

## RIGHT TO PRIVACY IS RIGHT TO LIFE: EXPLORING ITS EVOLUTION AND SIGNIFICANCE

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### ABSTRACT:-

A short word with the biggest impact of all is 'Privacy'. A state of being alone is defined as privacy. Privacy is how much another person knows about you. It gives the right to live life your way and on your rules. Privacy rights help us decide with whom we are willing to display ourselves. Until now, we also haven't had a complete legal definition of the right to privacy. With this research paper, we seek the appropriate definition of the right to privacy and learn its significance in a digital democratic society. Privacy is a right which is not new to us. It's a right that just evolves with time. In this research paper by adopting the doctrine research methodology we seek the evolution of the right to privacy with human beings and its significance. This research goes with case laws, research papers, and articles on this topic and makes a thematic analysis for the conclusion.

This right is not expressly manifested in Part 3 of the Constitution of India. This right gets its essence from Article 21 of the Constitution i.e. right to life. But still, this right plays a vital role in living life with dignity. This research work seeks the significance of privacy in the current digital era. Privacy means personality and it changes as per circumstances. The right to privacy is an essential right to secure the right to life.

**KEYWORDS:** Right to privacy, evolution, digital, fundamental right, data safety.

### 1. INTRODUCTION

Privacy is a philosophy of life and not just a codified right. Like other fundamental rights, the right to privacy is not uniform. It varies from person to person. The requirements of the right to privacy vary based on education, circumstances, age, culture, gender, etc. The right to privacy is an individual's attitude. It is concerned with the individual's personality. It is an aura where individuals decide who can enter it or who cannot.

Privacy in today's world is the most complex and contested concept ever. With our lives becoming increasingly digital, with a large portion of personal, social, and professional interactions taking place online, that's why the traditional notion of privacy is constantly being reshaped. Traditionally, privacy has been defined as the right to be left alone and a personal space shielded from unnecessary intrusion. But the advent of digital technologies, data-driven business models, and sophisticated surveillance systems have taken privacy to a far more complex and expansive meaning beyond solitude or personal boundaries. It means control over one's information, consent in data usage, and the right to digital self-determination.

The major problem with the right to privacy is the awareness. Common people and the administration are not

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very concerned about this right. Invasion of the right to privacy is not considered morally wrong. Looking up on another's life without his consent is taken as a right by people. After the case of *KS Puttaswamy vs. Union of India*<sup>3</sup>, it became clear that the right to privacy is a fundamental right that gets its validity from Article 21 of the Indian Constitution<sup>4</sup>. The court said that to ensure the right to life with dignity administration requires to ensure the right to privacy with every individual.

The digital age poses unique challenges and threats to privacy. From social media platforms that encourage voluntary information sharing to government agencies that use surveillance tools to monitor citizens in the name of national security, individuals are often unaware of the extent to which their data is collected, analysed, and stored. The rapid development of artificial intelligence and machine learning makes the privacy landscape even more complicated, as these technologies analyse enormous amounts of data to predict and influence individual behaviour. This continuous collection and analysis of personal data, often without clear oversight, has sparked considerable debate about what privacy means in a digital context and how it can be protected. Despite the growing concern, there is still no consensus on how privacy should be defined and protected in the digital age. Legal frameworks and policy efforts fail to keep pace with the evolving nature of digital technologies and their impact on personal data. This paper attempts to track the dynamism in the evolving concept of privacy through the digital age, from its historical roots to the current challenges and critical importance for the information society today. This research aims to explore and contribute to the general discourse on digital privacy, providing insights into how privacy can be redefined and preserved in this unprecedented connectivity and access era.

### 1.1 Literature review

Privacy is one of the essential elements to lead a life with dignity. Privacy plays a vital role in the effective execution of the right to life. Autonomy with life is the prime key to a dignified life. There is a lot of research work has been done to define the meaning and significance of the right to privacy. Some of the work is defined below: -

Warren & Brandeis (1890), "The Right to Privacy,"<sup>5</sup> is a highly influential article in *Harvard Law Review* that has been profoundly called the bedrock of modern privacy rights. It loudly advocated for the "right to be let alone," leading to constitutional protections in the United States and elsewhere and shaping American and international jurisprudence on privacy laws.

Bloustein (1964), in "Privacy as an Aspect of Human Dignity,"<sup>6</sup> takes a philosophical approach to privacy and argues that it is indeed a part of human dignity and personal autonomy. The paper then criticizes legal interpretations of privacy and proposes a broader framework of protection.

Westin, 1967, "Privacy and Freedom"<sup>7</sup>-The balance between individual privacy and the interests of society, particularly in the digital age. It categorizes privacy into four states: solitude, intimacy, anonymity, and reserve, and discusses the threats of government surveillance.

Solove (2008), "Understanding Privacy"<sup>8</sup>-This paper shows how privacy is a multi-dimensional concept and

<sup>3</sup>*K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 S.C.C. 1.

<sup>4</sup>Constitution of India, 1950

<sup>5</sup> Warren, S. & Brandeis, L. D., "The Right to Privacy," 4 *HARV. L. REV.* 193, 193-220 (1890).

<sup>6</sup> Bloustein, Edward J., "Privacy as an Aspect of Human Dignity: An Answer to Dean Prosser," 39 *N.Y.U. L. REV.* 962 (1964).

<sup>7</sup> Alan Westin, *PRIVACY AND FREEDOM* (New York: Atheneum, 1967), 7.

<sup>8</sup> Daniel J. Solove, *UNDERSTANDING PRIVACY* (Harvard University Press, 2008).

cannot be defined in a single phrase. The paper identifies the issues that arise about privacy within modern digital technology, along with legal responses to emerging threats.

Bennett & Raab (2018), "The Governance of Privacy"<sup>9</sup> offers an analysis of privacy law globally, elucidating how it has evolved in the context of international legal frameworks, particularly in Europe and North America. This article provides a critique of existing data protection and how it works.

Louis D. Brandeis, "The Right to Privacy"<sup>10</sup> - Expands on his earlier legal writings and discusses privacy as an essential component of democracy. The book highlights the tension between individual freedoms and state control over information.

Deshta & Deshta, "The Right to Privacy under Indian Laws"<sup>11</sup>- Deals with privacy in the confluence of Indian constitutional law, cyber laws, and data protection. The book deals with legislative efforts as well as judicial pronouncements that have fashioned the right to privacy.

S.K. Sharma, "The Privacy Law: A Comparative Study"<sup>12</sup> - Makes a comparative study between jurisdictions relating to privacy protections across jurisdictions, namely the U.S., U.K., and India. The book evaluates various legal approaches vis-à-vis their ability to protect private information.

## 1.2 Research Object

Despite the large body of literature on the right to privacy, several gaps exist. First, there is no widely accepted definition of privacy, and this leads to inconsistencies in legal and policy frameworks. Privacy is interpreted differently by different jurisdictions, which makes it difficult to enforce international human rights. Secondly, there is not enough research on the societal understanding of privacy and its importance in everyday life. Many individuals remain unaware of their privacy rights, limiting their ability to seek legal protection. Thirdly, while technological advancements have heightened privacy concerns, studies on the effectiveness of digital privacy laws remain scarce. Fourthly, comparative legal analyses often focus on Western frameworks, leaving a gap in understanding privacy jurisprudence in developing nations. Lastly, the significance of this right is not yet explored concerning democracy, personal space, and administration.

