

NYAYATECH 2026

PIL Drafting Competition — Digital Justice Track

Official Problem Statement: Unregulated Facial Recognition & Biometric Surveillance

1. Preliminary Note to Participants

This problem statement is built on a genuine, currently unresolved public interest issue — it is not a hypothetical fact pattern. The facts below are drawn from recent news reporting and publicly available legal commentary as of August 2026, and are provided as a starting factual matrix only, not as a complete or exhaustively verified record.

Read this before you begin drafting

Because this matter is already the subject of a pending Article 32 petition before the Supreme Court of India, participants must NOT simply reproduce that petition's prayers. Each draft must identify a distinct, specific angle of relief (see Section 5) that is not already squarely before the Court.

This is an academic drafting exercise. It does not constitute, and should not be treated as, actual legal advice or an actual filing on behalf of any real party.

2. Factual Matrix

2.1 The Technology and the Legal Vacuum

1. Facial Recognition Technology (FRT) and related biometric surveillance tools — CCTV-linked face-matching, AI-enabled smart glasses, and vehicle/number-plate tracking systems — have been deployed by police forces in several Indian cities over the past few years, without any dedicated statute that defines the permissible purposes, retention periods, accuracy standards, or oversight mechanism for their use.
2. In June 2026, the National Crime Records Bureau (NCRB) launched “CrPI” (Crime and Criminal Profiling Identification), a multi-modal biometric platform that lets police match facial images, fingerprints, iris scans, and DNA profiles against national criminal databases. CrPI operates on the statutory foundation of the Criminal Procedure (Identification) Act, 2022, which authorises the collection of measurements — including fingerprints, iris/retina scans, and photographs — from convicts and arrested persons, and permits their retention for up to 75 years.

3. The Criminal Procedure (Identification) Act, 2022 itself does not mention facial recognition technology, live or real-time biometric surveillance of the general public, or the use of privately supplied surveillance software and hardware; petitions challenging the Act on separate grounds are already pending before the Delhi and Madras High Courts, distinct from the matter described below.
4. The Digital Personal Data Protection Act, 2023 contains broad exemptions for processing carried out by or on behalf of the State for law-enforcement purposes, leaving police use of biometric data largely outside the Act's consent and purpose-limitation safeguards.

2.2 The Triggering Event

5. From 20 June 2026, a sit-in and hunger-strike protest led by the X Party together with several student and youth organisations was held at Jantar Mantar, New Delhi, initially in connection with the NEET-UG paper-leak controversy.
6. According to subsequent public interest litigation (detailed below), protesters, journalists, and members of the public present at the site were subjected to continuous biometric surveillance through CCTV cameras, drones, a Mobile Command and Control Vehicle, body-worn cameras, and real-time facial recognition conducted through a surveillance vehicle referred to as “Ikshana” and AI-enabled smart glasses.
7. Two private technology providers are named in public reporting as having supplied elements of this surveillance capability: Aditya Infotech Ltd. (face-mapping/recognition) and Dimension NXG Pvt. Ltd. (vehicle tracking).
8. It is reported that biometric data collected at the site was stored by these private entities, raising a distinct question, beyond the conduct of the police themselves, of what obligations, if any, bind a private vendor that captures and stores citizens' biometric data while performing a public/policing function.

2.3 The Pending Litigation

9. In late July 2026, a Rajya Sabha Member of Parliament, acting through counsel, filed a writ petition under Article 32 of the Constitution before the Supreme Court of India, naming the Union of India, the Delhi Police, and the NCRB (among others) as respondents.
10. As of this problem statement's preparation, the matter remains sub judice, and no final adjudication on the merits has taken place.

11. Even a favourable outcome in the pending petition would, on its face, address biometric surveillance at protest sites specifically. It would not, by itself, resolve the broader and more routine problem: FRT-based identification is also used in ordinary criminal investigations, at railway stations, and through NAFRS/CrPI-linked databases, in cases having nothing to do with protests, including against ordinary accused persons who are rarely in a position to independently audit or challenge an algorithmic match.
14. Legal commentary consistently notes that India currently has no statute governing FRT accuracy standards, error/false-positive rates, or independent audit, and no data-retention ceiling specific to facial data (as distinct from the 75-year ceiling under the 2022 Act for other measurements), a gap likely to persist for as long as Parliament does not legislate specifically on FRT.
15. There is, at present, no accessible, low-cost mechanism through which an ordinary citizen, as opposed to a person able to retain counsel and approach the Supreme Court directly, can find out whether their biometric data was captured by a state or vendor-operated system, or seek its correction or deletion.

3. Legal Framework Implicated (Indicative)

Participants should identify and cite the specific, current versions of the relevant instruments, which may include:

- Constitution of India — Articles 14, 19, 21, and 32
- Criminal Procedure (Identification) Act, 2022 and the Criminal Procedure (Identification) Rules, 2022
- Digital Personal Data Protection Act, 2023, particularly its law-enforcement exemption provisions
- Information Technology Act, 2000 and rules thereunder, on data security and intermediary/vendor obligations
- Right to Information Act, 2005, as a tool for seeking disclosure of vendor contracts and deployment details
- Legal Services Authorities Act, 1987 — relevant where a draft proposes a DLSA/SLSA-linked grievance-intake mechanism

This list is indicative, not exhaustive — part of the drafting exercise is identifying the complete and current legal framework.

4. Guidance on Annexures

As per the main competition guidelines, annexures are not merely permitted but expected — a well-annexed PIL demonstrates that the factual matrix is real and verifiable, not asserted. Annexures may include:

- Relevant laws and rules — the Criminal Procedure (Identification) Act, 2022 and Rules, 2022; relevant provisions of the Digital Personal Data Protection Act, 2023
- Court filings and orders — copies of, or credible reporting on, the pending Article 32 petition and any subsequent Supreme Court order, cited with source and date
- Credible reports — RTI responses, NCRB public materials on CrPI, and investigative or legal-commentary reporting, cited with source and date
- Technical material — publicly available vendor material or independent research on FRT accuracy/error rates, clearly marked as illustrative where not independently verified
- Any other relevant material — expert affidavits, NGO or digital-rights organisation reports, or comparable material strengthening the factual record

Formatting Reminder

Annexures do not count toward the 12–15 page limit on the main draft. The annexures must contain only relevant part of the statute, affidavits, filings, orders, reports, any technical materials, etc. The **annexures must not exceed 10 pages** in addition to 12-15 pages of the main draft.

Maintain anonymity throughout — no participant names or institutional identifiers anywhere in the draft or its annexures.

File formats: .doc/.docx and .pdf. Footnotes: Times New Roman, 10 pt, single-spaced. Citation style: Bluebook (latest edition).

7. A Note on Rigour and Integrity

- Do not fabricate quotations, data, or attributions to real officials, courts, MPs, or reports. Where a specific figure, order, or quotation is not independently verifiable, describe the fact in general terms and cite the source relied upon.
- Where the exact current status of the pending petition cannot be confirmed at the time of drafting, say so within the draft rather than presenting it as settled — judges assessing ‘Practicality & Constitutional Soundness’ will weigh this candour favourably.

- Plagiarised drafts, including lightly reworded copies of the pending petition or of any existing commentary on this subject, will be disqualified under the main competition's plagiarism policy.