Protective or Panoptic?

The Role of Video Surveillance in Educational Institutes

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Abstract
In a modern technological society where surveillance technologies, including video cameras, can effectively monitor any individual’s locations and movements, the applicability due to the ever changing nature of these surveillance techniques is questionable. The present study ascertains the current status of video surveillance systems in Delhi schools. Through an extensive survey of private and government CBSE affiliated schools, the researchers have addressed the motives of CCTV Surveillance in educational institutes, the consumption of the video recordings, the negotiation of the private and the public spaces in day to day routine. The paper summarises that although the prevention of personal and property crime is the main objective of installing such devices but it is being widely used for aggrandising the power of the organisation over its employees on the pretext of their evaluation. Due to its strong social impact, it is essential that the surveillance technology be looked at from the perspective of ethics and that there is an ardent need to address privacy concerns by enacting laws relating to video surveillance that are tightly worded and strictly connoted, considering the encroachment on civil liberties and human rights.

Keywords
Video Surveillance, Panopticism, Privacy, Security, Human Rights, Ethics, public spaces, Discipline

Introduction
Following the ghastly attack on school children in Peshawar in December 2014 that shook the entire world, security concerns in schools have come to the foreground like never before. The standard Operating Procedures (SOP) for schools issued by Ministry of Home Affairs has emphasised on giving importance to CCTV cameras and alarm systems in schools. However, in a modern technological society where surveillance technologies, including video cameras, can effectively monitor any individual’s locations and movements, the applicability due to the ever changing nature of these surveillance techniques is questionable.

With the advent of new technology and increased globalisation, new security threats have emerged for students, employees and school. Often, the responses to such threats, including the management’s exercise of their unprecedented power to surveil their populations have negative impact on human rights. But can security and human rights no longer be reconciled in the present times?

Research Objectives
The present research ascertains the current status of video surveillance systems amongst CBSE affiliated schools in Delhi. Through an extensive survey of private and government schools, the researchers have attempted to answer some pertinent questions like-how many schools in Delhi are equipped with the video surveillance systems and for whose consumption is the video footage recorded? The research reflects upon the ways we negotiate the ideas of private and the public spaces. It also explores the current legal provisions, and implications of surveilling school children and the accessibility of the said recordings by media and law enforcement authorities.

Although the prevention of personal and property crime is the main objective of installing such devices, the research data reflects and critically analyses if it is being used for aggrandising the power of the organisation over its employees on the pretext of their evaluation. While there are CCTV cameras installed in schools, the research intends to highlight if there are appropriate signs for the
public to know about the surveillance being carried. Due to its strong social impact, it is essential that the surveillance technology be looked at from the perspective of ethics. The study also co-relates the workplace surveillance and the employees’ privacy interests and delves into the social stratification of the threat and security perception, and unravels whether the same are dealt on equal footing by private and government owned educational institutions.

**Research Design and Methodology**

To answer the research questions cited above, the researchers have conducted a pilot survey of more than 50 schools (government and private) from five zones (North, East, West, South and Central) of Delhi. A comprehensive zonal list of all the CBSE (Central Board of Secondary Education) schools registered with the Delhi government was taken from official data base available on their website (www.delhigovt.nic.in). Following the Systematic Random Sampling technique, every ninth school from the list in each zone (both government and private) was approached. Since the maximum number of schools in one zone was 45, five schools from each category- private and government were included in the sample. The number of central schools in each zone was not more than five so a total of five schools, one each from every zone were approached.

Based on the research objectives, a detailed questionnaire including 25 questions was prepared. Questions were formulated and framed in such a manner that information on the motive of installing the CCTV cameras, previous and present security perceptions, proper notification of video surveillance on campus, consumption and access to the video recordings, parameters to assess the employees and surveillance of the faculty in staff rooms were included. The management and the senior authorities of the school were approached and detailed data regarding video surveillance through these questions was collected from each school.

**Significance of the study**

Being part of a society often overrides the fact that we are individuals first. The proverbial Hindi saying-*even walls having ears*-has never rung truer. Each individual needs his/her private space. But the present research examines how technology has invaded every part of our lives as employees and internal members of an organisation, and how we surrender to the same not considering if the invasion was even desirable.

