-139:** The author examines the historical development of legal personhood. Legal personhood has evolved over time as a regulatory construct to allocate responsibility/ liability. Legal personhood has never been a purely moral construct; instead, throughout history, it has always been primarily used by the legal system as a tool for governance and control. The paper describes three primary models of recognition for legal persons:
 - **Rights Model:** focuses on protection or entitlement;
 - **Agency Model:** focuses on autonomy and decision-making;
 - **Hybrid Model:** uses both accountability and efficiency.

Ultimately, this paper concludes that artificial intelligence (AI) cannot be a legal person (due to lack of moral accountability/consciousness). The paper shows how recognition functions instrumentally within legal systems and provides an implicit law/economics perspective by showing that legal personhood designs responsibility and control institutions. However, it does not extend this instrumental logic when treating human migrants within digital governance regimes nor does analyse the economic impacts –

where recognition becomes conditionally technological associated with this phenomenon.

2. **Jie Ouyang (2025) A community-centred approach to personhood and law: reasoning from embeddedness, *Transnational Legal Theory*, 16:3, 420-450, DOI: 10.1080/20414005.2025.2548153:** The author criticises liberal and individualistic conceptions of legal subjectivity. This paper proposes a relational model based on vulnerability, embeddedness and inter-dependence. Ouyang defines “rights” as a dynamic process that creates belonging in a social context, as well as an institutional context. The paper asserts that the law plays a critical role in creating inclusion and institutional responsibility towards marginalized populations. Although her analysis has normative significance, it does not analyse algorithmic governance or digital identity infrastructures. Consequently, the distributive economic consequences of digital invisibility—wage penalties, welfare exclusion and reliance on informal work—are underdeveloped in her work. Therefore, while existing scholarship describes the instrumental and relational dimensions of personhood, it does not address how digital migration regimes redefine legal recognition into an economically distributive mechanism. This paper seeks to fill this gap by integrating Jurisprudential doctrine with a law and economics framework to illustrate how algorithmic validation reshapes access to wages, welfare and legal protections.

E. Problem Statement

Governance in digital migration shifts the concept of legal personhood from being guaranteed through the constitution to being mediated by the use of data through biometric and algorithmic means. Thus, access to a person’s wages, entitlement to welfare, healthcare, access to labour markets and the ability to enforce one’s rights will depend increasingly on their ability to authenticate digitally. While these systems have been promoted as improving the efficiency of government administration and mitigating against fraud, they also shift the risks and vulnerabilities of the migrant population on to migrants themselves, particularly to those who face data poverty or the inability to authenticate.

This results in an economic and constitutional asymmetry: the government receives administrative efficiencies and increased regulatory consolidation while migrants are left with precarity, wage penalties, and structural invisibility. The primary focus of this analysis is to determine whether

conditioning Articles 14 and 21 upon technological validation effectively changes constitutional personhood into a market-based credential, thereby removing the intrinsic constitutional right associated with personhood.

F. Main Objective of the Study

1. To Visualize the notion of "legal personhood" as a piece of "economic infrastructure" and analyse how digital recognition impacts the ability of people to access key aspects of their "rights to work, welfare, and legal protections."
2. By Using a law-and-economics framework in which to assess the governance of digital migration, particularly with regard to the transfer of risk, the shifting of costs, and the imposition of premiums for recognition as a legally recognized individual.
3. To Conduct a comparative regulatory analysis across the jurisdictions of India, the EU, and other areas.
4. To Evaluate socio-economic effects of having no legal identity, including wage losses, losses or denials of welfare benefits, algorithmic stratification of individuals based on factors such as race, gender, and age or other demographic categories, and intersecting vulnerabilities.
5. To Examine the constitutional status of personhood in terms of Articles 14 and 21 and their application to due process and dignity rights.
6. To propose policy and/or constitutional reforms that restore individuals' inherent "personhood" and establish equitable digital governance.

