
Review Article

Artificial Intelligence and Legal-Institutional Adaptation in India and Nigeria: A Comparative Review of Doctrinal, Administrative and Capacity Constraints

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Abstract: Artificial intelligence (AI) is being absorbed into the legal and administrative institutions of the Global South faster than the doctrinal frameworks governing those institutions are being revised. This review examines that gap comparatively, using India and Nigeria as paired cases. It synthesises eight recent studies published in the British Journal of Contemporary Research alongside the wider governance literature, organising the evidence around four themes: conceptual boundary-setting for legal purposes; AI in adjudication and procedural justice; AI in executive and administrative decision-making; and the infrastructural, labour-market and cybersecurity preconditions on which any regulatory design depends. Three findings emerge. First, both jurisdictions have converged on principle-based, non-statutory governance instruments, India's AI Governance Guidelines and Nigeria's National AI Strategy that articulate transparency and accountability commitments without creating enforceable individual remedies. Second, the binding constraint in both cases is institutional rather than doctrinal: uneven digitisation, fragmented data, thin technical audit capacity and low digital literacy limit what any legal standard can practically achieve. Third, the two states are diverging in emphasis, with Indian scholarship concentrating on constitutional and procedural review of algorithmic power and Nigerian scholarship concentrating on infrastructure security and labour transition. The review argues that rights-based safeguards and capacity-building are complementary rather than sequential, and identifies the absence of empirical evidence on deployed public-sector systems in both jurisdictions as the most consequential research gap.

Keywords: Artificial Intelligence Governance, Algorithmic Accountability, Procedural Justice, Administrative Law, India, Nigeria, Global South Regulation

1. Introduction

The regulation of artificial intelligence has been theorised largely from the vantage point of jurisdictions with mature data-protection regimes, well-resourced regulators and comprehensive digitisation. The European Union's Artificial Intelligence Act (Regulation (EU) 2024/1689) has become the reference architecture for risk-tiered regulation, and much comparative scholarship proceeds by asking how closely other states approximate it. That framing is analytically limiting. It treats divergence as a deficit, and it obscures the fact that the practical determinants of whether an AI governance framework functions, such as data quality, institutional readiness, audit capacity, and judicial familiarity with technical evidence, vary far more across jurisdictions than the formal legal principles do.

India and Nigeria are useful paired cases for examining this. Both are large, federal, common-law jurisdictions with constitutionally entrenched fundamental rights and active judicial review traditions. Both have recently enacted general data-protection statutes: India's Digital Personal Data Protection Act, 2023 and Nigeria's Data Protection Act, 2023. Both have issued national AI policy instruments that decline to create a standalone AI statute in favour of principle-based guidance layered over existing law. And both face acute versions of the same implementation problem: administrative decisions affect very large populations, while the institutional capacity to audit the systems informing those decisions remains thin.

They also differ in ways that make the comparison informative. India's AI-legal discourse has developed principally around the judiciary and the constitutional review of state action, reflecting an assertive Supreme Court and an established e-courts programme. Nigerias has developed principally around security-sector digitisation and labour-market disruption, reflecting different institutional pressures. The two literatures are rarely read together.

This review synthesises recent scholarship on AI and legal-institutional adaptation in the two jurisdictions. It asks: (i) what conceptual and doctrinal categories are being deployed to bring AI within existing legal frameworks; (ii) how AI is being absorbed into adjudicative and administrative decision-making respectively; (iii) what infrastructural and human-capital constraints condition those processes; and (iv) what the comparison suggests about regulatory design for similarly situated states. Sections 2 and 3 set out the method and conceptual framing; Sections 4 to 6 present the thematic synthesis; Sections 7 and 8 discuss implications and limitations.

2. Review Methodology

This is a narrative thematic review rather than a systematic review, and its evidence base should be understood accordingly.

The review is anchored on a defined primary corpus: eight studies published in Volume 1, Issue 3 (2026) of the *British Journal of Contemporary Research* that address AI in relation to law, administration, security or labour in India and Nigeria. These were

identified by screening the issue's full contents (72 articles) against three inclusion criteria: substantive engagement with AI or algorithmic systems; relevance to institutional, legal or administrative adaptation; and a jurisdictional focus on India, Nigeria, or a comparator regime bearing on either. Five of the eight are doctrinal or conceptual legal studies; two are quantitative empirical studies; one is a technical systems paper.

