Social Security and the Production of Digital Insecurity in Contemporary India

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Introduction

For some time now, Indian citizens have frequently encountered voice or text messages passed on from the central government through telecom companies warning them of various kinds of fraudulent activities that they are susceptible to by virtue of their digital existence. These have ranged from the possibility of blackmail in the name of arrest, to password theft, to unauthorised uses of bank accounts, to false investment tips and the like. It is obvious that in most cases these frauds are conducted with sufficient knowledge of some personal details of citizens by way of their Aadhar (Unique Identification Number), Pan Card Number, bank account details, etc., that now seem to be available for plunder to a wide range of actors in criminal circuits germinating across the length and breadth of the country. A rather endemic presence of *in*security can then be said to pervade the digital existence of many Indian citizens that likely will not abate any time soon as a transitional interlude to a future cybersecure and law-abiding social existence.

What also needs emphasis is that this proliferation of digital *in*securities parallels the Indian state's wide scale attempts over the last two decades to concertedly enrol Indian citizens into digital identities, while gradually but actively eroding their anonymity and privacy in the cyber realm through the state's own legislative, regulatory and policy measures. It also deserves mention here that many of these measures are waged in the cause of national security. On the other hand, in many cases, the Indian state's efforts at digital enrolment have been aimed at executing the delivery of welfare to Indian citizens with a certain thrust on the efficiency of delivery by cutting out human intermediaries. This has been cast as the prime problem of welfare/social security mechanisms in the country in need of an imminent (digital) solution. A third motive of the Indian state in developing its management of personal digital data has been clearer of late as the enabling of corporate and commercial initiatives of digital enterprise in the country.

This paper is primarily shaped as a reflection on these problems that can now be described as definitive of the way in which issues of social security and digital/cyber security intersect in contemporary India. Since the posing of many such issues are in the idiom of 'security', we will open up this term to conceptual scrutiny via a consideration of how it has appeared in the moral philosophy of statecraft. We will also explore how Michel Foucault's probing of this term in historically specific ways has led to a more critical problematisation of what an assertion of power or state power through the mode of security may imply in the contemporary world. Taking this critical point of departure, we will be able to describe a field of empirical study that the problematisation of

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security leads up to above and beyond its moral stakes. More specifically, we will link the posing of security to the ongoing capitalist development that intermediates as a fundamental condition of contemporary life and thus complicate the posing of security as simply a kind of distribution/transaction of power between the state and population bodies.

Having cleared up conceptual ground, this paper will next move on to an exploration of how the conception of social security has had a certain historical lineage in India and how the relatively new turn to the digital delivery of social security measures and endowments potentially impacts the lives and livelihoods of targeted 'beneficiaries'. In considering the latter half of this problem, we will try to understand how the concerns about the territorial security of India as a nation-state are weighed against the personal security of citizens, particularly through a discussion of privacy and data protection-related legislation that have emerged in the last few years in India. In the process, we will also try to understand how the role of law is posed in contemporary India in the service of a developing digital capitalism.

In a final section of the paper, we will offer some speculative remarks on the extra-legal underbelly/appendages to legally enabled digital capitalism in India. We will attempt to decode what inheres in the new digital insecurity of Indian citizens by trying to understand the social distribution of 'leakage' – economic and informational – as an organic outgrowth of the nature of security mechanisms of the Indian state. In conclusion, we will use the idiom of security to paint a picture of the contemporary development of Indian data capitalism that while pegged on the prospects of legally enabled large corporate enterprise, is invariably also fostering the continuity of smaller scale criminal, informal networks exploiting the circulation of personal data as resource and sustaining livelihoods across subaltern and undercapitalised geographies in India.

On a broader terrain therefore, the use of the idiom of security in this paper is to assemble within a single frame, the phenomena of limited social security measures in India, their pursuit through digital delivery mechanisms, the conjoint production of digital insecurities through mechanisms of such delivery of social security and the proliferation of criminal economies that sustain this digital insecurity. In assembling these phenomena, our objective will be less to develop a moral or normative argument about how security should eventually be conceptualised and practiced and instead to understand the implications of the actual existence of security measures in contemporary India, particularly in the wake of the widespread digitalisation of everyday life ongoing in this region over the past two decades or so.

Conceptions of Security

Etymologically the concept of security has Latin roots in the noun *sēcūritās*, that connoted freedom from care and anxiety.[1] In her wide-ranging discussion of the conception of security, Emma Rothschild (1995, 61) specifies that its classical Roman use referred to "a condition of individuals, of a particularly inner sort." Rothschild shows the antecedents of security as it pervaded post-Cold War international politics, within the long history of the term in liberal thought from the European crisis of the 17th century, through to the French Revolution period, whereby security emerged more as "a *relationship* between individuals and state or societies."

