

CHAPTER 2: HUMAN RIGHTS AND RIGHT TO PRIVACY

2.1 Introduction

Digital security, however, is not about hiding or saying or associating with anything in particular. It is about protecting our ability to do so. What a government considers as bad or dangerous or illegitimate changes as often as governments themselves change. If what we say and believe, or who we associate with, becomes disagreeable to a new regime, then these protections become vital.

Digital security is a collective human concern. Thinking about digital security in terms of human rights helps us to understand how digital security affects and concerns all of us.

Unfortunately, there are some popular misunderstandings when it comes to digital security. For example, people often feel ready to accept restrictions to their right to privacy, with the belief that it will allow the government to better protect national security.

Many also assume that digital security is only needed by those acting unethically. Some people assume that a person who defends their online privacy and freedoms likely engages in sneaky or suspicious behaviour. Others fear that, if they practice digital security, other people will make the same assumption about them.

Either way, people with this view dismiss the protection that human rights provide to all of us.

The Personal Data Protection Bill, 2019 provide some user rights, including the rights to confirmation and access, the right to correction and erasure, and the right to data portability. The right to erasure has been added from the previous iteration of the PDP Bill, and is a welcome step.

Data mining companies like Google and Facebook profits off by selling our personal data to advertisers. Data is the new oil. Oil leaks, so does data. Quite frequently the data collected by those data mining companies are leaked by hackers, government agencies or criminals. That user data then lands in the public domain. Your personal and sensitive data is now in public domain.

That is a clear violation of our right to privacy, which is a Human Right.

This is why practising digital security is fundamentally about claiming our rights. Human rights are protections, and when we claim our rights, we protect ourselves. Demanding our privacy is, first and foremost, insisting that our rights cannot be taken away.

In this chapter, we will understand about right to privacy, and its values. I will talk about right to privacy from the lenses of human rights.

We will understand the concept of right to privacy in India and its evolution over the period of time. And I will also mention some instances of the violation of our right to privacy in the digital world.

2.2 Privacy as a Human Right

The Universal Declaration of Human Rights was proclaimed by the United Nations General Assembly on 10 December 1948. The International Covenant on Civil and Political Rights entered into force on 23 March 1976. Both of these documents recognize human rights that are applicable across the world.¹

1. Article 12 of the Universal Declaration of Human Rights states:

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.²

2. Article 17 of the International Covenant on Civil and Political Rights states:

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.

2. Everyone has the right to the protection of the law against such interference or attacks.³

Privacy is all about boundaries and protection, but from who? Any participant in society can violate another's privacy, but privacy rights are especially important when it comes to entities more powerful than individuals. That includes governments and corporations.

Here are three key examples of why the right to privacy is so important:

2.2.1 Governments Spying on the People

Massive government surveillance is a major issue these days. In 2013, whistleblower Edward Snowden revealed that the NSA was illegally spying on American citizens.⁴ In the years since, entities like the FBI have been caught violating privacy rights⁵, indicating that this is a systemic problem. It's not limited to the United States, either. "National security" is often given as an excuse, but the right to privacy is clearly being violated in most of these instances.

2.2.2 Corporations Like to Use Our Data for their Benefit

Governments aren't the only entities that want your data. Corporations are constantly collecting info to study your shopping habits, what you like and dislike, and more. They often say it's to improve customer service, but this information can be weaponized, too. Cambridge Analytica is one of the most glaring examples. The organization took data from Facebook – without user consent – and used it to influence voters through political ads. This is a violation of privacy rights.

2.2.3 Privacy Protects the Freedom of Thought and Speech

The right to privacy is considered fundamental because privacy protects so many other rights.⁶ Freedom of thought and speech are just two examples. Without privacy, everyone could be openly monitored and intimidated by much more powerful forces. Critics of the government – such as journalists – could have their computers seized and searched without consequences, threatening the right to freedom of speech. In 2013, the UN Special Rapporteur on freedom of opinion and expression released a report to the Human Rights Council recognizing the impact of State surveillance on free expression. Without the right to privacy, it would be very difficult to protect freedom.⁷

2.3 Evolution of the Privacy Law in India

Privacy is a fundamental human right, enshrined in numerous international human rights instruments.⁸ It is central to the protection of human dignity and forms the basis of any democratic society. It also supports and reinforces other rights, such as freedom of expression, information, and association.

