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NARCOTICS SURVEILLANCE AND THE PRIVACY **ISSUE: CASE STUDY FROM HYDERABAD**

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Abstract

The ubiquity of technology has completely reformed the way we communicate and purchase things. Now everything can be bought with a click, including illicit drugs. This proliferation of technology when added to the fact that law enforcement agencies across the globe already face challenges in countering drug menace, make it harder to curtail drug abuse. True, the frustrations are many, but the law enforcement must balance the fundamental right of people who do not use drugs against those whose liberty can be legally curtailed for engaging in activities related to drug abuse. The Hyderabad Police in 2021, used the most aggressive surveillance initiative. The Police stopped passersby to check their mobile phones. This act was motivated with an intent to find alleged links to drug activities. It is pertinent to note that such acts of surveillance stand in direct contravention to the fundamental right of privacy as emphasized by the KS Puttaswamy judgment. Some key concerns that this incident raises are: firstly, there is a remarkably big gap between awareness of law among public; secondly, there is a clear laxity on the part of law enforcement agencies in upholding and safeguarding the rights of public, even though they lack the necessary awareness. This latter aspect makes public subject to unnecessary exploitation at the behest of law enforcement agencies.

This chapter explores the Hyderabad incident through various lenses, particularly, constitutional justice. The chapter tries to highlight the niche between legal and ethical boundaries of surveillance conducted by State. The need for robust civic education is further underpinned in the chapter through the stark gap between public awareness of legal rights and exploitation of this ignorance by the law enforcement agencies. A brief discussion of the Philippines 'war on drugs' that resulted in a bloody-streets for alleged users has been made to understand that the leap from lack of civic education to that of an anarchic undemocratic society is not long. This chapter argues for an approach which equipose fundamental rights of individuals and the powers exercised by law enforcement agencies, while ensuring no

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unlawful act goes unpunished. It aims to propose a policy that bridges the gap between law and public understanding of the law.

Keywords: *Right to Privacy, Constitutional Justice, Civic Education, Drug Surveillance, Public Awareness, War on Drugs.*

1. INTRODUCTION

The digital age has gone beyond the control of humans and the future where we see complete digital takeover is not far-fetched. A challenge that this advancement has posed far too long for law enforcement agencies is that to keep itself abreast with the new avenues that criminals have generated to commit crime. The criminals are no longer selling drugs on the streets but over the internet. This means that a transaction or exchange is just a click away. Our phones and tablets are the easy gateways to buying not just groceries but also illicit drugs. Amid this new advent of cyber spaces, law enforcement agencies must navigate to hinder creation of any new safe havens by conducting strict scrutiny or surveillance and balance right of privacy of individuals.

This chapter focuses on an incident that occurred in Hyderabad in 2021 where the law enforcement agency failed utterly in drawing a line on surveillance activity and individual right to privacy. The police surveilled passersby in Hyderabad by stopping them and checking their mobile phones. The act was allegedly done to find links of individuals with drug offences. The question that arises from such act is that of individual privacy violation. This stands in direct contravention to the Apex Court's landmark judgement affirming privacy as a constitutional right.² The episode exposes a critical tension between state enforcement practices, judicial safeguards, and the general public's understanding of their legal protections.

The Dark web and encrypted messaging platforms enable drug transactions to occur anonymously and across borders, complicating law enforcement's ability to track and curb illegal activities.³ Scholars argue that this shift demands novel policing strategies but also raises ethical and legal questions about surveillance.⁴

² *KS Puttaswamy v. Union of India*, (2017) 10 SCC 1.

³ Susan W. Brenner, *Cybercrime and the Dark Web* (Oxford Univ. Press 2019).

⁴ David Lyon, *The Culture of Surveillance* (Polity Press 2018).

The *KS Puttaswamy v. Union of India* (2017) case marked a turning point in Indian history by “declaring the right to privacy a fundamental constitutional right under Article 21”.⁵ This judgement set strict conditions for government intrusion into privacy, emphasizing legality, necessity, and proportionality.⁶ This has significant implications for law enforcement surveillance practices.

