



Comprehensive study of Development of right to privacy in India with special reference to constitutional provisions

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Abstract

Privacy can be defined as a fundamental (though not an absolute) human right. The law of privacy can be traced as far back as 1361, when the Justices of the Peace Act in England provided for the arrest of peeping toms and eavesdroppers. In 1765, British Lord Camden, striking down a warrant to enter a house and seize papers wrote, "We can safely say there is no law in this country to justify the defendants in what they have done; if there was, it would destroy all the comforts of society, for papers are often the dearest property any man can have." Parliamentarian William Pitt wrote, "The poorest man may in his cottage bid defiance to all the force of the Crown. It may be frail; its roof may shake; the wind may blow though it; the storms may enter; the rain may enter -- but the King of England cannot enter; all his forces dare not cross the threshold of the ruined tenement."

Various countries developed specific protections for privacy in the centuries that followed. In 1776, the Swedish Parliament enacted the "Access to Public Records Act" which required that all government-held information be used for legitimate purposes. In 1792, the Declaration of the Rights of Man and the Citizen declared that private property is inviolable and sacred. France prohibited the publication of private facts and set stiff fines in 1858. In 1890, American lawyers Samuel Warren and Louis Brandeis wrote a seminal piece on the right to privacy as a tort action describing privacy as "the right to be left alone."

The modern privacy benchmark at an international level can be found in the 1948 Universal Declaration of Human Rights.

"Privacy" is one of the most nebulous terms our society has ever chanced upon. In the recent years, there have been debates on Right to Privacy, its safeguards, reasonable restrictions against this right, various positions and non-recognition of this right by some courts, and the ongoing debate on the existence of a constitutional Right to Privacy.

A nine-judge bench of the Supreme Court headed by Chief Justice JS Khehar, ruled on August 24, 2017 that the Right to Privacy is a fundamental right for Indian citizens under the Constitution of India (mostly under Article 21 and additionally under Part III rights). India is the world's biggest democracy and with this ruling, it has joined United States, Canada, South Africa, the European Union and the UK in recognizing this fundamental right.

Keywords: fundamental, LIC, Privacy, human right, traced

1. Introduction

Before we get into a complete discussion of Right to Privacy first of all we need to know what does the word Privacy mean. According to Black's Law Dictionary "right to be let alone ; the right of a person to be free from any unwarranted publicity; the right to live without any unwarranted interference by the public in matters with which the public is not necessarily concerned".

Article 21 of the Constitution of India states that "No person shall be deprived of his life or personal liberty except according to procedure established by law". After reading the Article 21, it has been interpreted that the term 'life' includes all those aspects of life which go to make a man's life meaningful, complete and worth living.

Like everything mankind has ever achieved, there has been a positive and a negative side to it. Technology has invaded every part of our lives whether the invasion was desired or not, we cannot be sure whether what we say has been heard by a third party as well whether that was desired or not. The proverbial Hindi saying of even walls having ears has never rung truer. The principle of the world today can be: whatever you may do, the world will get to know before you realize, ask a certain Tiger Woods about it.

In the earlier times in India, the law would give protection

only from physical dangers such as trespass from which the Right to Property emerged to secure his house and cattle. This was considered to be the Right to Life. As the ever changing common law grew to accommodate the problems faced by the people, it was realized that not only was physical security required, but also security of the spiritual self as well as of his feelings, intellect was required. Now the Right to Life has expanded in its scope and comprises the right to be let alone the right to liberty secures the exercise of extensive civil privileges; and the term "property" has grown to comprise every form of possession — intangible, as well as tangible.

The strategy adopted by the Supreme Court with a view to expand the ambit of Art. 21 and to imply certain right there from, has been to interpret Art.21 along with international charters on Human Rights.

The Court has implied the right of privacy from Art.21 by interpreting it in conformity with Art.12 of the Universal Declaration on Human Rights and Art.17 of the International Covenant on Civil and Political Rights, 1966. Both of these international documents provide for the right of privacy.

