

Democratic Rights And Ai Surveillance In India

Tamanna Begam¹

Abstract:

There is an increasing concern about the growing technology that is Artificial Intelligent (AI) how it affect the democratic rights of an individuals in India due to the system of Surveillance. This focus how AI Driven technologies, such as Facial recognition and data based policing, affects privacy, accountability, and the power of the state. While these technologies are often defended for reasons of national security and operational efficiency, they present significant challenges to basic rights, especially focuses on privacy, freedom of expression, and personal liberty. The study uses the qualitative and analytical approach, referencing constitutional laws, policy changes and court decisions. It discusses the important ruling of Justice K.S. Puttaswamy v. Union of India, which recognised the right to privacy as a fundamental right under the Indian Constitution. The research also discusses the current situation on AI ethics, governance, and regulations around surveillance. It examines how well India's existing legal and institutional protections are working. The findings suggest that the fast growth of AI surveillance without proper oversight could lead to risks like data misuse, profiling, discrimination, and loss of civil liberties. The study concludes that while AI can potentially improve governance and efficiency, its use should be paired with strong democratic protections. It is crucial to ensure transparency, accountability, and strong legal frameworks to prevent abuse and safeguard constitutional rights. A careful regulatory approach is necessary to balance technological progress with the protection of democratic values in the digital era.

1.0 INTRODUCTION

Throughout the world, the application of artificial intelligence or AI has changed how police departments and governments operate. They are using new technologies like facial recognition, drones, and big data to watch people and prevent crime. This is happening in many countries, including India, where the government has started programs like Aadhaar and Digital India to use technology to govern and keep people safe. These programs are using AI and data to help the police and courts, and to watch people in public. For example, many cities in India are using CCTV cameras and digital monitoring systems to keep an eye on what people are doing. But some people are worried about what this means for our privacy and freedom. They think that the government might use this technology to control people and limit their rights. In India, the Constitution protects people's rights to equality, privacy, and freedom of expression. But the use of AI surveillance technologies could threaten these rights. For example, if the government is watching everything people do, it could stop them from speaking out or protesting against things they don't like. It could also lead to discrimination against certain groups of people, like minorities or marginalized communities. According to Indian Supreme Court, privacy is a fundamental right, and that the government needs to be careful about how it uses technology to watch people. The court has also said that the government needs to make sure that its surveillance methods are proportionate, necessary, and legal. But some people are still worried that the government is not doing enough to protect people's rights. Other countries, like those in the European Union, have put in place rules to make sure that AI surveillance technologies are used in a way that respects people's rights. But in India, there are still many questions about how these technologies will be used, and whether the government will be able to balance the need for security with the need to protect people's freedom and privacy. The use of AI surveillance technologies is not just a technical issue, but also a social and political one. It raises questions about what kind of society we want to live in, and how much power we want to give to the government. Do we want to live in a society where the government is always watching us, or do we want to have more freedom and autonomy? These are important questions that need to be discussed and debated. In conclusion, the use of AI surveillance technologies is a complex issue that raises many questions about privacy, freedom, and the role of government. While these technologies may have some benefits, such as helping to prevent crime, they also pose significant risks to our rights and freedoms. We need to have a careful and nuanced discussion about how these technologies should be used, and how we can balance the need for security with the need to protect people's rights. Some experts, like Michel Foucault, think that when people believe they're being constantly watched, they change how they behave. This concept, known as the "Panopticon," clarifies how surveillance might influence people's behaviour. George Orwell in a similar vein warned about the dangers

¹ The ICFAI University, Sikkim, Student, Email: begamtamanna94@gmail.com

of a society where the government monitor everything, and how this can hurt individual freedom. These ideas are still important today, as we try to figure out how artificial intelligence is used to monitor people, and how this affects our ability to make choices, express ourselves, and participate in democracy. We need to consider how being watched all the time can impact our daily lives, and whether it's changing the way we think and act. The fact that we're being monitored by machines, rather than just people, raises new questions about what it means to be free. By looking at the work of Foucault and Orwell, we can better understand the potential risks and consequences of living in a world where we're always being watched. As a result, the growth of AI monitoring in India presents important concerns about how to strike a balance between democratic rights, national security, and technical. As we move forward with new ideas and a government that follows the rules, we have to think about how artificial intelligence, or AI, affects our safety and how the government works. While AI can make things better, we also have to make sure we have strong laws and systems in place to keep everyone accountable and to protect our basic rights. If we don't have these safeguards, we might put our democratic values and freedoms at risk. So, this study is trying to figure out if our current laws and institutions are good enough to protect our constitutional principles in this digital age. It's also looking closely at how AI-powered surveillance impacts our democratic rights here in India. We need to make sure that as we use more technology to watch over people, we're not taking away the rights that are so important to our democracy.