The literature reveals an ongoing tension between state interests in public safety and individual rights.⁷ Scholars highlight the risk of overreach in drug enforcement, which can undermine democratic values and human rights if left unchecked.⁸ Effective civic education is posited as crucial to enabling citizens to understand and exercise their rights.⁹

This paper employs a qualitative case study approach, analyzing the Hyderabad Police surveillance incident using constitutional law analysis and human rights frameworks. Secondary data includes official reports, legal documents, media accounts, and scholarly literature. Comparative analysis is used to briefly examine the Philippines’ ‘war on drugs’ to provide international context.

2. CASE STUDY: HYDERABAD POLICE SURVEILLANCE INITIATIVE (2021)

In 2021, Hyderabad Police undertook an aggressive surveillance measure to curb drug trafficking by stopping individuals and inspecting their mobile phones for evidence of illicit drug-related communication.¹⁰ The Hyderabad Police had set up checking points in parts of the city.¹¹ Various videos were recorded and some news agencies interviewed the police officers on site. As per one of the videos, the police officers are shown as stopping ‘suspicious’

⁵ (2017) 10 SCC 1.

⁶ Sahil Goel, *Right to Privacy: A Critical Analysis*, 4 Int’l J. L. Mgmt. & Humanities 2117, 2117–2140 (2021), <https://doi.org/10.1000/IJLMH.11695>.

⁷ Catarina Fontes, Ellen Hohmá, Caitlin C. Corrigan & Christoph Lütge, AI-Powered Public Surveillance Systems: Why We (Might) Need Them and How We Want Them, 71 *Technology in Society* 102137 (2022), <https://doi.org/10.1016/j.techsoc.2022.102137>.

⁸ Lucia Zedner, *Security* (Routledge 2009).

⁹ Joel Westheimer & Joseph Kahne, What Kind of Citizen? The Politics of Educating for Democracy, 41 *Am. Educ. Res. J.* 237 (2004), <https://doi.org/10.3102/00028312041002237>.

¹⁰ Srinivasa Rao Apparasu, Hyderabad Cops Criticised for Checking Mobile Phones as Part of Crackdown on Narcotics, *Hindustan Times* (Oct. 3, 2025), <https://www.hindustantimes.com/india-news/hyderabad-cops-criticised-for-checking-mobile-phones-as-part-of-crackdown-on-narcotics-101635420049868.html>.

¹¹ *Id.*

individuals and this entailed checking their vehicle and their phones.¹²

“We are checking people’s phones. If we find any chats related to ganja, we are sending them to the police station,” said one of the officers to the news agency in the video.¹³ South Zone deputy commissioner of police, Gajarao Bhupal was quoted by The NewsMinute, “Yes, I am aware that phones are being checked. However, we are not forcing anybody nor are we snatching away their phones to check. People are cooperating and no one is complaining, so I do not think there is anything illegal.”¹⁴ While aimed at tackling drug abuse, the initiative demands public outcry and legal debate over its constitutionality.

The indiscriminate phone checks violate the principles set out in *KS Puttaswamy*, which requires that any invasion of privacy must be in accordance with law and be proportionate to the aim.¹⁵ There was no clear statutory basis for the phone inspections, and the measures failed the test of proportionality¹⁶ affecting innocent citizens’ rights to privacy. “An invasion of life or right to privacy must meet the three-fold requirement of i) legality, which postulates the existence of law; ii) need, defined in terms of a legitimate State aim; and, iii) proportionality which ensures a rational nexus between the objects and the means adopted to achieve them.”¹⁷ Such invasive surveillance breeds mistrust between citizens and law enforcement.¹⁸ It risks stigmatizing individuals and eroding community cooperation critical for effective policing. Furthermore, the lack of public legal awareness exacerbates tensions, as citizens may not fully understand their rights or avenues for redress.

2.1. Constitutional Mandate on Legal Literacy

It cannot be pressed enough when one says that legal literacy should not just be incorporated as a policy of the Government, rather it is an inalienable constitutional imperative for a

¹² Hyderabad: Vehicle checking by Excise Team, YouTube (Oct. 27, 2021), <https://www.youtube.com/watch?v=B4bCUC6Xhh4&t=60s>.

