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A Growing Shadow Over Digital Constitutionalism

Context

- The Indian government's abrupt decision to revoke its directive mandating the pre-installation of the Sanchar Saathi application exposed growing tensions between digital governance and constitutional freedoms.
- The rollback, prompted by criticism over **privacy risks, opaque data collection, lack of consent, and potential surveillance**, underscored the fragile balance between technological efficiency and civil liberties.
- The episode also highlighted the urgent need for a framework that embeds constitutional values within digital systems, an idea captured by **digital constitutionalism**.

The Case of Sanchar Saathi: A Trigger for Debate

- The Sanchar Saathi initiative was framed as a response to rising cybercrime, which increased from 15.9 lakh cases in 2023 to 20.4 lakh in 2024.
- Yet the requirement for mandatory installation raised concerns about **state overreach**.
- Pushback from privacy advocates, civil society, and global technology providers signalled growing unease with digital policies implemented without transparency or citizen consent.
- The incident demonstrated how digital interventions, even when introduced as public safety measures, can **threaten individual autonomy** when unchecked by constitutional safeguards.

Understanding Digital Constitutionalism

- Digital constitutionalism extends core constitutional values, liberty, dignity, equality, non-arbitrariness, accountability, and rule of law, into the digital sphere.
- This framework becomes essential as **modern governance** increasingly depends on biometric systems, artificial intelligence, predictive algorithms, and automated decision-making.
- These technologies influence daily life, from welfare distribution and KYC verification to job applications and political expression.
- Without oversight, power becomes concentrated in the hands of technology creators, enforcement agencies, and private corporations.
- Citizens are transformed into **passive data subjects** rather than active rights-holders, eroding democratic participation and transparency.

The New Architecture of Surveillance

- Contemporary surveillance is increasingly **invisible and pervasive**. Metadata collection, facial recognition, geolocation tracking, and behavioural analytics allow monitoring without physical presence.
- Such systems can **discourage dissent**, promote self-censorship, and undermine democratic culture.
- Although the Puttaswamy judgment established privacy as a fundamental right, the Digital Personal Data Protection Act, 2023 provides **broad government exemptions, weak oversight**, and limited remedies.
- The spread of facial recognition technologies adds further risks. Studies show these systems disproportionately misidentify **women, minorities, and people of colour**, leading to discrimination and wrongful targeting.
- Despite international caution and restrictions, such technologies are expanding in India without strict legal limits, transparency mandates, or judicial review.

Algorithmic Power and the Crisis of Accountability

- Algorithms now influence welfare eligibility, law enforcement profiling, content moderation, and access to jobs or credit.
- These black box systems often operate without explanations, accountability, or avenues for appeal. Errors can lead to **wrongful exclusion from welfare**, unfair policing, or suppression of legitimate speech.
- India's current legal framework, dominated by the **Information Technology Act, 2000**, focuses more on platform regulation than on safeguarding individual liberties.
- Existing judicial guidelines are fragmented, and remedies remain inaccessible for most citizens.
- This legal vacuum creates an environment where algorithmic systems can quietly violate **equality, fairness, and due process**.

The Democratic Paradox of the Digital Age

- Digital systems now shape rights and state power as profoundly as traditional institutions, yet they remain **outside constitutional discipline**.
- This mismatch threatens democratic accountability. As governance becomes more data-driven, constitutional values must be embedded directly into digital infrastructures to prevent the **unchecked expansion of surveillance** and administrative power.

Towards a Model of Digital Constitutionalism

- A meaningful framework for digital constitutionalism requires **institutional safeguards**:
- Creation of an **independent digital rights commission** empowered to audit algorithms and investigate surveillance practices.
- Strict limits on surveillance based on **necessity, proportionality, and judicial oversight**.
- Mandatory **public transparency reports**, parliamentary scrutiny, and regular audits of high-risk AI systems.
- Guaranteed **rights to explanation and appeal** for automated decisions.
- Strong enforcement of **purpose limitation, data minimisation**, and penalties for misuse.
- Promotion of **digital literacy** as a tool for democratic empowerment.
- These measures would ensure that technology strengthens rather than weakens constitutional rights.