In this way to fulfil this gap this study works with two objects: -

- a) **To define and suggest the conclusive meaning of privacy.**
- b) **To explore the significance of the right to privacy**

## 2. HISTORICAL EVOLUTION:

The concept of the right to privacy is nothing new to us, it's always available to us. However, the form and jurisdiction of the right to privacy have changed. It starts from the right to live alone to deal with social, virtual, economic, and personal privacy today. The development of the right to privacy, indeed, went a long way; it took on a course over time and in the changes in societal values, legal interpretation, and advances in technology.

### 2.1 Privacy in Ancient and Early Societies

Privacy, as such, is traceable to the early stages of the civilizations, but there was no such term for this concept, although the form is available. Individual boundaries, personal respect, and honour, constitute privacy

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<sup>9</sup> Colin J. Bennett & Charles D. Raab, *THE GOVERNANCE OF PRIVACY: POLICY INSTRUMENTS IN GLOBAL PERSPECTIVE* (2d ed. 2018).

<sup>10</sup> *Id.*, note 5, Samuel D. Warren & Louis D. Brandeis, at 3.

<sup>11</sup> Kiran Deshta & Geetika Deshta, *THE RIGHT TO PRIVACY UNDER INDIAN LAWS* (Satyam Law International, 2013).

<sup>12</sup> S.K. Sharma, *THE PRIVACY LAW: A COMPARATIVE STUDY* 45 (1st ed., Eastern Book Company, 2020).

available in societies. Social norms and ethics depict decorum in the case of privacy of life. Confident of the social interest that makes things curtail some activities of the daily routine in society shows the existence of privacy.

## 2.2 Privacy in Religious and Philosophical Thought of the Medieval

Religious communities, such as Christianity, Judaism, and Islam, Hinduism introduced respect for personal dignity, which ultimately indirectly supported the concept of privacy by underlining the sanctity of family or home life and rituals. As rituals underscore personal moral space laid an early footing for the later recognition of a person's privacy and autonomy of boundaries.

## 2.3 Privacy and Individual Rights (Enlightenment and 18th Century)

The Enlightenment era, with its emphasis on individual rights and personal liberty, saw the emergence of privacy as a social and philosophical concept. Thinkers like John Locke discuss privacy in his work "Two Treatises of Government"<sup>13</sup>. In his work, he treated privacy as the output of natural law theory. "Jean-Jacques Rousseau 1762 in his book *The Social Contract*"<sup>14</sup> promoted the idea that individuals have natural rights, including autonomy over their personal lives. This period also witnessed the rise of constitutional frameworks (e.g., the U.S. Constitution<sup>15</sup>) that implicitly protected privacy through provisions safeguarding property and freedom from government intrusion.

## 2.4 Privacy as a Legal Right (19th Century)

The manifest recognition of the right to privacy as a legal right occurred in the 19th century. In 1890, American lawyers Samuel Warren and Louis Brandeis published the seminal paper "The Right to Privacy"<sup>16</sup> in the *Harvard Law Review*. They contended that everyone should have the "right to be left alone" and highlighted the need for privacy protection against the press and emerging technologies like photography. This paper established the groundwork for privacy law in the United States and inspired similar legal protections globally. The law regarding trespass in the Indian Penal Code<sup>17</sup> Somehow shows the protection of privacy concerning property and chattels. Not only have that laws regarding religion and defamation also protected personal and emotional privacy.

The provision of privileged communication between legal counsel and client in the Indian Evidence Act, of 1872<sup>18</sup> also shows the presence of privacy.

Apart from these concepts privacy in consideration and privacy of parties in the Indian Contract Act,<sup>19</sup> also resembles the right to privacy.

The law regarding intellectual property somehow shows the features of the right to privacy. It shows that only the creator decides the access of his creation and it is his autonomous right. Privacy is the protection of all personal activity of an individual.

And, in family law, only the concerned aggrieved party can file a case against each other also a concept of privacy of a family.

<sup>13</sup> John Locke, *Two Treatises of Government* (Cambridge University Press, 1988).

<sup>14</sup> Jean-Jacques Rousseau, *The Social Contract* 45 (G.D.H. Cole trans., Everyman's Library 1993) (1762).

<sup>15</sup> *The Constitution of the United States* (1787)

<sup>16</sup> *Id.*, note 5, Warren, S., and Brandeis, at 3.

<sup>17</sup> *Indian Penal Code, 1860* (Act No. 45 of 1860)

<sup>18</sup> *The Indian Evidence Act, 1872*, Act No. 1 of 1872.

<sup>19</sup> *The Indian Contract Act, No. 9 of 1872, India Code* (1872).

## 2.5 Privacy in the Age of Communication (20th Century)

The 20th century marked the expansion of privacy rights as new technologies such as the telephone, radio, and television enabled greater public access to private information. The legal is going to adopt this right.

- The Universal Declaration of Human Rights (1948)<sup>20</sup> The United Nations, recognized privacy in Article 12, establishing a global standard for privacy rights.
- Article 17 of the International Covenant on Civil and Political Rights (ICCPR)<sup>21</sup> Emphasizes the protection of the right to privacy for citizens in each country.
- The United Nations International Convention on the Protection of the Rights of All Migrant Workers and members of their families<sup>22</sup> Also, the eight privacy laws for migrants were declared.
- Article 21 of the Indian Constitution<sup>23</sup> By manifesting the right to life with dignity, he ensures the right to privacy as a citizen of India.
- After the case of *Kharak Singh vs. State Of Uttar Pradesh and Ors*<sup>24</sup>. In the case of *Gobind vs. State of M.P.*<sup>25</sup> and in the case of *PUCL vs. Union of India*<sup>26</sup> the Supreme Court confirms the right to privacy under the umbrella of the right to life. The court held that to live a dignified law in a civilized society it is necessary to ensure the right to privacy.

## 2.6 Privacy in the Digital Era (Late 20th and Early 21st Century)

The late 20th century witnessed the rise of the digital age with computers, the internet, and mobile communication, reshaping privacy concerns. Personal data became an asset, and the capacity to collect, store, and process information grew exponentially.

The case of *K.S. Puttaswamy (Retd.) vs. Union of India*<sup>27</sup> plays a vital role in the recognition and evolution of the right to privacy. In this case court confirms the right to privacy with citizens of India as a fundamental right and makes the government accountable for its protection. It is the first time the court concerned about virtual privacy. Court male comments on data protection, virtual privacy, unethical surveillance, and biometric information.

## 2.7 Privacy in the Age of Surveillance and Big Data (Present Day)

Today, privacy is challenged by pervasive data collection, artificial intelligence, and surveillance technologies. The widespread use of social media, location tracking, and biometric data collection has heightened concerns over how personal data is used and protected.