¹³ *Id.*

¹⁴ Paul Oommen, Hyderabad Cops Are Illegally Checking Phones’ WhatsApp Chats as Part of Drug Crackdown, *The News Minute* (Oct. 28, 2021), <https://www.thenewsminute.com/teelangana/hyderabad-cops-are-illegally-checking-phones-whatsapp-citizens-part-drug-crackdown-156997>

¹⁵ *Id.*

¹⁶ *Anuj Garg v. Hotel Association of India* (2008) 3 SCC 1.

¹⁷ *KS Puttaswamy*, supra note 2.

¹⁸ Surveillance Breeds Public Distrust, *The Economic Times* (July 20, 2021), <https://economictimes.indiatimes.com/opinion/et-editorial/surveillance-breeds-public-distrust/articleshow/84593143.cms>.

democratic society.¹⁹ In India, this mandate is derived from several provisions of the Constitution of India. The guarantee of right to life and personal liberty under Article 21 includes the right to make informed choices.²⁰ However, this right is meaningless without awareness of its scope and implications. Additionally, Article 39A²¹ directs the State to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities, which implicitly includes ignorance of the law or unawareness related to any law or rights.²²

Legal awareness is thus foundational to ‘participatory democracy’²³ and constitutional morality²⁴. When citizens are unaware of their rights or the limits of state authority, as was seen in the Hyderabad surveillance incident, they are unable to assert protections against overreach. The judiciary has time and again emphasized on the significance of legal literacy through judgements such as *People’s Union for Civil Liberties vs. Union of India* (2003), where the court emphasized that access to legal knowledge is essential for the realization of fundamental rights.²⁵

Government initiatives such as the National Legal Services Authority (NALSA)²⁶ and the Legal Services Authorities Act, 1987, aim to promote legal literacy, but their outreach remains limited, especially among youth and marginalized or vulnerable communities.²⁷ There is an urgent need to integrate legal education into school curricula and public campaigns to close the gap between constitutional guarantees and everyday realities.

The Drafters of Constitution purposefully omitted “due process” in India and, instead, included “the procedure established by law”. This was done to deliberately exclude “judicial vagaries

¹⁹ Abhishek Kumar Tiwari & Veer Vikram Singh, Legal Literacy and Awareness for Accessing Justice: Judicial Contribution and Approach in India, 7 *Int’l J. Soc. Sci. Educ. Res.* 733 (2025), <https://www.socialsciencejournals.net/archives/2025/vol7issue1/PartI/7-1-125-765.pdf>.

²⁰ Durga Das Basu, *Introduction to the Constitution of India* (LexisNexis 2016).

²¹ The Constitution (Forty-second Amendment) Act, 1976 (India).

²² *Id.*

²³ Sudeep Shahane, *Making India a Participatory Democracy: Empowering People as Stakeholders in the Decision-Making Process*, 12 *Int’l J. Creative Res. Thoughts (IJCRT)* 765 (2024), <https://ijcrt.org/papers/IJCRT2406310.pdf>.

²⁴ Divya Ann Samuel & Sachin Nema, Political Secularism and Constitutional Morality: An Indian Perspective, 2 *Int’l J. Legal Research & Analysis* 1 (2025), <https://www.ijlra.com/details/political-secularism-and-constitutional-morality-indian-perspective-by---ms-divya-ann-samuel-mr-sachin-nema>.

²⁵ *People’s Union for Civil Liberties v. Union of India*, (2003) 2 S.C.R. 1136.

²⁶ National Legal Services Authority (NALSA), <https://nalsa.gov.in>.