While the individual sense or objective of security did not disappear, in the works of Adam Smith and others it comes to mean freedom from the prospect or fear "of personal violation" extending to self and property (Rothschild 1995, 11). In the early period of the French Revolution,

security assumed a new *public* significance as statesmen and thinkers like Condorcet indicated the need for the equivalent of "social security" and "economic security" through social insurance schemes protecting individuals against the deterioration of their material lives. This is not security as an object of introspection as in earlier classical Roman thought, but rather "a collective or contractual enterprise…to be endlessly revised" (Rothschild 1995, 12). However not much later, in the period of the Revolution and then the Napoleonic Wars, Rothschild finds the emergence of a state-centric sense of security, to be ensured by military and diplomatic means, whereby individual security is subsumed within the security of the nation (Rothschild 1995, 13). Finally, by the late Enlightenment period of 18th and early 19th centuries, Rothschild detects the notion that rights of individual security could be extended to individuals who were not citizens of the state. This was based on the rise of an intensified internationalism through inter-regional journals, colonialism, and the broadening sphere of transnational influence and policy (like around the abolition of slavery).

Rothschild's broader objective in crafting this conceptual history is to rein in the range of meanings and measures to be associated with the notion of security that she rightly points out, extends almost indefinitely across multiple domains, agencies and semantic fields in the wake of the post-Cold War impasse of the 1990s. She eventually recommends a strengthening of international government, legalities and fiscal powers to make the politics of individual security more orderly (Rothschild 1995, 37).

Two things can be noted at the outset about Rothschild's oft-cited exploration of the security concept. Firstly, in her recounting, the semantics of security remain as a concern internal to evolving liberal thought, without a very clear delineation of the context within which this construction incurs. Particularly, we are left wondering about how historical phenomena like the European crisis of the seventeenth century endow us with the conception of security in a new idiom, marking a shift from the more classical, interiorised notions of securing oneself. Secondly, we ought to note that eventually Rothschild is concerned with the normative reconstruction or recovery of security, as a viable category of international governance.

To be fair, the conception of security did demand a kind of normative reconstruction around the time of Rothschild's pioneering contribution. Crucial in this was the emergence of 'human security' as an emphasis in sharp contrast with national security or territorial security. Since the 1994 Human Development Report of the United Nations Development Programme (UNDP), human security as a concept relevant across national borders urged focus on freedom from want and maintaining a dignified life and livelihood over and above issues of fear or supposed collective theat. Moving away from a state-centred notion of security was initiated even earlier by the 1970s through multiple international fora, concentrating on environmental issues and "the complex linkages between disarmament, development, environment and security" like the Palme Commission (1982), the Brandt Commission (1983) and the Brundtland Commission (1987) (de Larrinaga and Doucet, 2010, 14). A notable feature of this push towards a broader notion of human security was also a move towards thinking about problems in the developing and underdeveloped world, as apart from issues of war, territorial conflicts and the like.

With a changing context following the September 11, 2001 attacks on the Twin Towers in New York City, national security issues however made a comeback even as the focus on human security continued. There emerged in this changing context a critical re-evaluation of the security paradigm as such, as a way of thinking through of international governance, developmentalism, peace-building, and human rights. At least two modalities of articulating this critique are worth specifying here. A first take came from the Copenhagen School and its many later developments of

the securitisation theory. This holds that security threats do not simply exist in reality but are rather made through a politicised process whereby particular issues are turned into security concerns usually involving a securitising move with relevant actors and speech acts and the enacting of extraordinary measures (Buzan, Waever and de Wilde, 1998). This rejection of security as an actually occurring concern *tout court* has since been revised by a second generation of securitisation theorists who have sought out, once again, a new moral framework, through which acts of securitisation are and can be performed (Floyd, 2019).

The nature of human security as an articulation of human wellbeing has also had a complicated lineage in the postcolonial Global South. Critical commentators have observed how the idiom of human security has effectively meant a constriction of the question of politics in for instance, the Indian situation, even arguing for a separation of the question of human rights, justice and democracy entirely from human security (Das 2011). One inspiration for this critical re-evaluation of the human security paradigm especially beyond its moral formulations and reformulations has been the work of Michel Foucault. Ranabir Samaddar (2015), in the context of peace efforts in North East India has redeveloped the Foucauldian formulation of governmentality as a shift from the direct assertion of sovereignty as an expression of state power to a governmental management of indigenous claims to territorial autonomy. He argues in this vein that the 'government of peace' in the North East has often involved the weaning away of indigenous peasantry from the path of insurgency by extending the architecture of security at the macro level and by making the indigenous peasant a rational economic actor with the commercialisation of forestry in the area.

The ideas contained in two series of lectures by Foucault (2007, 2008) on issues of security and biopolitics have been critical to the move beyond the moral articulation of security. For Foucault, apparatuses of security seem to have emerged since the 16th century and continued well into the 18th century, coinciding thus with the period over which Rothschild delineates the various ideations of the concept of security. But more than normative takes on humanity and its relationship with the new territorially bound nation-states consolidating in Europe, Foucault premises the problem of security on the fundamental function of circulation, to be continued even as territorial borders firmed up in cities and towns of Europe in response to armed conflict, mobility of people and disease geographies. Security was thus a material mode of making circulation of goods, people, money, etc., possible within a schema of power that did not build upon the prohibition of confirmed threats and instead worked through the possibility of reacting to the contingent and aleatory nature of problems as and when they came up (Foucault 2007, 25-38).

