Status of Policing in India Report 2023

Surveillance and the Question of Privacy

Key Findings

COMMON CAUSE
A ROMANCE WITH PUBLIC CAUSES SINCE 1980

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Programme for Comparative Democracy

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

Key Findings

SPIR 2023 study explores public opinions and experiences regarding digital surveillance in India. Recent developments, such as the Supreme Court's recognition of the right to privacy and discussions surrounding data protection, have intensified debates around privacy and surveillance. The study also considers concerning issues, including allegations of illegal government surveillance using the Pegasus spyware 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 CSDS, 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 a Focused Group Discussion (FGD) 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 reveal a lack of public awareness regarding critical issues such as the Pegasus scandal and the *Puttaswamy* case. Consistent with earlier findings from the SPIR 2018 study, 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 decreases with a decline in the respondent's socio-economic status, consistent with past findings that the poor, Adivasis, Dalits, and Muslims are least trustful of the police.

Overall, the SPIR 2023 study sheds light on public perceptions and experiences regarding digital surveillance in India, highlighting the need for increased awareness and understanding of critical issues and addressing disparities in trust and support for the government and non-government surveillance.

Some of the broad findings of the SPIR 2023 are presented below.

Official Data Trends

Despite the limited availability of official data on police and agency surveillance and compliance with the Supreme Court's judgement in the Paramvir Singh case, which mandates CCTV installation in police stations, we have analysed the existing data to identify overarching trends in surveillance across India based on government data.

- The number of CCTV cameras available with the police, including those from private establishments, institutions and societies, is significantly lower than the actual overall number of CCTV cameras within the cities.
- There is no statistically significant relationship between the CCTVs available with police stations and the rates of total cognisable crimes, murder, and auto/motor theft from 2016 to 2020.

- Even amongst states that have a high registration of cybercrimes, the infrastructural capacity of the state to handle such cases does not match up to the high volumes of registration of cybercrimes.
- The chargesheeting and conviction rates for cybercrime offences across the country is lower than the corresponding rates for total cognisable IPC and SLL crimes. In Assam, for instance, despite 6096 persons being arrested for cybercrimes in 2021, the chargesheeting rate was about 16 percent and the conviction rate was 2.2 percent.

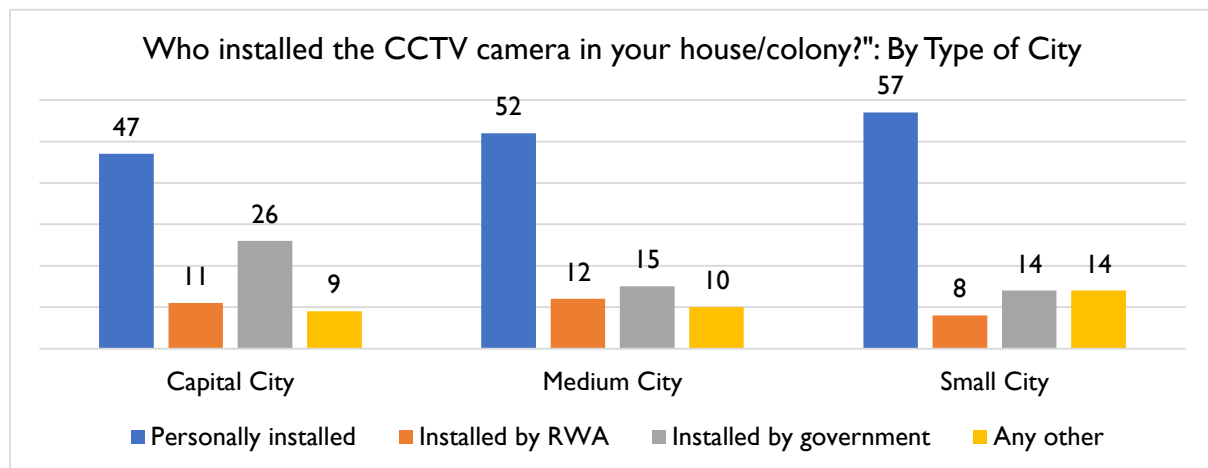## Experts' Opinions on Surveillance and Right to Privacy in India