²⁷ Anuj Bhuwania, *Courting the People: Public Interest Litigation in Post-Emergency India* (Cambridge Univ. Press 2016).

into the moulding of the law.”²⁸ However, the “word law in the expression procedure established by law in Article 21 has been interpreted to mean in Maneka Gandhi’s case that the law must be right, just and fair and not arbitrary, fanciful or oppressive.”²⁹ The consequence of due process and procedure established by law is the same.³⁰

2.2. Recidivism and the Rights-Based Approach

In the context of drug-related offenses, recidivism³¹ presents a major challenge. However, punitive approaches that prioritize surveillance and incarceration often overlook the social, psychological, and economic factors contributing to drug dependency and relapse.³² A rights-based approach seeks to address these underlying causes while preserving human dignity.³³

This perspective aligns with constitutional values enshrined in Article 21, which covers the right to live a dignified life and have access to rehabilitation.³⁴ The Supreme Court in *Sunil Batra v. Delhi Administration* (1980) emphasized that prisoners do not lose their constitutional rights at the prison gate.³⁵ Therefore, even individuals who have committed drug offences are entitled to protection against arbitrary or excessive punishment and should be provided with avenues for reintegration into society.

Rights-based frameworks support diversion programs, community-based treatment and restorative justice models over incarceration.³⁶ It is irrefutable that models that are more humane in approach are more effective in reducing recidivism and acts such as intrusive surveillance create stigma and barriers to integration into society. The interventions that humanize victimless crimes offer a way to end vicious cycles of abuse.

²⁸ Constituent Assembly Debates, Volume 7 (Nov. 4, 1948 – Jan. 8, 1949), <https://www.constitutionofindia.net/debates/06-dec-1948/>.

²⁹ *Sunil Batra v. Delhi Administration* (1978) 4 SCC 574-575.

³⁰ *Id* at 518.

³¹ Merriam-Webster, *Recidivism*, <https://www.merriam-webster.com/dictionary/recidivism>.

³² Human Rights Watch, *Every 25 Seconds: The Human Toll of Criminalizing Drug Use in the United States* (2016), <https://www.hrw.org/report/2016/10/12/every-25-seconds/human-toll-criminalizing-drug-use-united-states>.

³³ United Nations Office on Drugs and Crime (UNODC), *Treatment and Care for People with Drug Use Disorders in Contact with the Criminal Justice System: Alternatives to Conviction or Punishment* (2020), https://www.unodc.org/documents/drug-prevention-and-treatment/UNODC-WHO_Alternatives_to_Conviction_or_Punishment_2020.pdf.

³⁴ United Nations Sustainable Development Group (UNSDG), *Human Rights-Based Approach*, <https://unsdg.un.org/2030-agenda/universal-values/human-rights-based-approach>.

³⁵ *Sunil Batra*, supra note 29; Shannon Moore & Richard Mitchell, *Rights-Based Restorative Justice: Evaluating Compliance with International Standards*, 9 *Youth Just.* 27 (2009), <https://doi.org/10.1177/1473225408101430>.

³⁶ B.R. Sharma, *Forensic Science in Criminal Investigation & Trials* (Universal Law Publishing 2011).

2.3. Jurisprudential Approaches to Rights and Duties

The issue between law enforcement and individual rights in cases of surveillance like that in Hyderabad can also be understood in light of the rights and duties. The jurisprudential theories of legal positivism and natural law theory explain how laws derive legitimacy and how rights and duties are balanced in a democratic society.

Law is a system of rules created and enforced by recognized institutions and is free from moral considerations.³⁷ This is legal positivism.³⁸ Under this theory, the law enforcement agencies have authority that is conferred on them through legal systems that prescribe duties for State and citizens. It is evident here that the surveilling of individuals by Hyderabad police, while done in compliance of law, such acts must not be arbitrary state actions.³⁹

The legitimacy of law, under natural law theory, is grounded not only in procedural validity but also the morality.⁴⁰ Thinkers, like Thomas Aquinas and Lon L. Fuller⁴¹, argue that laws must reflect universal moral principles and human dignity to be truly just. In this view, rights are inherent and inalienable, also preceding the State and legal systems. Duties arise not only from enacted rules but from moral obligations to respect human autonomy, fairness, and justice. It is evident that, under natural law, surveillance tactics though legal in procedural standards, may still be illegal or wrong on moral or human rights standards. From this standpoint, drug surveillance practices must be evaluated not only for their legality but for their ethical justification and proportionality in relation to individual rights.