Right to privacy is not enumerated as a Fundamental Right in the Constitution of India. The scope of this right first

came up for consideration in Kharak Singh's Case which was concerned with the validity of certain regulations that permitted surveillance of suspects. The minority decision of SUBBA RAO J. deals with this light. In the context of Article 19(1) (d), the right to privacy was again considered by the Supreme Court in 1975. In a detailed decision, JEEVAN REDDY J. held that the right to privacy is implicit under Article 21. This right is the right to be let alone. In the context of surveillance, it has been held that surveillance, if intrusive and seriously encroaches on the privacy of citizen, can infringe the freedom of movement, guaranteed by Articles 19(1)(d) and 21. Surveillance must be to prevent crime and on the basis of material provided in the history sheet. In the context of an anti-terrorism enactment, it was held that the right to privacy was subservient to the security of the State and withholding information relevant for the detention of crime can't be nullified on the grounds of right to privacy. The right to privacy in terms of Article 21 has been discussed in various cases.

A very fascinating development in the Indian Constitutional jurisprudence is the extended dimension given to Article 21 by the Supreme Court in post-Maneka era. The Supreme Court has asserted that Art. 21 is the heart of the Fundamental Rights. Article 21 has proved to be multi-dimensional. The extension in the dimensions of Art.21 has been made possible by giving a extended meaning to the word 'life' and 'liberty' in Article 21. These two words in Art.21 are not to be read narrowly. These are organic terms which are to be construed meaningfully.

Right to privacy is one such right which has come to its existence after widening up the dimensions of Article 21. The constitution in specific doesn't grant any right to privacy as such. However, such a right has been culled by the Supreme Court from Art. 21 and several other provisions of the constitution read with the Directive Principles of State Policy. In this paper we will be discussing over a new dimension of Art. 21 that is the Right to Privacy and also the conflicts related to it.

It has already been established earlier that the right to privacy is a fundamental right under the Indian Constitution and we have discussed the multiple tests that have been laid down by the Supreme Court to determine whether the right to privacy can be violated. In *Govind v. State of M.P.* 6 the Supreme Court laid down the (i) superior important countervailing interest test, (ii) compelling state interest test, and (iii) compelling public interest test. On the other the case of *Justice K S Puttaswamy (Retd.) v. Union of India* (discussed in detail in this paper) SC has recognized Right to privacy as Fundamental Right under Art 21 of the Constitution.

2. Indian Judiciary on Right to Privacy

The Supreme Court's Right to Privacy Judgment

Case Laws

R. Rajagopal v. State of T.N. (1975) ^[9]

This case looks at the tension between the freedom of the press and the right to privacy. Central to the case is a question about the boundaries of the right of the press to criticize the behavior and actions of public officials. The petitioners in the case were a printer and associate editor of a Tamil magazine from Madras. The case revolves around the publishing of the autobiography written by the prisoner Auto Shankar, who had been placed in jail for committing

multiple murders. The autobiography contained proof of involvement of many IAS, IPS officers in the crimes that he committed. Shankar had initially requested that the magazine print his autobiography, but after being tortured by police officers who had read that the magazine will be carrying the piece, he requested that his story not be published. The publishers held that it was their right to publish the autobiography. The IPS and IAS officers on the other hand claimed that Auto Shankar was trying to defame the officers.

Regarding this issue, the court held that: "It is not stated in the counter-affidavit that Auto Shankar had requested or authorized the prison officials or the Inspector General of Prisons, as the case may be, to adopt appropriate proceedings to protect his right to privacy. If so, the respondents cannot take upon themselves the obligation of protecting his right to privacy. No prison rule is brought to our notice which empowers the prison officials to do so. Moreover, the occasion for any such action arises only after the publication and not before, as indicated hereinabove." Thus the Court held that unless the prison officials are authorized either by law or by the specific consent of the prisoner, they cannot assume the mantle of protecting the right to privacy of the prisoner vis-à-vis third parties.