The topic of surveillance is rarely discussed in popular public discourse and is often limited to conversations among experts, leading to a lack of awareness about the nuances of such discussions and the potential threats posed by surveillance technologies. In this report, we aim to bridge this gap by compiling experts' opinions on these issues from a focused group discussion and several in-depth interviews and utilizing them to provide context to the general public's opinions on these issues, as revealed by the survey data. The following are some of the significant findings from the FGD and in-depth interviews.

- In the FGD, the stakeholders broadly agreed that while surveillance is being conducted by various actors—state, private companies as well as individuals—it was the unchecked targeted surveillance by the state and its agencies that was the biggest cause for concern. Some of the participants felt that surveillance by private companies was also being used for more nefarious purposes such as stifling dissent or manipulating electoral processes.
- While the participants had differences about the efficiency of mass surveillance technologies such as CCTVs for controlling crime and improving public safety, there was consensus that surveillance technologies required better oversight and accountability.
- The FGD participants were of the opinion that support for surveillance technologies amongst the general public stemmed from ignorance about the right to privacy and the dangers of surveillance technologies. It was felt that the public tends to view surveillance as an effective tool for public safety and national security. Some of the 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 of the FGD participants, as well as serving police officers who were interviewed separately, pointed out that the police departments in India lack the necessary infrastructure, capacity, and legal mechanism to properly conduct surveillance (and therefore the ground reality is that the police are unable to use surveillance technologies effectively)
- Some of the FGD participants pointed out that the prevailing inaccuracies and discrimination within the system can be fed into the technology as well, leading to biased algorithms, which could be dangerous for the criminal justice system.

Prevalence of and perceptions about CCTVs

CCTVs are commonly regarded as one of the most pervasive yet seemingly harmless forms of digital mass surveillance. Proponents of CCTVs often argue that they help prevent crime and ensure public safety, but there is little empirical data to support these claims. Despite this, the general public's perception, as indicated by the survey findings, is largely in favour of the continued use of CCTVs, even if it means accepting the risks of mass surveillance. However, support for CCTV cameras declines significantly among respondents with lower levels of education and socioeconomic status.

- One out of two people (51%) said that 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 and poor localities, the government is three times more likely to install CCTV cameras in slums/poor localities, compared to higher-income localities.

Note: All figures are in percentages. Data of only those respondents who reported having CCTV cameras in their households/ residential areas. The rest of the respondents did not answer. Question asked: Were they installed by you or some other authority?

- The poorest are least likely to support the installation of CCTVs at any location— entry of homes, inside the house or at places of employment
- One out of four people strongly feel that CCTVs carry a risk of illegal mass surveillance. On the other hand, nearly three out of four people also strongly believe that CCTVs help monitor and reduce crimes.

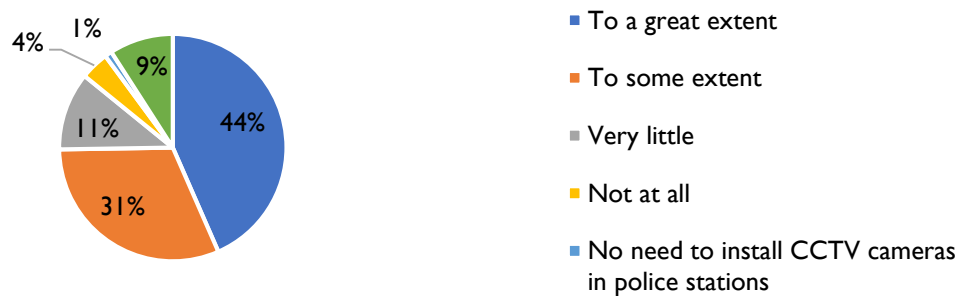"There is a risk of illegal mass surveillance in public places due to CCTVs cameras"

- Fully agree — 25
- Somewhat agree — 27
- Somewhat disagree — 15
- Fully disagree — 21
- Can't say — 12

Note: All figures are in percentages.
Question asked: Please tell me whether you agree or disagree with the statement: There is a risk of illegal mass surveillance in public places due to CCTV cameras.

