

CCTV Surveillance in Public Spaces of Delhi: Exploring the Perspectives of Youth visiting Malls and Delhi Metro

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I. INTRODUCTION

“Those who give up liberty for safety deserve neither.”

Benjamin Franklin

Video surveillance technologies are establishing their niche in maintaining law and order in India. The use of CCTV surveillance systems is increasing day by day. Fears of terrorism and the availability of ever-cheaper cameras have accelerated the trend even more. According to a 2016 news report published in the Times of India; Delhi has installed about 1,79,000 CCTV cameras out of which 4,000 have been placed by the Delhi government and the rest by private agencies collaborating with the Delhi Police under its ‘Eyes and Ears’ scheme.³ The Big Brother is paving its way from metro trains to malls, markets and now even to the court rooms of Delhi, all in the name of security.

Our research study aims to explore the issues of surveillance in public spaces from the point of view of Delhi’s youth. Through an extensive survey of the young citizens visiting malls and travelling through Metro, we try to understand the perceived objectives of installing CCTV cameras in public spaces. Our study also evaluates the youth’s concerns in the surveillance society and the way it impacts their behavior and attitudes. In our research paper, we discuss the issues of privacy while reflecting on the notions of public and private.

On March 13, 2017; CCTV footage of a 30-year-old woman walking naked on the road and seeking help allegedly after being raped was recorded from the Pandav Nagar (Delhi) CCTV camera. The stills from the footage were published by newspapers all across the country. Critically engaging with what accounts for public viewing and what should remain private, we deliberate on the concerns of the sensitive footage being recorded and published by the CCTV cameras in public spaces. Through our paper, we also detail the legal framework under which these CCTV cameras are installed and are operational in Delhi NCR.

Public Surveillance and CCTV technology

Surveillance mechanism in the public spaces is not a new concept. Security guards, managers, fenced spaces, several methods are employed to check crime and any unwanted activity in the public space. With the intervention of technology, the use of recording devices and cameras has taken over and CCTV devices have become the eyes and ears of the establishment to prevent criminal activity. Closed Circuit Television (CCTV) is a system connected through multiple camera devices connected and controlled centrally. Earlier, the term was used to differentiate between public television broadcasts and private camera-viewing networks. Today, under the umbrella term of CCTV, we have some extremely sophisticated devices that employ features like bullet-proof casing, night vision capability, motion detection, and advanced zoom and automatic tracking capacities.

But surveillance devices in public spaces are not always visible and overt. There are instances where the CCTV mechanisms employ the use of hidden, protective techniques of recording and storing footage. This makes it difficult for the people under surveillance to know that they are being watched.

Relevance of this study

Feldman in his analysis of right to privacy asserts that every individual will be part of a multitude of different interlocking spheres within society, such as through their workplace, membership of social clubs,

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³ <https://timesofindia.indiatimes.com/home/sunday-times/deep-focus/CCTV-plays-Sherlock/articleshow/51960067.cms>

family and so on. Each sphere represents an area marked off from those outside it, whilst inside, individuals have relatively little privacy against others in that sphere for the purposes of that sphere⁴. There is another scenario however. While those in the same home may enjoy a significant degree of privacy from the outside world, the members enjoy considerably less privacy among each other as they agreed mutually for the purposes of living in the community environment. The concept of privacy thus assumes a conflict of interests, differing according to the circumstances.

The usage of CCTV surveillance in a public space is a complex issue. One of the foremost issues of concern here is the Right to Privacy of the individuals subjected to surveillance. Surveillance technologies are expanding at an alarming rate and the society is facing both the intended and the unintended consequences of the same. At a time when we are debating on the notions of private and public, what constitutes the two and how do we ensure its implementation becomes a contested field of study. Whether the individuals lose their right to privacy once they are in public spaces and if they are even aware of what being under surveillance means are some of the questions worth addressing.

Objectives of the Research

In this research, we have tried to study the following key points.