A citizen has a right to safeguard the privacy of his own, his family, marriage, procreation, motherhood, child-bearing and education among other matters. None can publish anything concerning the above matters without his consent. The exception to the above rule is that any publication concerning the aforesaid aspects becomes unobjectionable if such publication is based upon public records including court records

1. In the case of public officials, it is obvious, right to privacy, or for that matter, the remedy of action for damages is simply not available with respect to their acts and conduct relevant to the discharge of their official duties
2. Government, local authority and other organs and institutions exercising governmental power cannot maintain a suit for damages for defaming them
3. There is no law empowering the State or its officials to prohibit, or to impose a prior restraint upon the press/media

Indu Jain v. Forbes Incorporated , 21 (2007) ^[16]

In this case Indu Jain filed a case with the courts to stop Forbes magazine from featuring her family in the Forbes List of Indian Billionaires. The court ruled against Indu Jain and allowed the publication. After a detailed discussion of the authorities on this issue the Court culled out the following principles:

- Public or general interest in the matter published has to be more than mere idle curiosity.
- Public figures like public officials play an influential role in ordering society. They have access to mass media communication both to influence the policy and to counter-criticism of their views and activities. The citizen has a legitimate and substantial interest in the conduct of such persons and the freedom of press extends to engaging in uninhibited debate about the involvement of public figures in public issues and events. (Ref. (1994) 6 SCC 632 R. Rajagopal & Anr. Vs. State of Tamil Nadu & Others Para 18).
- Right to privacy that rests in an individual may be

waived by him by express or implied consent or lost by a course of conduct which estops its assertions. Such implication may be deduced from the conduct of the parties and the surrounding circumstances.

In the facts noticed above, in my view the plaintiff has failed to make out a case that publication effected by the defendants would be covered within the protection which is afforded to a person's right to privacy."

The principles laid down above clarify a number of issues regarding the right to privacy and the invasion of it by individuals in the Press. It says that the court has to balance the rights of the person whose privacy has been invaded against the freedom of press and the right of public to disclosure of newsworthy information and in doing so the court has to balance the "proportionality of interfering with one right against the proportionality of impact by infraction of the other."

However, in *Bharat Shanti Lal Shah* case the court held that a statute can authorise the interception between two individuals even when it is a direct violation of their right to privacy, if the procedure authorizing such violation is just, fair and reasonable and not arbitrary or oppressive. It has been noted that any act claimed under the relational form of privacy should be -firstly, principally and fundamentally private and intimate in nature and secondly, in accordance with the law of the land.

The Supreme Court of India in *Hinsa Virodhak Sangh v. Mirzapur Mot Kureshi Jamaat*, AIR 2008 SC 1892, again upheld the decisional right to privacy of individuals, and has even gone to the extent of upholding an individual's decision to take vegetarian or non-vegetarian food as a paramount personal affair protected under the right to privacy.⁴²

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. 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. 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 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 right to privacy of the wife. If 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.

Justice Puttaswamy vs Union of India

The Supreme Court did in *Justice Puttaswamy vs Union of India*. The Court held that there existed a fundamental right to privacy, that its elements were the bodily and mental privacy, informational self-determination, and decisional autonomy, and it also indicated the broad standards for

limiting the right. It is equally important, however, to discuss what the Court did not do. The Court did not hold that there existed a fundamental right to privacy horizontally (that is, between private parties), and the Court did not decide how it would adjudicate cases where there was a clash between privacy and other rights, such as the freedom of speech and the freedom of information.

Privacy as a Horizontal Right

To start with, it is important to remember that the right to privacy has long been recognized as a "common law right" (in fact, the Union of India's argued that privacy should remain only a common law right). As such, it was being applied between private parties, as an aspect of tort law, long before the issues in *Puttaswamy* became salient. On the other hand, the central question in *Puttaswamy* was whether privacy is a fundamental right under the Indian Constitution. This the judges answered in the affirmative.

Right to Privacy a Fundamental Right, Says Supreme Court in Unanimous Verdict

The judgment overrules the 1961 *Kharak Singh* verdict.