- People with higher levels of education are more likely to believe that CCTVs help in crime reduction, investigation and public safety and are less likely to believe that CCTVs can be misused for illegal mass surveillance.
- Two out of five people are aware of incidents of CCTV footage tampering or manipulation
- Forty-four percent of people believe that CCTV cameras in police stations are very helpful in preventing human rights violations against those in custody. Close to half of the respondents strongly believe that interrogations by the police should be recorded on CCTVs.

CCTV cameras in police stations can help in reducing police abuse, torture and human rights violations against people
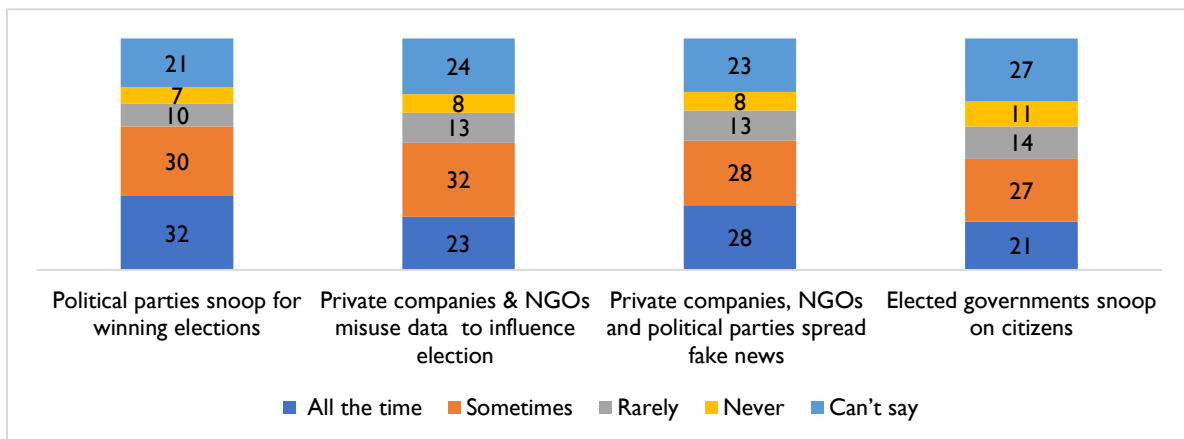
- To a great extent — 44%
- To some extent — 31%
- Very little — 11%
- Not at all — 4%
- No need to install CCTV cameras in police stations — 1%

(9%)

Note: All figures are in percentages.
Question asked: To what extent do you think CCTV cameras in police stations can help in reducing police abuse, torture and human rights violations against people in custody – to a large extent, to some extent, very little or not at all?

Government and police surveillance

The results of the current SPIR study are consistent with earlier findings that people are generally satisfied with the performance of the police (SPIR 2018). In line with this trend, the survey data shows that common people are largely supportive of the use of advanced surveillance technologies such as drones and facial recognition technology by the government or its agencies, with little criticism expressed.