The Constitution of India does not specifically guarantee a right to privacy, however through various judgements over the years the Courts of the country have interpreted the other rights in the Constitution to be giving rise to a (limited) right to privacy – primarily through Article 21 – the right to life and liberty.⁹

The constitutional right to privacy in India is subject to numerous restrictions. These restrictions have been removed out through the interpretation of various provisions and judgements of the Supreme Court of India:¹⁰

- The right to privacy can be restricted by procedure established by law, which procedure would have to be just, fair and reasonable (*Maneka Gandhi v. Union of India*);¹¹
- Reasonable restrictions can be imposed on the right to privacy in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or relating to contempt of court, defamation, or incitement to an offence; (Article 19(2) of the Constitution of India, 1950)¹²
- The right to privacy can be restricted if there is an important countervailing interest which is superior (*Govind vs State Of Madhya Pradesh*);¹³
- The right to privacy can be restricted if there is a compelling state interest to be served (*Govind vs State Of Madhya Pradesh*);¹⁴
- The protection available under the right to privacy may not be available to a person who voluntarily thrusts her/himself into controversy (*R. Rajagopal v. Union of India*).¹⁵
- Like most fundamental rights in the Indian Constitution, the right to privacy has been mostly interpreted as a vertical right applicable only against the State, as defined under Article 12 of the

Constitution, and not against private citizens. (*Zoroastrian Cooperative Housing Society v District Registrar*).¹⁶

India has ratified the International Covenant on Civil and Political Rights ('ICCPR'). Article 17 of the ICCPR provides that “no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation”. The Human Rights Committee has noted that states party to the ICCPR have a positive obligation to “adopt legislative and other measures to give effect to the prohibition against such interferences and attacks, as well as to the protection of this right of privacy.”¹⁷

India does not have a comprehensive privacy legislation, and limited data protection standards can be found under section 43A and associated Rules in the Information Technology Act 2000.

2.3.1 Right to Privacy – Article 21

Article 21 of the Indian Constitution speaks about:¹⁸

- Right to life
- Right to personal liberty

According to this article, every person – citizens and non-citizens, have the right to live and the right to have personal liberty. The state can't deprive any person of these two rights except under procedure as prescribed by the Indian Penal Code.

Although Article 21 does not speak specifically about the right to privacy, the Supreme Court of India, in various instances, extended the meaning of Article 21¹⁹

1. *A.K Gopalan v. The State* (1950)

In this case, the petitioner argued that the search and seizure operation carried out in his property violated the provision of Right To Property, as mentioned in Article 19(1). However, the court rejected the argument regarding the right to privacy, saying that the act of police did not obstruct his right to utilise his property. The court also mentioned the caution of 'reasonable cause', which gives police the power to search and seize.²⁰

2. *M.P. Sharma v Satish Chandra* (1954)

The case related to search and seizure of documents of some Dalmia group companies following investigations into its affairs.²¹ Following an FIR, the District Magistrate issued warrants, and searches were consequently conducted. In writ petitions before the Supreme Court, the constitutional validity of the searches was challenged on the grounds that they violated their fundamental rights under Articles 19(1)(f)²² and 20(3)²³ — protection against self-incrimination. In *M. P. Sharma vs. Satish Chandra*, the 8-judge bench of the Supreme Court held that the drafters of the Constitution did not intend to subject the power of search and seizure to a fundamental right of privacy. They opined that the Constitution does not include language

similar to the Fourth Amendment of the US Constitution, and found no justification to import the concept of a fundamental right to privacy in search-and-seizures, through what they called a 'strained construction'.²⁴

3. Kharak Singh V. The State of UP (1962)

In this case, the petitioner argued that the nightly domiciliary visit to his home by the police violated his right to move freely across India, as enshrined by Article 19 of the Indian Constitution. The petitioner also objected to the police shadowing him. While the court agreed that the nightly domiciliary visits did violate the petitioner's right to live a dignified and free life, it also agreed that the right to privacy was not a fundamental right, and hence surveillance of his movements did not violate the Constitution.²⁵

These were the first instances when the concept of the Right To Privacy was discussed in the Supreme Court. Both of these larger Supreme Court Benches clearly stated that the Indian Constitution does not guarantee a Fundamental Right to Privacy.²⁶