Conclusion

- As governance becomes increasingly algorithmic, **freedom, equality, and privacy** require stronger protection than ever before.
- Digital constitutionalism offers a pathway to ensure that technology remains a **servant of the people**, not an instrument of unregulated power.
- Embedding constitutional principles into digital systems is essential to preserving democratic life in the data-driven era.

A Growing Shadow Over Digital Constitutionalism FAQs

Q1. What prompted the discussion on digital constitutionalism?

Ans. The government's rollback of the Sanchar Saathi mandate prompted the discussion on digital constitutionalism.

Q2. Why is digital constitutionalism necessary?

Ans. Digital constitutionalism is necessary to ensure that constitutional values such as liberty, dignity, and equality are protected in digital governance.

Q3. How does modern surveillance threaten democracy?

Ans. Modern surveillance threatens democracy by encouraging self-censorship and reducing citizens' freedom of expression.

Q4. What problem arises from algorithmic decision-making systems?

Ans. Algorithmic decision-making systems create problems because they often operate without transparency, accountability, or avenues for appeal.

Q5. What institutional reform is suggested to safeguard digital rights?

Ans. The analysis suggests creating an independent digital rights commission to safeguard digital rights.

Source: [The Hindu](#)

Chile's Lesson for India's Coal Conundrum

Context

- India's sharp drop in the Climate Change Performance Index (CCPI) underscores a central contradiction in its energy landscape: significant renewable-energy growth alongside **continued deep dependence on coal**.
- This dependence has become India's largest obstacle to decarbonisation, with severe implications for climate, health, and economic stability.
- A comparison with Chile highlights both possibilities and constraints in accelerating a coal phaseout.

India's Coal Conundrum

- Despite rapid expansion of clean energy, **coal remains the dominant source of India's electricity**.
- Renewables represent half of installed capacity but produce only one-fifth of total electricity, while coal accounts for nearly **75% of power generation**.
- Domestic coal production continues to increase, reinforcing the dependence.
- This creates a severe policy dilemma. Phasing out coal risks **job losses and higher electricity costs** for coal-dependent States.
- Yet retaining it heightens the threat of **climate-induced economic damage**, projected to cut **3%-10% of India's GDP by 2100**, and worsens public health risks.
- A one-gigawatt increase in coal-fired capacity corresponds to a **14% rise in infant mortality** in nearby districts.
- Coal phaseout is therefore a **no regrets strategy** essential for protecting long-term economic and social welfare.

Chile's Accelerated Shift: A Contrast and a Lesson

- Chile demonstrates how clear policy signals and market reform can drive rapid energy transformation.
- Between 2016 and 2024, **coal's share in electricity generation fell from 43.6% to 17.5%**, while renewables, mainly solar and wind, exceeded 60% of the power mix.
- This shift was enabled by a **carbon tax, strict emission standards** that increased coal-plant costs by 30%, and competitive renewable auctions that delivered cheaper clean power.
- Large-scale investments in storage strengthened grid reliability, and the country committed to a **complete coal phaseout by 2040**.
- Chile's transition was made easier by a **smaller coal sector**, fewer workers to reskill, and a political context that supported swift reforms.
- Pre-existing alternative industries helped absorb displaced labour. In contrast, India's coal sector spans **entire districts of Jharkhand, Chhattisgarh, Odisha, and West Bengal**, making transition more complex and socially sensitive.

A Road Map for India's Decarbonisation

• Strengthening Renewable Integration

- Addressing renewable limitations is essential for reducing coal dependence.
- This includes expanding storage capacity, modernising the grid, and **supporting electrification of transport, industry, and households** to increase renewable power demand.