IV. LEGAL PERSONHOOD AS ECONOMIC INFRASTRUCTURE

Legal personhood is not merely a formal legal category; it also operates as a mechanism through which access to economic resources, social entitlements and legal protections is structured. In digital migration regimes, legal and technological systems increasingly mediate access to wages, welfare, banking and labour markets. Where access depends upon successful documentation or digital authentication, migrants may experience insecure and conditional forms of inclusion. Conversely, effective legal recognition can facilitate access to formal economic opportunities, public benefits and enforceable legal remedies.

At the global level, the World Bank's 2025 ID4D Global Dataset estimates that approximately 800 million people lack official proof of identity. The digital identification gap is substantially wider: at least 2.8 billion people lack access to a government-recognised digital identity capable of supporting

secure online transactions. These figures demonstrate the continuing scale of both legal-identification and digital-identification exclusion. The presence of intersectional vulnerabilities – such as gender, caste and migration status – exacerbates exclusion and demonstrates how the law intersects with social hierarchies, producing measurable levels of disadvantage. This concern must also be examined in light of Articles 14 and 21 of the Constitution and the principle that legally protected rights must remain capable of effective enforcement.

In *Justice K.S. Puttaswamy (Retd.) v. Union of India* (Aadhaar), the Supreme Court examined biometric identification and welfare delivery through the requirements of legality and proportionality, while in *Olga Tellis v. Bombay Municipal Corporation* the Court recognised livelihood as an aspect of Article 21 and required deprivation to occur through a fair, just and reasonable procedure. These authorities provide a more direct constitutional basis for assessing technologically mediated exclusion from welfare and livelihood.

Current developments towards human-centred, risk-based governance frameworks, including the retreat of the European Union from the notion of electronic personhood, the UNHCR Digital Identity Guidance, and the ongoing debate regarding the Aadhaar system in India, show that digital recognition of personhood commodifies legal status and results in greater efficiency for the State, but creates insecurity for migrants.⁵ Framing the notion of personhood as an infrastructure also highlights the interconnectedness of law and economics and the material importance of all persons being recognised.

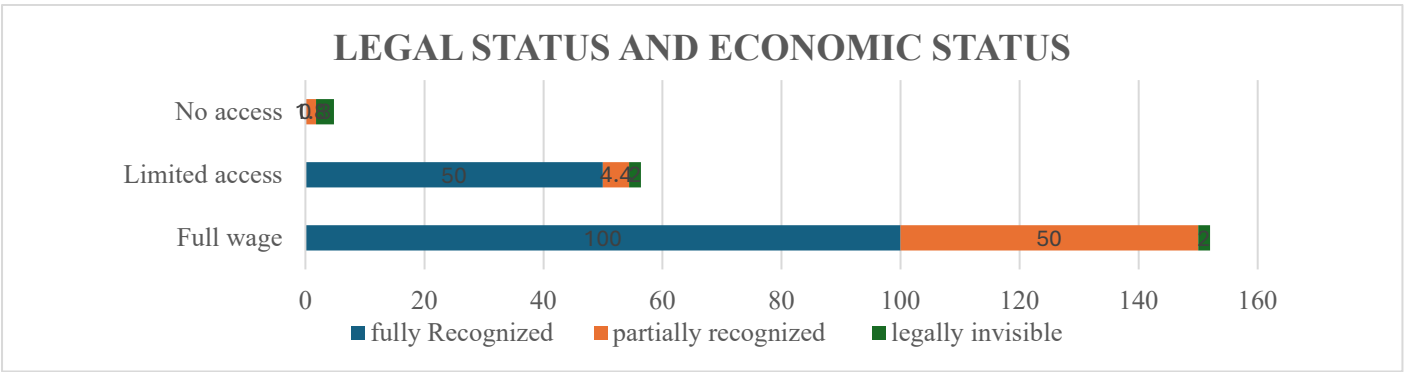


Figure 1

The above shown illustrates economic access based on legal status, highlighting full, partial, and zero access for fully recognized, partially recognized, and legally invisible individuals respectively.

