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RIGHT TO PRIVACY IN INDIA

Authored By - Shivam Juneja

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ABSTRACT

The Right to Privacy has been a major issue in India for centuries and has recently gained further recognition in the wake of the digital revolution in the country. This article aims to explore the concept of the Right to Privacy in India, its history, constitutional aspects, legal framework, and recent developments. It further examines the implications of the Right to Privacy in various spheres of life, such as health and technology, and explores the potential challenges to its protection. Finally, the article provides an analysis of the current state of the Right to Privacy in India and suggests measures to strengthen its protection.

INTRODUCTION

The concept of the Right to Privacy is very difficult to define in words irrespective of the fact that privacy is an extremely precious and valuable aspect of our life. Privacy became a concern of every individual due to technological advancement and also an emphasis on the protection of data. The right to privacy recognized in the Indian Constitution in Article 21 as such protects the right to privacy as a necessary ingredient of the right to life. The Right to privacy emphasises individual liberty and this individual liberty is under threat by the interference of strange people. As India is a developing country it needs some time for the effectiveness of the implementation of the new area of law. The object of this research is to examine the present legal status of privacy & data protection in India as a matter of right for the citizen of India.

HISTORY OF RIGHT TO PRIVACY IN INDIA

The Right to privacy to date is not enumerated in part three of the Indian Constitution which is commonly referred as Fundamental Rights. The scope of this right first came up for consideration in *Kharak Singh vs State of UP* (1962) case, where the Supreme Court held that the right to privacy is not a fundamental right. However, the Court was of the opinion that there is no absolute right to privacy, and it can be curtailed for the protection of public interests. After this, in the landmark judgment of Justice K.S. Puttaswamy (Retd.) vs Union of India (2017), the Supreme Court held that the right to privacy is a fundamental right and an intrinsic part of the right to life and personal liberty under Article 21 of the Constitution of India.

CONSTITUTIONAL ASPECTS OF RIGHT TO PRIVACY

The Constitution of India does not explicitly mention the Right to Privacy. However, it is implied through various provisions of the Constitution, such as the right to life and personal liberty under Article 21, the right to freedom of speech and expression under Article 19(1)(a), and the right to protection of life and personal liberty under Article 14. In the landmark case of Justice K.S. Puttaswamy (Retd.) vs Union of India (2017), the Supreme Court held that the

Right to Privacy is a fundamental right and an intrinsic part of the right to life and personal liberty under Article 21.

LEGAL FRAMEWORK FOR PROTECTION OF RIGHT TO PRIVACY

The Information Technology Act 2000 has two sections related to privacy: Section 43A which regulates the use of reasonable security practices for sensitive personal data and provide for the compensation of the person affected by unauthorized loss or gain, and Section 72A which provides for imprisonment for a period up to three years or a fine up to Rs 5,00,000 or both for a person who causes wrongful loss or gains by disclosing personal data of another person without their consent under the terms of a lawful contract.

The Privacy Bill 2011 states that “every individual shall have a right to his privacy, the privacy of correspondence made to, or by him including his correspondence, telephone conversation, postal, electronic mail, and other modes of communication, the confidentiality of his private life or his beloved once life; protection of his honour and good name; protection against search, detention of law communication b/w and among individuals privacy from surveillance; confidentiality of his banking and financial transactions, legal and medical information and protection of information relating to the individual”. This bill provides protection from identity theft, criminal data etc. The bill also states that any person who takes or obtains any information concerning an individual from any Government servant or any other source under false pretext shall be punishable with a fine of up to Rs. 5,00,000.

The Data (Privacy and Protection) Bill 2017 seeks to make the consent of a person for the collection and processing of personal data mandatory. This bill states that every person shall have his individual Rights and shall have the final right to their personal data

CONCLUSION

The right to privacy is a fundamental right that is deeply embedded in the Indian Constitution and is recognized as an intrinsic part of the right to life and personal liberty under Article 21. India has adopted several legal frameworks to protect this right. However, these frameworks are inadequate to protect the right to privacy in the modern digital age. In order to ensure that the right to privacy is protected in India, it is essential to implement comprehensive data protection and privacy laws that recognize and protect the right to privacy in all aspects of life. Moreover, it is important to ensure that privacy-related laws are implemented effectively and that citizens are aware of their rights and responsibilities.

BIBLIOGRAPHY

1. Kharak Singh v. State of U.P., (1962) Supp. 3 SCR 332.
2. Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 010 SCC 001.
3. Information Technology Act 2000.
4. Gaurav Luthra, "Right to Privacy: An Overview", Indian Journal of Law And Technology, (2014).
5. Savya Singh, "Right to Privacy: An Indian Perspective", Indian Journal of Law and Technology, (2016).