• Reforming Energy Markets and Regulations

- Market reform must disincentivise coal and reward clean energy.
- Priority steps include **carbon pricing, removal of coal subsidies, clean-dispatch rules** that prioritise renewable power, and **procurement contracts** that favour flexible, clean-energy supply.
- Such reforms can replicate the competitive environment that accelerated Chile's transition.

- **Ensuring a Just Transition for Workers and Regions**

- A coal exit must be socially inclusive. This requires reskilling programmes, income support, and **new livelihood opportunities** for workers in coal-dependent regions.
- A national mechanism such as the **Green Energy Transition India Fund** can coordinate support efforts, while the **District Mineral Foundation** can promote local entrepreneurship and diversification in mining districts.

- **Financing the Transition**

- A blended finance model will be crucial. Public funds should target community welfare, worker protection, and enabling infrastructure, while private capital drives **renewables deployment, storage expansion, and technological innovation**.
- Aligning financial incentives with decarbonisation will strengthen execution and investor confidence.

Conclusion

- India's renewable-energy progress provides a strong foundation, but without a **clear and actionable coal-exit plan**, climate ambition will remain incomplete.
- A national coal phaseout road map must now be a **top political priority**, integrating timelines, financing mechanisms, regulatory reform, and robust social protection.
- Learning from Chile's experience, India can build a transition that is economically resilient, socially just, and aligned with its long-term climate goals.

Chile's Lesson for India's Coal Conundrum

Q1. Why did India drop in the Climate Change Performance Index?

Ans. India dropped in the index because it has made little progress in phasing out coal.

Q2. What major contrast exists between India and Chile's energy transition?

Ans. Chile has rapidly reduced coal use and expanded renewables, while India remains heavily dependent on coal.

Q3. Why is coal phaseout described as a "no regrets" strategy?

Ans. It prevents climate-related economic damage and reduces severe health risks for communities near coal plants.

Q4. What is one key reform needed to reduce India's coal dependence?

Ans. India needs to reform energy markets by introducing carbon pricing and reducing coal subsidies.

Q5. How can India ensure a just transition for coal-dependent regions?

Ans. India can ensure a just transition by reskilling workers and creating alternative livelihood opportunities.

Source: **The Hindu**

India's Labour Codes - Reforming a Restrictive Legacy for a Modern Workforce

Context

- India's **labour market** has long been shaped by post-Independence labour laws aimed at protecting workers but which eventually **discouraged formalisation**, scaling of enterprises, and labour-intensive manufacturing.
- The government's **consolidation** of 29 labour laws into **four labour codes** seeks to simplify compliance, expand social protection, and create a flexible and growth-oriented labour ecosystem.

Background - A Legacy of Rigid Labour Regulation

- **Industrial Disputes Act (IDA), 1947**
 - It created powerful disincentives for firms to expand, leading to sub-optimal firm size, and resulted in –
 - **Fragmentation** into micro and small informal units.
 - Low productivity and limited access to technology and capital.
 - Benefits accruing only to a small minority of **formal, unionised workers**, leaving most workers outside legal protection.
- **Contract Labour Act (CLA), 1970, and Amendments (1976, 1982)**
 - It increased compliance requirements for contract labour.
 - Lowered thresholds for government permission for layoffs.
 - Reinforced the rigid regulatory environment even after **1991 economic liberalisation**.

Structural Consequences of Past Laws

- India became a country of numerous informal, small-scale enterprises.
- Firms avoided hiring due to fear of crossing regulatory thresholds.
- **Job creation lagged** behind economic growth, widening the informal sector.

The Four Labour Codes - A Paradigm Shift

- **Code on Wages, 2019 - Universal wage protection**
 - **Key provisions:**
 - Establishes a uniform national framework for minimum wages.
 - Ensures timely wage payments across all sectors.
 - Mandatory appointment letters to boost formalisation and transparency.

- **Significance:** Extends wage protection to workers previously excluded (informal sector, unorganised segments).

