

Press Release

Status of Policing in India Report 2023: Surveillance and the Question of Privacy

New Delhi, March 31, 2023: The Status of Policing in India Report 2023 was launched today at the India Habitat Centre by a panel of eminent personalities, followed by a discussion on rethinking surveillance. The theme of this year's report is surveillance and privacy, and in his keynote address, Justice (Retd.) J. Chelameswar, a former Supreme Court Judge, said that only a robust privacy law can determine if the data of private citizens is being collected for the public good. "Any act of the State is meant for the welfare of the people, and this is possible only when there is a law for the collection and regulation of data, only then can it be determined if it is for the welfare of the people or for the whims of the political masters". He added, "In a good number of cases the collection of data is not for the larger interests of society, but for the political interests of the rulers. Are we, the people of India, in a position to bring democratic pressure on the government?"

Mr. Prakash Singh, a retired IPS officer who has campaigned for police reforms, opined that surveillance has always existed in human societies going back to pre-historic times, but the rate of change of technology has put advanced tools of surveillance in the hands of the government. "In India there are certain agencies that have been authorized to put people under surveillance, but the sanction must come from the Home Ministry. About one lakh sanctions for surveillance are given every year, which works out to about 250 per day. Can there be judicious application of mind with such a large number? There is no liability provision, if it is found that a wrong person has been put under surveillance. Due application of mind is not happening today," Mr. Singh, a former DGP of Uttar Pradesh, Assam and the BSF, said.

Prof. Ruchi Sinha, who teaches at Criminology and Justice at the Tata Institute of Social Sciences, Mumbai said that private tech corporations do surveillance of the citizen's most private desires and monetize them, and that this should cause outrage. "We are victims of horizontal surveillance. Contemporary surveillance is asymmetrical. The data capture is giving power to the Corporations. This data footprint is the bias of the person who has done the coding. Where is the evidence that people doing this coding have human rights training or sensitivity training?"

Apar Gupta, the Executive Director of the Internet Freedom Foundation said that digital surveillance is not something that started in the recent past. Referring to the Malimath and Madhava Menon committees which talked about electronic surveillance in the early 2000s, he said that the government has been looking for ways and means to normalize surveillance.

Anjali Bharadwaj set the tone as the moderator by talking about accountability and transparency when it comes to surveillance. Bharadwaj is the Co-convener of the National Campaign for Peoples' Right to Information and a long-time activist on transparency on accountability.

The SPIR 2023 is the first of its kind study in India that explores public opinions and experiences regarding digital surveillance in India. Recent developments like the Supreme Court's judgement on right to privacy and discussions on data protection have intensified debates around privacy and surveillance. The study also considers the alleged use of Pegasus spyware by the government and the enactment of the Criminal Procedure (Identification) Act, 2022, which grants police the power to collect biometric information from suspects and detainees.

Common Cause, in collaboration with the Lokniti Programme of the Centre for the Study of Developing Societies, conducted a face-to face survey with 9,779 individuals across 12 Indian states and UTs to understand perceptions around digital surveillance. The study also involved focus group discussions with domain experts, in-depth interviews with serving police officials, and an analysis of media coverage of surveillance-related issues.

The findings indicate a high level of public support for certain forms of government surveillance, but also a lack of public awareness regarding critical issues such as the Pegasus scandal and the Puttaswamy case. Consistent with earlier SPIR surveys, public perceptions of digital surveillance by the government and issues such as freedom of expression demonstrate high levels of support for police violence. However, support for any form of surveillance is directly proportional to the respondent's socio-economic status, i.e. the richer the respondent, the more the support. The poor, Adivasis, Dalits, and Muslims trust the police the least.

Key Findings of SPIR 2023

- The number of CCTV cameras with the police is significantly lower than the number of cameras within the cities.
- There is no statistically significant relationship between the CCTVs available with the police and the rates of cognisable crimes from 2016 to 2020.
- Even states that have a high registration of cybercrimes, the infrastructural capacity to handle such cases does not match the high volumes of registration of cybercrimes.
- In the focus group discussions, stakeholders agreed that while surveillance is conducted by various actors it is the unchecked surveillance by the state that is the biggest cause for concern.
- While the participants had differences about the efficiency of mass surveillance for controlling crime there was consensus that surveillance technologies required better oversight.
- The FGD participants were of the opinion that support for surveillance technologies amongst the general public stemmed from ignorance about the right to privacy.
- It was felt that the public views surveillance as an effective tool for public safety and national security.
- Some participants also pointed out the differences in opinions depending on the class of the citizens, with the poor being less likely to support surveillance by the police or the state.
- Some FGD participants and serving police officers said that police departments in India lack the necessary infrastructure and legal mechanisms to properly conduct surveillance (and therefore the ground reality is that the police are unable to use surveillance technologies effectively).
- One out of two people (51%) said CCTVs have been installed in their households/colonies, while high-income groups are more than three times more likely to have CCTV coverage in their residential areas compared to slums.
- The government is three times more likely to install CCTV cameras in slums/poor localities, compared to higher-income localities.
- The poorest are least likely to support the installation of CCTVs at any location.
- People with higher levels of education are more likely to believe that CCTVs help in crime reduction and are less likely to believe that CCTVs can be misused for illegal mass surveillance.
- Only one in four people strongly feel that CCTVs carry a risk of illegal mass surveillance. Nearly three out of four people strongly believe that CCTVs help monitor and reduce crimes.
- About half of the respondents supported the collection of biometric details of suspects.
- Adivasis and Muslims are the most critical of the police collecting biometric details of all suspects.

- More than one out of two people strongly support the use of drones by the armed forces, government, and police. However, farmers and the poorest are most likely to oppose drone usage by government agencies.
- One out of two people fully support the use of FRT by the government, and police. People are four times more likely to strongly support the use of FRT by government agencies, compared to its use by private entities.
- Nearly two out of three respondents believe that political parties surveil citizens for electoral gains.
- Over half of the people strongly justify using CCTV cameras to control protests. People from small cities and poor backgrounds are least likely to support the use of CCTVs to curb political movements or protests.
- One out of five people believe that it is right for the government to monitor people's social media posts.
- Large sections of the respondents feel government surveillance by CCTVs (52%), drones (30%), FRT (25%), etc. to suppress protests and political movements are justified to a great extent. Those from Punjab are least likely to support government surveillance during protests, while those from Gujarat are most likely to support it.

The detailed key findings in English and Hindi as well as the full report can be accessed [here](#).