The full elaboration of Foucault's discussion of apparatuses of security and their role within the emergence of liberal forms of government and political economy is beyond the scope of the present paper. It will suffice to note here the dissatisfaction that prominent Foucauldian scholars have felt with his discussion, even as they note the novel formulation of security in his work as different from being a "foundational political imperative" (a normative principle in this sense) or "ontology of fear stalking the state of nature" (Dillon and Neal 2008, 11). Writing in the wake of international counter-terrorism post-9/11, Didier Bigo (2008) finds Foucault's reformulation of security as lacking in its explanatory significance for a situation of perpetual surveillance and extension of war-like principles into the everyday politics of the nation-state. Others like Nadine Voelkner (2010) have however continued to find Foucault's formulations useful in thinking how human security has in effect been a different form of pursuing state security by the biopolitical

rationale of enabling population bodies to better participate in the productive activities of national economy.

As already noted, Foucault's work on security apparatuses undoubtedly serves the purpose of moving security beyond a normative or moral posing in this paper. Taking on board the critical takes on his writings, we can otherwise offer a broad analytical consideration of what security might mean as a combination of the tactics of war and territory with a government of assemblages, taken as large collectives of humans, resources, things (like data for instance), money, that can be made the object of a power that does not simply repress, but also enables circulation.

However, in this paper, we also suggest that the articulation of these two at times divergent tendencies of securitisation – firstly, of war, national security and the like and secondly, the question of enabling circulation – is possible through a third supplemental consideration, that of the question of capitalism. Foucault and Rothschild both develop their views within the context of a period of European crisis that historians of the region have linked to the beginnings of a nascent capitalism battling the slowing of feudal productivity and the Thirty Years War in the continent (Aston 1965). The crisis, as Eric Hobsbawn (1965) pointed out, led to a new kind of colonialism with captive markets that in turn fed the economic and political revolutions in metropolitan contexts, creating both the conditions of an expanded industrialisation as well as globalisation by imperialism. The multiple (three) iterations of security as outlined by Rothschild, in terms of national security, social security and an international precedent of the practice of human security – all in a way germinated in service of this new order of value, drawing ever-expanding domains of humans and non-humans within the biopolitical and military organisation of the capitalist transition.

In this paper, we encounter the posing of security not so much through the human security idiom of international politics. We are dealing rather with a new problem of insecurity created in the wake of the widespread digitalisation of Indian lives and the erosion of privacy that ensues henceforth. Following the critique of securitisation through Foucauldian frameworks and otherwise, we can immediately describe this problem of digital insecurity as produced through a three-tier tactical field. Firstly, digitalisation follows the older state objective of strengthening social security measures. On a second count, the state acts more with a conventional objective of territorial defence and surveillance by making a primary claim to all data that emerges out of this process of digitalisation. The third move towards securitisation involves a typically Foucauldian description of circulation as the larger objective of security measures. We are referring here to the newly enacted data protection measures adopted by the Indian state, that while observing a globally prevalent norm of privacy legislation, are more directly permissive of the making of data as a commercial resource suited to the commodity orders of a new data capitalism.

We argue in this paper that the digital insecurity of Indian citizens is actually crafted through the articulation of this three-tier mode of securitisation moulded between older concerns of social security, territorial defence and the new objective of the circulation and capitalisation of personal data. However, we intend to probe the problem of insecurity a little further by relating it to the proliferation of the new capitalism of seeking value in personal data. This probing also hopes to unravel how the feral tendencies of such value-making exceed the confines of corporate digital consolidations to extend into relatively smaller scale, informal and criminal enterprises that feed on the more endemic forms of insecurity at issue here. In the process we hope to unravel a new aspect of the dialectic of security and insecurity that indicates how insecurity is a source of diverse value-making projects with ironic implications for thinking the question of lesser lives and livelihoods feeding off the digital economy in India.

Social Security in India

The term 'Social Security' is usually attributed to Abraham Epstein, a campaigner for old age pensions in America and a major influence on Roosevelt's enactment of the benchmark Social Security Act of 1935 during the Great Depression. As Epstein specified, his usage of 'social security' as an idiom was to differentiate a program of state assistance from for instance, 'social insurance' in the German Bismarckian sense that did not justify governmental contributions in lieu of compulsory savings from willing contributors; or from 'economic security' that Epstein thought limited such security only to a working population instead of the "the welfare of society as a whole" (quoted in Anonymous 1992, 64). On the other hand, the term security was added to avoid the word pension that had the connotation of "politically radical action" at the time (quoted in Anonymous 1992, 63). Eventually the American articulation of social security included a variety of state assistance to the unemployed, the old, the disabled, in terms of maternal care, public health and to families with dependent children.

The imagination of offering some amount of public assistance to the human constituents of a state was already prevalent in European liberal philosophy since the French Revolution period, as we saw with Rothschild. But it is primarily in the inter-War period in the 20th century that saw a global crisis of free market capitalism, that the state stepped up to re-enliven a depressing labour and commodity market in the western world and beyond through the function of social security. The enactment of social security in the USA or measures like the Beveridge Plan in the UK has been read as part of a 'welfare capitalism' (Esping-Andersen 1990). A modality of directly involving the state in the mediation of class relations and the simultaneous pacification of the class war in the western world as a response to the growing power of organised labour, led to the proliferation of state assistance in the idiom of welfare and social security (Skocpol and Amenta 1985).