It is pertinent to note the interaction of these theories when dealing with crimes such as drug use. There is a simultaneous duty on the State to uphold the public safety and enforce laws, and to prevent excessive and unjustified intrusions that impinge on the fundamental freedoms of individuals. This duty becomes further relevant for reintegration of individuals in matters of offences, such drug use, where social background and health play a critical role in defining the individual activities. Integrating these jurisprudential perspectives highlights the importance of

³⁷ H.L.A. Hart, *The Concept of Law* (Oxford Univ. Press 1961).

³⁸ *Id.*

³⁹ John Finnis, *Natural Law and Natural Rights* (Oxford Univ. Press 1980); Joseph Raz, *The Rule of Law and Its Virtue*, in *The Authority of Law: Essays on Law and Morality* 210 (Oxford Univ. Press 1979).

⁴⁰ Thomas Aquinas, *Summa Theologica* (Fathers of the English Dominican Province trans., Christian Classics 1981) (first published c. 1274) II–I, Q. 90–97.

⁴¹ Lon L. Fuller, *The Morality of Law* (rev. ed., Yale Univ. Press 1969).

a rights-based, morally grounded legal framework for drug surveillance.⁴² The argument that law enforcement actions must be authorized and ethically justified is strengthened here. It acts as a wake-up call for the societies, globally, to ensure the delicate balance between public order and individual freedoms.

3. COMPARATIVE PERSPECTIVE: THE PHILIPPINES' ISSUE

The Philippines' "War on Drugs", launched in 2016 under the administration of President Rodrigo Duterte, is one of the most controversial and globally condemned examples of state-led anti-drug enforcement.⁴³ Marketed as a crackdown on drug abuse and trafficking, the campaign quickly escalated into a violent and extrajudicial response to the drug crisis, resulting in the deaths of thousands of individuals, many of whom were low-level users or falsely accused. According to estimates by international human rights organizations, between 6000 to 30000 people were killed in police operations and vigilante-style executions during the height of the campaign.⁴⁴

At the heart of the campaign was the absence of due process and a widespread violation of constitutional protections.⁴⁵ Many human rights violations such as denial of legal representation, no preparation of formal charges and no trial of accused persons were reported during this period.⁴⁶ Often, individuals were reported, to have been killed on mere suspicions, with no opportunity to be formally heard, a clear violation of natural law.⁴⁷ This systemic erosion of legal safeguards created a climate of fear and normalized extrajudicial violence.

One of the key enabling factors behind this collapse of rights was the lack of public legal awareness and civic education.⁴⁸ Many citizens either accepted or supported these actions, under the belief that extreme measures were necessary to combat drug crime. The media and

⁴² R.A. Duff, *Punishment, Communication, and Community* (Oxford Univ. Press 2001).

⁴³ Human Rights Watch, *License to Kill: Philippine Police Killings in Duterte's 'War on Drugs'* (2017), <https://www.hrw.org/report/2017/12/13/license-kill/philippine-police-killings-dutertes-war-drugs>.

⁴⁴ R.U. Mendoza & S.S. Coronel, *A Society on the Edge: Public Support for Duterte's War on Drugs* (Ateneo Policy Centre 2020).

⁴⁵ Sophie Cousins, Five Thousand Dead and Counting: The Philippines' Bloody War on Drugs, 355 *BMJ* i6177 (2016), <https://doi.org/10.1136/bmj.i6177>.

⁴⁶ Gideon Lasco, Political constructions of people who use drugs in the Philippines: A qualitative content analysis, *International Journal of Drug Policy*, Volume 130, 2024, 104518, ISSN 0955-3959, <https://doi.org/10.1016/j.drugpo.2024.104518>.

⁴⁷ Matthias Kennert & Jason Eligh, A Militarized Political Weapon: The Philippines' War on Drugs (2019), <https://doi.org/10.13140/RG.2.2.17030.22083>.

⁴⁸ Aadil Raza, Legal Literacy: A Key to Socio-Economic Justice, Ashoka University (July 2023), <https://www.ashoka.edu.in/legal-literacy-a-key-to-socio-economic-justice/>.

public discourse often painted a dichotomy between good citizens and drug addicts, further dehumanizing victims and silencing dissent.⁴⁹ This public complicity was rooted in a limited understanding of the individual rights and the role of due process in democratic societies.