This research is significant today as power plays a major role in almost all fronts of life with one individual trying to exercise control over the other. While security remains a major concern for almost all institutions, installing surveillance devices inside certain areas of the schools suggest serious concerns on the issues of forced morality. Examining the effect of technology on our lives, Walter Benjamin, Roland Barthes, Marshall Mc Luhan and Jean Baudrillard, among many others have examined how media shapes new modes of behaviour, perception and engagement. This research seeks an intervention while understanding how, through this perceived notion of performance for the camera (CCTV surveillance in this case), there is being instilled a certain moral code of conduct in employees of educational institutes. It is important to understand how the issues of user notification, transparency, integrity of communications and systems, public oversight, are taken care of by institutes through the use of surveillance devices.

**Research Findings**

On the current status of video surveillance in Delhi schools, this research finds that 48% of the government schools and 88% of the private run schools in Delhi follow the practice of video surveillance. The plausible reason for the eagerness of private run institutions to surveil their premise and personnel may lie in the social demography of the students of government and private run institutions. Private run schools in Delhi usually cater to the students of middle to upper middle class while their government counterparts have more students comprising middle to lower-middle class. This might alter the security perception in these respective institutions.
Graph 1: Presence of CCTV Surveillance

Consent and notification: overt and covert surveillance: It is extremely important to ensure that the school community is informed about the surveillance on campus and its purpose and is devoid of any fears or concerns related to privacy. In gaining consent, it is necessary to cite the extent of usage of the surveillance recordings and the security measures employed to protect data. While many communities will want to hide or disguise the actual cameras for security as well as aesthetic and social reasons, there is generally no basis for hiding the fact that an area is under video surveillance. These notifications need not be intrusive, but should nevertheless be visible.

Graph 2: Notification regarding CCTV Surveillance

Adhering to the principle of transparency, which requires that people must be informed about the camera surveillance practices within the ‘watched area’, this research finds almost opposite practices adopted by government and private run educational institutions in Delhi. Where 64% of the government run schools have posted notifications about camera surveillance, 36% have not bothered to inform about their video surveillance program. In private schools, only 36% of the private run schools have posted notifications about their camera surveillance program while 64% didn’t even follow the basic courtesy to inform those being watched.

The present research finds that majority of the surveyed education institutions cite security as a reason for installing the CCTV cameras. The second important reason turned out to be the discipline that follows day to day monitoring. On asking about any security issue or any disciplinary misconduct that forced the installation of these cameras, 82% government schools said they have no issue of security. When compared to the data from private schools, here again, 82% schools said they have no issue of security. The finding is in total disregard to the principle of finality which implies that installation of the camera should be allowed when less intrusive measures turn out to be insufficient or unfeasible. These measures could be additional locks, fortified entrance doors and alarm systems. The discrepancy in the objectives and previous history of security concerns reflects that the real motive of the video surveillance might not be the security issues but disciplining the employees into a certain mode of behaviours.
Graph 3: Objectives of installing CCTV Surveillance

On examining further responses, the research data reveals that even after the installation of CCTV cameras in the school campus, the perception of security has not changed significantly, as 91% of government schools and 73% of private institutions have not faced any security threat during the last one year. This research has unravelled surprise information in the form of recording the proceedings of the parent-teacher meet in schools. The research found that 28% of government-run schools and 46% of private-run schools have recorded the parent-teacher meet in their institutions. On asking whether the parents were aware of the video surveillance, 10% of the government schools and 5% of the private schools have said that they have not informed the parents about the surveillance practice, whereas 46% of the government and private-run institutions marked the answer as non-applicable. This data should be viewed in light of objectives of video surveillance since no such security threat is expected in a parent-teacher interaction.

Graph 4: Recording Parent Teacher Meeting

In government schools, academics and code of conduct are surprisingly on the same footing, as far as the assessment of the employees is concerned. Whereas, the research data suggests that in private schools, 95% of the institutions say that code of conduct is the most important parameter for assessing the employee. This reflects the real motive of the school management to instil discipline and a particular code of conduct among the employees and confirms that issue of security plays second fiddle in the operations of video surveillance.
Panoptics: The latest forms of surveillance are akin to Bentham’s utopian idea of a ‘panopticon’. The famous Panopticon building, ‘the all-seeing place’, was designed by Jeremy Bentham towards the end of the 18th century. It is a type of prison, also known as the Inspection House, whose construction enables an observer to watch all the prisoners without their knowledge. Prisoners, who in the original plan would be in individual cells, were open to the gaze of the guards, or ‘inspectors’, but the same was not true of the view the other way (Vetter, 2012). The major effect of the Panopticon is to induce a state of conscious and permanent visibility that assures the automatic functioning of power. Power has its principle not so much in a person as in a certain concerted distribution of bodies, surfaces, lights, gazes; in an arrangement whose internal mechanisms produce the relation in which individuals are caught up (Foucault, 1977). This architectural apparatus of CCTV camera surveillance creates and sustains a power relation independent of the person who exercises it. It becomes important as it automatizes and disindividualizes power.