With that view, India comes with The Digital Personal Data Protection Act (DPDPA),2023<sup>28</sup>. The DPDPA mandates that data fiduciaries obtain explicit consent from individuals before collecting, processing, or sharing their data. It emphasizes transparency, accountability, and the rights of individuals, including the right to access, correct, and erase personal data. The Act also establishes a Data Protection Board to oversee

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<sup>20</sup> *Universal Declaration of Human Rights*, General Assembly Resolution 217 A(III), United Nations, 10 December 1948

<sup>21</sup> *International Covenant on Civil and Political Rights*, 1966, art. 17, UNGA Res 2200A (XXI), 999 UNTS 171.

<sup>22</sup> *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*, Dec. 18, 1990, United Nations, Treaty Series, vol. 2220, p. 3

<sup>23</sup> Art. 21, *The Constitution of India*, 1950.

<sup>24</sup> *Kharak Singh v. State of Uttar Pradesh*, AIR 1963 SC 1295

<sup>25</sup> *Gobind v. State of Madhya Pradesh*, AIR 1975 SC 1378

<sup>26</sup> *PUCL v. Union of India*, (1997) 1 SCC 301

<sup>27</sup> *Id.*, note 3, at 2

<sup>28</sup> *Digital Personal Data Protection Act, 2023 (Act No. 22 of 2023)*

compliance and address grievances. By aligning with global standards, the DPDPA seeks to enhance user trust and safeguard privacy in an increasingly data-driven world.

In this way, the evolution of privacy reflects society’s ongoing effort to balance individual freedom with technological progress. As the boundaries of personal information and privacy become increasingly blurred, understanding the historical context of privacy is essential for shaping future policies and practices that respect both individual rights and collective security in the digital age.

<b>ANCIENT PERIOD</b>	In the ancient periods privacy came under the criteria of individual boundary, family respect, norms, human, dignity, and ethics.
<b>MEDIEVAL PERIOD</b>	In this period religious and philosophical aspects of society emphasized individual rights and personal liberty.
<b>EARLY MODERN PERIOD</b>	In this period international organizations started to recognize the right to privacy and unethical surveillance.
<b>MODERN PERIOD</b>	In the modern digital world right to privacy includes virtual privacy, stalking, data security, digital surveillance, etc.

### 3. WHAT IS PRIVACY?

Privacy is a fundamental right of human beings, and the individual can control their private information, autonomy, and space. It makes it easier to choose what information to share and what to keep private, thus enhancing personal freedom, dignity, and individuality. Unlike the earlier physical spaces, privacy extends to digital spaces and informational privacy, even in this age of modern information.

#### 3.1. Definition of Privacy

The term Privacy has been defined by so many scholars in different ways-

1.	<b>Alan Westin (1967):</b>	“Privacy is the claim of individuals to determine for themselves when, how, and to what extent information about them is communicated to others” <sup>29</sup> .
2.	<b>Ruth Gavison (1980):</b>	“Privacy is a condition where one is protected from unwanted access by others, ensuring autonomy and freedom” <sup>30</sup> .
3.	<b>Daniel Solove (2006):</b>	“Privacy is not a single concept but a family of related problems involving control over personal information and protection from intrusion” <sup>31</sup> .
4.	<b>Hyman Gross</b>	“Privacy involves the ability to control what others know about

<sup>29</sup> Alan Westin, *Privacy and Freedom* (New York: Atheneum, 1967), 7.

<sup>30</sup> Ruth Gavison, "Privacy and the Limits of Law," *Yale Law Journal* 89, no. 3 (1980): 423.

<sup>31</sup> Daniel J. Solove, *The Digital Person: Technology and Privacy in the Information Age* (New York: New York University Press, 2006)

	<b>(1967):</b>	you and to limit their access to your personal life.” <sup>32</sup>
<b>5.</b>	<b>Fried Charles (1970):</b>	“Privacy is rooted in the respect for persons and is essential for intimacy and relationships.” <sup>33</sup>
<b>6.</b>	<b>Judith DeCew (1997):</b>	“Privacy encompasses informational, accessibility, and decisional control dimensions.” <sup>34</sup>
<b>7.</b>	<b>Anita Allen (1988):</b>	“Privacy is crucial for self-development and maintaining personal dignity.” <sup>35</sup>
<b>8.</b>	<b>Julie Inness (1992):</b>	“Privacy is based on the idea of respect for personal boundaries and control over intimate decisions.” <sup>36</sup>
<b>9.</b>	<b>Adam Moore (2003):</b>	“Privacy involves a realm where individuals can make personal decisions free from interference.” <sup>37</sup>
<b>10.</b>	<b>Beate Roessler (2005):</b>	“Privacy ensures personal space for self-expression and development of autonomy.” <sup>38</sup>
<b>11.</b>	<b>Edward Bloustein (1964):</b>	“Privacy protects human dignity by shielding individuals from public scrutiny.” <sup>39</sup>
<b>12.</b>	<b>Neil Richards (2015):</b>	“Privacy is a necessary precondition for intellectual freedom and autonomy.” <sup>40</sup>
<b>13</b>	<b>Samuel D. Warren and Louis D. Brandeis (1890)</b>	“In their seminal work, <i>The Right to Privacy</i> , Warren and Brandeis defined privacy as "the right to be let alone." They argue that individuals should have the right to protect their private lives from public scrutiny and unnecessary interference.” <sup>41</sup>
<b>14</b>	<b>Edward J. Bloustein</b>	In <i>Privacy as an Aspect of Human Dignity: An Answer to Dean Prosser</i> <sup>42</sup> , Bloustein views privacy as essential for preserving

<sup>32</sup> Hyman Gross, *The Concept of Privacy* (New York: Anchor Books, 1967)

<sup>33</sup> Charles Fried, *An Anatomy of Values: Problems in the Philosophy of Law* (Cambridge, MA: Harvard University Press, 1970)

<sup>34</sup> Judith DeCew, *In Pursuit of Privacy: Law, Ethics, and the Rise of Technology* (Ithaca: Cornell University Press, 1997)

<sup>35</sup> Anita Allen, *Privacy: Philosophical Dimensions of the Law* (New York: Oxford University Press, 1988)

<sup>36</sup> Julie Inness, *Privacy: A Tradition in Crisis* (New York: Oxford University Press, 1992)

<sup>37</sup> Adam Moore, *Privacy Rights: Moral and Legal Foundations* (University of Pennsylvania Press, 2003), 45

<sup>38</sup> Beate Roessler, *THE VALUE OF PRIVACY* (Cambridge: Cambridge University Press, 2005)

<sup>39</sup> Edward Bloustein, "Privacy and Personality," 4 J. SOC. PHIL. 22 (1964)

<sup>40</sup> Neil Richards, *INTELLECTUAL PRIVACY: RETHINKING CIVIL LIBERTIES IN THE DIGITAL AGE* (Oxford: Oxford University Press, 2015).

<sup>41</sup> Id., note 5, Warren, S. and Brandeis, L. D., at 3.