2.0 LITERATURE REVIEW

The increasing use of artificial intelligence (AI) in governance and urban administration has attracted considerable academic attention, particularly because of its implications for democratic rights and public accountability. Scholars have challenged the neoliberal foundations of smart urbanism, arguing that technological innovation frequently prioritises efficiency over social justice, citizen participation, and the protection of fundamental rights (Cardullo & Kitchin, 2019; Willis, 2019). These debates provide a useful framework for examining the relationship between AI-enabled surveillance and democratic governance. In India, the expansion of AI-based surveillance technologies has intensified debates on privacy, civil liberties, and state accountability. The growing deployment of facial recognition systems, CCTV networks, biometric databases, and predictive policing has enhanced the state's ability to monitor public spaces. According to Bischoff (2023), several Indian cities, including Delhi and Indore, rank among those with the highest densities of CCTV cameras outside China. Although the government justifies these technologies on the grounds of crime prevention, public safety, and administrative efficiency, scholars and civil society organisations have raised concerns about the lack of adequate legal safeguards and independent oversight. They argue that unchecked surveillance may restrict freedom of expression, expand state control, and disproportionately affect vulnerable communities.

The theoretical foundations of surveillance studies are closely associated with Michel Foucault's *Discipline and Punish* (Foucault, 1977). Through the concept of the **Panopticon**, Foucault explains how the possibility of continuous observation encourages individuals to regulate their own behaviour, making surveillance an effective instrument of social control. This perspective remains highly relevant for understanding AI-enabled surveillance, where digital technologies have significantly expanded the state's capacity to monitor individuals. Recent scholarship has explored the constitutional and governance challenges arising from AI surveillance in India. Abraham et al. (2024) argue that India's surveillance framework reflects an 'asymmetric surveillance governance' model in which the state's monitoring powers have expanded without corresponding mechanisms for transparency and accountability. These concerns become particularly significant in light of the Supreme Court's landmark judgment in *Justice K.S. Puttaswamy (Retd.) v. Union of India* (2017), which recognised privacy as a fundamental right and established the principles of legality, necessity, and proportionality for evaluating state surveillance. Researchers have also examined the risks associated with algorithmic decision-making. According to Karpa et al. (2021) observe that while AI and big data strengthen the state's capacity for governance and public administration, they also create significant challenges for privacy protection, democratic accountability, and the preservation of civil liberties. Overall, the existing literature suggests that AI-enabled surveillance offers both opportunities and challenges. While these technologies may improve governance and public security, their widespread adoption requires effective legal regulation, institutional accountability, transparency, and judicial oversight. Most existing studies examine AI surveillance from legal, technological, or privacy perspectives. Comparatively, limited attention has been given to analysing its implications for democratic rights through the combined perspectives of constitutional governance, state accountability, and democratic theory. This

study addresses that gap by critically examining the impact of AI-enabled surveillance on democratic rights in the Indian context.

3.0 OBJECTIVES OF THE STUDY

1. To investigate the development and application of AI-enabled surveillance systems in India.
2. To study the constitutional and legal framework governing AI surveillance in India, particularly in relation to Articles 14, 19, and 21.
3. To evaluate the tension between national security, state surveillance, and democratic accountability.
4. To provide protections and policy measures for striking a balance between democratic governance, constitutional rights, and technological growth.

4.0 RESEARCH METHODOLOGY

This study adopts a qualitative and analytical research design to examine the impact of AI-enabled surveillance on democratic rights in India. The research is based entirely on Secondary data collected from academic books, peer-reviewed journal articles, government reports, policy documents, legal provisions, and landmark judicial decisions related to artificial intelligence, surveillance, privacy, and democratic governance. The study analyses the development and application of AI-based surveillance technologies, including facial recognition systems, predictive policing, biometric databases, and digital monitoring tools, within the Indian socio-political context. Particular emphasis is placed on examining the constitutional implications of these technologies with reference to Articles 14, 19, and 21 of the Constitution of India. The analysis also considers the landmark judgment in *Justice K.S. Puttaswamy (Retd.) v. Union of India* (2017), which recognised the right to privacy as a fundamental right and established the principles of legality, necessity, and proportionality for evaluating state surveillance. In addition, the study reviews contemporary literature on AI ethics, digital governance, state surveillance, national security, and democratic accountability to understand the broader policy and constitutional debates surrounding AI-enabled surveillance. By critically examining these sources, the research evaluates whether India's existing legal and institutional framework provides adequate safeguards to balance technological advancement with the protection of democratic values, constitutional rights, and individual freedoms. The findings are derived through a critical analysis of secondary sources, enabling the study to assess both the opportunities and the challenges associated with AI-driven surveillance in contemporary India.

