

NOW, AN EXPANDED HORIZON OF SURVEILLANCE

Relevant for: Security Related Matters | Topic: Basics of Cyber Security and related matters

This year, the Indian Cyber Crime Coordination Centre (I4C), under the Ministry of Home Affairs (MHA), launched the Cyber Crime Volunteers Programme with the aim to allow citizens to register themselves as “Cyber Crime Volunteers” in the role of “Unlawful Content Flaggers”. As per the official website of the [National Cyber Crime Reporting Portal](#), the programme will help law enforcement agencies in identifying, reporting and in the removal of illegal/unlawful online content. The programme, which will be launched all over the country, is going to have its test run in Jammu and Kashmir and Tripura.

This form of surveillance, which enables citizens to “watch over” one another is called lateral surveillance. The conventional understanding of the term, surveillance, is its use in the hierarchical sense, i.e. the vertical relationship between the person watching and the person being watched, which is usually the state and its citizenry. Lateral or social or peer-to-peer surveillance differs from typical surveillance.

Also read | [Cyber crime volunteers plan fraught with dangers: Internet Freedom Foundation](#)

While surveillance of any kind shows an imbalance of power between the person who surveils, and the one under surveillance, lateral surveillance specifically ensures that the imbalance of power no longer exists. Informal watching of communities by their members has been an age-old part of society, and its members view it as a harmless activity. The problem arises when it is organised and state-sponsored.

In the 1970s, the United States had the neighborhood watch schemes which increased community policing. With the introduction of technology and development of applications such as Citizen and Nextdoor, monitoring of people and their behaviour has become easier. Further, government and private sector institutions alike collect swathes of data for supposedly ‘public functions’. Specifically in the sphere of crime prevention, much like the cyber crime prevention programme, there has been a transition in the outlook from a ‘punishing state’ to a ‘preventive state’.

This is not the first time state-sponsored lateral surveillance has been implemented in India. For example, the C-Plan App in Uttar Pradesh launched for keeping a tab on anti-social elements, is designed to receive inputs from certain identified individuals in villages across the State. These individuals have been given the responsibility to solve local problems such as providing information about simmering communal tensions or land disputes taking place in their respective villages through the mobile application.

Also read | [No blanket permission given to any agency on surveillance: Centre](#)

The scope of lateral surveillance was greatly expanded during the pandemic lockdown, both with and without the introduction of technology. The Karnataka government released a PDF with the names and addresses of around 19,000 international passengers who were quarantined in Bengaluru while in the North, a woman was harassed and boycotted by her neighbours after the Delhi government marked her house with a quarantine sticker.

If a pattern were to be drawn, one notices that lateral surveillance is used to further emotional objectives such as community building and strengthening relationships with neighbours where emotional and social factors act as a driving force, thus creating a situation where privacy may

be undermined for the betterment of the community.

However, surveillance technologies not only act as a tool for social control but also as a tool for social exclusion. Lateral surveillance thus makes it easier to discriminate between those who conform to the social norms of the majority. For example, the LGBT community in South Korea came under the scanner after a cluster of novel coronavirus cases were reported from a particular area which had resulted in large-scale circulation of homophobic content and comments against the patients who tested positive from the community. This not only made it difficult for authorities to collect information but also increased troubles for the people belonging to the sexual minority in getting themselves tested.

State-sponsored lateral surveillance is harmful as it creates a culture of 'hate', 'fear' and 'constant suspicion' against an 'enemy'. Wherever the state identifies that it "cannot be everywhere", it deploys this mechanism. This culture places a duty on people to 'keep an eye out' for 'their own safety' and this heightens the fear of crime in society.

Such perceived threats have a tendency to increase intolerance, prejudice, xenophobia and casteism in our society, while also violating the fundamental right to privacy, and, consequently, the unfettered expression of free speech and behaviour.

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Despite the potential harm, the government, on February 25, notified the [Information Technology \(Intermediary Guidelines and Digital Media Ethics Code\) Rules, 2021](#) which intends to expand "due diligence" obligations by intermediaries. However, this not only substantially increases surveillance but also promotes lateral surveillance. For example provisions pertaining to user directed take downs of non-consensual sexually explicit content or 'any other matters' and even the harsh content take down/data sharing timelines will enable intermediaries to remove or disable access to information within a short period of time of being notified by users, circumventing the "actual knowledge" doctrine given in *Shreya Singhal vs Union of India*. This will further create an incentive to take down content and share user data without sufficient due process safeguards, violating the fundamental right to privacy and freedom of expression. One wonders how long it would be before a neighbour with a "passion to serve the nation on a single platform and contribute in [the] fight against cybercrime in the country" reports you or me on a social media platform or otherwise.

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