<sup>42</sup> Bloustein, Edward J., "Privacy as an Aspect of Human Dignity: An Answer to Dean Prosser," 39 N.Y.U. L. REV. 962 (1964).

	<b>(1964)</b>	human dignity, asserting that it is the foundation of individuality, freedom, and independence.
<b>15</b>	<b>James Rachels (1975)</b>	In <i>Why Privacy is Important</i> , Rachels <sup>43</sup> contends that privacy is significant because it enables individuals to control the boundaries of social relationships. He sees privacy as essential for maintaining different social roles and relationships.
<b>16</b>	<b>Richard A. Posner (1981),</b>	In 'The Economics of Justice,' <sup>44</sup> Posner approaches privacy from an economic perspective, seeing it as a tool individuals use to control information that might affect their monetary standing and opportunities.
<b>17</b>	<b>Helen Nissenbaum (2010)</b>	In <i>Privacy in Context: Technology, Policy, and the Integrity of Social Life</i> <sup>45</sup> , Nissenbaum presents privacy as "contextual integrity," suggesting that privacy norms vary based on information flow and use context. She argues for respecting privacy by preserving the contextual boundaries of information.
<b>18</b>	<b>Daniel Solove (2008)</b>	In <i>Understanding Privacy</i> <sup>46</sup> , Solove describes privacy as a collection of interconnected values rather than a single right. He views it as protection against a variety of potential harms, including surveillance, data collection, and identity theft, in the digital age.

### 3.2 National and international law on privacy

The concept of privacy has always been a hot burning topic for both national and international laws. The right to privacy is not easy to secure but it is an essential right for ensuring the right to life with dignity. There lot of conventions and laws have been made to define and protect of privacy of an individual.

<b>1</b>	<b>India:</b>	<ul style="list-style-type: none"> <li>Article 21 of the Indian Constitution<sup>47</sup>: Recognized as including the right to privacy in <i>Justice K.S. Puttaswamy v. Union of India (2017)</i><sup>48</sup>.</li> <li>The Information Technology Act, 2000<sup>49</sup>: Provides legal recognition for electronic transactions and addresses cybersecurity but lacks comprehensive privacy provisions.</li> </ul>
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<sup>43</sup> James Rachels, "Why Privacy is Important," 4 PHIL. & PUB. AFF. 323 (1975).

<sup>44</sup> Richard A. Posner, *THE ECONOMICS OF JUSTICE* (Harvard University Press, 1981).

<sup>45</sup> Helen Nissenbaum, *PRIVACY IN CONTEXT: TECHNOLOGY, POLICY, AND THE INTEGRITY OF SOCIAL LIFE* (Stanford University Press, 2010).

<sup>46</sup> Daniel J. Solove, *Understanding Privacy* (Harvard University Press, Cambridge, MA, 2008).

<sup>47</sup> *Id.*, note 23, at 7.

<sup>48</sup> *Id.*, note 3, at 2.

<sup>49</sup> The Information Technology Act, 2000, No. 21, Acts of Parliament, 2000 (India).

		<ul style="list-style-type: none"> <li>• The Digital Personal Data Protection Act (DPDPA), 2023<sup>50</sup>: Aims to regulate data protection, but its implementation remains uncertain.</li> </ul>
2	<b>United States:</b>	<ul style="list-style-type: none"> <li>• Fourth Amendment of the U.S. Constitution<sup>51</sup>: Protects against unreasonable searches and seizures.</li> <li>• The Privacy Act of 1974<sup>52</sup>: Restricts government agencies from disclosing personal records without consent.</li> <li>• California Consumer Privacy Act (CCPA)<sup>53</sup>: Provides consumers with rights over their data.</li> </ul>
3	<b>United Kingdom:</b>	<ul style="list-style-type: none"> <li>• The Data Protection Act, 2018<sup>54</sup>: Implements GDPR standards in the UK.</li> <li>• Human Rights Act, 1998 (Article 8)<sup>55</sup>: Guarantees the right to respect for private and family life.</li> </ul>
4	<b>European Union:</b>	<ul style="list-style-type: none"> <li>• General Data Protection Regulation (GDPR), 2016<sup>56</sup>: One of the most comprehensive privacy laws, ensuring strong protections for personal data.</li> <li>• European Convention on Human Rights (Article 8)<sup>57</sup>: Ensures the right to private and family life.</li> </ul>
5	<b>Australia:</b>	<ul style="list-style-type: none"> <li>• Privacy Act, 1988<sup>58</sup>: Regulates the handling of personal information by government agencies and private sector organizations.</li> <li>• Australian Human Rights Commission Act, 1986<sup>59</sup>: Provides protections against discrimination and privacy breaches.</li> </ul>
6	<b>International Laws and Frameworks</b>	<ul style="list-style-type: none"> <li>• Universal Declaration of Human Rights (UDHR), 1948 Article 12<sup>60</sup> states that no one shall be subjected to arbitrary interference with their privacy.</li> <li>• International Covenant on Civil and Political Rights (ICCPR), 1966 Article 17<sup>61</sup> guarantees protection against unlawful interference with privacy.</li> </ul>

<sup>50</sup> Id., note 28, at 8.

<sup>51</sup> Text of Amendment Four (U.S. Constitution), Amendment IV, ratified December 15, 1791, U.S. Const. amend. IV.

<sup>52</sup> The Privacy Act of 1974, Pub. L. No. 93-579, 88 Stat. 1896 (1974) (codified at 5 U.S.C. § 552a).

<sup>53</sup> California Consumer Privacy Act, Cal. Civ. Code § 1798.100 et seq. (West 2018).

<sup>54</sup> The Data Protection Act, 2018 (UK), Act No. 12 of 2018

<sup>55</sup> Human Rights Act, 1998, c. 42, art. 8.

<sup>56</sup> General Data Protection Regulation (GDPR), Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC, OJ L 119, 4.5.2016, p. 1–88.

<sup>57</sup> European Convention on Human Rights, art. 8, Nov. 4, 1950, ETS No. 5.

<sup>58</sup> Privacy Act 1988 (Cth) (Austl.).

<sup>59</sup> Australian Human Rights Commission Act, 1986 (Cth) (Austl.).

<sup>60</sup> Universal Declaration of Human Rights, G.A. Res. 217A, art. 12, U.N. Doc. A/810 (1948).

<sup>61</sup> Id., note 22, at 7.