5.0 DATA ANALYSIS AND INTERPRETATION

The analysis shows that the use of AI-enabled surveillance has expanded significantly in India's governance and law enforcement systems. Technologies such as CCTV surveillance, facial recognition systems, biometric databases, predictive policing, and digital monitoring are increasingly used to strengthen public security, improve administrative efficiency, and support crime prevention. Although these measures are commonly justified on the grounds of national security and effective governance, they have also generated important debates on privacy, constitutional rights, and democratic accountability. Abraham et al. (2024) describe India's surveillance framework as a form of '**asymmetric surveillance governance**,' in which the state exercises extensive monitoring powers while mechanisms for transparency and institutional accountability remain limited. This imbalance raises concerns about the concentration of state power and the protection of citizens' rights. Similarly, Prakriti (2026) argues that the growing reliance on AI-driven surveillance normalises mass monitoring and threatens fundamental rights, particularly privacy, dignity, and freedom of expression. These concerns secure constitutional significance after the Supreme Court's judgment in *Justice K.S. Puttaswamy (Retd.) v. Union of India* (2017), which recognised the right to privacy as a fundamental right under Article 21 of the Constitution. As noted by Bhandari and Lahiri (2020), the judgment established legality, necessity, and proportionality as essential principles for assessing state surveillance. Despite these constitutional safeguards, the continued expansion of facial recognition systems, biometric databases, and digital monitoring has raised questions about whether existing legal and institutional frameworks provide sufficient protection against misuse. Government initiatives such as Aadhaar and the Crime and Criminal Tracking Network and Systems (CCTNS) demonstrate the increasing integration of AI and data-driven technologies into public administration. While these initiatives have improved administrative coordination and investigative capacity, they have also increased the collection and processing of personal information. This has intensified concerns regarding data protection, informed consent, and the possible misuse of personal data. Another important issue emerging from the literature is

algorithmic bias. Wachter (2022) argues that AI systems trained on biased or incomplete datasets may reproduce existing social inequalities and generate discriminatory outcomes. In predictive policing, for example, reliance on historical crime data may result in the disproportionate surveillance of particular communities, thereby affecting the constitutional principles of equality and fairness. Karpa et al. (2021) similarly observe that although AI and big data enhance administrative efficiency, they also present significant challenges for privacy protection, democratic accountability, and civil liberties. The findings also suggest that extensive surveillance may discourage citizens from exercising their democratic rights freely. When individuals believe that their activities are continuously monitored, they may become reluctant to express political opinions, participate in protests, or criticize public authorities. This observation reflects Foucault's concept of the **Panopticon** (Foucault, 1977), which explains how constant surveillance can influence behaviour through self-regulation. George Orwell's *Nineteen Eighty-Four* similarly illustrates the risks of unchecked state surveillance and excessive governmental control. Overall, the analysis indicates that AI-enabled surveillance presents both opportunities and challenges for democratic governance in India. While these technologies can improve public administration and strengthen security measures, their continued expansion without effective legal safeguards, transparency, and independent oversight may weaken constitutional protections and democratic freedoms. The findings therefore highlight the importance of strengthening regulatory frameworks, promoting ethical AI governance, and ensuring judicial and institutional accountability so that technological advancement remains consistent with democratic principles and the protection of fundamental rights.

