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The Panoptic State: Indian State Surveillance and the Shadow of Orwell's Nineteen Eighty-Four

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Abstract

This paper places India's expanding surveillance infrastructure in conversation with George Orwell's Nineteen Eighty-Four (1949). Drawing on Michel Foucault's panopticism, Shoshana Zuboff's surveillance capitalism, and David Lyon's critical surveillance studies, it argues that the Aadhaar biometric system, the Centralised Monitoring System (CMS), the National Intelligence Grid (NATGRID), facial recognition programmes, and the documented deployment of Pegasus spyware together constitute a form of digital authoritarianism with structural and ideological affinities to Orwell's Oceania. Rather than reducing India to a dystopia—it remains a constitutional democracy with functioning institutions—this paper reads Orwell as a diagnostic instrument, tracing where democratic norms are being quietly eroded by the logic of total visibility. The comparative analysis shows that the parallels are not superficial: surveillance in India, as in Oceania, is legitimised through the language of welfare and security, targets minority and dissident populations through social sorting, and generates a chilling effect on political expression that threatens the interior conditions for authentic democratic participation.

Keywords: Surveillance,Aadhaar,NineteenEightyFour,Panopticon,DigitalAuthoritarianism, CMS, Pegasus, Indian Democracy, Orwell

Introduction

There is something quietly instructive about the fact that the most searching literary analysis of state surveillance was written not by a political scientist but by a novelist who had seen, at close range, how ordinary institutions become extraordinary machines of control. George Orwell finished Nineteen Eighty-Four in 1948, dying shortly after its publication; he could not have known that the technological infrastructure for realising his worst imaginings would flourish not in the Soviet bloc he was gesturing at but in the liberalising, digitalising democracies of the twenty-first century. The novel's central image—telescreens installed in every home, transmitting and receiving simultaneously, so that the citizen is always

potentially under observation—has become something close to a literal description of contemporary life.

India presents a particularly interesting case. It is the world's largest democracy, with a written constitution, an independent Supreme Court, and a tradition of vigorous political argument. It is also, by most objective measures, one of the world's most ambitious builders of surveillance infrastructure. Aadhaar has enrolled over 1.38 billion citizens in a biometric identity database. The Centralised Monitoring System intercepts telecommunications without judicial warrant. The National Automated Facial Recognition System (AFRS) is on track to become the largest deployment of face-recognition technology anywhere on earth. In 2021, reporting by The Wire and an international consortium revealed that Pegasus military-grade spyware had been used against Indian journalists, opposition politicians, and Supreme Court clerks.

The question this paper asks is not whether India is Oceania—it plainly is not—but whether Orwell's fictional anatomy of surveillance power helps us see something true about what is happening in India that a purely policy or legal analysis might miss. The answer, this paper argues, is yes. Orwell identifies the structural logic of surveillance states with unusual clarity: the ideological inversion by which control is presented as care, the social sorting that produces suspect populations, the chilling effect on interior life, and the systematic erosion of the epistemic ground on which dissent stands. These logics are not absent from contemporary India.

Roots and Frameworks

Any honest account of Indian surveillance must begin with its colonial genealogy. The British Raj developed sophisticated techniques for monitoring subject populations: the Criminal Tribes Act of 1871 subjected entire communities to compulsory registration; Francis Galton's fingerprinting experiments were first implemented in Bengal in the 1890s; the Intelligence Bureau was established in 1887. As the historian Radhika Singha has argued, this constituted 'a colonial governmentality of suspicion' in which the identification and tracking of bodies was integral to imperial rule (42). The Indian Telegraph Act of 1885—a Victorian statute still governing twenty-first-century fibre-optic interception—is the most visible sign that the postcolonial state inherited, rather than dismantled, the surveillance apparatus of its predecessor.

The theoretical resources for analysing what India has done with that inheritance are well-established. Michel Foucault's account of the Panopticon in Discipline and Punish (1977) remains foundational: the architecture of surveillance, he argued, does not need continuous observation—it needs only the structural possibility of observation, which produces self-regulation in the observed. As Foucault put it, the subject 'assumes responsibility for the constraints of power; he makes them play spontaneously upon himself'

(202–203). This is the Aadhaar effect and the CMS effect: they do not need to watch everyone; they need only to ensure that everyone knows they could be watched.

