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# **THE FUNDAMENTAL RIGHT TO CHOOSE ONE'S PSEUDONYM OR NICKDESIGNATION**

AUTHORED BY - MAYANK.

## **Introduction**

At 1st glance the idea that people should have a fundamental right to use a pseudonym or nick designation might seem trivial, even culturally specific. But when we look closer, it touches the very heart of constitutional values such as: personal autonomy, freedom of expression, privacy, dignity & the continuing procedure of identity making.

In today's world, where so much of our social & professional life unfolds online, self-identification is no longer confined to the designation given at birth. People often make many identities professional, creative, social & digital each reflecting a diverse facet of who they are. Choosing how one is addressed is not just a matter of ease it is an extension of the right to selfhood.

This paper contends that the freedom to adopt & use a pseudonym should be recognized as a protected aspect of identity. At the similar time, the State has legitimate interests in preventing fraud, misinformation & security breaches. Reasonable restrictions may therefore be essential. The real task lies in balancing these competing concerns respecting individual autonomy while safeguarding collective welfare.

Far from being a minor issue, the question of pseudonyms is timely & constitutionally important. It forces us to ask: how do we protect the evolving ways in which people express themselves, while ensuring that regulation does not stifle the dignity and freedom at the core of human identity?

## **Pseudonyms as Expressions of Identity**

A designation is not merely an administrative label; it is a figurative marker of personhood. Across history, individuals from writers & activists to performers & to whistleblowers have used pseudonyms to express their personality, safeguard privacy or dissent namelessly.

From George Orwell (Eric Blair) to Voltaire (François-Marie Arouet) or contemporary creators on digital platforms, pseudonyms have enabled individuals to step outside fixed identities imposed by society<sup>1</sup>.

Thus, the act of choosing a nick designation or pseudonym is:

1. **An artistic expression:** used by authors, gamers, musicians & influencers.
2. **A privacy shield:** especially relevant for women, queer individuals, political dissidents, whistleblowers or victims of harassment.
3. **A tool of self-definition:** letting people assert identities that better align with their psychological, cultural or gender realities.

This inherently places pseudonym choice within the freedom of speech (Article 19(1)(a)), the right to privacy (Article 21) & the right to dignity (Article 21).

### **Constitutional Basis: Autonomy and Personal Liberty**

In constitutional jurisprudence, the right to identity is a subset of the right to life & dignity. Indian courts have repeatedly affirmed that “life” under Article 21 is not mere animal existence but includes the freedom to shape one’s personality.

#### **1. Right to Personal Autonomy**

Precedents like *Justice K.S. Puttaswamy v. Union of India*<sup>2</sup> affirmed that the individual has sovereignty over personal decisions unless restricted by compelling state interests. Opting a nick designation or pseudonym is an intensely personal choice not hurting public order merely by its being.

#### **2. Right to Control One’s Identity**

In *NALSA v. Union of India*<sup>3</sup>, the Apex Court recognized the right of transgender persons to self-identify their gender. By similarity, if gender identity is one of the closest features of the self falls within constitutional shield, the choice of a personal designation or pseudonym must logically fall within the same outline.

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<sup>1</sup> Danielle Citron & Helen Norton, “Intermediaries and Hate Speech: Fostering Digital Citizenship for Our Information Age,” 91 B.U. L. Rev. 1435 (2011).

<sup>2</sup> *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1 (India).

<sup>3</sup> *National Legal Services Authority (NALSA) v. Union of India*, (2014) 5 SCC 438 (India).

### 3. Right to Be Forgotten / Right to Privacy

This digital era announces susceptibilities such as online harassment, doxxing & shadowing<sup>4</sup>. Pseudonyms works as privacy utensils, allowing individuals to contribute in society without exposing sensitive personal details. Thus, the right to a pseudonym fit within the broader constitutional right to informational privacy<sup>5</sup>.

## Freedom of Expression: Pseudonymity as Speech

The freedom to approve a pseudonym is not just about identity it also facilitates unidentified & unique appearance.

### 1. Anonymous Speech as Protected Speech

Democratic theory values anonymous speech from pamphleteers in the American Revolution<sup>6</sup> to whistleblowers exposing corruption because it promotes fearless participation in political discourse. Indian constitutionalism, with its emphasis on free speech, implicitly supports this principle.

If an individual feels safer expressing their views under a chosen pseudonym, preventing this would have a chilling effect<sup>7</sup> on speech, especially on vulnerable groups.

### 2. Creative Freedom

Artists & performers often construct personas separate from their legal identities. Preventing the use of pseudonyms could suppress artistic creativity & professional autonomy.

Thus, pseudonyms serve as a form of expressive conduct, protected under Article 19(1)(a).

Comparative & International Perspectives.

Globally, the right to use pseudonyms is widely recognized in both democratic practice and digital policy.

#### 1. United States

United State courts have long upheld the right to unidentified speech in *McIntyre v. Ohio Elections Commission*<sup>8</sup>, recognizing that anonymity protects disagreement & prevents reprisal.

<sup>4</sup> *R. Rajagopal v. State of Tamil Nadu* (Auto Shankar Case), (1994) 6 SCC 632 (informational privacy).

<sup>5</sup> International Covenant on Civil and Political Rights, art. 17, Dec. 16, 1966, 999 U.N.T.S. 171.

<sup>6</sup> U.S. Supreme Court, *Talley v. California*, 362 U.S. 60 (1960) (anonymous pamphleteering protected).

<sup>7</sup> *Anuradha Bhasin v. Union of India*, (2020) 3 SCC 637 (anonymous political speech and chilling effect).