It will not be wrong to assert that the Philippines' experience shows a failure of accountability mechanism of law enforcement agencies and lack of civic education. The State's failure to uphold legal protections, compounded by the public's inadequate legal literacy, led to the normalization of illegal State action. Surveillance, arbitrary detentions and summary killings were not anomalies but become tools of routine governance.

In stark contrast, the Indian Constitutional framework provides robust legal safeguards such as the right to privacy, right to life and personal liberty and the right to legal aid. However, the Philippines case underscores that constitutional guarantees alone are insufficient without a populace that understands and demands their enforcement. The legitimacy of a democracy depends not only on its laws but on empowerment of citizens to claim their rights and hold the State accountable.

4. ANALYSIS: STATE ACCOUNTABILITY THROUGH CIVIC EDUCATION

The Hyderabad case exemplifies the complex challenges in balancing drug enforcement with constitutional freedoms in the digital era. There is an inadvertent pressure on law enforcement agencies to control drug abuse. However, this cannot be done at the cost of fundamental rights. No adequate civic education limits constructive engagement in discourses in legal processes.

The aggressive campaign in Philippines was criticized internationally for its apparent human rights abuses. The extrajudicial killings and suppression of dissent became the key underpinnings of this criticism.⁵⁰ The inadequate civic education or institutional checks led to injustice and rise of authoritarianism, endangering democratic governance. It serves as a warning of what can happen when the State abandons constitutional justice in favor of unchecked policing, and when the public lacks the tools to resist it.

⁴⁹ Matthias Kennert & Jason Eligh, *A Militarized Political Weapon: The Philippines' War on Drugs* (2019), <https://doi.org/10.13140/RG.2.2.17030.22083>.

⁵⁰ Amnesty International, *"If You Are Poor, You Are Killed": Extrajudicial Killings in the Philippines' "War on Drugs"* (2017), <https://www.amnesty.org/en/documents/asa35/5517/2017/en/>.

It is apparent that there exists a tension between State duties to ensure security and individual rights to liberty, privacy and due process. The Hyderabad Police's phone-checking surveillance, although driven by legitimate concerns, lacked procedural safeguards and legal proportionality. Similarly, the mass killings in Philippines illustrate the catastrophic consequences of when law enforcement is kept unchecked and is politically incentivized.

These examples show that technical efficiency does not equal constitutional legitimacy. The capacity to surveil or punish cannot substitute for legal process, judicial oversight and public accountability. These are all hallmarks of a constitutional democracy.

One of the most consistent threads emerging from both case studies is the public's lack of legal literacy. In India, few citizens are aware of the full scope of their digital and privacy rights. In the Philippines, misinformation and lack of civic education enabled broad public acceptance and endorsement of unlawful state violence. As John Stuart Mill observed, "The worth of a state in the long run is the worth of the individuals composing it."⁵¹ A legally literate citizenry acts as a guardrail against authoritarian drift and ensures the reciprocal relationship between rights and responsibilities is respected.

As theorists like Duff (2001) and Rawls (1971) argue, the legitimacy of state punishment must be tied to respect for autonomy and fairness.⁵² When the justice system fails to offer a path to reintegration, it loses both moral and functional legitimacy. Therefore, legal frameworks must be paired with treatment programs, education and awareness.

Policy reforms that include clearer frameworks governing digital searches, independent oversight mechanisms and comprehensive public legal literacy programs could prove beneficial for the entire democratic setup. The concept of constitutional morality serves as a normative guide for interpreting laws and implementing public policy in manner that aligns with core values of the Constitution- justice, liberty, equality and dignity.⁵³ The majoritarian impulse or administrative convenience cannot override constitutional principles.⁵⁴

⁵¹ Schumacher Center for a New Economics, *Excerpts from John Stuart Mill*, <https://centerforneweconomics.org/publications/excerpts-from-john-stuart-mill/>.