Foucault described Panopticism as a new political anatomy, in which discipline replaces the earlier sovereign power. This new kind of authority exercised its power by objectifying the subjects which it desired to control, and by creating knowledge about them. Therefore, Panopticism implies a disciplinary power that aims to train and manipulate the body. Surveillance here plays a prominent part as a kind of ‘visibility instrument’ that ensures control of the individual (Foucault 1975: 200-202). Disciplinary power thus mainly exercises its power through the gaze. These surveillance devices in schools have become those elements of faceless gaze that transforms the whole social body into a field of perception: thousands of eyes posted everywhere, a long, hierarchy where someone somewhere is always watching. The gaze is alert everywhere.

Characteristics of Panopticism
- The observer is not visible from the position of the observed (who is monitoring through CCTV in schools is not really known)
- The observed subject is kept conscious of being visible (the staff is aware they are being watched)
- Surveillance is made simple and straightforward. This means that most surveillance functions can be automated (cameras are there but no one controls them)
- Surveillance is depersonalized, because the observer's identity is unimportant. The resulting anonymous character of power actually gives Panopticism a democratic dimension, since anybody can in principle perform the observation required.
One technique for the use of video surveillance to affect social control is to exploit the discrepancies between people's public and private personas, which exist in all societies. The best way to do this is to first create social pressure to maintain a public code of behaviour that is highly artificial and unsustainable. This will maximise the gap between the things people say in public, and those they say in private. Then, you can use your surveillance apparatus to access people's private statements and gain leverage with evidence of hypocrisy or violations of the code. This research study finds that the zeal to instil a code of conduct among staff members is almost the same in government and private educational institutions in Delhi.

More than half of the schools have installed CCTV cameras in their staff rooms to monitor the behaviour of their staff members. The objective of the surveillance has been successful in instilling the desired code of conduct among employees as almost no resistance is found in private schools; whereas around 27% incidents of resistance were found in the govt institutions.

**Graph 6: Resistance for Surveillance**

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<th>Govt</th>
<th>Private</th>
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<td>Yes-27%</td>
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<td>yes-5%</td>
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<td>No-73%</td>
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<td>No-95%</td>
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**Right to Privacy and Anonymity**

‘Privacy involves keeping oneself and one’s affairs removed from public view or knowledge, even if the information so protected is itself not intrinsically sensitive’ (New South Wales Law Reform Commission). In terms of surveillance devices in schools, the question is whether schools, and in particular classrooms and staff rooms, are public or private places, and whether students and teachers have a ‘reasonable expectation of privacy’ when they are in school premises. Schools have restricted access, and therefore are not entirely public places like a recreation park (Squelch & Squelch). In such a situation, students’ and faculty’s individual rights and interests are interpreted within the context of the wider school community. But while teachers and students may have a lesser expectation of privacy at school, they do not expect to completely sacrifice their privacy and become a part of absolute public knowledge under constant surveillance, at times even without consent and notification.

Alan Westin, author of a seminal privacy treatise, described anonymity as a form of privacy that “occurs when the individual is in public places or performing public acts but still seeks freedom from surveillance”. Because of this anonymity, “he does not expect to be personally identified and held to the full rules of behaviour and role that would operate if he were known to those observing him.” Anonymity remains a fundamental freedom even as urban environments and technology increasingly allow the employers to identify the acts of every employee.

**Graph 7: Is it ethical to surveil?**

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<th>Govt</th>
<th>Private</th>
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<td>Yes-100%</td>
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<td>No-5%</td>
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On the issue of ethics of video surveillance in schools, the researchers put a straight question to all the selected institutions—whether it is right to watch the conduct of employees on a campus through camera. Surprisingly the data reflects that 100% of the government schools and 95% of the private institutions agree that there is no harm in keeping a watch on the employees’ conduct. Since the designated person to fill this questionnaire was selected by the management of the school, it reflects the ideology/practices of the management towards their employees. Government and private school management are unanimous in justifying the right to surveil their employees completely ignoring the privacy concerns.