Shoshana Zuboff's concept of surveillance capitalism adds the commercial dimension that Foucault could not have anticipated: digital surveillance does not merely observe but extracts behavioural data 'as free raw material for translation into behavioural data... fabricated into prediction products... sold into behavioural futures markets' (Zuboff 8). India's public-private surveillance nexus—Aadhaar built by private contractors, AFRS developed by private vendors, social media cells contracting private analytics firms—means that state surveillance and commercial data extraction are not two separate things but two sides of the same architecture. David Lyon and Zygmunt Bauman's concept of 'liquid surveillance' captures the final dimension: contemporary surveillance has become ambient, embedded in the flows of everyday digital life, 'tolerated, even welcomed, by those who experience it as entertainment, convenience, or safety' (Bauman and Lyon 16). The smartphone is India's voluntary telescreen.

3. The Anatomy of Oceania

Nineteen Eighty-Four constructs its surveillance state with systematic precision. The telescreen is its central technology: 'The telescreen received and transmitted simultaneously. Any sound that Winston made, above the very lowest whisper, would be picked up by it; moreover, so long as he remained within the field of vision which the metal plaque commanded, he could be seen as well as heard' (Orwell 4). Its defining characteristics are ubiquity, bidirectionality, and invisibility as infrastructure—it is not experienced as an imposition but as furniture.

Beyond the hardware, Orwell identifies two ideological mechanisms that sustain the surveillance state. The first is the inversion of meaning: 'War is Peace. Freedom is Slavery. Ignorance is Strength' (Orwell 6). In this framework, surveillance is not the negation of freedom but its guarantee; being watched is being protected. The second is the attack on interiority—the aspiration to colonise the 'few cubic centimetres inside your skull' (Orwell 29) that constitute the last refuge of authentic selfhood. Thoughtcrime is not an act; it is the intention to act, and 'Thoughtcrime does not entail death: thoughtcrime IS death' (Orwell 30). Bernard Crick, in his biography of Orwell, argues that the novel is best understood as 'a warning arising from tendencies already present in the world of 1948' (393)—which is precisely why it remains useful as a diagnostic instrument for tendencies present in the world of 2024.

4. Comparative Analysis: Oceania and Contemporary India

4.1 Technological Infrastructure: From Telescreen to Digital Panopticon

The telescreen's three defining features—ubiquity, bidirectionality, and structural invisibility—each find a counterpart in India's surveillance architecture. Aadhaar is ubiquitous: over 1.38 billion Indians are enrolled, and its seeding across banking, mobile telephony, taxation, welfare entitlements, and travel documents has created what Srikanth

Lakshminarayanan describes as the capacity to 'reconstruct the complete behavioural biography of any citizen' (78). The CMS is bidirectional in Orwell's precise sense: it both delivers information (telecommunications) to citizens and extracts information from those same communications without judicial warrant. The AFRS is structurally invisible—unlike Aadhaar, which requires the citizen's active participation in identification, facial recognition operates covertly, identifying individuals from CCTV footage 'in real time' without their knowledge or consent, as the Internet Freedom Foundation's analysis of NATGRID tender documents confirmed (IFF, Submission 4).

What is remarkable about the Indian case is that this infrastructure was assembled gradually, through bureaucratic accretion and administrative order, without any single piece of enabling legislation that Parliament had meaningfully debated. The CMS was announced in a 2013 press release. NATGRID was conceptualised after the 2008 Mumbai attacks and expanded by executive notification. The AFRS was launched through an NCRB tender document. Usha Ramanathan, whose work on identity and surveillance law has been central to Indian civil liberties advocacy, has argued that this mode of assembly reflects something structural: 'the state has never fully accepted that the citizen is not the subject, and surveillance is the technology through which that non-acceptance is expressed' (18). The comparison with Oceania is apt: the telescreen, too, was simply installed—its legal basis is never discussed in the novel because its authority is pre-legal, a given of the social world.

4.2 Ideological Justification: Security, Welfare, and Orwellian Inversion

Orwell's most brilliant insight about surveillance states is that they do not present surveillance as oppression. They present it as its opposite. The Party's slogans do not hide the contradiction between freedom and control; they dissolve it by asserting that the two are identical. Contemporary India's justifications for its surveillance apparatus operate in a recognisably similar register, cycling through three primary frames: national security, crime prevention, and welfare delivery.