- About half of the respondents supported the collection of biometric details of suspects, including undertrials. 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
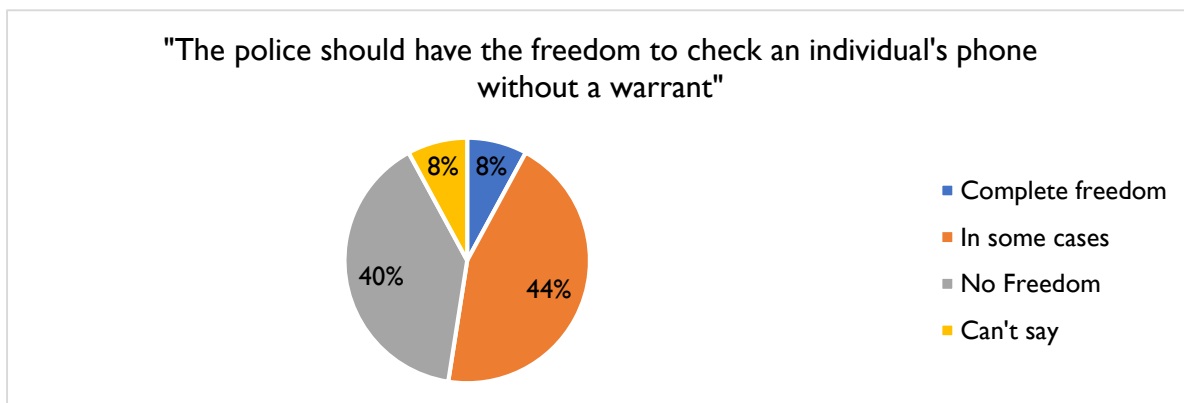

Note: All figures are in percentage.
Question asked: To what extent do you think these things happen in our country - all the time, sometimes, rarely or never
a. Political parties use surveillance and snooping techniques for winning elections
b. Private companies or NGOs collect common people's data to influence their electoral choices
c. Private companies, NGOs and political parties work together to spread fake news on the internet
d. Elected governments of country snoop on their own citizens illegally

- Forty-four percent of people believe that police should not have any freedom to check people's phones without a warrant. Two out of five people believe that police should always obtain a search warrant before tracking anyone's laptop or phone
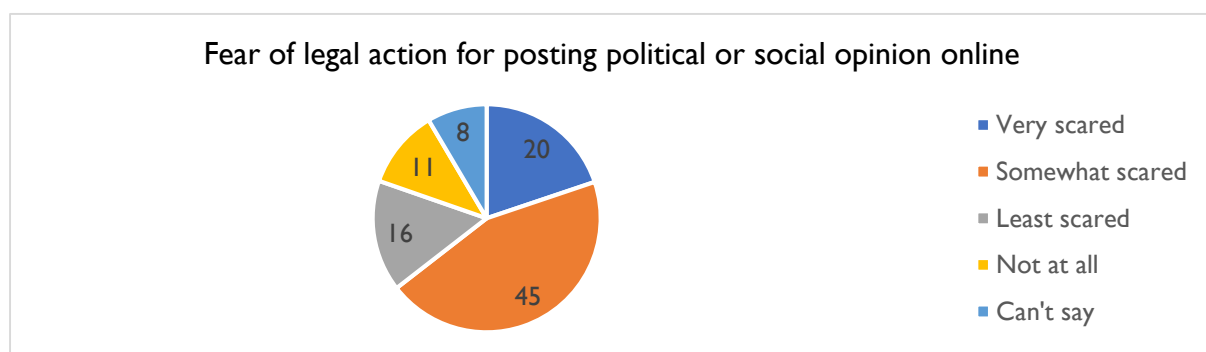

Note: All figures are in percentages.
Question asked: How much freedom should the police have to check your phone at any time without a warrant - complete, in some cases, or no freedom at all?

- People feel a greater need for an independent forum to deal with illegal surveillance by government agencies such as the police, as against illegal surveillance by private companies
- Only 16 percent of people believe that the police are adequately trained to use surveillance technologies such as CCTVs, drones and FRT