6.0 RESULTS AND DISCUSSION

The findings of this study indicate that the increasing use of AI-enabled surveillance technologies has significantly transformed governance, policing, and public administration in India. Technologies such as facial recognition systems, biometric databases, CCTV surveillance, predictive policing, Aadhaar, the Crime and Criminal Tracking Network and Systems (CCTNS), and the Inter-Operable Criminal Justice System (ICJS) demonstrate the growing integration of artificial intelligence into state institutions. These technologies have strengthened the state's capacity to improve administrative efficiency, support criminal investigations, and enhance public security. Despite these benefits, the findings reveal important concerns regarding democratic governance and constitutional rights. The expansion of surveillance technologies has occurred in the absence of comprehensive legal safeguards, independent oversight, and adequate institutional accountability. As a result, questions have emerged regarding privacy, transparency, and the concentration of surveillance powers within state institutions. Human rights organisations, including Amnesty International (2021), have also expressed concerns that the increasing use of facial recognition technology may contribute to discriminatory policing practices and disproportionately affect minority and marginalised communities. The study further highlights the constitutional challenges associated with AI-enabled surveillance. The landmark judgment in *Justice K.S. Puttaswamy (Retd.) v. Union of India* (2017) recognised privacy as a fundamental right and established the principles of legality, necessity, and proportionality for assessing state surveillance. However, subsequent policy developments, including the Digital Personal Data Protection Act, 2023, have generated debate because of the broad exemptions available to government agencies on the grounds of national security and public order. These developments have intensified concerns regarding executive accountability and the protection of individual rights. Another significant finding relates to the issue of algorithmic bias. The study suggests that AI systems trained on incomplete or historically biased datasets may produce discriminatory outcomes, particularly in predictive policing. Such practices risk reinforcing existing social inequalities and may undermine the constitutional principles of equality, fairness, and non-discrimination. These findings support the arguments advanced by Karpa et al. (2021), who emphasise that the effectiveness of AI systems depends on the quality, transparency, and accountability of the data and algorithms on which they rely. The findings also indicate that extensive surveillance may influence democratic participation. The perception of continuous monitoring can discourage individuals from expressing political opinions, participating in public demonstrations, or criticising government policies. This "chilling effect" reflects Michel Foucault's concept of the **Panopticon** (Foucault, 1977), which explains how constant surveillance can shape behaviour through self-regulation. George Orwell's *Nineteen Eighty-Four* similarly illustrates the risks associated with excessive state surveillance and the erosion of individual freedom. Overall, the findings suggest that AI-enabled surveillance presents both opportunities and challenges for democratic governance in India. While these technologies contribute to administrative efficiency, public safety, and crime prevention, their continued expansion without adequate legal regulation, transparency, and institutional oversight may weaken constitutional protections and democratic freedoms. The study therefore emphasises the need for

stronger regulatory frameworks, ethical AI governance, judicial oversight, and independent accountability mechanisms to ensure that technological advancement remains consistent with democratic values and the protection of fundamental rights.

7.0 CONCLUSION

In recent years, India has seen a significant rise in the use of AI-powered surveillance technology, which has greatly impacted the way the government and public administration work. This technology, including facial recognition systems, biometric databases, and CCTV surveillance, has improved the government's ability to maintain security and efficiency. Programs like Aadhaar and the Crime and Criminal Tracking Network and Systems have shown how AI is being used more and more in government organizations and administrative systems. These technologies are often seen as necessary for ensuring national security, effective governance, and public safety in a rapidly changing digital world. However, the increasing use of these technologies also raises important concerns about individual freedom, democratic rights, privacy, and accountability. While national security and crime prevention are often cited as reasons for surveillance, the lack of adequate legal protections, transparency, and independent oversight increases the risk of excessive state control and misuse of personal data. The landmark case of Justice K.S. Puttaswamy v. Union of India established significant constitutional protections for privacy as a fundamental right, but current laws still give state agencies considerable power. The use of predictive policing technologies and facial recognition systems can disproportionately affect marginalized and minority communities, as they often rely on biased data and historical crime records. This can exacerbate social discrimination and undermine the principles of fairness and equality in democratic societies. Furthermore, AI systems can perpetuate algorithmic bias, discriminatory profiling, and limitations on democratic participation. The study concludes that while AI surveillance technologies may improve public security and governance effectiveness, their unchecked growth could jeopardise civil liberties and democratic values. To strike a balance between technological advancement and constitutional rights, India needs more robust legal frameworks, judicial oversight, accountability mechanisms, transparency, and ethical AI governance. Effective regulation is crucial to ensure that technological progress promotes democracy rather than eroding fundamental freedoms. The government must prioritize the protection of individual rights and democratic principles while harnessing the benefits of AI technology. By doing so, India can promote a more equitable and just society, where the benefits of technological progress are shared by all, and the risks are mitigated. Ultimately, the key to a successful balance between technology and democracy lies in the implementation of responsible and transparent AI governance, which prioritizes the well-being and rights of all citizens.