		<ul style="list-style-type: none"> <li>• General Data Protection Regulation (GDPR), 2016 (EU Law)<sup>62</sup> Establishes strict data protection principles, requiring transparency, accountability, and individual consent for data processing.</li> <li>• OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data, 1980<sup>63</sup> Provides international principles for data protection and privacy laws across different jurisdictions.</li> <li>• Convention 108+ of the Council of Europe (2018)<sup>64</sup> A legally binding treaty ensuring data protection and privacy rights in European nations.</li> </ul>
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### 3.3 Case study on privacy

The right to privacy is a right that comes from social ethical norms and evolves with national international conventions, protocols, and suggestions. But the work crystallization of this right is done by the courts. Courts time to time try to define and reframe the right to privacy and try to cover this under the right to life. The court makes the compulsion on the administration to measure the privacy enhancing technologies. By precedent, law court teaches the importance of this right to exercise individuality in this digital era-

1	<b>Gobind v. State of Madhya Pradesh (1975)</b> <sup>65</sup>	Justice K.K. Mathew held that the right to privacy is implicit in the right to life and liberty. He acknowledged that privacy encompasses a “right to be left alone,” and is essential for individual dignity and autonomy, but it is not an absolute right and can be restricted for valid state interests.
2	<b>R. Rajagopal v. State of Tamil Nadu (1994)</b> <sup>66</sup>	In "Auto Shankar Case," the Court held that the right to privacy allows individuals to prevent others from publishing or disclosing private information. Justice B.P. Jeevan Reddy stated that privacy includes “the right to be let alone” and prohibits unwarranted public disclosure of private matters unless it is justified by public interest.
3	<b>People’s Union for Civil Liberties (PUCL) v. Union of India (1997)</b> <sup>67</sup>	In this case on telephone tapping, the Supreme Court held that unauthorized interception violates the right to privacy. Justice S. Sagir Ahmad emphasized that privacy is essential to the “right to life and personal liberty” and is protected from unauthorized government interference.
4	<b>District Registrar and Collector, Hyderabad v. Canara Bank</b>	In this case on personal information privacy, the Court recognized the confidentiality of bank records. Justice S. Saghir Ahmad held that privacy includes protection against arbitrary state intrusion into an individual's

<sup>62</sup> Id., note 56, at 12.

<sup>63</sup> Organisation for Economic Co-operation and Development, *OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data* (OECD Publishing 2002).

<sup>64</sup> Council of Europe, "Convention for the Protection of Individuals with regard to the Processing of Personal Data, as amended by Protocol CETS No. 223 (Convention 108+)," opened for signature 10 October 2018.

<sup>65</sup> *Gobind v. State of Madhya Pradesh*, (1975) 2 SCC 148

<sup>66</sup> *R. Rajagopal v. State of Tamil Nadu*, (1994) 6 S.C.C. 632

<sup>67</sup> Id., note 26, at 7.

	(2005) <sup>68</sup>	financial information and records.
5	<b>Naz Foundation v. Government of NCT of Delhi (2009)</b> <sup>69</sup>	While decriminalizing Section 377, the Delhi High Court recognized that privacy includes the autonomy of personal choices. The judgment held that privacy protects individual choices related to intimacy, relationships, and identity, especially regarding one's sexual orientation
6	<b>Selvi v. State of Karnataka (2010)</b> <sup>70</sup>	In the case regarding the right against self-incrimination, the Court ruled that forcing individuals to undergo lie detector tests, narco-analysis, and brain mapping infringes on their right to privacy. Justice Balakrishnan held that privacy covers "mental privacy" and protects individuals against unauthorized probing into their thoughts.
7	<b>Justice K.S. Puttaswamy (Retd.) v. Union of India (Aadhar Case, 2018)</b> <sup>71</sup>	The Supreme Court upheld the right to privacy, especially concerning informational privacy. Justice A.K. Sikri held that privacy includes informational self-determination, granting individuals control over their data against arbitrary state demands.

### 3.4 Privacy and other fundamental right

After going with the evolution of the right to privacy we come to know that right to privacy is a fundamental right, but that right is not like another fundamental right. The right to privacy has a different feature from another fundamental right-

- a) Equality- The right to privacy is not equal with every citizen of the nation. The quality and the quantity of the right to privacy vary with every person.
- b) Definition- The right to privacy is not defined yet in law. This right is quite vague.
- c) Specific legal provision- The right to privacy is not manifestly present in the Constitution of India. It just gets his validity from Article 21<sup>72</sup> i.e. right to life and liberty.
- d) Reasonable classification- Limitation of the right to privacy can be on grounds of national security or national interest. Restriction on this right can be done only by the procedure prescribed by law.
- e) Enforceability- The execution of the right to privacy depends on the awareness of the right. Only if the person is aware of his right, then he can enforce it. In this digital world, data security is a big challenge for the administration. Where we are revolving around electronic gadgets and equipment, it becomes hard to secure personal space from others.
- f) Harm and damages- Invasion of the right to privacy causes, emotional, economic, and reputational harm to the individual. That harm cannot be easily mitigated through monetary damages. The harm of this right also depends upon the awareness of the right. It found so many times when the right to privacy is continuously infringed, but victims are not aware of it.

In last it can be concluded that the right to privacy is completely related to personality. Everyone has a different personality with himself for example one personality with friends, one personality at the workplace, one

<sup>68</sup> *District Registrar and Collector, Hyderabad v. Canara Bank*, (2005) 1 A.P. H.C. 28

<sup>69</sup> *Naz Foundation v. Government of NCT of Delhi*, 160 DLT 277 (2009)

<sup>70</sup> *Selvi v. State of Karnataka*, (2010) 7 SCC 263 (India)

<sup>71</sup> *Id.*, note 3, at 2.

<sup>72</sup> *Id.*, note 23, at 7

personality with the spouse, one personality with family members, etc. And the right to privacy ensures the right to secure and maintain this personality. Under the right to privacy, no person can know about another personality without his consent.

In this way **"Right to privacy can be defined as no person shall know about another's personal information without his consent, except according to procedure established by law"**.

Privacy is the right that ensures the discretionary right of the individuals to make them appear themselves. If someone wants to live alone and does not want to become social with everybody then this is his choice. Nobody can restrict him until it is required for the interest of a nation and the welfare of society. Administrative surveillance can occur but only with the consent of an individual and within reasonable bona fide limits. In this digital world, the right to privacy is infringed through malicious surveillance and negligence in data security by the administration, and such infringement cannot be tolerated at any cost.

#### **4. PRIVACY AS PART OF THE RIGHT TO LIFE**

Privacy is increasingly recognized as an intrinsic part of the right to life, encompassing personal autonomy, dignity, and freedom from unwarranted intrusion. Privacy provides individuals with a protected space where they can freely make personal decisions, form relationships, and express themselves without fear of external interference. As societies evolve technologically, the preservation of privacy has become critical to safeguarding individual rights, as personal data can be easily monitored, shared, and potentially exploited.

Throughout history, the right to privacy has been enlightened through critical legal perspectives. For example, in India, the Supreme Court ruled in Justice K.S. Puttaswamy (Retd.) v. Union of India (2017)<sup>73</sup> that the right to privacy is a basic right under Article 21 of the Constitution of India<sup>74</sup>, drawing a connection to the right to life and personal liberty. Likewise, the International Human Rights Law also preserves the respect and protection of the right to privacy in documents such as the Universal Declaration of Human Rights (Article 12)<sup>75</sup> and the International Covenant on Civil and Political Rights (Article 17)<sup>76</sup>.

Recognizing privacy as part of the right to life emphasizes the need to protect individuals' realms from undue governmental and corporate surveillance. As modern technology rapidly advances, the scope of privacy protection must adapt to ensure that this fundamental right remains an active safeguard for human autonomy and dignity in the information age.