This corpus was then read against the wider governance literature and primary legal instruments, identified through targeted searches of policy repositories, official government sources and secondary legal commentary. Statutory and regulatory instruments are cited directly rather than through intermediaries wherever possible.

Two limitations of the design should be stated at the outset. First, anchoring on a single issue of a single journal means the primary corpus is a convenience sample, not a representative one; the thematic structure reported below reflects what that corpus contains, and other themes in the field are certainly under-represented. Second, the corpus is heavily weighted toward doctrinal analysis, which constrains what can be said about how AI systems actually perform in Indian and Nigerian public institutions. Both limitations are revisited in Section 8.

3. Conceptual Framing: What Exactly Is Being Regulated?

Legal frameworks require stable objects. A recurring difficulty in AI regulation is that the regulated object is defined either so broadly that it captures ordinary statistical software or so narrowly that it excludes the systems of greatest concern.

Munshi and Kanse (2026) address this by distinguishing artificial intelligence from synthetic intelligence. On their account, AI remains constrained within the epistemic, creative and normative boundaries set by human designers and operators, whereas synthetic intelligence would be characterised by self-directed cognition and emergent creative capacity not derived from human antecedents. They argue that existing doctrines of authorship, patent, tort and corporate liability presuppose a human originator and would require substantial reconstruction if genuinely self-originating systems emerged.

The distinction is speculative as to synthetic intelligence, and the authors treat it as such. Its analytical value for present purposes is negative rather than positive: it clarifies that current legal problems arise from systems that remain, in the relevant sense, human-authored artefacts. Opacity is not autonomy. A model whose reasoning is not legible to the officials deploying it is still an instrument for which some human principal is answerable, and locating that answerability is a question of attribution rather than of legal personality. This matters because arguments for novel legal categories, such as algorithmic personhood, distinct AI liability regimes often draw rhetorical strength from an implied autonomy that deployed systems do not possess.

Yadav (2026) supplies the corresponding operational definition, treating AI-based public decision-making as the use of computational systems by public authorities to make, recommend, rank, predict, classify or materially influence decisions affecting individuals or groups. The taxonomy distinguishes fully automated decision-making, decision support,

predictive administration, biometric identification, resource allocation and profiling. Critically, Yadav argues that the automated/assisted distinction is legally important but frequently misleading, because a nominally human decision may be effectively automated where the official lacks the time, expertise, authority or information to depart from the system's recommendation, the phenomenon of automation bias. Meaningful human oversight, on this account, requires that the official understand the system's purpose and limits, have authority to reject its output, and give independent reasons.

This is a more demanding standard than "human in the loop" formulations typically imply, and it has direct comparative purchase. The EU AI Act's Article 14 human-oversight requirement and the Council of Europe Framework Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law (2024) both rest on similar reasoning. The Dutch *SyRI* judgment (Rechtbank Den Haag, 2020), which struck down a welfare fraud risk-scoring system on proportionality and transparency grounds under Article 8 ECHR, illustrates what enforcement of that standard looks like in practice.

4. AI in Adjudication: Procedural Justice and the Indian Courts

Sharma (2026) examines AI in Indian civil procedure, situating the question within a system defined by heavy pendency, infrastructural constraint and unequal access to legal resources. The argument is that AI-driven case management, automated transcription, legal research tools and virtual court platforms can reduce delay and streamline procedural compliance, while AI-enabled translation can advance linguistic inclusivity in a multilingual system, thereby serving access to justice under Articles 14 and 21 of the Constitution. The Supreme Court's SUPACE and SUVAS initiatives and the Digital Courts programme are identified as the operative deployments, though Sharma notes they remain largely at the pilot stage.

The paper's more valuable contribution is its account of constraints, which is unusually specific. Sharma identifies six: the digital divide, which risks excluding precisely the litigants procedural justice is meant to protect; unstructured and inconsistently digitised court data, which risks encoding rather than correcting existing inefficiencies; algorithmic opacity, which conflicts with the requirement of reasoned orders and the right to be heard; linguistic and interpretive complexity across India's language landscape; institutional readiness, including training and trust deficits among court staff and the bar; and constitutional concerns around privacy and surveillance in sensitive civil disputes.