Right to privacy and freedom of speech

The findings of the focused group discussion with field practitioners and subject experts stand in stark contrast to the opinions expressed by a notable proportion of the common public. The survey data suggests that many people support the use of government surveillance to prohibit any form of dissent, protest, or freedom of expression. Additionally, while people express fear about expressing their own opinions online, they paradoxically support government surveillance of both online and offline activity, including the use of illegal spyware such as Pegasus. It is worth noting, however, that people's level of awareness around current surveillance issues, such as the Pegasus scandal or the Puttaswamy judgement, is extremely low.
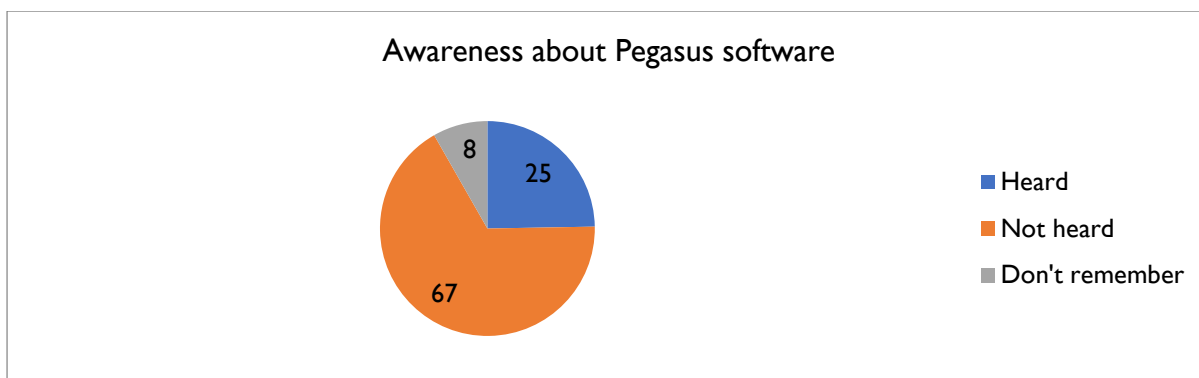
- Over half of the people strongly justify using CCTV cameras to control protests. People from small cities and poor backgrounds are least likely to support the use of CCTVs to curb political movements or protests.
- One out of five people believe that it is right for the government to monitor people's 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.
- Nearly two out of three respondents are scared to post their political or social opinions online for fear of legal action.

Fear of legal action for posting political or social opinion online

- Very scared: 20
- Somewhat scared: 45
- Least scared: 16
- Not at all: 11
- Can't say: 8

Note: All figures are in percentages.
Question asked: How scared do you feel that if you post your opinions about a political or social issue on social media, and if it hurts the sentiments of certain groups, there might be legal action against you – very scared, somewhat scared, least scared or not at all scared?

- Two out of three people have not heard of the Pegasus spyware issue. More than a quarter of the respondents feel that surveillance of MPs/MLAs and other politicians using Pegasus is completely justified.

Note: All figures are in percentages.
Question asked: Have you heard of the Pegasus software which was used by governments of various countries, including India, to listen to the calls and read the messages of some people, including politicians, journalists and judges?

- Nearly one out of three respondents strongly support drone usage by the government to curb political protests
- More than 60 percent of the public support the use of FRT to identify protestors, while two out of five say drones should be used to identify common citizens.

Degree of support for identification through FRT	Support	Against	Can't say
To identify those participating in protests against government or laws	61	24	15
To identify those participating in communal riots or disturbing law and order	75	11	14
To identify common citizens, regardless of the crime	39	44	17