**Storage of the video recordings** is also an important consideration of the present study as it has a direct bearing on the principle of proportionality according to which the personal data should be kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the data are collected or for which they are processed. When security is cited as the primary concern for the initiation of the video surveillance, an ideal storage time of 24 to 48 hours may be sufficient as long as no violation of property or personal integrity has been recorded.

![Graph 8: Recording Backup](image)

In the absence of definite guidelines for video surveillance, this research study has come up with some interesting findings which suggest that issues of privacy and proportionality has not been honoured by the Delhi schools while practicing video surveillance in their campuses. The survey found that in government schools, 64% institutions have no recording backup whereas 18% have less than a week of recording storage while other 18% have a month or more of storage facility. On the contrary, private institutions have 100% recording backup with 59% of the institutions having more than a month of storage capacity, 18% with a fortnight of storage capacity, 18% for a week and 5% institutions have less than a week of recording storage capacity. Clearly, infringing on the privacy of the staff members and infusing a particular behaviour seems to be more on the minds of the management of private institutions as compared to the government run schools.

**Public Compliance without Private Acceptance**

Behaviour is changed when the observer has the possibility to reward or punish. People might accept surveillance while they are being observed and behave according to the relevant prescribed standards. When the monitoring stops, however, they may behave like before. Of course in many cases, surveillance is aimed at behavioural patterns of groups rather than individuals. Whatever the actual degree and constancy of scrutiny, the aim is to produce the impression of constant observation by officiodom, thus promoting self-discipline in those subject to surveillance. ‘Unnoticed by the public, and overlooked by social and political commentators, the surveillance society sneaked under our guard, and has been implemented’ (Clarke, 2000b: 14).

**Right to Privacy and India**

In India, there is no explicit right to privacy under the Constitution. However, the Courts have read the right to privacy into Article 21 of the Constitution which gives the right to life and personal liberty. The strategy adopted by the Supreme Court with a view to expand the ambit of Article 21 and to imply
certain right there from, has been to interpret it along with international charters on Human Rights. Where there is a conflict between two derived rights, the right which advances public morality and public interest prevails. Now, as there is no specific law dealing with privacy, there are no guidelines for deciding when public interest and security issues outweigh private interest of the individual. The answer depends on the facts and circumstances of each case. Also, privacy is very subjective. The perception regarding what is a private act varies from person to person. What may be private to one may not be the same with another. The speed with which technological advances are resulting in the intrusions into private life is not being matched by the efforts of law makers to provide some form of restraint and redress.

**Conclusion**

The need for video surveillance has grown in this technologically driven era as a mode of law enforcement. Video Surveillance is very useful for governments to maintain social control, recognize and monitor threats, and prevent/investigate criminal activity. However, with different objectives for surveilling, security only being one, we are heading towards a mass surveillance society, with extremely limited rather non-existent personal and private spaces. While national security concerns may justify the exceptional and narrowly-tailored use of surveillance in schools, adequate safeguards are not in place to protect the right to privacy and other human rights of the citizens concerned. When the faculty, staff and students know or assume that management and principal are monitoring their private communications, they are less inclined and less likely to communicate freely. This is of course implied that through such a surveillance mechanism in place, the idea is to instil an ‘appropriate’ behaviour/code of conduct in the employees, something that the research data almost establishes. The broader right to privacy has evolved from being a tort law to an integral part of Article 21 jurisprudence. However, the boundaries of the legally protected right to privacy seem to dissolve when the violation of the right is seen through the lens of moral turpitude.

The first step to address privacy concerns is to enact laws relating to video surveillance that are tightly worded and strictly connoted, considering the encroachment on civil liberties and human rights. Countries like Canada and Britain have attempted to strike a balance between the need for surveillance and the privacy rights of the people, but India surprisingly has no laws on the same. Besides telling certain establishments that they must install cameras, the government has not done much to create controls and determine how personal video data will be gathered, how it will be stored and used, and most importantly, how to prevent its misuse and abuse. With all our lives being splattered over the media be it through social networking sites or the spy cameras, we need protection so that we can function in a way we want to and not think of others before our actions.

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1 A part of this study conducted by the researchers was presented at the Video Workshop organised by The Sarai Program of Centre for the Studies of Developing Societies (CSDS), New Delhi in Feb 2015
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