4. People's Union for Civil Liberties v Union of India (1996)

The People's Union of Civil Liberties (PUCL)²⁷ challenged the validity of Section 33B of the Representation of People Act, 1951.²⁸ Section 33B provided that, notwithstanding a judgment or order of the court or Election Commission, an electoral candidate is not bound to disclose any information apart from that required under the Act. In *Union of India v. Association for Democratic Reforms*, (2002) 3 S.C.R. 294, the Supreme Court of India recognized that the right to know about electoral candidates falls within the right to information available under the right to freedom of speech and expression described in Article 19(1)(a) of the Indian Constitution.²⁹ It further indicated that information about the criminal background of candidates, assets and liabilities of candidates and their family members, and educational qualifications of candidates should be available to the voters as part of their right.³⁰

The Supreme Court of India held that Indian voters have a right under Article 19(1)(a) of the Indian Constitution to obtain information about political candidates. The People's Union of Civil Liberties (PUCL) challenged the validity of a 1951 law, which stated that political candidates were not bound to disclose any information not required under the law. The Court reasoned that the availability of basic information about the candidates enables voters to make an informed decision and also paves the way for public debates on the merits and demerits of candidates.³¹

5. Supreme Court Advocates-on-Record Assn. v. Union of India, (2016)

In the matter where the constitutionality of the 99th Constitutional Amendment & National Judicial Appointments Commission, 2014 was in question, this is what the 5-judge bench said that "the balance between transparency and confidentiality is very delicate and if some sensitive information about a particular person is made public, it can have a far-reaching impact on his/her reputation and dignity."³²

The 99th Constitution Amendment Act and the NJAC Act have not taken note of the privacy concerns of an individual." In an attempt to strike a balance between right to know and right to privacy, the Court said that "The right to know is not a fundamental right but at best it is an implicit fundamental right and it is hedged in

with the implicit fundamental right to privacy that all people enjoy.”³³

6. Justice K.S. Puttaswamy (Retd) vs Union of India (2017)

During the hearing of a petition that challenged the constitutional validity of the Aadhar based biometric system, the Supreme Court of India unanimously agreed that the right to privacy is a fundamental right as enshrined by the Constitution.³⁴ The court expanded the purview of Article 21 and said that the Right to Life and Liberty, as stated in Article 21³⁵, also included the right to privacy. Since Article 21 falls under Part III of the Indian Constitution, which deals with fundamental rights, the right to privacy thus automatically became a fundamental right after the judgement. Since then, the right to privacy has been a fundamental right in India.³⁶

2.4 Right to Privacy in India

2.4.1 Right To Privacy And Search And Seizure

The right of privacy on one hand and power of the State of search and seizure, on the other hand, has been the subject of judgements not only in India but also in other countries as well. The Supreme Court referred to American case laws under the Fourth Amendment to the US Constitution.

The Court also referred to Universal Declaration of Human Rights, European Convention of Human Rights, other treaties and constitutional provisions and held that the State cannot have unbridled right of search and seizure. In particular, it pointed out that all public records could always be inspected, but it will not be open to the Collector under the impugned amended Section 73 of the Indian Stamp Act, 1899 to direct the production of records held with banks.³⁷

These records are copies of private documents. The right to privacy is to protect the documents which are with the banks. Unless there is reasonable cause or material to believe that such documents may lead to a discovery of fraud, such documents cannot be inspected.³⁸

The Court struck down S. 73 giving uncontrolled power to the Collector to authorize “any person” to take notes or extracts from such documents. Even the rules framed under the Act did not provide sufficient guidelines or safeguards as to how this power could be exercised. The Supreme Court referred to US judgements on this subject. It preferred to follow the minority view in Miller’s case and took the view that the majority decision was incorrect. It also referred to various articles and comments which have taken the view that the majority judgement was wrong, the Court held that documents or copies thereof given to the bank will remain confidential. The fact that they are given to the bank voluntarily will not mean that they cease to be private records as mentioned above.

2.4.2 Tapping of Telephone

Section 5 of the Telegraph Act is commonly known as the wire-tapping clause. It gives power to the government to take possession of any licensed telegraphs in case of a public emergency or in the interest of public safety. It can also order interception of communication in the interests of the sovereignty and integrity of India, the security of the state, friendly relation with foreign states or public order or for preventing incitement to the commission of an offence. However, the government has to follow the procedure established by law for issuing such order.