- Exploring the objectives of installing CCTV surveillance devices in public spaces from the point of youth
- Understanding the effects of video surveillance on the behavior of Delhi youth
- Exploring the news stories related to CCTV surveillance in Delhi
- Examining the cyber laws related to video surveillance and their awareness among youth

Video Surveillance in India

Several articles and news reports have discussed the issues related to surveillance and the problems generated thereof. Renu Sharma in an article, 'Big Brother is peeping', published in The Quint in 2015 after the Fab India controversy says, "*you're watched all day, every day*". In the article, Sharma details the cases reported due to harassment through video surveillance in changing rooms of FabIndia and Van Heusen. It also draws a comparison with the kind of problems citizens face in the UK due to mass surveillance and the problems that are now arising in India. The article also discusses how the Indian laws regarding CCTV surveillance are not competent enough.⁵

"Each person in the UK is caught on camera around 300 times a day," reports the website of the UK Civil Rights Movement. Video surveillance technologies are also expanding in India and problems related to use of CCTV cameras are increasing. On March 13, 2017 CCTV footage of a 30-year-old woman emerged walking naked on the road and asking for help allegedly after being raped (Pandav Nagar CCTV Footage). The stills from the footage were published by newspapers all across the country. This brought to light the issues related to privacy as the CCTV cameras in public spaces record a footage that is vulnerable to be leaked. A similar article in The Hindu discusses the issues related to the safety of surveillance cameras. It highlights the vulnerability of CCTV cameras to viruses and also the inefficient cyber security in India.⁶

The footage of the CCTV cameras installed in Delhi metro is also prone to be put on public display. A report in the Business Standard (2015) mentioned, "A few months ago, a CCTV camera installed at a public place captured a couple making love. In another case, a camera captured a couple kissing in the Delhi metro.⁷ The footage of both found their way to the internet. Lack of detailed legislation and stiff penalties, as well as low awareness among the general public about the pitfalls of being under surveillance, are some of the reasons behind the rising number of such instances. The fact that India neither has a detailed data protection law nor a privacy law only amplifies the concern."

CCTV Surveillance and Security Systems is also a 'growing business'. Pramoud Rao, Managing Director of Zicom Electronic Security Systems Limited, in an interview with Times of India exclaimed that the industry, pegged at Rs 900-plus crore, is set to grow by at least 20-22% year-on-year over the next few years. According to Rao, "Awareness of CCTV cameras and how they can prevent and help detect crime has been

⁴ Feldman, D. 'Secrecy, Dignity or Autonomy? Views of Privacy as a Civil Liberty' (1994) 47 (2) Current Legal Problems .41' Feldman, D. 'Privacy related rights and their social value' in P Berks (ed), Privacy and Loyalty (Oxford Clarendon Press, 1997) 15.

⁵ <https://www.thequint.com/india/2015/04/07/needed-norms-on-cctv-usage-in-public-spots>

⁶ Narayanan, Vivek, "How Safe are our CCTV Cameras?", The Hindu, Bengaluru, January 16, 2017 <http://www.thehindu.com/news/cities/bangalore/How-safe-are-our-CCTV-cameras/article17044079.ece>

⁷ Agarwal, Surabhi, "Violation of privacy through CCTV cameras rampant, say experts." Business Standard, New Delhi, April 4, 2015, http://www.business-standard.com/article/current-affairs/violation-of-privacy-through-cctv-cameras-rampant-say-experts-115040400775_1.html

growing, even among ordinary citizens. While the bulk of the clients continue to be government and civic agencies, the number of private and individual clients has been steadily going up over the past year or so," The interview discusses the futuristic use of CCTV cameras for business intelligence gathering i.e. 'cameras in malls and stores that will observe customer behaviour and record data that retail analysts will then parse to predict trends, watch how and what people buy, and make changes to the retail environment using this data.'⁸

In India, there are no strict laws governing the CCTV surveillance systems installed in public places. The IT Act, 2000 states that if a camera captures images of the private parts of a person, male or female, or transmits such images without consent, the offender can be booked under section 66E. The Indian government has accepted that the present laws are not enough to deal with the complexities of the subject. The Right to Privacy Bill 2014 is being drafted which shall contain more defined guidelines to handle the problems related to video surveillance in public places.

In an interview with Live Mint, Mr. Sajai Singh of J. Sagar Associates said that, "Indian law does not determine what privacy is, but only the situations where privacy will be afforded legal protection." And no such situations particularly in reference to CCTV surveillance are mentioned in the IT Act.⁹ The lack of proper legislations and regulations will affect the public spaces in India under video surveillance.

II. RESEARCH DESIGN

The nature of this research is exploratory and we have examined both qualitative and quantitative aspects related to the subject. Questionnaires comprising both close ended and open ended questions were sent online through Google forms and the responses were generated electronically. Snowball Sampling technique was used since we approached some of the college and university students of Delhi and NCR aged between 18 and 25 through their friends. A total of 250 responses were recorded and studied.

