

Automating Exclusion: Facial Recognition and the Erosion of the Right to Food in India

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The Supreme Court of India in *People's Union for Civil Liberties v. Union of India* (2001) has established that the right to food is an integral component of the right to life under Article 21 of the Indian Constitution. The National Food Security Act, 2013, also grants pregnant women, lactating mothers and children a statutory

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for pregnant women, lactating mothers and children to access nutrition benefits such as take-home ration under the **POSHAN 2.0 mission**, an integrated nutritional support program. This requirement works through a mandatory facial recognition-based electronic Know-Your-Customer (e-KYC) verification. **As of August 2025, about 76.9% of the beneficiaries** have completed their e-KYC, exposing the remaining quarter of the beneficiaries to the risk of delayed access to the nutrition benefits. Furthermore, Anganwadi workers—frontline nutrition and childcare workers—have also argued that the mandatory facial recognition requirement is **impractical in the rural field conditions** where compliance is constrained by the lack of mobile phones, outdated Aadhar (India's national biometric identification system) numbers and photographs, facial scan failures and server disruptions. This shift towards technology-dependent access to nutrition entitlements has converted welfare responsibilities into technological demands at a time when 12 per cent of India's population continues to be undernourished, as indicated by the **Global Hunger Index 2025 report**. The facial recognition requirement goes beyond administrative convenience and calls into question the legitimacy of the State placing technological barriers between marginalised groups and the food that is crucial for their survival.

Internationally, **Article 25** of the Universal Declaration of Human Rights (UDHR) recognises the right to food as an inherent part of the right to an adequate standard of living. The **General Comment No. 14** of the Office of the High Commissioner for Human Rights (OHCHR) also articulates the best interest of the child principles, to which all child-specific requirements must conform. Contrary to these well-settled obligations, which India endorsed through its affirmative vote on UDHR, the introduction of facial recognition authentication to access nutrition marks a serious legal inversion. This technological reform under the POSHAN 2.0 Mission, originally aimed to preserve administrative accountability of nutritional

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entitlements, is now shifting its focus from guaranteeing the welfare of vulnerable groups and individuals towards technological surveillance. As a result, access to food is preconditioned on successful biometric verification rather than the assessment of actual need for ration, thereby risking exclusion and delays of essential nutrition. This raises serious concerns for the right to health and life, insofar as technological failures can indirectly interrupt nutritional intake for lactating mothers, children and pregnant women, groups for whom timely nutrition is indispensable for their healthy development.

The most troubling aspect of this reform is the normalisation of exclusion from basic needs as a technical failure, where the denied rations are obscured behind the reasons of server issues such as Aadhar portal outages and unsuccessful biometric verification due to network connection issues. **Being a signatory** party to the International Covenant on Economic, Social and Cultural Rights (CESCR), India is bound by **Article 11** to ensure the right to food for everyone and to take affirmative actions for effective nutrition-specific programmes to eliminate hunger problems. **Access to nutrition** also falls within this core minimum obligation. Furthermore, this reform also escalates the issue of state surveillance over human bodies, engaging directly with the constitutional right to privacy under **Article 21**, as held in the case of *K.S. Puttaswamy (Retd.) v. Union of India (2017)*. While the **Digital Personal Data Protection Act 2023** offers a regulatory framework for data processing, it is uncertain regarding the protection of children's biometric data in welfare schemes where consent can be coerced by conditioning nutrition benefits on compulsory biometric authentication. Moreover, exclusion from access to nutrition services through technical failure like system errors and unstable internet connectivity also undermines the child's right to health under **Article 3** of the Convention on the Rights of the Child (CRC)-**ratified by**



Urgent constitutional attention is warranted in assessing this shift from nutrition provision to a biometric prerequisite. Innovations in technology may improve the way welfare is delivered, but these cannot compromise the state's fundamental obligation to **safeguard the public's health**. Facial recognition-based authentication should work as an optional facilitative tool, and whenever the mandatory facial recognition criteria exclude those in need from enjoying nutrition benefits, it must be suspended. Reports with refusal rates and disputes redressal outcomes should also be made publicly accessible to guarantee accountability, equality, and transparency. The State must also formulate fair provisions concerning offline entitlements and explicit statutory remedies for excluded individuals prior to the full enforcement of these technological requirements. The ultimate legitimacy of India's welfare state will depend on whether it values human dignity and survival rights more than technical conformity and technological proficiency. A person's face should never be used as a survival password to promote social justice.

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