A nine-judge bench of the Supreme Court has ruled that Indians enjoy a fundamental right to privacy, that it is intrinsic to life and liberty and thus comes under Article 21 of the Indian constitution.

The bench comprised Chief Justice Khehar and Justices J. Chelameswar, S.A. Bobde, R.K. Agrawal, Rohinton Nariman, A.M. Sapre, D.Y. Chandrachud, Sanjay Kishan Kaul and S. Abdul Nazeer.

In its 547-page judgment that declares privacy to be a fundamental right, the Supreme Court has overruled verdicts given in the *M.P. Sharma* case in 1958 and the *Kharak Singh* case in 1961, both of which said that the right to privacy is not protected under the Indian constitution.

The Supreme Court Held that

- A. Life and personal liberty are inalienable rights. These are rights which are inseparable from a dignified human existence. The dignity of the individual, equality between human beings and the quest for liberty are the foundational pillars of the Indian Constitution;
- B. Life and personal liberty are not creations of the Constitution. These rights are recognised by the Constitution as inhering in each individual as an intrinsic and inseparable part of the human element which dwells within;
- C. Privacy is a constitutionally protected right which emerges primarily from the guarantee of life and personal liberty in Article 21 of the Constitution. Elements of privacy also arise in varying contexts from the other facets of freedom and dignity recognised and guaranteed by the fundamental rights contained in Part III;
- D. Judicial recognition of the existence of a constitutional right of privacy is not an exercise in the nature of amending the Constitution nor is the Court embarking on a constitutional function of that nature which is entrusted to Parliament;
- E. Privacy is the constitutional core of human dignity. Privacy has both a normative and descriptive function. At a normative level privacy sub-serves those eternal values upon which the guarantees of life, liberty and freedom are founded. At a descriptive level, privacy postulates a bundle of entitlements and interests which

- lie at the foundation of ordered liberty;
- F. Privacy includes at its core the preservation of personal intimacies, the sanctity of family life, marriage, procreation, the home and sexual orientation. Privacy also connotes a right to be left alone. Privacy safeguards individual autonomy and recognises the ability of the individual to control vital aspects of his or her life. Personal choices governing a way of life are intrinsic to privacy. Privacy protects heterogeneity and recognises the plurality and diversity of our culture. While the legitimate expectation of privacy may vary from the intimate zone to the private zone and from the private to the public arenas, it is important to underscore that privacy is not lost or surrendered merely because the individual is in a public place. Privacy attaches to the person since it is an essential facet of the dignity of the human being;
 - G. This Court has not embarked upon an exhaustive enumeration or a catalogue of entitlements or interests comprised in the right to privacy. The Constitution must evolve with the felt necessities of time to meet the challenges thrown up in a democratic order governed by the rule of law. The meaning of the Constitution cannot be frozen on the perspectives present when it was adopted. Technological change has given rise to concerns which were not present seven decades ago and the rapid growth of technology may render obsolescent many notions of the present. Hence the interpretation of the Constitution must be resilient and flexible to allow future generations to adapt its content bearing in mind its basic or essential features ;
 - H. Like other rights which form part of the fundamental freedoms protected by Part III, including the right to life and personal liberty under Article 21, privacy is not an absolute right. A law which encroaches upon privacy will have to withstand the touchstone of permissible restrictions on fundamental rights. In the context of Article 21 an invasion of privacy must be justified on the basis of a law which stipulates a procedure which is fair, just and reasonable. The law must also be valid with reference to the encroachment on life and personal liberty under Article 21. An invasion of life or personal liberty must meet the three-fold requirement of (i) legality, which postulates the existence of law; (ii) need, defined in terms of a legitimate state aim; and (iii) proportionality which ensures a rational nexus between the objects and the means adopted to achieve them; and
 - I. Privacy has both positive and negative content. The negative content restrains the state from committing an intrusion upon the life and personal liberty of a citizen. Its positive content imposes an obligation on the state to take all necessary measures to protect the privacy of the individual.