Note: The category "to a great extent" and "to some extent" were clubbed together to make 'support' and 'very little and not at all' were clubbed to make 'against' for better contrast. All figures are in percentages
Question asked: To what extent is the use of Facial Recognition Technology (FRT) by the police or the government justified in the following circumstances - to a great extent, to some extent, very less or not at all? (List of circumstances mentioned in the left column of the table)
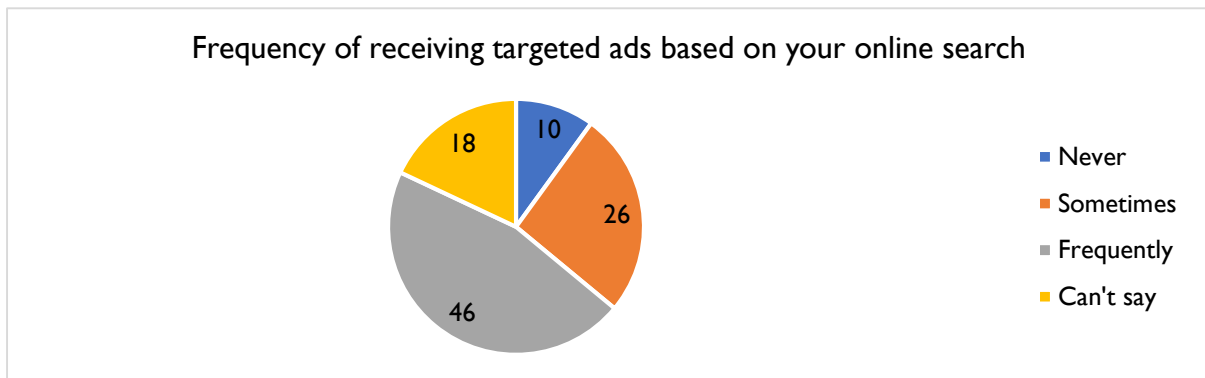
- Only about one in six respondents (16%) have heard about the right to privacy (i.e., Puttaswamy) judgement by the Supreme Court. Those belonging to the upper class and with college and above level of education are most likely to have heard about the judgement.
- About one out of two persons fully agrees with the Supreme Court judgement on the right to privacy.

Surveillance by private entities

The public is generally in support of the government's use of surveillance technologies, but there is also a notable level of concern among people about the safety and misuse of their personal data by private entities. This is particularly evident when it comes to government-issued identity documents like Aadhaar or PAN cards, as people are apprehensive about

sharing these details with private companies. The survey also indicated that people have been subjected to online tracking by private companies and received targeted ads based on their profiles and past activities.
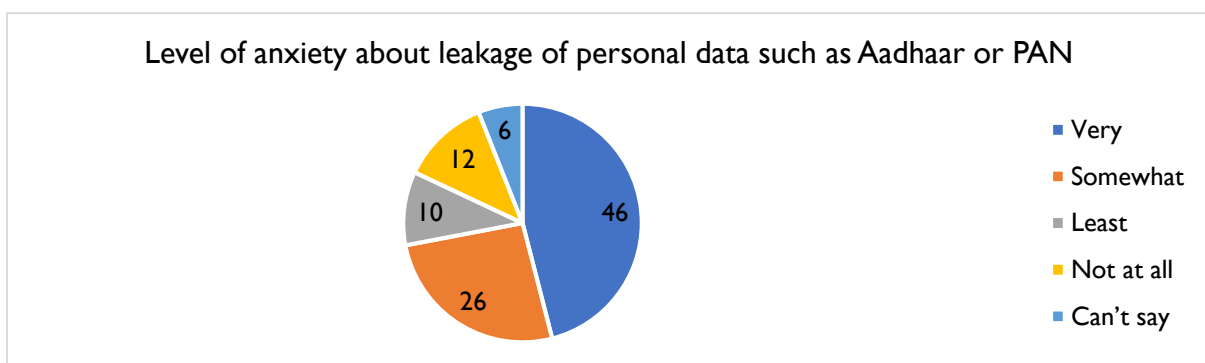
- About two out of three respondents are concerned that data collected by private entities can be misused
- Nearly one out of two people receives targeted ads based on online search history frequently

Frequency of receiving targeted ads based on your online search

Never 10
Sometimes 26
Frequently 46
Can't say 18

Note: All the figures are in percentages.
Question asked- How frequently do you receive targeted messages or advertisements- frequently, sometimes or never? (i) Based on what you search online