The procedures and guidelines for lawful interception was laid down in the case of *People's Union for Civil Liberties v. Union of India (1997) 1 SCC 318*.³⁹ In this case, the Supreme Court of India ruled that telephone tapping is a serious invasion upon an individual's privacy. However, lawful interception can be carried out under certain circumstances mentioned in the wiretapping provision. This kind of law interception has to be carried in conformity with certain guidelines, which will act as a check on indiscriminate wire-tapping by the law enforcement agencies. It also directed the government to make rules and procedures for carrying out lawful interception of communication. In addition to that, it also laid down the basic guidelines for such interception.

The court ruled that 'telephone conversation is an important facet of a man's private life'. The right to hold a telephone conversation in the privacy of one's home or office without interference can certainly be claimed as "right to privacy". So, tapping of a telephone is a serious invasion of privacy. This means that telephone tapping would infract Article 21⁴⁰ unless it is permitted under the procedure established by law. The procedure has to be "just, fair and reasonable".

The Court has laid down the following procedural safeguards for the exercise of power under Section 5(2) of the Indian Telegraph Act:

- An order for telephone tapping can be issued only by the Home Secretary of the Central Government or the State Governments. In an urgent case, the power may be delegated to an officer of the Home Department of the Central and the State Governments, not below the rank of Joint Secretary.
- The copy of the order shall be sent to the Review Committee within one week of the passing of the order.
- The order shall, unless renewed, cease to have effect at the end of two months from the date of issue. The authority making the order may review before that period if it considered that it is necessary to continue the order in terms of Section 5(2) of the Act.
- The authority issuing the order shall maintain the record of intercepted communications, the extent of the material to be disclosed, the number of persons, their identity to whom the material is disclosed.
- The use of intercepted material shall be limited to the minimum that is necessary as for Section 5(2) of the Act.
- The Review Committee shall on its own, within two months, investigate whether there is or has been a relevant order under section 5(2) of the Act.
- If, on investigation, the Review Committee concludes that there has been a contravention of the provisions of Section 5(2) of the Act, shall set aside the order. It can also direct the destruction of the copies of the intercepted material.
- If on investigation the Review Committee comes to the conclusion that there has been no contravention of the relevant provision of the Act, it shall record the finding to that effect.

The Court noted that with the growth of highly sophisticated communication technology, the right to hold telephone conversation in the privacy of one's home or office without interference is increasingly susceptible to abuse. Considering this, the Court's ruling laying down detailed guidelines for the exercise of power under the relevant Act is timely and of historic importance.

2.4.3 Divorce Petition: Husband Tapping Conversation Of His Wife With Others Seeking to Produce In Court, Violates Her Right To Privacy Under Article 21

In *Rayala M. Bhuvneswari v. Nagaphomender Rayala* the petitioner filed a divorce petition in the Court against his wife and to substantiate his case sought to produce a hard disc relating to the conversation of his wife recorded in U.S. with others. She denied some portions of the conversation.⁴¹

The Court held that the act of tapping by the husband of conversation of his wife with others without her knowledge was illegal and amounted to infringement of her right to privacy under Article 21 of the Constitution.⁴² These talks even if true cannot be admissible in evidence. The wife cannot be forced to undergo voice test and then asked the expert to compare the portion denied by her with her admitted voice.

The Court observed that the purity of the relation between husband and wife is the basis of marriage. The husband was recording her conversation on telephone with her friends and parents in India without her knowledge. This is clear infringement of the right to privacy of the wife. If a husband is of such a nature and has no faith in his wife even about her conversations to her parents, then the institution of marriage itself becomes redundant.

2.4.4 Prisoner's Privacy Rights

The protection of Article 21 is available even to convicts in jail. The convicts are not by mere reason of their conviction deprived of all their fundamental rights, which they otherwise possess. Following the conviction of a convict is put into a jail, he may be deprived of fundamental freedoms like the right to move freely throughout the territory of India. But a convict is entitled to the precious right guaranteed under Article 21, and he shall not be deprived of his life and personal liberty except by a procedure established by law.

The question of the right to be let alone again came on the front in the case of *R. Rajagopal vs. State of Tamil Nadu* also known popularly as the *Auto Shankar Case*.⁴³ A prisoner had written his autobiography in jail, describing the conditions there and the nexus between prisoners and several IAS and IPS officers. He had given the autobiography to his wife so that she may publish it in a particular magazine. However, the publication was restrained in various matters and the question arose whether anyone is entitled to be let alone and particularly in jail.

