



## Right to Privacy

**For Prelims:** K.S. Puttaswamy case, Article 21, Various dimensions of Right to privacy.

**For Mains:** K.S. Puttaswamy case, Right to privacy, Article 21, the Personal Data Protection Bill 2019.

### Why in News

Recently, a **Judge of the Madras High Court** has said that a recent order passed by another judge of the same court, **mandating the installation of CCTV cameras inside spas [massage and therapy centres]**, appears to run counter to the Supreme Court's landmark judgement in [K.S. Puttaswamy case \(2017\)](#).

- In this case, the Supreme Court declared that the **right to life and personal liberty** guaranteed in [Article 21](#) also implicitly includes a right to privacy.

### Key Points

- **About:**
  - **Underlying Values:** This right to privacy is seen as possessing:
    - **Inherent value:** It is important for every person's basic dignity.
    - **Instrumental value:** It furthers a person's ability to live life free of interference.
  - **Forms of Right to Privacy:** The privacy as guaranteed in Article 21 takes several different forms. It includes:
    - A right to bodily autonomy,
    - A right to informational privacy,
    - A right to a privacy of choice.
  - **Right to Relax:** Suspicion that immoral activities are taking place in spas **cannot be a reason** enough to intrude into an individual's right to relax, for it intrinsically is part and parcel of his fundamental right to privacy.
    - Thus, the installation of CCTV equipment inside premises such as a spa **would unquestionably go against a person's bodily autonomy.**
    - These are inviolable spaces where the prying eye of the State cannot be allowed to enter.
  - **Doctrine of Separation of Powers:** The reach of the fundamental rights cannot be curtailed by any judicial measure.
    - It held that, though no right can be absolute, restrictions can be put in place only by the legislature or the executive.
    - Apart from it, the Supreme Court alone can do so in exercise of its power under [Article 142](#).

### Right to Privacy

- **About:**
  - Generally understood that privacy is synonymous with the **right to be let alone.**

- The Supreme Court described privacy and its importance in the landmark decision of *K.S. Puttaswamy v. Union of India* in 2017.
- The right to privacy is protected as an intrinsic part of the right to life and personal liberty under **Article 21 and as a part of the freedoms guaranteed by Part III of the Constitution.**
- The Puttaswamy judgement holds that the right to privacy is protected as a fundamental constitutional right under **Articles 14, 19 and 21** of the Constitution of India.
- **Restrictions (as stated in the Judgement):**
  - The right may be restricted only by state action that passes each of the three tests:
    - First, such state action must have a **legislative mandate.**
    - Second, it must be pursuing a **legitimate state purpose,** and
    - Third, it **must be proportionate** i.e., such state action- both in its nature and extent, must be necessary in a democratic society and the action ought to be the least intrusive of the available alternatives to accomplish the ends.
- **Step taken by Government:** Acknowledging the importance of privacy, the Government has presented the **[personal Data Protection Bill 2019](#)** in the Parliament.

**[Source: TH](#)**

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