##### **4.1 Conceptual Link Between Privacy and Life**

The relationship between privacy and the right to life arises from the understanding that privacy is an integral part of human dignity, self-governance, and individuality. In the absence of privacy, people do not have the freedom to form and express their individuality, make independent choices, and have interpersonal relations which are the essential elements of their lives. Privacy allows a human being to possess a definable "zone" where he can be intimate and authoritative to live with respect and without the threat of being watched or bothered from outside.

Life is always about growth. Life means to move forward. In stages of life, we need to learn from the past to

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<sup>73</sup> Id., note 3, at 2

<sup>74</sup> Id., note 4, at 2

<sup>75</sup> Id., note 60, at 12.

<sup>76</sup> International Covenant on Civil and Political Rights, 1966, art. 17, UNGA Res 2200A (XXI), 999 UNTS 171.

do better in the present to make a better future. We are never required to keep our bad past to ourselves. Making mistakes is the tendency of a human being. But, by making these mistakes he is required to learn lessons from them and never repeat them in the future. There is no sense in tagging past on present personality. The right to privacy gives security to this personality. If anyone does something wrong in his past he wants to fix it. Then, as a good civilization, we need to give him a chance to change. To continuously judge that person based on their past and not give chance to grow, becomes an invasion of the right to privacy. Privacy ensures to make that thing confidential and place a better version of yourself in front of society. That's why the right to privacy comes under the umbrella of the right to life. If we don't provide self-autonomy to individuals, it means we are infringing their right to life.

#### **4.2 Privacy as Essential to Human Dignity and Autonomy**

Human dignity, which is an intrinsic aspect of the right to life, relies on the ability to make personal decisions, form intimate relationships, and engage in free expression without intrusion. Privacy, in this context, provides individuals the space to think, act, and communicate freely without being judged, observed, or controlled. This personal freedom contributes significantly to an individual's quality of life, autonomy, and mental well-being, thus establishing privacy as a pillar of a dignified existence.

#### **4.3 Legal Doctrines Supporting the Privacy-Life Link**

Courts worldwide have reinforced the importance of privacy as essential to the right to life. Key legal doctrines that support this linkage include:

- a) **India: Right to Privacy as Part of the Right to Life and Liberty:** In October 2017 in the case of Justice K.S Puttaswamy (Retd.) v. Union of India<sup>77</sup>, the Supreme Court of India decided that privacy is one of the fundamental rights under Article 21 of the Indian Constitution<sup>78</sup> that guarantees one's life and personal liberty. The Court stated that life does not merely exist, rather it must be lived with dignity, and therefore privacy is an integral part of this dignity. The judgment pressed on the fact that it is privacy that enables an individual to have the freedom to make choices and that personal autonomy and personal freedom are important facets of human life.
- b) **United States: Privacy in the Context of Liberty:** The U.S. Supreme Court has recognized the importance of privacy in the landmark case *Griswold v. Connecticut* (1965)<sup>79</sup>, where it established a "zone of privacy" for married couples, stemming from the liberty protections of the Fourteenth Amendment. The Court held that the right to privacy is fundamental to personal liberty and autonomy, which are aspects of a dignified life. Later cases, such as *Roe v. Wade* (1973)<sup>80</sup>, expanded this principle, illustrating how privacy underpins personal choices integral to life and bodily autonomy.
- c) **European Union: Data Privacy as Fundamental to Individual Rights:** In the European Union, the right to privacy and data protection is enshrined as a fundamental right under the Charter of Fundamental Rights of the European Union (Articles 7 and 8)<sup>81</sup>. This right, including the protection of personal data, is seen to preserve individual dignity, protect freedom, and enable control over one's personal

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<sup>77</sup> *Id.*, note 3, at 2.

<sup>78</sup> *Id.*, note 4, at 2.

<sup>79</sup> *Griswold v. Connecticut*, 381 U.S. 479 (1965)

<sup>80</sup> *Roe v. Wade*, 410 U.S. 113 (1973)

<sup>81</sup> Charter of Fundamental Rights of the European Union, art. 7,8, 2000 O.J. (C 364) 1

information. By safeguarding privacy, the EU protects citizens' rights to life and dignity from state and corporate surveillance in the modern digital age.

- d) International Human Rights: The Right to Privacy as Essential to Dignity: Privacy is a relatively new concept that many people are still struggling to grasp. As such, society has been given a legal framework to assist work about protecting an individual's privacy and protecting the process of behaviour within society. People are protected under universal frameworks like Article 12 of the Universal Declaration of Human Rights<sup>82</sup> and Article 17 of the International Covenant on Civil and Political Rights<sup>83</sup>. Article 12 states that no one has the right to interfere with an individual's privacy and it is considered essential to a person's dignity. Furthermore, privacy is regarded as a human right that exists alongside life and is essential to preserving human dignity.

Enforcing legal boundaries highlights the ideals of an individual including Dignity, Decisions, and Mentalism. It is these ideals that define an individual. Legal boundaries also give individuals control over their lives and decisions. Boundary self-protection allows an individual to make decisions without external influence or fear of being watched, ensuring that life, privacy, and dignity are preserved.

## **5. SIGNIFICANCE OF PRIVACY**

The right to privacy is recognized as a fundamental right after a long struggle. Now right to privacy is treated as the right to life (Article 21)<sup>84</sup>. The right to protect personality is one of the major requirements for a dignified life. If we don't allow the right to privacy, then it becomes difficult to enhance an individual's personality. Improvement in personality is the essence of life.

### **5.1 The right to privacy is significant in personal relations and status.**

Rights of privacy are regarded as a quintessential part of human dignity concerning personal relationships and social status. They protect persons from undue interference in their lives, allowing decisions about their personal relationships, identities, and life choices without such external coercion. In modern societies, where the digital surveillance of individuals and widespread sharing of personal information is predominant, privacy safeguarding is seen as essential in preserving personal and social harmony.

#### **a. Privacy in Personal Relationships**

Personal relationships, whether familial, romantic, or social, flourish in an environment where people are free to interact without the fear of scrutiny. Privacy ensures that individuals can form, maintain, or dissolve relationships based on their own choices rather than on external pressures. This is particularly important in societies where cultural and social norms play a role in personal decisions.

For example, marital relationships depend on trust and confidentiality. One being able to share personal thoughts, emotions, and experiences without the fear of invasion instils intimacy and stability. If privacy is compromised, relationships may be affected by external influences or unwarranted judgments. In addition, the right to privacy saves people from unnecessary relationships through co-compelled relationships into arranged marriages or enforced relationships within their different personal affiliations.

Privacy plays an equally significant role in friendship and social bonds. It involves freedom of choice, free expression, open communication, and the absence of fear regarding being spied on by friends, which are

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<sup>82</sup> Id., note 60, at 12.

<sup>83</sup> Id., note 76, at 16.