Two of these deserve emphasis. The data-quality point connects to a warning Sharma attributes to the Law Commission of India: digitisation without procedural rationalisation risks electronically replicating inefficiencies. This is a distinct failure mode from algorithmic harm; the system works as designed and entrenches a dysfunction. The federalism point is also underexamined in the wider literature. Sharma observes marked variation in readiness across Indian states, with Kerala, Delhi, Karnataka and Maharashtra comparatively advanced and other states requiring substantial infrastructural investment, while revenue courts remain fragmented across state-specific portals with little integration.

Uniform national AI governance standards will therefore produce non-uniform outcomes, and the resulting variation is itself an equality concern under Article 14.

Sharma's conclusion that AI in Indian procedure must remain assistive rather than determinative is consistent with Yadav's oversight standard, though it is asserted normatively rather than derived from evidence about how Indian judges actually interact with algorithmic recommendations. That evidence does not yet exist.

5. AI in Administration: Rights, Opacity and the Accountability Deficit

Where Sharma addresses courts, Yadav (2026) addresses the executive. The paper's central claim is that AI used in public decision-making must be regulated as an exercise of public power, and that the state cannot discharge constitutional responsibility by delegating a technical function to a private vendor or by characterising an algorithmic output as merely advisory. Wherever an automated recommendation materially influences an administrative decision, the whole decision-making chain must satisfy constitutional rights and administrative fairness requirements.

Yadav identifies a fragmentation problem: existing protections are distributed across constitutional rights, administrative law, anti-discrimination law, data protection, procurement rules and sectoral regulation, and collectively fail to establish when public authorities may lawfully use AI, when disclosure of AI involvement is required, what explanation must accompany an adverse decision, who bears responsibility for discriminatory outcomes, what standard of review courts should apply, and what remedies are available. The proposed response is a rights-based framework for high-risk public-sector AI requiring lawful authority, necessity and proportionality, algorithmic impact assessments, equality audits, meaningful human oversight, public registers, reasoned decisions, independent supervision and accessible remedies.

Assessed against Indian law, this framework is only partly available. The proportionality standard exists: *K.S. Puttaswamy v. Union of India* (2017) established informational privacy as a fundamental right under Article 21 and set a four-part proportionality test for state interference. The Digital Personal Data Protection Act, 2023, supplies processing obligations but contains broad exemptions for state instrumentalities and does not create a right to explanation of automated decisions comparable to Articles 13–15 and 22 of the GDPR. The India AI Governance Guidelines, released by MeitY under the IndiaAI Mission in November 2025, adopt seven principles, including accountability and understandability by design, but they are advisory: they do not create statutory obligations or individual remedies, and the stated policy is to adapt existing frameworks rather than enact a dedicated AI law. The enforceable content, therefore, comes from sectoral regulators and from constitutional review, not from AI-specific instruments.

Nigeria's position is structurally similar. The Nigeria Data Protection Act, 2023, establishes the Nigeria Data Protection Commission and general processing obligations. The National Artificial Intelligence Strategy, published in draft by NITDA's National Centre for Artificial Intelligence and Robotics in 2024 and subsequently finalised, is

organised around five pillars covering infrastructure, ecosystem, adoption, responsible AI and governance, and like India's guidelines, is a policy instrument rather than an enforceable code. Neither jurisdiction has legislated an enforceable individual right to contest an algorithmic administrative decision.

The comparative literature on intermediary liability offers a useful counterpoint on how quickly such regimes can harden. Awurum (2026) analyses the divergence between the EU Digital Services Act and the 2026 amendments to the PRC Cybersecurity Law, arguing that both have displaced the neutral-host model but toward different ends: the EU toward systemic risk management and transparency under a notice-and-action framework constrained by the prohibition on general monitoring, and China toward integration of enforcement into administrative supervision, with an expanded red-flag standard under Article 1197 of the PRC Civil Code placing affirmative detection burdens on platforms. Awurum concludes that multinational providers now require bipolar compliance strategies.