In *R. Rajagopal vs. State of Tamil Nadu*, (1994) Right to Privacy held to be implicit in Article 21. "It is the right to be left alone". A citizen has a right to safeguard the privacy of his own, his family, marriage, procreation, motherhood, child bearing and education among many other matters. In this case, the right of a prisoner to privacy recognised.⁴⁴

2.5 Conclusion

The right to privacy is an essential component of the right to life and personal liberty under Article 21. Right of privacy may, apart from contract, also arise out of a particular specific relationship, which may be commercial, matrimonial or even political. The right to privacy is not an absolute right; it is subject to reasonable restrictions for prevention of crime, disorder, or protection of health or morals or protection of rights and freedom of others. Where there is a conflict between two derived rights, the right which advances public morality and public interest prevails.

Judges of the American Supreme Court have talked about the right to privacy as an aspect of the pursuit of happiness. The pursuit of happiness requires certain liberties that we are guaranteed by the state so that we may act in a fashion that we may deem fit, as long as it does not encroach upon the rights of others. Liberty is not a limited or quantifiable right. It is visible on the entire gamut of the legal spectrum.

If one looks at the earlier judgments of the apex court in its formative years, one can observe the desirability of the court to treat the Fundamental Rights as water-tight compartments. This was felt the most in the case of *A.K Gopalan v. State of Madras*⁴⁵, and the relaxation of this stringent stand could be felt in the decision of *Maneka Gandhi v. Union of India*.⁴⁶ The right to life was considered not to be the embodiment of a mere animal existence, but the guarantee of full and meaningful life.

Being part of a society often overrides the fact that we are individuals first. Each individual needs their private space for whichever activity (assuming here that it shall be legal). The state accordingly gives each individual that right to enjoy those private moments with those whom they want to without the prying eyes of the rest of the world.

Privacy is a special kind of independence, which can be understood as an attempt to secure autonomy in at least a few personal and spiritual concerns. This autonomy is the most special thing that the person can enjoy. The individual does not want to share their thoughts with the world, and this right will help protect their interests.

Arguing that you aren't concerned about the right to privacy because you have nothing to hide is no different from saying you aren't concerned about free speech because you have nothing to say.⁴⁷

Endnotes:

¹United Nations. Universal Declaration of Human Rights. United Nations. <https://www.un.org/en/about-us/universal-declaration-of-human-rights> Last Accessed on April 26, 2022.

²United Nations. Universal Declaration of Human Rights. Article 12. United Nations. <https://www.un.org/en/about-us/universal-declaration-of-human-rights> Last Accessed on April 26, 2022.

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4Snowden, E. (2019). Permanent Record. Macmillan Publishers.

5Nakashima, E. (2020, September 4). FBI and NSA violated surveillance law or privacy rules, a federal judge found. The Washington Post. <https://www.washingtonpost.com/national-security/fbi-and-nsa-violated-surveillance-law-or-privacy-rules-a-federal-judge-found> Accessed on April 26, 2022.

6Is privacy a human right? Human Rights Careers. (2021, June 18). <https://www.humanrightscareers.com/issues/is-privacy-a-human-right/> Accessed on April 26, 2022.

7OHCHR | Freedom of Opinion and Expression. <https://www.ohchr.org/en/special-procedures/sr-freedom-of-opinion-and-expression/freedom-opinion-and-expression-individual-complaints> Accessed on April 26, 2022.

8Universal Declaration of Human Rights Article 12, United Nations Convention on Migrant Workers Article 14, UN Convention of the Protection of the Child Article 16, International Covenant on Civil and Political Rights, International Covenant on Civil and Political Rights Article 17; regional conventions including Article 10 of the African Charter on the Rights and Welfare of the Child, Article 11 of the American Convention on Human Rights, Article 4 of the African Union Principles on Freedom of Expression, Article 5 of the American Declaration of the Rights and Duties of Man, Article 21 of the Arab Charter on Human Rights, and Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms; Johannesburg Principles on National Security, Free Expression and Access to Information, Camden Principles on Freedom of Expression and Equality.

9Constitution of India, Article 21: "No person shall be deprived of his life or personal liberty except according to procedure by law."