<sup>84</sup> Id., note 4, at 2.

important factors of mental and emotional well-being. If such violations take place within those domains, a person feels anxiety, mistrust, and emotional discomfort.

b. **Privateness and Social Status**

A person's social status is significantly associated with their personal identity, reputation, and dignity. An individual's right to control the information about his or her life is protected through privacy, preventing unwarranted exposure or misrepresentation. This is particularly important in the digital era when social media and online platforms can amplify personal details beyond control.

For instance, individuals from different professional backgrounds may wish to keep their personal lives out of the limelight. Public figures, celebrities, and political leaders often have a hard time keeping their personal and professional lives separate. In the absence of privacy protection, personal aspects of their lives can be misused for character assassination, defamation, or public humiliation.

Moreover, privacy prohibits discrimination against the person for their choices and affiliations. In many societies, people from oppressed groups—such as LGBTQ+ communities or religious minorities—must rely on privacy so that they do not face stigma and discrimination in society. It is because of the right to privacy that one is not judged or penalized for her relations, hence giving their life self-respect and dignity to lead it.

**5.2 Importance of Right to Privacy in Democracy**

The right to privacy is a fundamental support for democracy that guarantees individual autonomy, dignity, and freedom. In democratic states, privacy prevents the state from carrying out surveillance on citizens without any justification, corporate intrusion, or societal pressure, which gives them the liberty to exercise their rights without fear. This is crucial in the maintenance of individual freedom and state power.

a. **Safeguarding Individual Autonomy**

Democracy thrives on the principle of individual autonomy where citizens have a right to make personal choices free from any kind of coercion. Privacy ensures that individuals can make decisions regarding their personal lives, beliefs, and preferences without interference from the government or society. It allows people to freely express their opinions, practice religion, and engage in activities of their choice, thereby reinforcing the core democratic principle of personal liberty.

b. **Freedom of Speech and Expression**

Surely, one of the most salient features of democracy is freedom of speech and expression. Privacy provokes the right to express opinion and dissent without considering surveillance or otherwise. If privacy is unfounded, citizens might resort to self-censorship to avoid repercussions from the state or other departments. In turn, it will lead to chilling effects: citizens will refuse to share their opinions as a result, which may progressively decrease democratic discourse and participation.

c. **Limiting Government and Authoritarianism**

Limitations on state powers postulated as the foundation of democracy, require that all authority be circumscribed to serve as a deterrent against authoritarian rule. Privacy, as a law, prevents government overreach, thereby preventing authorities from further imposing their will on citizens without substantial cause. Mass surveillance, collection of data, and unannounced invasion into private matters can lead to the concentration of power, which is counter to democratic ideals. A strong privacy framework will ensure that the government is kept accountable and will not abuse its power to quell opposition or influence public opinion.

d. **Safeguards against Social Discrimination**

Privacy shields personal information regarding the religion, race, political, or sexual orientation of the citizen. The fundamental right to live in a free democracy means choosing without any possibility of social penalty or persecution from the state. If one's personal information gets leaked, such groups can then be discriminated against. Then, this runs against the values of a democracy, such as equality and fair justice.

e. Assurance of Fair Democratic Elections and Politic Engagement

Democracy works well when elections are free and fair. Privacy is a key to safeguarding voter information, preventing coercion, and ensuring that political choices remain confidential. If privacy is compromised, political opponents, corporations, or governments can misuse personal data to influence or intimidate voters, thereby distorting the democratic process.

f. Digital Age and Data Protection

The modern era has been characterized by a growing concern about digital privacy, which is essential to democratic societies. As the government and corporate sectors collect data, the right to privacy guarantees that personal information is not misused for political or economic exploitation. Strong privacy laws protect citizens from unauthorized surveillance, data breaches, and digital profiling, which preserve democratic values in an ever-changing technological landscape.

The right to privacy is crucial for a flourishing democracy. It safeguards personal liberties, prevents overreach by the government, and fosters an environment where individuals can participate in democratic processes without fear. Robust privacy protections therefore strengthen democratic institutions and safeguard citizens' rights, making democracy functional and effective.

### **5.3 Importance of Right to Privacy Under Administrative Surveillance**

The right to privacy is the most fundamental of human rights. It is the cornerstone for the autonomy, dignity, and freedom of individuals. Administrative surveillance emphasizes the importance of this right in a world where government agencies rely more and more on technology in monitoring mechanisms. State security vis-à-vis individual privacy: a critical balance in the age of data.

a. Protection against arbitrary state power

One reason why the right to privacy under administrative surveillance becomes important is for the protection it affords from excessive state power. If mechanisms of surveillance remain unchecked, this can lead to the silencing of dissent voices, political profiling, and intrusion into personal matters. The right to privacy places government actions at the behest of the rule of law as well as principles of morality in order not to abuse its might.

b. Preservation of Democratic Values

Privacy is essential for the functioning of a democratic society. Administrative surveillance, if not regulated, can create a chilling effect where individuals fear expressing their opinions freely. This fear can lead to self-censorship, reducing public participation in governance and policymaking. By protecting privacy, democratic societies can maintain open discourse, freedom of speech, and political participation without intimidation.

c. Preventing Mass Surveillance and Data Misuse

Digitizing governance collects heaps of personal information from individuals regarding efficiency and security. Yet this information without being properly guarded about privacy might result in improper profiling, unauthorized monetary benefits, and even politically driven manipulation. Such right-to-privacy laws provide regulations for data gathering, storing, and processing on fair, legitimate, and open grounds and protect against

the prospects of mass surveillance and breach.

d. Personal Autonomy

With the protection of privacy, personal autonomy allows individuals the right to live their lives independently, free from interference. Extreme administrative surveillance infringes on that autonomy by allowing them to police individual choices and preferences and monitor with whom individuals associate. Legal protection of a right to privacy affirms this autonomy over an individual's information, solidifying independence not only in life but also at work.

e. Legal/Ethical Reasons

International human rights frameworks such as the Universal Declaration of Human Rights Article 12 and the International Covenant on Civil and Political Rights<sup>85</sup> Article 17 also recognize privacy as a fundamental right. Indeed, many national constitutions and legal systems have enshrined rights that ensure privacies are protected. Therefore, any administrative surveillance must be aligned with these legal frameworks so that it does not violate established human rights norms. Judicial oversight, data protection laws, and accountability mechanisms are essential to maintain this balance.

f. Security vs. Privacy: Finding the Balance

Administrative surveillance is usually justified on grounds of national security, crime prevention, and public safety. However, an unchecked system may lead to overreach and possible human rights violations. Privacy in this context becomes significant because it provides a legal framework that balances security concerns with individual rights. This is only possible through transparent policies, judicial authorization, and public awareness to ensure that surveillance measures are proportionate and not intrusive.

Privacy rights under administrative surveillance are thus of prime importance for individual freedoms, democratic governance, and legal accountability. It prevents states' overreach and misuse of personal data and respects human dignity. Adequate privacy protection allows for responsible surveillance: balancing the needs of security with the basic rights of individuals.