India, and the Global South more broadly, have been understood to have a divergent trajectory in such matters of social policy, with little by way of a direct equivalent of the western welfare state or the right to welfare existing in these regions (Gopal Jayal 2012, 167). This view has recently been revised for instance by the historian Ravi Ahuja (2019, 2020). In his history of welfarism in colonial and postcolonial India, he delineates three precedents of such welfarism: firstly, older conceptions of poor relief as workfare during famine-like conditions; secondly, quotas for specific groups for public goods and employment; and thirdly, social welfare benefits conditional on specific forms of employment following Bismarckian social insurance reforms of 1880s. These reforms conceived welfare entitlements not as universal rights for citizens but as derived from legally defined employment status and thus, as a special right (or legal privilege) (Ahuja 2019, 3-4). Picking on the third strand in terms of the provisioning of the Employees' State Insurance Act of 1948, Ahuja makes the case that through global influences in welfarism ongoing since the inter-War period and the wave of strikes following in India since, the colonial and the postcolonial state pursued schemes like ESI as a mode of creating a graded hierarchy amongst labouring forces. While subsequent production of the formal and the informal division of workers followed, for Ahuja, ESI-like schemes still formed a "horizon of expectation" for informal or less formal workers, helping formulate standards of decent work more generally (Ahuja 2019, 39).

More recently after the 1990s, social policy/protection/security measures in the Global South have expanded manifold, especially to sections of the population that were excluded previously (Leisering 2021, 4-5). While Brazil, South Africa and China have pioneered social cash transfer

programmes, in India, policies like the Mahatma Gandhi National Rural Employment Guarantee Act have been a comparable case in point. In fact, this line of recent welfare provisioning has roots in the post-Emergency populist tendency of the Indian state towards increasing access to cheap credit to farmers and creating employment schemes in drought-stricken states like Maharashtra.

In their recent accounting of post-1990s expansion of welfare schemes in India, Andaleeb Rahman and Prabhu Pingali (2024, 66-76) note that since liberalisation and via a commitment to pruning fiscal expenses, the Government of India has narrowed in some ways its welfarism solely to the officially defined poor (as for instance with rations from the Public Distribution System). Some difference existed between this policy and the push to old age assistance programmes like National Social Assistance Programme of 1995, though the allotment in these programmes were rather minimal. By the early 2000s though, a new array of rights-based claims to universal welfare measures of food and education were made through concerted public, political action. This resulted in landmark decisions to grant Indians a Right to Education and the Right to Food through new legislation.

Since 2008, the Rashtriya Swasthya Bima Yojana covered Below Poverty Line households with health insurance of Rs 5 lacs. By 2018, this has been subsumed under Ayushman Bharat and aims to go beyond BPL households. However, as Rahman and Pingali point out, this form of social protection is "demand side social protection" rather than "supply-driven public health infrastructure", allowing the vulnerable to seek healthcare in private hospitals if they prefer. Finally, with the newer push to financial inclusion by the Modi government and various state governments in the wake of the agrarian crisis and the COVID pandemic, a range of cash transfer schemes have begun for farmers, and some specific population groups like women. A larger free ration scheme also continues since the pandemic to a substantial population consisting of the poor and migrants.

Rahman and Pingali (2024, 76) argue that this slew of welfare policies just described are implicated in the problem that instead of developing a social minimum for all citizens, social welfare policy has been limited to ad hoc schemes aiming at symptoms of poverty being rather than at foundational constitutions of social existence. They lament that even as the 2000s saw rights-based constitutional legislation, there was little still to build entitlement protection, with a majority of measures being targeted as some sort of soothing of consumption needs. Yamini Aiyar (2004) has sharpened this critique taking aim at the last ten years of the majoritarian, Narendra Modi-led NDA (National Democratic Alliance) government. She describes this new welfarism as marked by the principle of Direct Benefit Transfer of cash and kind with a claim to eliminate intermediaries who are conceived as corrupt entities siphoning off chunks of benefits. For her, this is a kind of welfarism that is remarkably silent on core public services like health, nutrition and education, relying instead on the public provisioning of what she describes as private goods like gas and electricity connections, mobile phones, housing, toilets and the like.

In other models of welfare prevalent in India or in other countries the aim has been to strengthen public amenities like health and education to enable more effective participation in the labour market and the economy. The new welfarism for Aiyar is more cynical in the sense that it is primarily aimed at decommodifying to a certain extent, some of the core means of surviving the significant inability of certain portions of the population to participate in the economy. Moreover, this kind of welfarism is not in the nature of universal social policy aimed at citizens and is rather a kind of targeted intervention producing a new category of the beneficiary or the *labharthi*. The *labharthi* in turn is linked with the party and its supreme leader through a patrimonial connection instead of a rights-based framework. Aiyar contrasts this kind of "techno-patrimonial welfarism"

particularly to the previous UPA (Congress led United Progressive Alliance) era emphasis on creating legal allotment of fundamental rights to food, education and work for all citizens of India. Finally, another significant implication of this new welfarism is its eschewal of any discussion on taxes and redistribution.