The national security frame has been dominant since the 2008 Mumbai attacks: NATGRID is a counterterrorism tool; the CMS enables lawful interception of terrorist communications; facial recognition protects crowded public spaces. The structure of this argument is exactly 'War is Peace' (Orwell 6): the curtailment of liberty is presented as the condition of liberty's possibility. The welfare frame is more distinctive to India and, arguably, more insidious. Aadhaar was architected, in Nandan Nilekani's description, as a 'universal proof of identity' to eliminate corruption and ghost beneficiaries from government schemes (127). Jean Drèze and Reetika Khera's field research documented the systematic exclusion of genuine beneficiaries whose biometric authentication failed—with cases of starvation deaths among populations unable to access food rations after mandatory Aadhaar seeding (15). The surveillance apparatus sold as welfare became the instrument of exclusion. This is Orwellian doublethink in administrative form: the capacity to present an exclusionary technology as an inclusive one, and to maintain both beliefs simultaneously.

4.3 Social Sorting and the Construction of Suspect Communities

David Lyon's concept of 'social sorting'—the process by which surveillance systems classify populations and distribute differential treatment across those classifications—is essential to understanding the discrimination embedded in Indian surveillance. As Lyon argues, 'Surveillance is not merely the observation of individuals but the production of social differences' (Surveillance as Social Sorting 13–14). The AFRS is explicitly designed to match facial data against criminal databases; the population in those databases is not randomly distributed. India's history of discriminatory policing means that Dalit communities, Adivasi (tribal) communities, Muslims, and political activists are overrepresented in criminal records, which means they are overrepresented in the surveillance-risk profiles that the AFRS will generate. The technology does not produce this discrimination—it inherits and then amplifies it.

The Bhima Koregaon case makes this concrete. Sixteen activists and academics—including Varavara Rao, Sudha Bharadwaj, and the 84-year-old Jesuit priest Father Stan Swamy, who died in custody in July 2021—were arrested under the Unlawful Activities (Prevention) Act on the basis of digital evidence that forensics firm Arsenal Consulting subsequently identified as having been planted on their devices by malware (Wilson 1). The surveillance apparatus did not merely observe these individuals; it fabricated the evidentiary basis for their prosecution. The parallel with the Ministry of Truth's falsification of historical records in Nineteen Eighty-Four is not decorative: 'The Ministry of Plenty... had issued a proclamation claiming that there had been no reduction of the chocolate ration during the current year' (Orwell 62). The state rewrites the record, and the citizen has no ground from which to contest the rewriting.

4.4 The Suppression of Dissent: Sedition, Pegasus, and the Chilling Effect

Perhaps the starkest parallel between Orwell's Oceania and contemporary India lies in the treatment of political expression. In the novel, Thoughtcrime—the mere intention to dissent—is the supreme offense; it is prosecuted before any act is committed. In India, the legal machinery for suppressing dissent has become capacious enough to operate in a structurally analogous way. Section 124A of the Indian Penal Code (the sedition law, inherited intact from colonial law) and the UAPA have been used against journalists, academics, students, and activists for statements and writings rather than violent acts. The Supreme Court, in Kedar Nath Singh v. State of Bihar (1962), had restricted sedition to speech inciting imminent violence, but decades of executive practice have stretched the provision far beyond that constitutional limit.

The Pegasus revelations gave this an explicit surveillance dimension. The 2021 investigation by The Wire, Le Monde, The Guardian, and fourteen other media organisations, based on a leaked list of over 50,000 phone numbers targeted by NSO Group's Pegasus spyware, identified among potential Indian targets: Siddharth Varadarajan (founding editor of The Wire), Paranjoy Guha Thakurta (journalist), and clerks associated

with a Supreme Court Justice who had received a sexual harassment complaint against the then-Chief Justice of India. The Supreme Court appointed a technical committee; its subsequent report found that the government had neither confirmed nor denied using Pegasus and had declined to cooperate with the committee's inquiry (Supreme Court of India, Writ Petition 1). The government's non-cooperation is itself an Orwellian gesture: the state neither confirms nor denies what it does, knowing that the structural capacity for surveillance is sufficient to produce the disciplinary effect whether or not any particular surveillance is occurring.

The chilling effect this produces on political expression is precisely what Orwell identified as the telescreen's most corrosive consequence. Winston does not know, at any given moment, whether the Thought Police are watching him. He behaves as though they always are. The journalist or opposition politician who knows that their phone may be infected with Pegasus—that their calls, messages, and emails may be read by intelligence agencies without judicial oversight—faces the same predicament. The awareness of potential surveillance functions as a prior restraint on political speech more effective than any formal censorship, because it is internalised rather than imposed. Philip Pettit's republican concept of 'domination'—the capacity of one party to interfere arbitrarily in the life of another, regardless of whether that interference is actually exercised—captures what is at stake: the mere structural capacity to surveil arbitrarily is itself a form of unfreedom (52).