V. ECONOMIC STRATIFICATION THROUGH ALGORITHMIC GOVERNANCE: DATA POVERTY AND CONDITIONAL PERSONHOOD

Digital migration governance increasingly relies on data-driven and algorithmic systems to determine access to welfare, employment opportunities and legal protection. Where access is conditioned upon successful authentication, technological or documentary exclusion may produce material consequences, including delayed or denied benefits, reduced access to formal economic participation and difficulty in enforcing legal claims. Empirical evidence demonstrates migrant labour-market disadvantage, but it does not establish a uniform 30–60 per cent wage or welfare penalty attributable specifically to digital exclusion. The ILO's 2020 study reported an average hourly migrant pay gap of 12.6 per cent in its sample of high-income countries, while emphasising substantial variation between jurisdictions.

These figures compare migrant workers with national workers and should therefore not be treated as a direct measure of digital-identity exclusion. Within the analytical framework of this paper, successful institutional recognition may be described as producing a 'Recognition Premium' where it facilitates stable access to employment, welfare and legal remedies. Conversely, failed or incomplete recognition may produce a 'Recognition Deficit' through restricted access to these institutions. Such exclusion can create deprivation and economic vulnerability rather than 'depression,' as stated in the earlier draft.

Algorithmic stratification therefore refers to the distributional effects that arise when access to economic and legal institutions depends upon data-based classification or technological validation. The central concern is not that algorithms literally determine legal personhood, but that technology-mediated recognition may redistribute economic opportunity, administrative costs and the practical ability to exercise legal rights.

VI. QUANTIFYING ECONOMIC LOSS UNDER LEGAL INVISIBILITY

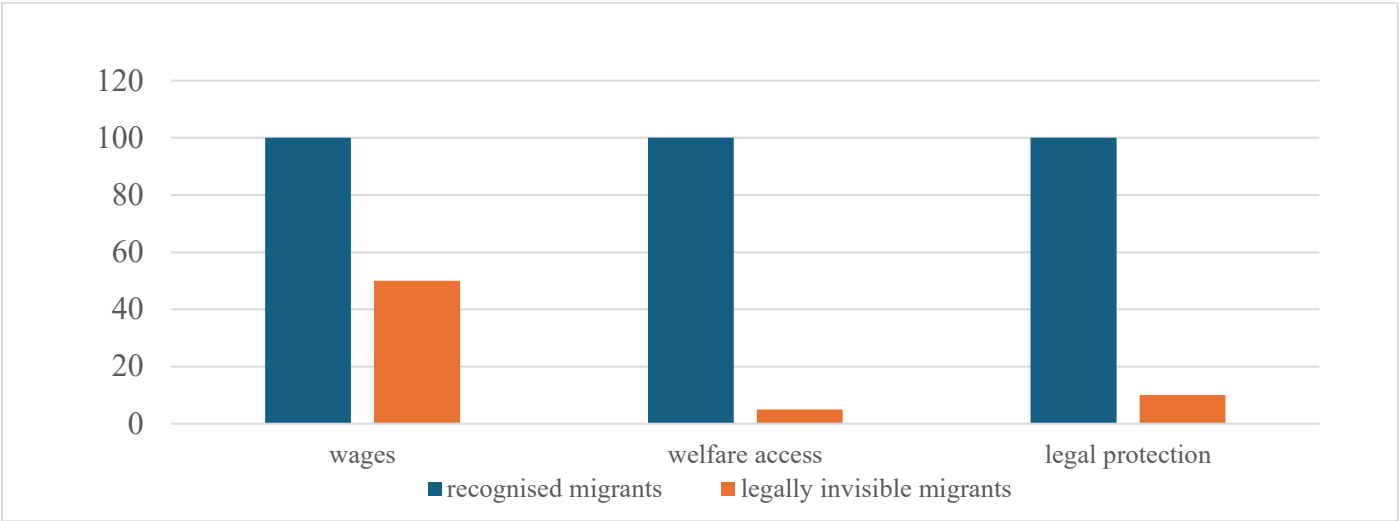


figure 1.2

The Above shown as bar diagram quantifying economic loss under legal invisibility, comparing wages, welfare access, and legal protections using an access/protection index with a baseline of 100.

A. Hidden Economics: Risk Transfer and Cost Shifting in Digital Migration Governance

Digital migration governance represents the transition of recognition into capital through an economically and socially equitable redistribution of risk, cost, and constitutional protection. Automated identification systems reduce the administrative burden on the state. However, they also increase the economic burden on migrants for compliance as they finance all necessary documentation, including biometric validation and a digital means to access work, welfare and legal protection.