The relevance for India and Nigeria is twofold. First, the EU and PRC models represent genuinely distinct regulatory logics, rights-protective and supervisory, respectively, and neither India nor Nigeria has committed to one. Second, both models rely on automated detection at scale, and Awurum's analysis shows how a liability standard can effectively mandate an AI system: the red-flag test does not name a technology, but compliance at volume is not achievable without one. Regulatory design that ignores this can conscript algorithmic governance while purporting to regulate it.

6. The Capacity Substrate: Infrastructure, Security and Labour

Doctrinal frameworks presuppose institutional conditions that cannot be assumed in either jurisdiction. Three of the reviewed studies address that substrate.

Ukaeje, Uchenna and Oluwatosin (2026) assess cyber vulnerabilities in Nigeria's security sector using qualitative analysis of literature, reports and policy documents, framed by diffusion of innovation theory. They document substantial digitisation across defence and intelligence agencies' surveillance platforms, data management, fusion centres, accompanied by heightened exposure to ransomware, phishing, cyber espionage and disinformation. The identified vulnerabilities are institutional: legacy systems, low cybersecurity awareness, weak regulatory compliance, insufficient funding and a shortage of skilled personnel. Nigeria's legal scaffolding, the Cybercrimes (Prohibition, Prevention, etc.) Act 2015 as amended in 2024, the Nigeria Data Protection Act 2023, and the National Digital Economy and E-Governance Act 2024, is comparatively developed; the constraint is enforcement capacity, not statutory coverage.

This has a direct bearing on AI governance. Algorithmic accountability mechanisms, audit logs, public registers, impact assessments, and model documentation are themselves information systems requiring secure infrastructure and skilled administration. A state that cannot secure its existing databases cannot credibly operate an algorithmic audit regime. Capacity is not a precondition to be satisfied before rights-based regulation begins; it is a component of that regulation.

Yaksat and Ukpai (2026) address the labour dimension, examining reskilling among 228 workers displaced by AI-driven automation in Cross River State between 2022 and 2026. Using a correlational design grounded in human capital theory, they report a strong positive relationship between participation in lifelong learning models and reskilling outcomes, $r(226) = .61$, $p < .001$, with participation accounting for 37.5% of variance in reskilling outcomes, $F(1, 226) = 135.47$, $p < .001$. The finding is that engagement with competency-based learning platforms is a viable pathway to employability for displaced workers.

The design is correlational, and the sample was drawn purposively and by snowball methods, so self-selection is a plausible alternative explanation: workers with the resources and disposition to participate may also be those best positioned to reskill. The result establishes an association rather than a causal effect. Its significance for this review is nonetheless considerable, because it is one of the very few empirical measurements of AI-attributable displacement in a West African context, and it locates AI regulation within labour and education policy rather than treating it solely as a rights question. Nigeria's National AI Strategy explicitly acknowledges skills shortages and brain drain among its structural constraints, and the reviewed evidence indicates the reskilling channel is functioning where access exists.

Garg and Patel (2026) provide a complementary adoption picture from India, surveying 138 undergraduates at Guru Ghasidas Vishwavidyalaya across arts, science and commerce streams. They report high awareness and substantial use of AI tools for writing, research, summarisation and problem-solving, with use positively associated with perceived skill development, alongside student-reported concerns about inaccuracy, overdependence and academic integrity. The study is single-institution, self-report, and cross-sectional; perceived skill development is not measured. Read cautiously, it indicates that AI adoption among educated Indian users is already substantial and largely ungoverned by institutional policy, meaning that regulatory frameworks addressed to state deployment are engaging only part of the diffusion process.

Finally, Orji et al. (2026) demonstrate at a technical level that the transparency requirements the legal literature demands are achievable. Their explainable fraud-detection system combines XGBoost ensemble learning with SHAP and LIME interpretability layers and a large-language-model explanation component, reporting 99.96% accuracy, 89.09% precision, 94.23% recall and 0.9979 ROC-AUC on the Kaggle credit card fraud dataset using SMOTE-balanced training. Standard caveats apply: performance on a single benchmark dataset with an extreme class imbalance does not establish deployed performance, accuracy is near-uninformative at a 0.17% base rate, and SMOTE-balanced training can inflate apparent recall. But the paper's substantive point survives these caveats. Post-hoc explanation is available at an acceptable cost, which means that opacity in deployed public-sector systems is increasingly a procurement and design choice rather than a technical necessity and choices, unlike necessities, are reviewable.