⁵² Peter Chau, Duff on the Legitimacy of Punishment of Socially Deprived Offenders, 6 *Crim. L. & Phil.* 247 (2012), <https://doi.org/10.1007/s11572-012-9144-2>.

⁵³ Navtej Singh Johar v. Union of India, (2018) 10 SCC 1; Government of NCT of Delhi v. Union of India, (2018) 8 SCC 501.

⁵⁴ *Id.*

In the context of drug surveillance and enforcement, constitutional morality demands that State action must be guided not merely by legality but by justice and dignity. Practices like random phone-checking by police or targeting marginalized populations, while sometimes rationalized under crime control, fail the test of constitutional morality when they undermine individual autonomy and privacy, especially without due process or judicial oversight. Constitutional morality implies respect for the rule of law and the inner sense of constitutional culture, even when it is inconvenient for governance.⁵⁵ Law enforcement agencies must run within the moral bounds of the Constitution, resisting temptation to use shortcuts that violate human rights.

One of the most powerful democratic innovations in Indian constitutional law is the tool of Public Interest Litigation (PIL). It originated as a mechanism to address injustices against marginalized groups, PILs have become an essential avenue for citizens, activists, and organizations to challenge state excesses and policy failures.⁵⁶ In the context of unlawful surveillance, violations of privacy, and disproportionate drug policing, PILs can serve as a corrective mechanism, bringing judicial attention to structural rights violations.⁵⁷

The chapter supports the need for a constitutional justice approach to drug enforcement. This entails moving beyond legality to substantive justice, where enforcement aligns with constitutional morality, due process, and human dignity. This approach would, firstly, include setting up rein in overreach by making surveillance subject to legislative and judicial scrutiny. Secondly, the State should prioritize legal literacy through State-supported education initiatives and civic engagement. Thirdly, law must embrace rehabilitative models that focus on treatment, reintegration, and restorative justice. Lastly, State must prove accountability through institutional oversight like NHRC and public interest litigations. Only an approach that respects rights can ensure that democracies stay committed to their founding values even when addressing difficult challenges like drug abuse.

5. CONCLUSION

The advances in technology and digital era have reshaped and significantly changed how law responds to drug related offences, raising urgent issues about privacy and limitations of state power. Legal standards have not kept up with technological capabilities. India is in need for

⁵⁵ *Government of NCT of Delhi v. Union of India*, (2018) 8 SCC 501.

⁵⁶ Anuj Bhuwania, *supra* note 27.

⁵⁷ Ashok H. Desai & S. Muralidhar, *Public Interest Litigation: Potential and Problems*, in *Supreme but Not Infallible: Essays in Honour of the Supreme Court of India* 159 (B.N. Kirpal et al. eds., Oxford Univ. Press 2000).

clear statutory framework that regulates digital surveillance with transparent safeguards, independent oversight and remedies in cases of misuse. The Hyderabad incident brings to light the issues between effective policing methods and constitutional rights of individuals. This paper calls for a balanced, rights-respecting approach that integrates legal reforms and civic education to bridge the gap between law enforcement mandates and public awareness, thereby strengthening democratic justice.

The theories of legal positivism and natural law offer insights into balance between rights and duties. Legal positivism highlights that laws and duties are creation of statutes and grant powers to law enforcement agencies. On the other hand, natural law focuses on grounding laws in morality that respects human dignity as well as privacy, making it just and legitimate. This interplay reflects the constitutional duty of the State not only to enforce laws but to uphold the fundamental rights of individuals.

The constitutional mandate is futile unless legal literacy is achieved by the State. It makes State's responsibility to educate citizens about their rights and limitations of state authority. Without legal awareness, individual rights are sacrificed on the altar of enforcement of laws. Furthermore, addressing drug-related offences requires adopting a rights-based approach that prioritizes rehabilitation and dignity, rather than solely punitive surveillance tactics. This approach not only respects the human rights of those affected but also reduces recidivism and promotes sustainable solutions to tackle the problem. When taken together, legal literacy and a rights-centered framework would offer a pathway to more just, sound, effective and democratic drug enforcement policy.