At the heart of each of the varying and historically specific account of the initiation or execution of welfarism in India that are being discussed here, is again an imperative to define a normative core of social security. For Ahuja, ESI defined a kind of standard of decent work that cut across both direct targets of this influence as well as the domain of informal workers. For Rahman and Pingali, post-liberalisation welfarism is better designed as a structural imperative and a right targeting the whole life cycle of recipient subjects to enable them to better participate in the economic and political life of the nation. Aiyar is again close to this moral imperative and adds a claim that the decommodification of private goods may not be the best way to accomplish such structural interventions into matters of welfare.

As indicated earlier in this paper, this tendency of a moral or normative articulation remains in a way internal to the logic of posing security as a problem. Yet, they tend to leave open the question of the conditions under which such an articulation is possible or the question of what the limits of such articulation point to. Taking Aiyar's formulations for instance, we cannot always be quite sure that the distinction made by her between core public goods and public provision of decommodified private goods like water, electricity and housing is a very viable schema to discuss the constituents of a social security policy for India. It is not certain for instance that the mere legal pronunciation of a right to health has led to policy parameters that honour this right in its entirety. On the other hand, a sustained political intervention for instance from agriculturalists has often led to the decommodification of electricity and transformed it as a public good.

The larger point here is that we ought to grasp how and to what extent government and social support exists for the provisioning of a particular good as a function of its political activation. If post-War labour movements in India won the hard-fought right to ESI, the 2000s movement for right to food, etc. seem to have achieved a similar concession in terms of a legally awarded entitlement to food support. To adapt Samaddar's (2023) helpful formation, especially the latter kind of political action can be described as a "biopolitics from below", whereby masses of Indian population beyond the pale of the 'formal' and its accompanying entitlements (like the ESI for instance) can still stake a universalist claim to state support.

However, such political action too needs contextualisation within conditions of possibility whereby they become meaningful. One way to reconstruct this context is as follows. In the decades after waves of labour movement in the post Second World Word period that gave rise to some amount of state-mandated support to formal sector workers in India, postcolonial capitalism was faced with a different crisis. To restate here the late Kalyan Sanyal's (2007) influential argument, this crisis, still ongoing in many ways, consisted of a huge part of Indian society being excluded from the circuits of value generated by postcolonial capitalism in terms of the impossibility of their absorption within such circuits as labourers, producers and actors of significance that contribute to and/or are subjected to direct exploitation in service of surplus extraction.

This exclusion gave us the domain of the informal that is still the description of an overwhelming majority of the Indian workforce (over 90%) as employed under a definite lack of statutorily stipulated securities by terms of existing labour laws and regulations (Breman 2013). The informal equally applies to the realm of small enterprises of manufacture and sales that work below the radar of formal registration in order to maintain slim but significant margins of profit by self-

exploitation (Sanyal 2007). The informal could also serve as a description for a wide variety of coping strategies for businesses and often, migrant labour populations, to skirt precarity by means of engaging in non-contractual forms of employment and credit relationships and illegal use of resources like water, electricity and land (Chatterjee 2004).

The nature of social security in India through employment guarantee schemes, and easy credit since the 1970s, and lately through provisioning of free rations, cash transfers and infrastructural facilities mark strategic concessions. They enable postcolonial capitalism to remain parasitic on heterogeneous and flexible modes of production and the associated modes of relatively costless social reproduction. These modes of production and reproduction can multiply without the medium of the formalised rule of law and can be dismantled as needed, to recuperate the processes of expanded accumulation (Samaddar 2018, 145-174). This does not make claims to social security futile, irrespective of their limited nature in India. These claims always push towards something over the bare minimum that the nexus of postcolonial state agencies and postcolonial capitalism allow in terms of social support. This is what is perhaps indicated in Ahuja's posing of ESI as a 'horizon of expectation' defining aspirations also of informal and disenfranchised working groups in India.

But it is precisely because of this surplus of meaning and sustenance that accompanies political claims to security, that there is a recuperating move/cycle of capitalist value-making following through to make newly securitised lives a source of novel modes of accumulation. The digitalised delivery of social security measures in India spells out precisely such a new move/cycle of renewed accumulation, performed against the background of expanding social security in India.

The Digital Delivery of Social Security and the Laws of Data Protection

The critical claim of the techno-patrimonial state-making described by Aiyar and familiar to us in the contemporary is of course pivoted on cutting out intermediaries through digital identification of beneficiaries. Now it is worth exploring this common sense on a more empirical register to understand what it is that is so direct and unmediated about it. What does it mean to have eliminated intermediaries in the provisioning of direct benefits? A recent account by Aishwarya Sivaramakrishnan and Sony Pellissery (2023, 476-478) is a useful guide here.

The terminology of 'direct benefits' serves to confuse but the actual process of transfer reveals new kinds of social intermediation of benefit transfer rather than a form of unmediated processing. To enrol for digital payments for instance, there is now a new institutional intermediary with computer access – a CSC agent or Common Services Centre agent - who is tasked with overseeing benefit transfers in a catchment area of six villages. CSC agents are responsible for collecting applications and forwarding them at the block level, without these agents having any accountability for any delays or errors in the process. There is still little by way of a grievance redressal mechanism on this count.