When a migrant is not able to be authenticated through biometric identification, the loss of access to food rations, health care, and employment causes a failure in technical verification, resulting in cascading economic poverty and physical harm to the migrant. This produces Risk Transfer: the instability of employment and income, precariousness of healthcare, and vulnerability of law have now been transferred from welfare systems to migrants who bear all the economic consequences of being excluded from benefit through algorithmic exclusion.

Government audits and independent research indicate that biometric authentication systems have substantial occurrences of failure and that these failures are especially showing up in the elderly, migrant workers, and many instances of failure for manual workers; once again transferring the risk

of the technology error from the state (required to house them during their time of need) to those whom are reliant on these biometric systems for access to their welfare and wage.

Cost Shifting occurs as the state continues to shift its enforcement burden while receiving the benefit of informal labour in the construction, agriculture, domestic, and platform sectors. From a law and economics perspective, this reflects:

1. **Regulatory Minimalism with Economic Extraction:** Formal obligations are underwritten to an increasing degree while labour continues to be valued and captured.
2. **Administrative Efficiency as Redistribution:** Access to constitutional guarantees is determined by thresholds created through technological validation.
3. **Privatization of Compliance:** Identity maintenance is now the financial responsibility of each individual, rather than being a function of public administration.
4. **Shadow Inclusion:** Inclusion in the economy, but exclusion from the law for migrants.

Digital ID may create efficiencies. However, when access to welfare and earnings are dependent on biometric verification, governance becomes exclusionary and has a substantial distributive constitutional effect. Recognition is like convertible capital; validated identity has a Recognition Premium (stability and rights), whereas invisibility creates deficits. Algorithmic Stratification results from this, with Articles 14 and 21 being tied to digital validation instead of a person's inherent personhood.

The governance of digital migration reforms economic responsibility, determining who assumes risk, who captures value, and who holds enforceable rights. It is disguised as modernization but redistributes protections under the Constitution through technological gatekeeping devices. Digital systems thus redefine how someone's legal recognition exists: visibility = market access; invisibility = structural loss; raising whether there will still be evidence of law outside an algorithm.

VII. DIGITAL IDENTITY AS ECONOMIC INFRASTRUCTURE: A COMPARATIVE LAW AND ECONOMICS ANALYSIS

Digital identity systems differ substantially across jurisdictions in their legal basis, institutional design and safeguards against exclusion. The comparison undertaken here therefore focuses on India and the European Union, where digital identification and automated decision-making are governed through materially different regulatory approaches. In India, Aadhaar constitutes an important identification infrastructure for the administration of public benefits. Section 7 of the

Aadhaar authentication or proof of possession of an Aadhaar number for subsidies, benefits or services funded from the relevant Consolidated Fund.

The statutory framework nevertheless requires alternative and viable means of identification where an Aadhaar number has not been assigned, and UIDAI guidance provides exception-handling mechanisms where authentication fails. The constitutional issue is therefore not that biometric failure lawfully extinguishes an entitlement, but that technological failure may nevertheless create practical exclusion where statutory alternatives or exception mechanisms are ineffective in implementation. The Aadhaar judgment accordingly remains significant to this paper because it places biometric welfare administration within a framework of constitutional proportionality and rights protection.

The European Union adopts a different regulatory structure. Article 22 of the General Data Protection Regulation limits decisions based solely on automated processing where they produce legal or similarly significant effects and, in specified circumstances, requires safeguards including human intervention and an opportunity to contest the decision. The EU Artificial Intelligence Act additionally requires effective human oversight of high-risk AI systems. The European Digital Identity Framework further provides that use of the European Digital Identity Wallet is voluntary and that access to public or private services, the labour market, or the freedom to conduct business must not be restricted merely because an individual does not use the Wallet.

These safeguards do not eliminate the possibility of digital exclusion, but they demonstrate a regulatory approach in which digital identification is accompanied by requirements concerning voluntariness, human oversight and alternative means of access. The India-EU comparison therefore illustrates how the distributional effects of digital recognition depend not merely upon the existence of technology, but upon the legal safeguards governing its use.

