

Q.What do you mean by Right to Privacy? In recent context what are the issues associated with Right to Privacy. Critically Examine. (15 marks)

Introduction:

Privacy means "the condition or state of being free from public attention to intrusion into or interference with one's acts or decisions. Right to Privacy means **Right to personal autonomy**. Right of a person and person's property to be free from unwarranted public scrutiny or exposure.

A nine-judge bench of the Supreme Court headed by Chief Justice [JS Khehar](#), in **K.S. Puttaswamy case** ruled on August 24, 2017, that the Right to Privacy is a fundamental right for Indian citizens under the Constitution of India under Article 21.

Body:

Issues with right to privacy:

- **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 matter of judgments not only in India but also in other countries as well.
- **Tapping of Telephone**
Telephone tapping constitutes a serious invasion of an individual's right to privacy. The recent Pegasus issue of snooping further highlights this problem.
- **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.
- **Conflict Between Right To Information & Right To Privacy:** Use of fictitious RTI applications to know irrelevant personal information of public servants to harass those officials.
- The right to privacy may come in conflict with the investigation of police in several aspects. Narco-analysis, polygraph test and brain mapping tests, in application, make unwarranted intrusion into the right to privacy of a person.

Conclusion: 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.