After enrolment with the CSC agent there is the question of provision. Following the authentication of the beneficiary's biometrics, a funds transfer order or FTO is generated. While this claims to get rid of phantom or ghost beneficiaries what of the livelier ones? There is a direct payment to be processed to them through the Aadhaar Payment Bridge skipping the mediation of lower-tier officials. The money eventually comes through a remote banking facility or very often again through a human intermediary called a "business correspondent". This correspondent is the privatised last mile of the delivery mechanism. Reports indicate that this correspondent has now

started demanding bribes for allowing beneficiaries to withdraw money from mobile ATMs. Elderly members of village communities have often expressed more dependence on existing Panchayat mechanisms than these new privatised agents in terms of accessing state provisions. Otherwise, banking facilities present long queues and high transportation costs. All this makes Direct Benefit Transfer quite heavy in opportunity costs for so-called beneficiaries. The transition from cash-in-hand to bank transfers has clearly been the cause for inordinate delays during the pandemic in case of NREGA payments.

The problem in this is actually with the imagination of a delivery mechanism, apparently digitalised and unmediated, that empties the local state mechanism of accountability and power but preserves their bureaucratic labouring roles. If this is the promise of the digital mediation of social security measures in India, there is not enough evidence yet to suggest that there is an actual strengthening of protection taking place (Amrute et al. 2020). Irrespective of how urgently or how much of a common minimum measure is at stake to protect or enable beneficiaries or citizens to survive the vagaries of a market-based existence, the activation of social security is impossible to execute without involving the very social that it claims to protect. The digital recrafts this social while in its current form it also aims to depoliticise it. On this count, that it seems to *limit* the possibility of social security rather than expanding it.

Contemporary digitalisation projects in India are of course more than simply the limitation of the politics of social security. In previous collaborative research on the subject of digital datafication in contemporary India, the author of this paper had argued that there is something akin to a primitive accumulation that is involved in the forced conscription of Indian citizens to the order of digital capitalism through Aadhaar, demonetisation, and the like, often even at the expense (literally) of their lives and livelihoods (Sengupta and Jha 2022).

What is at stake in these measures is not simply a facilitation of private and public service like benefit transfer or payments. Rather they bring forward a possibility of enrolling the millions in both India's formal and informal economy into a novel value-making project, even while supposedly expanding the social security net. This would not entail a formalisation of their roles and functions with adequate government recognition. Instead, it would actually bring them into a monetised economy where their actions in a world of exchange could be datafied to serve the credit and social media industry considerably. The more explicit measures of government like its regulation and legislation on Data Protection is best seen as part of this initiative, to make data more portable rather than more private. If data protection is a new idiom of security for the new digital human, Foucault's emphasis on security as a proxy apparatus of circulation is only too pertinent here.

Of course, the first cause to which the question of Data Protection poses itself in India is national security. In a post 9/11 world, the nation-state as a founding concern has gained ground as a delicate territorial compact to be protected from the ingress of various foreign interference, obstruction, and attacks in the virtualised realm of the world wide web and in case of critical national infrastructure. In India, at least since the 26/11 Mumbai terror attacks, there has been a clear attempt to scale up the technical abilities of the state to monitor, control and even launch counter-attacks in the virtual realm. At least notionally, the concerned technical safeguards are also exercised or overlaid over matters of everyday digital existences of Indian citizens like in the case of Aadhar, UPI and the like. We cannot however state with much certainty yet that the aim of the government in the last decade or so to create a workforce of 500,000 cyber security professionals has been achieved to any significant degree (Ebert 2020). What is better known in the public domain is the likely purchase of cyber intelligence/spying software of various kinds from foreign governments.

A reconsideration of the issue of digital security at such a conjuncture as we live through in contemporary India, is only partially an issue of technology. The ever-shifting, yet critical parameter of law is a more crucial index against which the question of digital security can be interrogated. It is through the index of law that we can approach the more crucial securitising move that marks the moulding of national security concerns into an enabling stilt for the functioning of data capitalism in India, through making personal data into an object of commercial extraction, circulation and commodification.

In reading Julie Cohen's (2019) recent treatise on the relationship between law and informational capitalism in the US, the legal scholar Amy Kaczynski (2020, 1515) argues that "the law of intellectual property and trade secrets, of internet immunity and free speech, and of trade and contracts morphed to enable the capture of information and data as corporate capital, and to allow their deployment to extract surplus in new ways." For these scholars, the whole proposition concerning technology being beyond law and developing by its own organic principles, is part of the ideology qualifying the surplus-making project of informational capitalism. Following their lead, we can make a similar case for the role of law in Indian data capitalism of the last few years especially with regard to the enactment of a law for Data Protection in India.

The Digital Personal Data Protection (DPDP) Act 2023, has come after much back and forth in policy and legislative initiative. It is the second version of the bill introduced in Parliament and the fourth overall starting from 2018. The setting for these deliberations – as discussed in previous work by the author of this paper (Sengupta and Jha 2022) - was the 2017 Supreme Court judgment making the right to informational privacy a part of the fundamental right to life in India. The 2019 Personal Data Protection Bill that was framed with respect to this judgment was withdrawn by the Government. The new bill and subsequently the DPDP Act is substantially different compared to previous versions. To begin with, it explicitly poses the citizens and the state as something of an oppositional binary in the way it claims to balance between the right of individuals to protect their personal data vs the need to process such personal data for lawful purposes.