- **Code on Social Security, 2020 - Inclusive social protection**

- **Key provisions:**
 - Extends social security to gig workers, platform workers, and other modern workforce categories.
 - Recognises delivery workers, ride-share drivers, and freelancers in labour law.
- **Significance:** Modernises the safety net in line with changing work patterns in a digital economy.

- **Industrial Relations Code, 2020 - Flexibility with safeguards**

- **Key provisions:**
 - Simplifies procedures for layoffs and retrenchment for medium-sized firms.
 - Provides dispute-resolution mechanisms.
 - Maintains worker protection against arbitrary dismissal.
- **Significance:** Reduces uncertainty and encourages scaling and formal hiring.

- **Occupational Safety, Health and Working Conditions Code, 2020 - Safer workplaces**

- **Key provisions:**
 - Consolidates fragmented safety and working condition norms.
 - Applicable across sectors like construction, mining, and manufacturing.
- **Significance:** Promotes safer workplaces, investment in modern technology, and worker dignity.

Simplified Compliance and Ease of Doing Business

- Merges multiple registrations, licences, inspections, and returns into –
 - **One registration**
 - **One licence**
 - **One return**
- Reduces bureaucratic friction, particularly benefiting MSMEs. Encourages formalisation and scaling.

Role of States in Labour Reform Outcomes

- Empirical evidence – States implementing **flexible labour reforms** benefited more from trade liberalisation.
- Most state-level reforms historically have been limited.
- Full implementation of labour codes by states will determine investments, job creation, and industrial competitiveness.

Challenges

- **Implementation delays:** States have been slow to finalise rules, limiting the nationwide rollout of the codes.

- **Capacity constraints:** Smaller firms may struggle to adapt to digital compliance systems.
- **Balancing flexibility and worker protection:** Ensuring that flexibility does not lead to worker exploitation.
- **Awareness and outreach:** Gig/platform workers often lack awareness of their new entitlements under the codes.
- **Political economy constraints:** Labour is a **Concurrent List** subject; state-level political variations hinder uniform adoption.

Way Forward

- **Fast-track state-level implementation:** Harmonise rules across states for predictable labour regulation.
- **Strengthen digital infrastructure:** User-friendly compliance portals for MSMEs.
- **Robust social security systems for gig workers:** Clear mechanisms for contributions, benefits, and dispute resolution.
- **Employer-worker dialogue:** Strengthen industrial relations bodies for faster dispute resolution and trust-building.
- **Continuous monitoring:** Real-time evaluation of the codes' impact on hiring, productivity, and formalisation.

Conclusion

- India's labour codes mark **a historic shift** from rigid, protectionist labour laws to a modern, flexible, and inclusive labour governance framework.
- By simplifying compliance, expanding social protections, recognising new forms of work, and enabling firms to scale, the codes aim to **unlock India's employment** and industrial growth potential.
- Successful implementation—particularly by states—will determine whether India can transition from a fragmented, informal labour system to a productive, formal, and globally competitive labour market, thereby **harnessing the full potential of its vast workforce**.

India's Labour Codes FAQs

Q1. How did the Industrial Disputes Act (IDA), 1947 create structural distortions in India's labour market?

Ans. The IDA incentivised firms to stay small, encouraging informal micro-units, leading to low productivity and widespread informality.

Q2. What is the significance of the Code on Wages, 2019 in promoting inclusive labour protection?

Ans. It establishes a uniform national minimum wage framework and universal wage protection, bringing informal workers under legal coverage.

Q3. How do the new labour codes improve ease of doing business for Indian firms?

Ans. They simplify compliance through single registration, single licence, and single return, reducing bureaucratic hurdles for MSMEs.

Q4. Why is the inclusion of gig and platform workers under the Social Security Code important?

Ans. It legally recognises emerging workforce categories and extends social security benefits to digital-era workers for the first time.

Q5. Why is state-level implementation crucial for realising the benefits of labour reforms?

Ans. Labour is a Concurrent List subject, and states that fully enforce the codes are more likely to attract investment, and generate jobs.

Source: IE

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