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EDITORIAL ANALYSIS

Digital Slavery Needs Constitutional Guardrails

THE HINDU

29 June 2026

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Digital Slavery Needs Constitutional Guardrails

 **The Hindu**

29 June 2026

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 Source: ujyari.com — researched, fact-checked & UPSC-mapped

INTERVIEW ANGLE

"If a person 'consents' to surrender their data for a free service, is that consent genuinely free, or is it coerced by the architecture of digital life?"

 Source: [Original editorial](#)
[The Hindu](#)
 **Every fact web-verified against primary sources** (<https://ujyari.com/how-we-verify/>)

WHY THIS MATTERS NOW

Generative AI systems are now trained on the digital exhaust of nearly every connected human, our searches, faces, messages and movements, fed into models that monetise us without our meaningful knowledge. A growing body of commentators calls this **asymmetry** (<https://ujyari.com/terms/asymmetry/>) a form of “digital slavery”: the person becomes the raw material, harvested at scale, with consent reduced to a checkbox no one reads. As India operationalises the Digital Personal Data Protection Act, 2023, the question is no longer whether to regulate, but whether voluntary corporate ethics can ever substitute for binding constitutional guardrails.

THE CRUX IN 60 WORDS

AI commodifies personal data on a scale that strips individuals of autonomy and dignity. Corporate self-regulation cannot check this, because the profiteer cannot police itself. India already has the constitutional anchor in Article 21 and Puttaswamy (2017), and a **statutory** (<https://ujyari.com/vocab/statutory/>) scaffold in the DPDP Act, 2023. What is missing is enforcement: an independent regulator, real penalties and algorithmic accountability.

THE ISSUE, DECODED

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CONCEPT	WHAT IT MEANS	WHY IT MATTERS
Data commodification	Personal data treated as a tradable raw material for training and targeting	Reduces the human to an input, eroding autonomy and dignity
“Digital slavery”	Metaphor for extraction without meaningful consent, exit or compensation	Frames data exploitation as a dignity question, not just a privacy one
Informational privacy	The right to control how one’s personal information is used	Held intrinsic to Article 21 in Puttaswamy (2017)
Self-regulation	Industry policing itself via voluntary ethics codes	Structurally conflicted; revocable the moment it cuts profit
Binding guardrail	Enforceable law plus an independent, funded regulator	The only durable check on power asymmetry

THE ANALYSIS

- ① **The asymmetry is structural, not incidental.** A single individual cannot negotiate terms with a platform of billions. Consent obtained under a take-it-or-leave-it architecture is consent in name only, what scholars call “manufactured consent.”
- ② **Self-regulation has a built-in conflict of interest.** The firm that profits from extraction is asked to be its own watchdog. History across finance, tobacco and food shows voluntary codes are abandoned precisely when they bite.
- ③ **AI deepens the harm.** Unlike a one-time data sale, model training bakes personal data into systems permanently; you cannot meaningfully “withdraw” your face from a trained model. Purpose limitation becomes near-impossible to enforce after the fact.
- ④ **The constitutional anchor already exists.** Puttaswamy (2017) makes informational autonomy a fundamental right, imposing a positive State duty to protect citizens from non-State predation, not merely to refrain from surveillance itself.
- ⑤ **The statutory scaffold is incomplete.** The DPDP Act, 2023 establishes consent, purpose limitation, data-principal rights and a Data Protection Board, but rights without timely rules, a funded and independent regulator, and enforceable penalties are paper promises.
- ⑥ **Dignity, not just privacy, is the frame.** Reducing this to “data protection” understates it. The deeper claim is Article 21 dignity: a person should not be reduced to an exploitable resource by design.

DATA AND INSTITUTIONS VAULT

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CARRY THESE INTO THE EXAM HALL.

K.S. Puttaswamy v. Union of India (2017): Nine-judge Bench held the right to privacy, including informational privacy, is intrinsic to Article 21. Laid down the proportionality test for restrictions.

Article 21: Right to life and personal liberty, the textual home of privacy and dignity.

Digital Personal Data Protection Act, 2023 (<https://ujyari.com/legislation/dpdp-act-2023/>): Consent, purpose limitation, data-principal rights, data-fiduciary (<https://ujyari.com/terms/fiduciary/>) duties, and the Data Protection Board of India as adjudicator; penalties up to high statutory ceilings for breaches.

Proportionality test (Puttaswamy): legality, legitimate aim, necessity, and proportionality, the four-part filter for any privacy restriction.

Related global anchor: GDPR principles (purpose limitation, data minimisation) are the comparative benchmark India draws on.

THE DEBATE

Argument for binding guardrails: Power this asymmetric (<https://ujyari.com/vocab/asymmetric/>) cannot be checked by voluntary codes. Only a funded, independent regulator with real penalties, reading the law through Puttaswamy's dignity lens, can protect the citizen. Self-regulation is revocable; rights must not be.

Argument against (the innovation case): Heavy regulation could throttle India's AI ambitions, raise compliance costs for startups, and lock in incumbents. Flexible, voluntary codes adapt faster than statute to a fast-moving technology.