4.5 The Erosion of Interiority and Democratic Selfhood

Orwell's deepest preoccupation in the novel is not surveillance as technology but what surveillance does to the self. Winston's diary, his relationship with Julia, his conversations with O'Brien—all are attempts to assert the existence of an interior life beyond the Party's reach. The novel's devastating conclusion—Winston's complete submission, his capacity to love Big Brother—suggests that the surveillance state's ultimate aspiration is not to observe behaviour but to colonise the self. Nothing must exist outside the Party's vision: 'Nothing was your own except the few cubic centimetres inside your skull' (Orwell 29)—and even that, the novel ultimately shows, can be taken.

India has not reached this point. The Indian state neither aspires to total psychological colonisation nor possesses the institutional coherence required for it. But the structural erosion of the conditions for authentic political selfhood is real. Prashant Iyengar has argued that privacy is not merely an individual entitlement but a structural precondition for democratic deliberation: 'deliberation requires the possibility of changing one's mind, and changing one's mind requires a protected space in which exploration and revision are possible' (87). Surveillance threatens this precondition not by dictating what people believe but by generating conditions under which conformism and self-censorship become rational adaptive strategies. The philosopher Charles Taylor, in Sources of the Self, argues that authentic identity requires 'the recognition of... a horizon of significance' outside the gaze of others (37). A surveillance state that colonises public and private space simultaneously—that

watches citizens in their homes through Aadhaar-linked databases, on the streets through AFRS, and in their communications through the CMS—narrows that horizon systematically, even without intending to. The telescreen does not need to be literal to do its work.

5. Constitutional Response and Its Limits

The Supreme Court's unanimous nine-judge bench decision in Justice K.S. Puttaswamy (Retd.) v. Union of India (2017) held that privacy is a fundamental right under the Constitution—a landmark ruling that provided the constitutional foundation for challenging the surveillance state. Justice D.Y. Chandrachud's lead opinion declared that 'Privacy is the constitutional core of human dignity... Life and personal liberty cannot be denuded of their essential content' (para. 325). In the subsequent Aadhaar judgment (2018), Chandrachud dissented from the majority's partial upholding of the system, arguing that its architecture was structurally incompatible with constitutional values and represented the creation of 'a surveillance state' (Chandrachud J., dissenting, para. 61).

Despite this constitutional foundation, legislative protection has remained inadequate. The Digital Personal Data Protection Act (2023), intended to implement the Puttaswamy mandate, contains in Section 17 a set of state-interest exemptions so broad—covering sovereignty, security, public order, and criminal investigation—that the Internet Freedom Foundation described them as 'a carve-out large enough to drive the entire surveillance state through' (IFF, Analysis 7). The gap between constitutional aspiration and legislative reality reflects what is, perhaps, the most Orwellian feature of the Indian case: the continued formal operation of democratic institutions—Parliament, the judiciary, the press—alongside the substantive erosion of the protections those institutions are meant to guarantee.

6. Conclusion

Orwell did not write a blueprint; he wrote a warning. The warning was not about a particular political system but about a structural tendency—the tendency of power to use information as a tool of domination and to use the language of protection as a cover for that use. Reading India's surveillance state through Nineteen Eighty-Four does not flatten the very real differences between a functioning constitutional democracy and a totalitarian fiction. What it does is illuminate the directions in which Indian democracy is being pulled—and the mechanisms through which that pulling is obscured.

The parallels examined in this paper—technological ubiquity, ideological inversion, social sorting of suspect populations, chilling effects on dissent, and the structural erosion of democratic interiority—are not coincidences. They reflect shared logics of surveillance power that Orwell identified with remarkable analytical precision. The differences—the Puttaswamy judgment, civil society advocacy, investigative journalism, competitive elections—are real and should not be dismissed. But they are under pressure in ways that demand attention. India stands at what the political theorist Pratap Bhanu Mehta has called a 'critical juncture' in its democratic trajectory. The question Orwell's novel presses upon us, reading it from contemporary India, is whether those democratic resources will prove

sufficient to resist the logic of the boot. As O'Brien tells Winston: 'If you want a picture of the future, imagine a boot stamping on a human face—forever' (Orwell 280). The boot does not need to be literal. Surveillance itself, unchecked, may serve the purpose just as well.

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