III. KEY FINDINGS AND ANALYSIS

- Majority of the students living in Delhi use public transport regularly. 95% of the respondents commute using public transport. 63% of them travel 'daily' using the same. Delhi metro is the most used **public transport** with 54% of the students using it to commute followed by buses which are used by 36% of the students surveyed. Students travelling through metro trains are much more likely to encounter CCTV cameras than other public transports. Hence, CCTV cameras are much more in number in the metro trains and stations as compared to the roads in Delhi.
- Students shopping from all the three major shopping destinations namely markets, malls and shops in Delhi have encountered CCTV cameras. Hence, video surveillance is very prominent in markets and malls expanded over a large area as well as shops which have a comparatively smaller area in Delhi. Despite majority of the students encountering video surveillance cameras in their preferred shopping destinations and public transports, majority of them feel that **CCTV cameras are less in number** and should be increased for their benefits. 82% of the people surveyed feel that the number of CCTV cameras installed in Delhi are less and should be increased. 18% of the people surveyed feel that the number of cameras is enough. No one is of the view that the CCTV cameras installed are more and should be decreased.
- On asked about the **perceived objectives** of installing surveillance devices, 84% of the students believe that **security** is the purpose behind installation of CCTV cameras while 14% of the students believe that the purpose of installing video surveillance cameras is to '**control**' the actions and behaviors of people through surveillance. Its interesting to note that while they feel that the objective might be to control their actions and behaviours, still a majority wants to increase the number of cameras around them.
- Students gave varying answers to the question regarding who **scrutinizes the video footages** of cameras installed in public places. Majority of them did not give separate answers for the surveillance in shopping places and public transport, only six of the 250 respondents mentioned separate answers for surveillance in metros and malls. Most of the answers were vague. Hence we can say that majority of the respondents do not have a clear idea of how the videos are surveilled in public places and public transports. On being asked whether they can mention who scrutinizes the CCTV footages being recorded, students gave varied responses. 25% of them said that security guards of the place scrutinize the CCTV footages while 29% did not respond to the question.

8 Bagchi, Shrabonti, "Growing CCTV penetration creates culture of Surveillance", The Times of India, Bangalore, August 3, 2014, <http://timesofindia.indiatimes.com/city/bengaluru/Growing-CCTV-penetration-creates-culture-of-surveillance/articleshow/39509942.cms>

⁹ Rustagi, Geetika, "Indian law only determines the situations where privacy will be afforded legal protection," Live Mint, September 5, 2014 <http://www.livemint.com/Consumer/x32Rcm7l26gT1cRNMDPAMP/Indian-law-only-determines-the-situations-where-privacy-will.html>

- The results of the study are quite contrasting. 60% of the people surveyed are of the view that CCTVs installed in public places maybe *used for stalking and personal abuse* and 24% are sure about it. But, 53% of them do *not fear CCTV footage being leaked* and put on public display. 57% of the people surveyed *do not feel conscious* under the scrutiny of CCTV cameras. 16% feel conscious when being surveilled by CCTV cameras in public places. Its quite surprising to know that although a majority of the students believe that CCTV footages can be used for personal abuse or stalking but most of them do not feel conscious when being surveilled and do not fear video footages being leaked and put on public display.
- Majority of the students are *not aware about the laws* related to video surveillance in India. Out of the 24% who say they are aware, 14% say that the laws are competent enough to deal with the problems arising out of video surveillance in public places which is contrary to what the experts say. Hence, there is a lack of awareness in the college students in Delhi and NCR regarding the problems related to video surveillance and the laws dealing with it. Only 24% of the students surveyed say that they are aware about the provisions of the IT Act regarding video surveillance whereas 76% are unaware.

IV. CONCLUSION

In a modern technological society where surveillance technologies, including CCTV cameras, can effectively monitor any individual's locations and movements, their applicability due to the ever changing nature of these surveillance techniques is questionable. While crores are being spent world wide on CCTV systems, there is little evidence of the success of CCTV to combat or deter crime or increase security. This also reflects that most of these systems have not been properly evaluated.

This research study suggests that majority of the college students in Delhi and NCR are not even aware of the system of video surveillance in India. Neither do they know about the problems related to the mass surveillance of public places and nor are they aware about the laws related to the issue. The results of our study suggests that despite being aware about the presence of cameras around and the knowledge that the surveillance footages may be misused stalking or personal abuse, majority of the students don't feel conscious when being surveilled. This unawareness seems to be prevalent in majority of citizens. Despite several articles on the topic where experts say that violation of privacy through CCTVs is very rampant, we see a constant increase in the use of these cameras around us. In many cases, surveillance is aimed at behavioural patterns of people. Whatever the actual degree and constancy of scrutiny, the aim is to produce the impression of constant observation in the name of security.

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