Some particularly egregious exceptions made in the 2023 DPDP Act deserve mention as discussed by cyber experts (Jain and Waghre 2023). Sec 7 (b) of the Act enables the government to sidestep consent requirements when a particular government service beneficiary has previously consented to receiving any other benefit from state. This allows the government to aggregate databases and practically exempt government agencies from limiting the purpose of data collection.
Again Section 17(2)(a) gives a blanket exemption to any government agency – and not only investigative agencies – to collect and process personal data for investigative and national security purposes. Practically this creates a separate category of activities beyond purview of data privacy requirements all together.

Finally, by Section 17(5) the government has power to declare that the law will not apply to any business within 5 years of the commencement of the law. Since the exemption has no time frame there is no limit on how long these exemptions may last for. This practically makes privacy protection null and void even in the case of commercial engagements by citizens.

We ought to see how the jurisprudence around this Act builds up over time. But as of now it does seem imminent that security has broadly been framed as a differential parameter applicable more to territory over and above population. Territorial security though is subject to commercial adjustments. Very recently as the Data Protection Rules were notified under the DPDP Act, it is clear that most rule-making under the Act is an object of deferred pronouncement and vague

execution, in anticipation of new opportunities of commercialisation of personal data that might open up in the future. The IT Minister-in-charge Ashwini Vaishnaw, in fact has been rather candid about this intent to defer the jurisdiction of legally prescribed rules in the case of personal digital data (Rajmohan et al. 2025). Consequently, for instance, even as Rule 3 mandates that a notice for consent is to be served by Data Fiduciaries, the specific modality in which the notice is to be produced is mostly left to the discretion of the same Data Fiduciaries. Observers (Rajmohan et al. 2025) point out that this leads to possibilities that Data Fiduciaries might serve the same notice in a way in which Data Principals receive minimum or distorted ideas about the particulars of how their data is going to be used, making informed consent by the latter impossible.

The new DPDP Act also forgoes any concern about data localisation or preserving the data of Indian citizens within the boundaries of the state. This was a hallmark of protectionist economics even a couple of years back with several ruling political and technocratic elites making an 'Indian data for Indian profits' sort of argument. There is some amount of geopolitical restriction still proposed in terms of transport of data through Chinese territories. But under global as well as local pressure (from commercial actors who both seek the ease of extracting personal data as well as the ease of accessing cheaper storage and processing facilities outside the nation-state), data localisation imperatives have transformed into malleable measures of data extraction mediated by an otherwise immediate and total mandate of state security. As Maximillian Facundo Vila Seoane (2021) argues, this specific Indian case of a combination of the principles of data circulation and territorial protection has thus enacted a globally unique mode of "data securitisation".

Conclusion: Digital Insecurity, Data Capitalism and its Illegal others

The obvious corollary of this concerted erosion of the privacy of citizens in the digital realm - first in the cause of state security and subsequently, with explicit intent to facilitate commerce in digital personal data through the idiom of Data Protection – is an industrial scale production of digital insecurity of the same citizens in contemporary India.

There are of course very particular effects of this large-scale production of insecurity targeted at minority communities of the country. To take a recent and dangerous example of this, we have the allegation that data provided on the 'Vahan' app was used to selectively target vehicles owned by Muslims during the recent North East Delhi pogrom of 2020.[2] Vahan is a data repository of vehicle registration and driver license information, set up in 2011 by the Ministry of Road Transport and Highways (MoRTH), which are considered nonsensitive personal data. Its Bulk Data Sharing Policy allows the sale of its 285,601,972 strong vehicle databases to third parties that can thus be made available in a more public way. Such policies obviously demonstrate the government's continued stance of treating personal data as a natural resource or input for economic growth, without considering the human element of database aggregation and collation. On typing the car registration number on the online portal, registration specifics of the car and the name of the vehicle owner becomes available. In India, this of course means the revelation also of the social background (caste and religion) of the concerned car owner, leading to possibilities of further minoritisation and persecution.

As described in the beginning of this paper, we also live in a time of such digital insecurity assuming *endemic* proportions, as we continue to be warned by the state of an ever-impending threat looming large in the wake of more generalised leak of personal identificatory data. Leaks for media

scholars have often described the possibilities of a new politics in the wake of digitalisation that operate through alternative circuits of information and activism destabilising extant modes of social power (Sundaram 2015; Micali 2018). However, the scale at which data breaches now happen in India indicates a new phase of social generalisation that the leak has undergone. We are dealing here with nothing less than an *industrialisation* of leakage with impact beyond the transformation of extant modes of political articulation. Leakage and breaches of personal data at an unprecedented scale in this region of the world has actually created possibilities of imminent destabilisation of economic, social and public life of large masses of individuals, even at times beyond repair.

The data breach is hardly anything of an unplanned or exceptional event, even as it can affect minorities in worse ways than others. IBM has recently evaluated that the cost of digital data breach in India is INR195 million in 2024. 34% of data breaches located in India involved data stored on public clouds and 29% across multiple environments (including public cloud, private cloud and on-premises).[3] Ascribing a financial figure to such an endemic social phenomenon is of course somewhat arbitrary and yet these figures allow us some appreciation of the scale at which such incidents continue in this country.