- One out of five people are not at all comfortable sharing their Aadhaar details with private agencies
- Forty percent of people are very anxious that information provided by them online can be misused
- Forty-four percent of the people are very anxious about unknown persons/companies tracking their bank account transactions
- Nearly three out of four people worried that their personal data such as Aadhar number or PAN can be leaked online
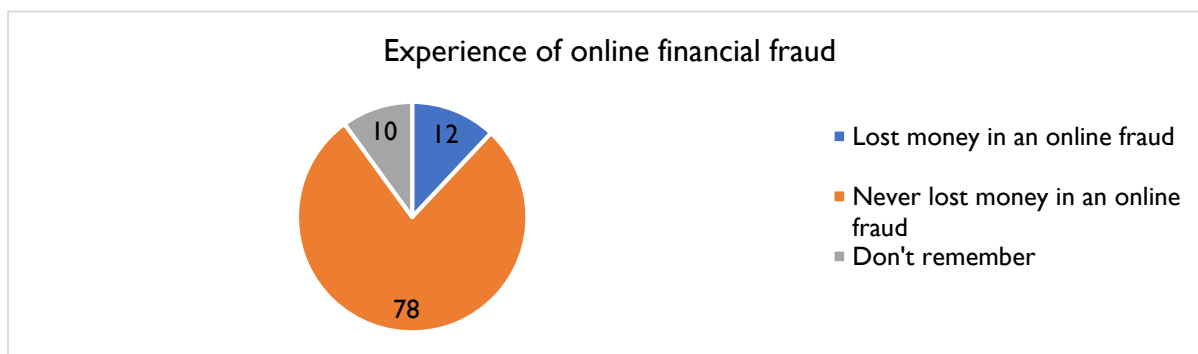

Level of anxiety about leakage of personal data such as Aadhaar or PAN

Very 46
Somewhat 26
Least 10
Not at all 12
Can't say 6

Note: All the figures are in percentages.
Question asked- How anxious are you that this might happen to you- very anxious, somewhat anxious, least anxious or not at all anxious? (i) Your personal data such as Aadhar number, PAN number, etc. can be leaked online.

Hacking and Cybercrimes

The safety of personal data, especially financial and other sensitive information, is a major concern for the general public. This is further supported by the rise in reported cybercrimes according to the National Crime Records Bureau (NCRB) data since the onset of the global pandemic, and the survey findings reflect this anxiety. Additionally, the survey sheds light on the differences in the usage of digital financial platforms based on factors such as caste, class, and age.

- Two out of five people are concerned about hackers accessing the information on their phones without their consent or knowledge.
- Three out of four people are anxious about an unknown person/company accessing their email accounts
- Nearly one out of three people do not use any form of digital banking methods such as UPI, banking wallets, online transactions using debit or credit cards or net banking. Older respondents are least likely to use digital payment wallets or be comfortable with such apps.
- SC respondents were least likely to use digital banking methods, while upper caste respondents were most likely to.
- Twelve percent of the respondents reported that they have been victims of online financial fraud.

Experience of online financial fraud

- Lost money in an online fraud
- Never lost money in an online fraud
- Don't remember

Note: All the figures are in percentages.
Question asked- Have you or someone close to you, ever lost money from your bank account due to an online fraud

Analysis of Media Content on Surveillance

In order to gain insights into the media coverage of issues related to surveillance, the research team conducted an analysis of news stories covering the topic over a period of one year, from July 1, 2021, to June 30, 2022. A total of 1,113 news stories from six media outlets (three Hindi and three English) were coded and analysed to identify broader trends such as the type of stories, the slant of the stories, primary frames used in the stories, and more.

- Nearly three out of four selected news items on surveillance rely on government agencies as their primary source
- One out of four news stories on surveillance have a supportive or pro-surveillance approach

- Times of India and Dainik Jagran were most likely to have pro-government stories on surveillance, and the Wire was most critical of the government
- Nearly two out of three news items are on the use of surveillance technology for public safety and order. Just about one-fourth of the selected news stories on surveillance are primarily focused on human rights.
- Stories on CCTVs and drones least likely to include debates around their legality or right to privacy
- Of the total sampled stories, less than 14 percent mention right to privacy or legality of the surveillance