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11Maneka Gandhi v. Union of India 1978 AIR 597, 1978 SCR (2) 621

12Constitution of India, Article 19(2): "Nothing in sub clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub clause in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement

to an offence.”

13 Govind vs State Of Madhya Pradesh 1975 AIR 1378, 1975 SCR (3) 946

14 Govind vs State Of Madhya Pradesh 1975 AIR 1378, 1975 SCR (3) 946

15 R. Rajagopal v. State of Tamil Nadu. Global Freedom of Expression. (2019, November 14). Retrieved April 26, 2022, from <https://globalfreedomofexpression.columbia.edu/cases/r-rajagopal-v-state-of-t-n/>

16 Zoroastrian Co-operative Housing Society Ltd. vs. District Registrar, Co-op. Societies (Urban) (2005) 5 SCC 632

17 Stakeholder Report Universal Periodic Review 27th Session – India. (2016, October). The Right to Privacy in India. Centre for Internet and Society India and Privacy International. https://privacyinternational.org/sites/default/files/2018-04/India_UPR_Stakeholder%20Report_Right%20to%20Privacy.pdf Accessed on 27 April 2022.

18 Constitution of India, Article 21: "No person shall be deprived of his life or personal liberty. except according to procedure by law.”

19 Constitution of India, Article 21: "No person shall be deprived of his life or personal liberty. except according to procedure by law.”

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21 Right to Privacy: Court in Review. Supreme Court Observer. (2021, December 3). <https://www.scobserver.in/journal/right-to-privacy-court-in-review/> Last Accessed on April 26, 2022.

22 Constitution of India, Article 19(1)(f): “Ommitted”

23 Constitution of India, Article 20(3): “ No person accused of any offence shall be compelled to be a witness against himself.”

24 M.P. Sharma v Satish Chandra AIR 1954 SC 300, 1978 (2) ELT 287 SC, (1954) IMLJ 680 SC, 1954 1 SCR 1077

25 Kharak Singh V. The State of UP 1963 AIR 1295, 1964 SCR (1) 332

26 The Right to Privacy in India as a Fundamental Right [UPSC notes]. BYJUS. (2021, December 23). <https://byjus.com/free-ias-prep/right-to-privacy/> Last Accessed on April 26, 2022.

27 People's Union for Civil Liberties v Union of India AIR 1997 SC 568, JT 1997 (1) SC 288, 1996 (9) SCALE 318, (1997) 1 SCC 301, 1996 Supp 10 SCR 321, 1997 (1) UJ 187 SC

28 Section 33B of the Representation of People Act, 1951: "Candidate to furnish information only under the Act and the rules. - Notwithstanding anything contained in any judgment, decree or order of any court or any direction, order or any other instruction issued by the Election Commission, no candidate shall be liable to disclose or furnish any such information, in respect of his election, which is not required to be disclosed or furnished under this Act or the rules made thereunder."

29 Constitution of India, Article 19(1)(a): "All citizens shall have the right to freedom of speech and expression."

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<https://cic.gov.in/sites/default/files/RTI/RTIRules2012.pdf> Last Accessed on April 26, 2022.

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33 Supreme Court Advocates-on-Record Assn. v. Union of India (2016) 5 SCC 1, (2016) 2 SCC (LS) 253

34 Justice K.S. Puttaswamy (Retd) vs Union of India. Writ Petition (Civil) No. 494 of 2012, (2017) 10 SCC 1

35 Constitution of India, Article 21: "No person shall be deprived of his life or personal liberty. except according to procedure by law."

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37 Section 73 in The Indian Stamp Act, 1899: "Books, etc., to be open to inspection.—Every public officer having in his custody any registers, books, records, papers, documents or proceedings, the inspection whereof may tend to secure any duty, or to prove or lead to the discovery of any fraud or omission in relation to any duty, shall at all reasonable times permit any person authorized in writing by the Collector to inspect for such purpose the registers, books, papers, documents and proceedings and to take such notes and extracts as he may deem necessary, without fee or

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41Rayala M. Bhuvneswari v. Nagaphomender Rayala AIR 2008 AP 98, 2008 (2) ALD 311, 2008 (1) ALT 613

42Constitution of India, Article 21: "No person shall be deprived of his life or personal liberty. except according to procedure by law.”

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