Balanced verdict: The innovation worry is real but answerable through smart design, regulatory sandboxes, tiered obligations, and graded penalties, not through abandoning enforceability. The conflict of interest in self-regulation is fatal; the fix is a well-built regulator, not no regulator. Guardrails and growth are not opposites; trust is itself a precondition (<https://ujyari.com/vocab/precondition/>) for a durable digital economy.

HOW TO THINK ABOUT THIS (TRANSFERABLE SKILL)

Whenever a proposal relies on an actor to regulate itself, ask whether that actor's incentives align with the public interest. If the regulator profits from the conduct it polices, the arrangement fails by design. This single test cuts through debates on data, finance, environmental clearances and corporate governance alike.

DIAGRAM-IN-WORDS

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Mass data extraction -> consent reduced to a checkbox -> AI model permanently embeds personal data -> dignity and autonomy eroded -> self-regulation fails (conflict of interest) -> binding Article 21 + DPDP guardrails restore the balance

THE WAY FORWARD

- 1 **Notify and enforce DPDP rules** with clear timelines, so the statute stops being a paper promise.
- 2 **Insulate the Data Protection Board**, funding, fixed tenure and independence from executive capture, so it can credibly penalise powerful fiduciaries.
- 3 **Mandate** (<https://ujiyari.com/vocab/mandate/>) **algorithmic accountability**, audit trails and purpose-limitation compliance for AI training pipelines, not just downstream use.
- 4 **Read the law through Puttaswamy**, anchoring data rights in dignity and the proportionality test, not merely procedural consent.
- 5 **Use sandboxes and tiered obligations** so smaller innovators are not crushed while the largest extractors are firmly bound.

THE TAKEAWAY BOX

Frame data protection as an Article 21 dignity question, not a narrow privacy or trade-off debate; argue that enforceability, not voluntarism, is the decisive variable.

“Guardrails that bind, not codes that flatter, are what stand between innovation and a new bondage.”

Puttaswamy (2017), nine-judge Bench, Article 21; DPDP Act, 2023; Data Protection Board of India; proportionality test (legality, legitimate aim, necessity, proportionality).

Is consent obtained under a no-real-choice architecture morally valid? Where does corporate responsibility end and State duty begin?

“Examine the scope of fundamental rights in the light of the latest judgment of the Supreme Court on the Right to Privacy” (GS2, 2017).

AI governance, surveillance reform, intermediary liability, and the data-as-a-public-resource debate.

Sources: *The Hindu* (<https://www.thehindu.com/opinion/>), *Supreme Court of India* (<https://main.sci.gov.in/>), *MeitY* (<https://www.meity.gov.in>)

Source: Digital Slavery Needs Constitutional Guardrails — Ujiyari.com | Free UPSC & State PCS Editorial Analysis

KEY ARGUMENTS AT A GLANCE

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AI-driven data commodification reduces individuals to exploitable raw material, and only binding constitutional and statutory guardrails, not voluntary corporate ethics, can protect human dignity and autonomy.

 **SUPPORTING**

- Self-regulation has a structural conflict of interest: the entity profiting from data extraction cannot be the entity policing it.
- The right to privacy under Article 21, affirmed in *K.S. Puttaswamy (2017)*, makes informational autonomy a fundamental right that the State must actively protect.
- The Digital Personal Data Protection Act, 2023 provides a statutory scaffold, but rights without timely rules, a funded regulator and enforceable penalties remain paper promises.

 **COUNTER**

Heavy-handed binding regulation could stifle India's AI competitiveness and innovation, and voluntary, flexible codes adapt faster than slow-moving statute.

 **WAY FORWARD**

Operationalise the DPDP Act with a genuinely independent Data Protection Board, enforceable purpose-limitation, algorithmic accountability and a rights-first reading anchored in *Puttaswamy*.


MAINS ANSWER FRAMEWORK

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QUESTION

The commodification of personal data by AI systems has been described as a form of 'digital slavery'. Critically examine why voluntary corporate ethics codes are inadequate, and discuss the constitutional and statutory guardrails India needs. (250 words)

INTRODUCTION

The phrase 'digital slavery' captures a real asymmetry: AI systems are trained on the data of billions who neither understand nor meaningfully control how their digital selves are mined and monetised. When the human becomes the harvested resource, dignity is at stake, not just privacy.

BODY

Voluntary corporate ethics codes fail for a structural reason: the entity that profits from data extraction cannot credibly police itself, and ethics boards are dissolved the moment they obstruct revenue. India's answer cannot be aspirational.

The Supreme Court in *K.S. Puttaswamy (2017)* held privacy, including informational privacy, to be intrinsic to the right to life and liberty under Article 21, imposing a positive duty on the State to shield citizens from both State and non-State data predation. The Digital Personal Data Protection Act, 2023 supplies the statutory architecture, consent, purpose limitation, data-principal rights, and a Data Protection Board, but a statute is only as strong as its rules, its regulator's independence and its penalties.

Without timely notified rules, a funded and insulated Board, and accountability for opaque AI training pipelines, the law risks becoming a fig leaf for the very commodification it should restrain. The guardrail must be legal and enforceable, not voluntary and revocable.

CONCLUSION

India should treat data dignity as a constitutional commitment, operationalising the DPDP Act with teeth while reading it through the lens of *Puttaswamy*. Guardrails that bind, not codes that flatter, are what stand between innovation and a new bondage.


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