<sup>8</sup> *McIntyre v. Ohio Elections Commission*, 514 U.S. 334 (1995).

## 2. European Union

The *GDPR*<sup>9</sup> compliments individuals' rights to control how their information including their designation seems online, tortuously supportive pseudonymity.

## 3. UN Human Rights Committee

The *ICCPR*'s<sup>10</sup> explanation of privacy & freedom of expression chains the usage of pseudonyms mainly for weak groups.

This proportional landscape reinforces the row that pseudonym prime is aligned with democratic standards<sup>11</sup>.

## The Indian Context: Need for Nuanced Recognition

Notwithstanding the clear constitutional foundation, Indian law currently reports pseudonyms only parenthetically:

- Copyright law recognizes pseudonymous works.
- Electoral rolls & official IDs require legal designations.
- Social media policies often demand “real designation” usage, which can conflict with privacy concerns.

India absences a comprehensible structure that recognizes pseudonyms as a constitutionally relevant individuality marker.

### Why Recognition Matters in India

1. Protection of women & minorities virtually.
2. Protection for whistleblowers & protestors facing reprisal.
3. Adolescence culture where individualities shift lithely.
4. Virtual contribution for LGBTQ+ persons not relaxed revealing legal information.
5. Performers, gamers, influencers who rely on curated facades.

Given these realisms, the law should confirm that opting a pseudonym isn't strange or illegal unless used to obligate fraud. It is a authentic, constitutionally protected facade of free appearance.

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<sup>9</sup> General Data Protection Regulation, Regulation (EU) 2016/679 of the European Parliament and of the Council (2016).

<sup>10</sup> International Covenant on Civil and Political Rights, art. 17, Dec. 16, 1966, 999 U.N.T.S. 171.

<sup>11</sup> UNESCO, “Internet Universality Indicators,” 2019 (supports pseudonymity for online safety).

## Reasonable Restrictions and State Concerns

None of the fundamental right is complete<sup>12</sup>. The state may levy reasonable restrictions<sup>13</sup> under Article 19(2), but the constraint must be narrowly tailor-made.

## Legitimate State Concerns

1. Deterrence of fraud, impersonation & identity theft.
2. Upkeep of accurate public archives.
3. National security or law implementation tracking.
4. Regulation of financial dealings needful verified legal identities.

Though, these worries do not justify proscription pseudonyms outright. Instead, states can implement:

- Dual-identity frameworks (legal designation + chosen display designation).
- Verified pseudonym systems (identity known to platform but not publicly visible).
- Clear rules against misuse, not mere usage.

Thus, the presence of potential misuse does not invalidate the right itself.

## Normative Position: Why the Right Should Be Recognized

The main argument subsidiary the acknowledgement of the right to choose one's pseudonym is entrenched in 3 prescriptive foundations:

### 1. Human Dignity

Self-respect includes permitting individuals to describe themselves, not constraining them to titles assigned at birth. Identity is watery, related & evolving.

### 2. Autonomy and Liberty

A liberal constitutional order cannot dictate how a person should present themselves socially, culturally or digitally unless the conduct harms others.

### 3. Equality and Inclusion

Marginalized groups often require alternate identities to navigate social spaces safely. Denying pseudonyms disproportionately affects<sup>14</sup>:

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<sup>12</sup> *Subramanian Swamy v. Union of India*, (2016) 7 SCC 221 .

<sup>13</sup> *Ritesh Sinha v. State of Uttar Pradesh*, (2019) 8 SCC 1 (balancing state interests with privacy).

<sup>14</sup> Anita L. Allen, "Uneasy Access: Privacy for Women in a Free Society," (Oxford Univ. Press 1988).

- LGBTQ+ individuals
- Survivors of domestic violence
- Journalists & whistleblowers
- Political dissidents
- Women encountering online harassment

Thus, recognizing pseudonymity strengthens equality and inclusiveness.

### **Critical Concerns: The Dangers of Unregulated Pseudonymity**

While supportive overall, this paper acknowledges concerns:

- Pseudonyms can be used to spread misinformation without accountability.
- Online abuse often thrives under anonymity<sup>15</sup>.
- Deepfake identities complicate legal enforcement.
- Credibility standards in academic or official domains can erode.

However, these issues call for regulation, not prohibition. A complete ban undermines democratic freedoms far more than it protects society.

Balanced frameworks requiring platforms to store legal identities while allowing public pseudonyms already function effectively in several nations.

### **Conclusion: A Constitutionally Grounded, Socially Necessary Right**

The right to choose & use a pseudonym or nick designation emerges organically from the constitutional principles of autonomy, dignity, privacy & free speech. Designations carry immense symbolic weight; they allow individuals to construct identities in a plural, multicultural, digitally interconnected world.

Identifying this right does not weaken state interests. Instead, it repeats the legitimate promise that people should be free to live, speak & prompt themselves genuinely without unnecessary interruption.

In my opinion, courts & legislators should openly recognize that the freedom to choose one's pseudonym is a fundamental right, subject only to hardly tailored limitations. Doing so will

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<sup>15</sup> Cass Sunstein, *Republic.com 2.0* (Princeton Univ. Press 2009) (accountability and anonymous speech).

brace democratic presence, protect weak voices & align Indian constitutionalism with worldwide human rights standards.

Eventually, the aptitude to designation oneself or redesignation is one of the most important expressions of individual liberty<sup>16</sup>. A constitutional instruction that compliments human dignity must defend this freedom.



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<sup>16</sup> Julie Cohen, “Configuring the Networked Self,” 161 U. Pa. L. Rev. 440 (2012) (privacy, identity, and autonomy).