8.0 LIMITATION OF THE STUDY

This research is restricted to a qualitative and analytical analysis of democratic rights and AI surveillance in India, secondary sources such as books, policy documents, government reports, legal provisions, journal articles, and court rulings, are the main sources used in the research. The study's conclusions are primarily dependent on theoretical and legal interpretations because it lacks empirical research, interviews, surveys, and statistical data analysis. The research specifically focuses on issues relating to privacy, democratic rights, and state surveillance, therefore, it does not examine the technical functioning, operational efficiency, or algorithmic structure of AI systems in detail. Additionally, the study is mainly centred on the Indian context, and only limited comparative analysis with international regulatory frameworks has been undertaken. Additionally, the study does not thoroughly analyse the technological functionality or operational effectiveness of AI systems because it concentrates on constitutional issues pertaining to privacy, democratic rights, and state surveillance. Furthermore, given how quickly AI technology and digital governance regulations are developing, future legal and technological advancements may have an impact on the applicability of some of the research's conclusions and interpretations.

9.0 REFERENCES

- Guruswamy, M. (2017). *Justice K.S. Puttaswamy (Ret'd) and Anr v. Union of India and Ors, Writ Petition (Civil) No. 494 of 2012. American Journal of International Law, 111(4), 994–1000.*
<https://doi.org/10.1017/ajil.2017.92>
- Arushi, A., & Sangwan, D. (2026). *Constitutional validity of AI-based surveillance in India: Privacy vs. national security. International Insurance Law Review, 34(S1), 355–359.* <https://doi.org/10.65677/iilr.333>
- Foucault, M. (1977). *Discipline and punish: The birth of the prison.* Vintage Books.

- Karpa, D., Klarl, T., & Rochlitz, M. (2021). *Artificial intelligence, surveillance, and big data*. ArXiv. <https://doi.org/10.48550/arXiv.2111.00992>
- Ganaie, N. A., Mir, T. A., Jaysingh, M. D., & Rath, D. M. (2026). Algorithmic governance and surveillance federalism: Transforming the digital state in India and ASEAN. *Frontiers in Political Science*, 8, Article 1757636. <https://doi.org/10.3389/fpos.2026.1757636>
- Biju, P. R., & Gayathri, O. (2026). *Structural oppression and AI: A systematic review of data policy frameworks in India*. *Technological Forecasting and Social Change*, 223, 124415.
- Baranwal, S. (2026). *Evolution of AI in Indian policing and surveillance: An analysis*. In *Proceedings of the International Conference on Socio Legal Intricacies of Artificial Intelligence (ICSLIAI 2026)*. https://doi.org/10.2991/978-2-38476-547-8_16
- Abraham, M. M., Dev, S. I., & Torres Manrique, J. I. (2024). *Asymmetric surveillance governance: A thematic analysis of privacy, national security, and AI regulation in India*. *Qubahan Political Journal*, 3(1), 1–11. <https://doi.org/10.48161/qpj.v3n1a14>
- Bhandari, V., & Lahiri, K. (2020). *The surveillance state: Privacy and criminal investigation in India: Possible futures in a post-Puttaswamy world*. *University of Oxford Human Rights Hub Journal*, 3(2), 15–46.
- Hickok, E., Bedi, P., Nair, A., & Sinha, A. (2021). *Facial recognition technology in India*. Centre for Internet and Society (CIS). <https://cis-india.org/internet-governance/facial-recognition-technology-in-india>
- Amnesty International. (2021). *Ban the Scan campaign*. <https://banthescan.amnesty.org/>
- The Bulletin of the Atomic Scientists. (2024, June). *How AI surveillance threatens democracy everywhere*. <https://thebulletin.org/2024/06/how-ai-surveillance-threatens-democracy-everywhere/>
- International Journal of Political Law, Society and Rural Development. (n.d.). *AI surveillance and democratic rights in India* (Vol. 1, Issue 1). IAEME Publication. https://iaeme.com/MasterAdmin/Journal_uploads/IJPLSRD/VOLUME_1_ISSUE_1/IJPLSRD_01_01_001.pdf
- Prakriti. (2026, March). *Eyes everywhere: AI surveillance is threat to fundamental rights*. *Pen Acclaims*, 44. <https://penacclaims.com/wp-content/uploads/2026/05/Prakriti.pdf>
- Cardullo, P., & Kitchin, R. (2019). Being a “citizen” in the smart city: Up and down the scaffold of smart citizen participation. *Environment and Planning C: Politics and Space*, 37(1), 1–20. <https://doi.org/10.1177/0263774X18806508>
- Bischoff, P. (2023). *Surveillance camera statistics: Which cities have the most CCTV cameras?* Comparitech. <https://www.comparitech.com/vpn-privacy/the-worlds-most-surveilled-cities/>
- Willis, K. S. (2019). Whose right to the smart city? In P. Cardullo, R. Kitchin, & C. Di Felicianantonio (Eds.), *The right to the smart city* (pp. 31–46). Emerald Publishing. <https://doi.org/10.1108/978-1-78769-139-120191003>