3. Suggestions and Conclusion

Considering that the international community regards the right to privacy and data protection as a basic human right, India may be under a moral as well as legal obligation to enact privacy and data protection regulations. There are two modes in which regulations can be adopted: Self-regulation and Government regulation.

A study of the development of privacy traces back to Nihal Chand v. Bhagwan Dei in 1935, where the High Court recognized the independent existence of privacy from the

customs and traditions of India.

Even before independence became a member of UN and was signatory to the UDHR 1948. The UDHR was almost fully incorporated into the Indian Constitution. One of the exceptions to it was the giving no recognition to the concept of privacy. UDHR gave privacy a foremost position in Article 12, while freedom of speech and expression found place only in Article 19. Article 19 was subject to conditions such as reputation, national security, and public order and of morals. In the Indian Constitution, the restrictions imposed on freedom of speech and expression in Article 19(2) was on the lines of libel, slander, defamation, contempt of court or any matter which offends against decency or morality or which undermines the security of or tends to overthrow the state. This clause was later amended by the 1st Amendment Act of 1951, and a new clause was inserted instead of the above clause. The new clause brought reasonable restrictions on the lines of security of state, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence. This took away further, the grounds of restrictions in the earlier unamended clause i.e. libel and slander.

All the above factors further gave impetus to press but at the same time the right of an individual to plead right to privacy against undue interference by press was completely denied as this right to privacy was not given an independent status as a fundamental right on the same footing as of freedom of press in the Constitution . The framers of the Constitution failed to imbibe the full spirit of UDHR 1948 by neglecting to recognize the right to privacy as a fundamental right.

It was in Kharak Singh , that the Apex Court had the opportunity to discuss privacy for the first time, wherein it struck down domiciliary visits on an accused under Article 21 of the Constitution. But it was only through the minority view of Justice Subha Rao, that privacy found a place in Article 21 of the Constitution. This was due to lack of an article on privacy. Article 21 of the Indian Constitution protects life and personal liberty which is on the lines of Article 3 of the UDHR. Therefore Article 21 is not the solution to the problem faced in the matter of privacy protection. Article 21 is only an interim relief till legislative weapons are put in action to bring in a parallel Article on the lines with Article 12 of the UDHR in the Indian Constitution to protect Privacy.

Due to lack of Constitutional and legislative measures to protect privacy, the victims of press abuse had to take the help of tort law. Tort law did not refer to privacy but only other offences such as libel, slander, defamation, morality and decency. These different offences form part of the term 'Privacy' but individually these offences could never fulfill the need of protection of privacy faced by individuals. Even Indian penal code allowed punishment or penalty for the above offences but not for privacy.

Also as stated in Rajendra Sail's case , we need a strong press council in India. It should be a strong regulatory authority with representatives of legal, social, common man and press. Presently the Press Council is dominated by the different newspapers.

In Parshuram Babaram Sawant v. Times Global Broadcasting Co. Ltd. , Retd. Justice P.B.Sawant's photograph was flashed as Justice P.K.Samantha , Retd. Justice of Calcutta High Court, who was alleged to be involved in the famous Provident Fund scam of 2008. It gave a false impression among viewers that the plaintiff was

involved in the scam. Though the said channel stopped publishing the photograph, when the mistake was brought to their notice, no corrective or remedial steps to undo the damage were taken by the channel on their own. The plaintiff by his letter dated 15/9/2008 called the defendant to apologize publicly with damages of Rs 50 crores. By its reply the defendant apologized but no mention of damages was there. It was a belated action hence plaintiff demanded Rs 100 crores. The Court held that the defendant was entitled to pay Rs 100 crores to the plaintiff. The Bombay High Court ordered the Times to deposit 20 crores in cash and 80 crores in bank guarantee, before taking up its appeal against the Pune trial Court in the defamation case. 87 This was upheld by the Supreme Court. This was very good move by the Court.

