

COURSE TITLE

Responsible Faculty Instructor:

Soumya Singh Chauhan

Assistant Professor

Credits: 4

Credits Type: Law

Cross-registration: Open to UG and PG students

Pre-requisites: N/A

COURSE DESCRIPTION (COURSE VISION):

This course examines the complex relationship between the right to privacy, surveillance regimes, and national security in India and across jurisdictions. Through constitutional case law, statutory frameworks, and comparative analysis, students will grapple with doctrinal questions, philosophical debates, and contemporary controversies such as Pegasus spyware, Aadhaar, and DigiYatra. The course blends theoretical grounding with applied learning, enabling students to critically assess how privacy is negotiated in times of heightened security concerns.

TEACHING METHODOLOGY:

The course will be taught through lectures, seminar-style discussions, case law analysis, and simulations.

INTENDED LEARNING OUTCOMES:

- Understand key concepts of privacy and surveillance in law and theory
- Critically analyze state justifications for privacy restrictions
- Apply frameworks to contemporary controversies
- Develop advocacy and argumentation skills

READING LIST (upto 10 select readings):

1. Alan Westin, *Privacy and Freedom* (1967) (selected chapters)
2. Daniel J. Solove, *Understanding Privacy* (2008)
3. Michel Foucault, *Discipline and Punish* (Panopticism excerpt)
4. Neil M. Richards, "The Dangers of Surveillance," 126 Harv. L. Rev. 1934 (2013)
5. Shoshana Zuboff, *The Age of Surveillance Capitalism* (2019)
6. *Justice K.S. Puttaswamy v. Union of India* (2017) 10 SCC 1
7. *Justice K.S. Puttaswamy (Aadhaar) v. Union of India* (2018) 1 SCC 809
8. *PUCL v. Union of India* (1997) 1 SCC 301

- 9. Joy Buolamwini & Timnit Gebru, “Gender Shades” (2018)
- 10. Frank Pasquale, *The Black Box Society* (2015)

WEEKLY READING PLAN (WEEKLY OUTLINE):

A weekly plan is provided below:

MODULES	WEEK(S)
<p>MODULE I – PRIVACY, SURVEILLANCE, AND POWER</p> <p>Module Description: Introduces theoretical foundations of privacy and surveillance and interrogates the privacy–security binary.</p> <ul style="list-style-type: none"> • Week 1: Privacy – Concepts, Typologies, Democratic Foundations • Week 2: Surveillance Theory – Panopticon, Dataveillance, Algorithmic Governance • Week 3: Privacy vs National Security – Trade-offs, Securitisation, Exceptionalism 	<p>Weeks 1–3</p>

<p>Module 2: Indian Constitutional Architecture</p> <p>Module Description: Examines doctrinal evolution of privacy jurisprudence and statutory surveillance frameworks in India.</p> <ul style="list-style-type: none"> • Week 4: Constitutional Foundations – <i>Kharak Singh, Gobind, Puttaswamy</i> • Week 5: Surveillance Law – Telegraph Act, IT Act, <i>PUCL</i> safeguards • Week 6: Aadhaar and Techno-Welfare – Proportionality and Structural Concerns 	<p>Weeks 4–6</p>
<p>Module 3: Data, Governance, and Repurposing</p> <p>Module Description: Explores political economy of data, regulatory regimes, and function creep.</p> <ul style="list-style-type: none"> • Week 7: Surveillance Capitalism and Informational Asymmetry • Week 8: Data Protection Frameworks – GDPR and India’s DPDP Act, 2023 • Week 9: Repurposing and Legitimacy – Aadhaar, DigiYatra, Democratic Accountability 	<p>Weeks 7–9</p>
<p>Module 4: National Security and Exceptionalism</p> <p>Module Description: Interrogates national security as a constitutional justification for limiting rights.</p> <ul style="list-style-type: none"> • Week 10: Indian National Security Doctrine – <i>ADM Jabalpur</i>, Preventive Detention • Week 11: Comparative Models – US (FISA/Patriot Act), UK Investigatory Powers Act, EU AI Act 	<p>Weeks 10–11</p>
<p>Module 5: Technology, Bias, and the Future of Surveillance</p> <p>Module Description: Applies constitutional analysis to AI surveillance and contemporary case studies.</p> <ul style="list-style-type: none"> • Week 12: Algorithmic Bias, Predictive Policing, Structural Inequality • Week 13: Pegasus, DigiYatra, Biometric Governance • Week 14: Synthesis – Democratic Limits and Normative Futures 	<p>Weeks 12–14</p>

REVISION WEEK	Week 15
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