The data breach as a kind of 'business-as-usual' is deeply rooted in turn in the technological setup that enables it. A recent large breach in the databases of the telecom operator Jio made it obvious that this is possible primarily due to the technical conditions created by the linking of databases through the Aadhaar platform, making various kinds of personal data vulnerable for plunder at the same time and on a large scale.[4] Moreover, as Prakriti Bakshi (2024) has recently reported, "regulatory gaps" continue to facilitate the data breach crisis. As discussed in the previous section, the legal government of the commerce in personal data in India is only too keen to defer its jurisdiction in favour of a promised future of unbridled data capitalism. Data Breaches then are only the obvious side effects of the mechanisms of security, making possible the emergence of large-scale corporate businesses dealing in personal data of Indians.

As we conclude this paper, one caveat however is necessary in qualifying how this digital insecurity is panning out in the context of evolving digital data capitalism in India. Kapczynski (2019, 1515) makes the point in the context of the USA that "our legal order, intertwined with the architecture of digital networks, has enabled the creation of vast new firms that wield new forms of surveillance and algorithmic power, but it also has delivered us a form of neoliberal capitalism that is inclined toward monopoly, concentrated power, and inequality." Much of this is true also for India where verticals like Facebook, X, Google, along with local giants like Flipkart, Ola, Zerodha, PayTM, etc., urge the 'freeing' of personal data from the shackles of privacy legislation and rights. These conglomerates, as they absorb more and more startups through their venture capital funding schemes, also lay claim, by virtue of the active backing of the state, on the new digital beneficiaries entering the cyber realm through their enrolment within the state's expanding social security programmes.

Yet, the nature of digital crimes proliferating in India marked by a range of phishing scams, blackmails, account frauds and the like, also illustrate that beyond the profiteering of these firms, there is an underbelly emerging to the functioning of digital capitalism in India, as enabled by the relatively open protocols of mining personal data as resource in the country. This underbelly is forming through a set of under-capitalised and subaltern geographies that seem to lead in terms of cyber-crimes committed by groups of informal, criminal actors making use of data breaches and leaked databases, to lay claims on the plunders of the digital economy. Digital insecurities of many an Indian citizen then is in turn serving up as a source livelihood to such actors in these geographies.

Research on these criminal activities is in a preliminary stage. A report from the Future Crime Research Foundation (FCRF) gives us some information on the subject.[5] Rajasthan's Bharatpur and Uttar Pradesh's Mathura and Jharkhand's Jamtara and Haryana's Nuh are the prolific hotspots of such cybercrime in India. The common factors identified by the FCRF that contributes to such crime from the said areas are geographical proximity to major urban centres, limited cyber security infrastructure, economic challenges and low digital literacy. The FCRF also noted that unemployed or underemployed individuals are the chief source of recruitment by cybercrime syndicates, creating an expanding troop of potential criminals.

In a foundational contribution to understanding of criminal political economies in South Asia, Barbara Harriss-White and Lucia Michelutti (2019) demonstrate how such economies build upon accelerated exploitation of raw materials and energy, finance and rapid commodity production. This they argue, retard economic growth in South Asia as the enforcement of regulatory law aften stops short of the control of such economies. It is not easy, especially due to the lack of enough information on the criminal economies of cyber-crime in India, to place them within this schema of Harriss-White and Michelutti. It does however seem that by and large, this economy sustains via the participation of unemployed and relatively subaltern actors, outside metropolitan contexts. Hence, they also remain susceptible to large scale violence from dominant groups and the state that seek to dismantle these operations by force, as the recent communal violence by majoritarian attack and the local state in Nuh attest.[6]

Also, while cyber-crime certainly has a negative economic cost for a national economy taken as a whole or for affected individuals, it is not certain that cyber-crime of the sort described contributes in any way to the suppression of digital economies, any more than let's say, the state's erosion of the privacy of Indian citizens does. Instead, the proliferation of cyber-crime and the exploitation of data breaches is better understood as the organic undergrowth of state-mandated digital capitalism in India, marked by its tactics of securitisation. Cyber-crime does feed off digital insecurities resulting from such tactics of securitisation. And yet, this is actually an *effect* of proliferating digital capitalism in India, along with the growth of data behemoths who earn more sympathy from the India state, while contributing handsomely to processes of creating digital insecurity for Indian citizens.

This paper is best concluded with this note of irony that the incidence of cyber-crime leads us into. In many ways, this kind of crime demonstrates that the transaction of security and insecurity is not simply across the state-population divide. Insecurity is rather a variegated effect of the broader function of capitalism in the contemporary, its exclusions of working populations along with its parasitic greed for personal resources turned into faux public goods by the Indian state. Insecurity is also produced at the intersection of the state's attempts to reverse some aspects of capital's exclusion of surplus populations from its circuit of value, while turning the same populations into resources of personal data mining. Criminality that feasts on this insecurity is in turn, a side effect of the strategies that make this compact between state-led securitisation and capitalist accumulation possible.

How the caesura created in the social contract by such criminality develops henceforth could be the subject of a future study. For now, and on the basis of our observations in this paper, we can surmise that as an analytical object, security is invariably something more than a tautological moral proposition to be renewed by political claims. In our times, security opens up effects beyond its immediate logical and normative articulation, where lives and livelihoods grapple with its limitations in ways that need further critical study and understanding.

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Notes

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