7. Discussion

Three patterns emerge from the synthesis.

Convergent form, divergent content. India and Nigeria have adopted structurally similar instruments: principle-based, non-binding national AI frameworks layered over recently enacted data-protection statutes, with an explicit preference for adapting existing law over enacting dedicated AI legislation. Neither creates an enforceable individual right to explanation or contestation of an algorithmic administrative decision. But the substantive concerns differ. Indian scholarship in this corpus concentrates on constitutional review, procedural fairness and the judiciary; Nigerian scholarship concentrates on infrastructure security and labour displacement. This is not a difference in sophistication but in institutional pressure, and it suggests that convergence at the level of stated principle can coexist with substantial divergence in what governance actually addresses.

Capacity as a legal, not merely practical, constraint. The most consistent theme across the corpus is that institutional readiness determines the operative content of legal standards. Sharma's account of uneven digitisation across Indian states, Ukaeje et al.'s account of security-sector vulnerabilities, and the skills constraints acknowledged in Nigeria's national strategy all point in the same way. A right to a reasoned algorithmic decision presupposes an authority capable of generating one; an audit requirement presupposes auditors. Where capacity is uneven, uniform standards generate uneven protection, which is a rule-of-law problem, not merely an implementation problem. This suggests that the common sequencing assumption, in which capacity-building precedes rights-based regulation, is mistaken. The two are the same project viewed from different angles.

A narrowing technical excuse. The Orji et al. results, read against Yadav's oversight standard and Sharma's reasoned-order concern, indicate that the interpretability gap invoked to justify opaque public-sector deployment is closing. If explanation layers are available at modest cost, procurement rules can require them, and the failure to require them becomes a reviewable administrative choice. This is the point at which technical capability and doctrinal standards can be made to meet, and it is probably the most tractable near-term intervention available in both jurisdictions.

Taken together, these suggest a design orientation for similarly situated states: embed algorithmic requirements in procurement and sectoral regulation, where they are enforceable, rather than relying on general AI frameworks that are not; treat capacity-building and rights protection as concurrent; and calibrate expectations to observed rather than assumed institutional readiness.

8. Limitations

The evidentiary basis of this review is constrained in three respects. First, the primary corpus is drawn from a single journal issue, which is a convenience sample; the resulting thematic structure reflects that corpus and cannot be taken as a representative map of the field. Second, the corpus is predominantly doctrinal, and the empirical studies within

it are cross-sectional, single-site, self-report or correlational; none establishes a causal effect, and none measures the performance of a deployed public-sector AI system in either jurisdiction. Third, the review compares two jurisdictions purposively selected for structural similarity; the findings do not generalise to states with different constitutional traditions or administrative structures.

The most consequential of these is the second. Both literatures reason about deployed systems that have not been studied. The gap is not conceptual; the normative frameworks are reasonably well developed but evidential.

9. Conclusion

India and Nigeria are adapting to AI in public institutions through principle-based frameworks that articulate the right commitments without making them enforceable, layered over data-protection statutes that were not designed for algorithmic decision-making and, in India's case, contain broad state exemptions. The reviewed literature converges on a coherent normative standard of lawful authority, proportionality, meaningful human oversight, reasoned decisions and accessible remedies and diverges on which institutional constraints most threaten it.

The binding constraint in both jurisdictions is institutional capacity, and this is properly understood as a legal problem rather than a precondition to legal reform. Uneven administrative and technical readiness produces uneven rights protection, which is itself an equality concern in constitutional systems that guarantee it.

Three research priorities follow. First, an empirical study of AI systems actually deployed in Indian and Nigerian public administration, including procurement terms, error rates and the practical operation of human oversight. Second, longitudinal work on labour displacement and reskilling that can establish a causal effect where the present correlational evidence cannot. Third, comparative analysis of whether procurement-embedded and sector-specific requirements outperform general AI frameworks in producing enforceable accountability. Until deployed systems are studied rather than theorised, regulatory design in both jurisdictions will continue to proceed on assumptions.

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