VIII. EFFICIENCY FOR THE STATE, PRECARIETY FOR THE MIGRANT: A CONSTITUTIONAL COST-BENEFIT ASYMMETRY

According to labour market research, many unrecognized workers are working in the informal sector, where there is a high incidence of wage theft without a way for them to seek justice and without accessibility to benefits that are typically provided by the government to the formal employment sector. For example, migrant construction labourers who fail biometric checks will lose

access to food subsidy programs and health care, forcing them to depend on informal employment with variable wages and increased risk of being exploited. Let’s explore the governance mechanism.

Governance Mechanism	State Efficiency Gains	Migrant Survival Costs
Biometric Authentication	Faster service delivery; fraud reduction; database consolidation	Denial of rations, healthcare, wages upon authentication failure.
Algorithmic Verification Automated	eligibility filtering; reduced administrative discretion	Opaque exclusion; inability to challenge decisions
Digital Welfare Portability	Streamlined subsidy transfer; centralized tracking	Access contingent on connectivity, literacy, and device ownership
Risk-Based Profiling	Predictive governance; targeted monitoring	Stigmatization; categorization as “high-risk”; employment discrimination
Data-Driven Labour Regulation	Informal labour capture without formal obligations	Migrant pay disadvantage and exposure to precarious employment; the ILO reports an average hourly migrant pay gap of 12.6 per cent in its sample of high-income countries, with substantial cross-country variation.
Privatized Compliance	Reduced state documentation burden	Migrants finance identity maintenance and documentation costs

Recognition Premium	Stable tax base; measurable inclusion metrics	Invisibility produces income loss, welfare denial, structural poverty
Technological Gatekeeping	Administrative speed and cost reduction	Articles 14 & 21 effectively tied to digital validation

Figure 1.3

The above shown table explain how state efficiency gains create survival costs for migrants, highlighting the constitutional cost-benefit asymmetry in migration governance.

IX. RECLAIMING PERSONHOOD: CONSTITUTIONAL AND POLICY INTERVENTIONS

This analysis of digital migration governance argues that technologically mediated recognition can operate as a conditional economic asset where access to welfare, employment opportunities or legal protection depends upon successful authentication. Rather than requiring amendment of the Constitution itself, the reforms proposed in this section operate within the existing constitutional framework through statutory, regulatory and administrative safeguards designed to prevent technological failure from becoming an automatic barrier to basic entitlements. Constitutional protection should therefore guide the design and implementation of digital identification systems rather than treating authentication as the source of legal personhood.

1. Constitutional Scrutiny of Algorithmic Gatekeeping:
- Articles 14 and 21 protect equality before the law and life and personal liberty and are framed as protections of ‘persons’, rather than citizens alone; they therefore extend to non-citizens in India, subject to otherwise lawful regulation. In the Aadhaar judgment, the Supreme Court majority applied proportionality review and upheld Section 7 of the Aadhaar Act in relation to specified publicly funded subsidies, benefits and services. The decision therefore does not establish that biometric welfare administration is unconstitutional merely because it conditions access upon authentication. Justice D.Y. Chandrachud’s dissent, however, concluded that Section 7 was

overbroad and that the State had not adequately demonstrated why less intrusive means could not achieve the legitimate objective. *Olga Tellis* separately establishes that livelihood falls within Article 21 and that deprivation must occur through a procedure that is fair, just and reasonable. These authorities support a more limited proposition: where digital verification materially affects welfare or livelihood, the measure must remain subject to constitutional scrutiny, proportionality and procedural safeguards. Accordingly, this paper argues that authentication failure should ordinarily trigger alternative verification, review and remedial mechanisms rather than automatic exclusion from an otherwise valid entitlement.