To conclude with, the former Chief Information Commissioner of India, Wajahat Habibullah 89as then he was, had also demanded a law on Privacy complimentary to the law on Right to Information. He had stated that while all information regarding the government should have public accountability, there should be a law to respect privacy also to run parallel to it. Therefore the need for the Right of Privacy is inevitable.

Right to privacy is an essential component of 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. 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 and the relaxation of this stringent stand could be felt in the decision of Maneka Gandhi v. Union of India. The right to life was considered not to be the embodiment of a mere animal existence, but the guarantee of full and meaningful life.

Although the bench in M.P. Sharma and Kharak Singh had held Art. 21 to not include right to privacy and the matter is being referred to a larger constitutional bench, that does not render all the subsequent decisions by the Supreme Court recognising its existence legally untenable. However, though right to privacy has been recognized by many judgements to be implicit under Part III of the Constitution, there is a need to explicitly adopt Right to Privacy as a fundamental right by the Parliament.

Integral part test: relation between right to privacy and right to personal liberty

This section of the paper analyses the implied existence of right to privacy under Part III of the Indian Constitution. The Supreme Court in Surabh Chandni v UOI noted that the

Constitution is organic and ongoing in nature. In Ashok Tanwar v State of HP the Court observed that the Constitution should be flexible in nature to meet the needs and address the issues of changing times. Thus, right to privacy being a metaphysical constitutional right should be read into the right to personal liberty, otherwise, it would amount to gross constitutional anachronism.

He further noted that the expression “personal liberty” under Article 21 should not be read in a narrow and restricted sense, and “the attempt of the court should be to expand the reach and ambit of the fundamental rights rather than attenuate their meaning and content by a process of judicial construction” This approach was adopted by the Supreme Court in Unni Krishnan v State of Andhra Pradesh when they read the term ‘life’ to include ‘education’ as one of its essential element promoting good and dignified life. This went on to take the form of the 86th constitutional amendment which inserted Article 21-A in the Constitution and made “right to education” a fundamental right under Part III. Also, the Supreme Court has been quite liberal while reading implied rights into Article 21, some of which are: right to livelihood ; ight to shelter ; right of an accused against custodial violence ; right to health ; right to legal aid and speedy trial ; right to education and right to compensation .

Thus, by applying the “Integral Part Test” we realise that right to privacy is, in consequence, and in its true essence, an integral part of the right to personal liberty. “Privacy” mirrors the integrals of “personal liberty” and thus should fall under one umbrella Article. It carries the similar nature and character as the fundamental rights under Article 21 .

Moreover, in 2002, the National Commission to Review the Working of the Constitution recommended a constitutional amendment in the form of Article 21-B , which shall make “right to privacy” a fundamental right under Part III of the Constitution. Moreover, there was also a proposed Privacy Bill in the legislature during the year 2011. The bill was drafted with the objective of creating a statutory Right to Privacy, but is yet to be adopted by the Parliament. Furthermore, Section 3 clause (xi) of the Juvenile Justice (Care and Protection of Children) Act, 2015 , provides the “Principle of right to privacy and confidentiality”.

In Justice Puttaswamy vs Union of India

The Supreme Court did in Justice Puttaswamy vs Union of India. The Court held that there existed a fundamental right to privacy, that its elements were the bodily and mental privacy, informational self-determination, and decisional autonomy, and it also indicated the broad standards for limiting the right.

So it is proved by supreme court that right to privacy is a inherent right under article 21 of the indian constitution”

Thus, it can be duly established that not only the Judiciary, but also the Legislature at certain instances have recognized the essential Right to Privacy and the need to make it a statutory right. However, for it to become a fundamental right, the Parliament needs to make a constitutional amendment to that effect and finally give the citizens of India the unequivocal and paramount right to protect their privacy from any external interference.

After the Supreme Court declared privacy a fundamental right, it is left to Parliament to define what constitutes privacy under the ambit of right to life and personal liberty. Parliament will also have to define reasonable restrictions in

the case of right to privacy as it involves, already pointed out by National Commission to Review the working of the Constitution on 62nd Report.

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