2. **Procedural Justice in Algorithmic Decision-Making:** Opacity in algorithmic exclusion impedes enforceable rights because it is impossible to understand, contest, automated decisions. Therefore, the remedy sought becomes merely illusory. For the constitutionally coherent structure to be enforced, there must be a requirement for explainability, prior human oversight before any denial of critical services, accessible grievance redress procedures with specified timelines, and independent auditing of biometric failures. The presence of due process cannot be replaced by code alone. Moreover, when algorithms are used to control access to survival entitlements, the strength of constitutional review must be increased and not diminished.
3. **Rebalancing Economic Risk and Administrative Cost:** Through law and economics analysis, it appears that there is a distributional imbalance whereby the state receives efficiency gains while migrants incur risks related to their survival. As compliance costs, authentication errors, and instability of income are transferred onto populations who are at-risk, this effectively represents a structural transfer of risk (e.g., risks borne by migrant workers) disguised as modernization. The state's acceptance of responsibility for failures in identity verification for access to essential services, offline access to welfare benefits for non-residents, publicly funded identity systems, and compensation for wrongful denial of access to essential services are all necessary components for appropriate reform. If digital identity operates as a means of exchange (i.e., capital), constitutional provisions should ensure that it is not subject to being traded on the market, and legal status should not be used as a form of tradable compensation for access to basic human rights.
4. **Restoring Inherent Dignity Beyond Digital Validation:** To recover personhood, there needs to be an alteration in the narrative: the legal identification of humans as persons must be

inherent, i.e., a part of who you are as a human being, regardless of your "visible" status within a digital system. Digital governance may bring a degree of efficiency to the existing system we now have, but it cannot change the actual nature of the rights we have been given. Being "visible" in a database does not make someone entitled to be considered alive; therefore, when the 'efficiency' which converts rights into 'conditional' benefits, constitutionalism must also provide some type of redress from that conversion. A framework based on rights must clarify that new technologies create additional safety, rather than determining whether one exists, augment the law rather than replacing it, and leave constitutional rights able to be enforced without regard to whether someone is digitally connected. Personhood is not granted; it is a fundamental part of who you are (intrinsically).

X. FROM GATEKEEPING TO RESILIENCE: RETHINKING DIGITAL RECOGNITION IN INDIA

India's digital identity structure can achieve administrative efficiency and constitutional security by transitioning from a closed-guard style of identification to a resilience-based recognition model. A Constitutional Floor Principle could reinforce entitlement to fundamental survival resources (food security, primary healthcare, and basic income support) so they can never be denied because of an inability to match an individual's biometric authentication. This would provide administrative efficiency, while also protecting statutory survival rights against technology-related risk factors.

A complementary Recognition Buffer Mechanism could provide a progressive model for serving welfare customers using graphical status (fully authenticated/validated; conditionally authenticated/validated; and pending review). This would allow users to retain eligibility during the temporary validation process, effectively reducing the risk of an abrupt and severe income loss for both migrant and non-migrant workers.

In addition, a public Digital Authentication Risk Fund could be implemented to reimburse individuals for any loss due to system error, by transferring the financial liability from the individual migrant to collective risk-sharing. Institutional accountability could be improved through the use of a designated Digital Identity Ombudsperson to investigate and assess trends of exclusion and direct interim financial relief. Last, a presumption of eligibility could be created in the statute requiring that benefits due to eligible individuals be paid prior to determining if the individual is eligible based on biometric validation.

By adopting these reforms, India will be able to recalibrate digital governance, providing efficiency for the state, while prioritizing ensuring economic security for individuals, promoting and assuring the dignity afforded by the Constitution.

XI. CONCLUSION: PERSONHOOD BEYOND THE ALGORITHM

This study reaches four related conclusions:

1. First, biometric and algorithmic verification increasingly operates as an infrastructure of economic participation because successful authentication may determine practical access to welfare, formal employment opportunities and legal protection.
2. Second, authentication-dependent governance can redistribute technological and compliance risks from public administration to migrants, particularly where system failure results in the loss or delay of essential entitlements.
3. Third, Articles 14 and 21 require digital governance affecting livelihood, dignity and equality to remain subject to constitutional standards of legality, proportionality and fair procedure rather than treating technological verification as conclusive in itself.
4. Fourth, the comparison between India and the European Union indicates the importance of human review, accessible remedies, alternative methods of verification and institutional accountability. Digital systems may facilitate administration, but legal entitlement and personhood cannot depend exclusively upon successful technological authentication.

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