#### **5.4. Significance of the Right to Privacy in Professional Corporate Life**

In professional corporate life, the right to privacy forms a very core human right holding immense significance in professional corporate life. As a workplace becomes ever more digital and data-driven, the protection of employees' right to privacy remains an important question of ethical governance. The right to privacy in the corporate world extends to various domains, including personal data protection, workplace surveillance, confidential communications, and freedom from undue intrusion into personal matters. Protecting this right ensures a balanced, ethical, and legally compliant work environment.

a. Protection of Employee Personal Data

Today, employees are exposing a significant amount of personal data to the companies they work for, which could include their addresses, banking details, medical reports, and even social security numbers. These must be kept out of reach from unauthorized access or misuse, including breaches. Organizations can adopt a robust data privacy policy, keeping them within legal frameworks, like the GDPR<sup>86</sup> for Europe and India's

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<sup>85</sup> Id., note 76, at16.

<sup>86</sup> Id., note 56, at12.

Information Technology Act<sup>87</sup>, both of which prescribe stringent measures for data protection.

A well-established right to privacy ensures that employees are not victims of identity theft, financial fraud, or discrimination based on personal data. It also makes the employees feel secure, hence employees become more willing to interact with corporate digital systems.

#### b. Surveillance and Monitoring in the Workplace

Corporations use monitoring systems, including CCTV cameras, keystroke logging, and email tracking, to increase productivity and security. While these measures are necessary, over-surveillance may infringe on the right of employees to privacy, creating a culture of mistrust and stress.

The balance between workplace monitoring and employee privacy is critical. Companies should adopt transparent surveillance policies, obtain informed consent, and ensure that monitoring does not extend to personal activities. Respecting privacy in this regard leads to a healthier work environment and increased employee satisfaction.

#### c. Privacy in Professional Communications

Corporate professionals often have sensitive information to share, whether they have used e-mails video calls, or other messaging applications. Interception of such communications without authorization can result in data leakages, corporate espionage, or reputational damage. Employee privacy will thus ensure the confidentiality of business strategies, client information, and financial operations.

Organizations must use end-to-end encryption, cloud storage in a secure manner, and strict access controls so that no unauthorized access occurs to professional communications. Employees must also be educated about secure communication practices and how privacy can be ensured in professional interactions.

#### d. Freedom from Discrimination and Bias

Lack of protection of privacy in corporate life can lead to workplace discrimination based on personal data, like medical history, sexual orientation, or religious beliefs. Employers who gain access to or misuse personal data may practice biased hiring, promotions, and termination decisions.

Ensuring that their privacy rights prevent such discriminatory practices fosters a merit- and professionalism-based workplace culture. It upholds corporate ethics and social responsibility, thus making the organization more inclusive and legally compliant.

#### e. Employee Autonomy and Work-Life Balance

Corporate sector respect for privacy encourages workers' autonomy and healthy work-life balance. Continuous surveillance, nosy policies, or improper use of personal data create undue stress and, consequently, decrease productivity and job satisfaction. Employees perform well when they feel trusted and respected.

Privacy-friendly policies help corporations enhance the welfare of their employees, which further increases motivation, reduces turnover rates, and builds a better reputation for the organization.

Privacy in professional corporate life is paramount for ethical governance, legal compliance, and good employee well-being. Protection of this right therefore fosters a secure, productive, and discrimination-free workplace environment. Corporations must find this balance between monitoring and privacy to trust and sustain relationships in the professional landscape of modernity.

### **5.5. Economic and Commercial Importance of Right to Privacy**

The right to privacy has a significant influence on the activities of the modern digital economy. It affects

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<sup>87</sup> Information Technology Act, No. 21 of 2000, India Code (2000)

consumer trust, corporate responsibilities, regulatory compliance, and overall market efficiency. In this age where personal data is considered a valuable commodity, ensuring the protection of privacy holds significant economic and commercial implications.

a. Consumer Trust and Business Growth

Consumer trust is maintained through privacy protection, and that is what affects business growth. Therefore, the more a firm focuses on data privacy, the more it will attract and retain customers. Consumers are nowadays focusing very much on where their data is collected, how it is stored, and how it is used. Misuse of data will harm businesses by causing a loss of credibility and suffering any legal consequences or monetary losses. For example, some breaches can lead to reputational damage and loss of customer confidence, resulting in declining revenue and shareholder value.

b. Economic Value of Personal Data

Personal data is referred to as the "new oil"<sup>88</sup> of the digital economy. E-commerce, banking, and digital services companies rely on consumer data for targeted advertising, personalized services, and market analysis. However, the right to privacy ensures that data collection remains ethical and legal. The lack of strong privacy legislation allows corporations to use information on individuals without permission and gain market power and other economic benefits at their expense. Regulating corporate affairs with personal interests ensures level competition in the market.

c. Compliance with Regulation and Cost Management

Businesses need to adhere to data privacy laws that include but are not limited to, Europe's General Data Protection Regulation<sup>89</sup> and India's Digital Personal Data Protection Act<sup>90</sup>. Non-compliance attracts severe fines, lawsuits, and operational stoppages. Although securing privacy settings has a one-time cost to organizations, it helps businesses avoid costly litigations and penalties. Strong privacy policies further mitigate risks related to cybercrime, hacking, and unauthorized access to data that reduces economic losses.

d. Privacy in Financial Transactions

The financial industry relies on privacy to safeguard private information about bank accounts, investment portfolios, and transactions. Loss of financial privacy can result in fraud, identity theft, and economic instability. Online banking and electronic payment services need encryption and privacy protection for consumers to gain confidence. Privacy guarantees that an individual can undertake financial transactions without the fear of unauthorized access or exploitation.

e. Innovation and Competitive Advantage

Companies that respect privacy can be positioned as ethical and secure service providers, which can give them a competitive advantage. Technologies such as decentralized finance (DeFi), blockchain, and end-to-end encryption are in high demand. Companies that invest in privacy-enhancing solutions attract more users and investors, which leads to economic growth. Privacy also encourages innovation by creating a safe environment for digital transactions, cloud computing, and artificial intelligence.

f. Employment and Economic Stability

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<sup>88</sup> The Economist, *The world's most valuable resource is no longer oil, but data*, (May 6, 2017), available at: <https://www.economist.com/leaders/2017/05/06/the-worlds-most-valuable-resource-is-no-longer-oil-but-data>, last accessed on February 7, 2025

<sup>89</sup> *Id.*, note 56, at 12.

<sup>90</sup> *Id.*, note 28, at 8.

Privacy laws affect employment policies, especially in sectors dealing with sensitive data. Companies must ensure that employee information, such as salaries, health records, and biometric data, is protected. Moreover, privacy breaches leading to financial fraud or identity theft can cause economic instability. Proper privacy protections create a stable business environment, leading to sustainable economic development.

Privacy is more than a legal or ethical issue but rather the backbone of economic and commercial success. It creates consumer trust, ensures regulatory compliance, provides financial security, and establishes market fairness for long-term economic stability and growth.

In this way, we can conclude that privacy plays a very important role in today's world concerning personal life, medical status, economic growth, virtual identity, intellectual creation, social media status, administrative surveillance, democratic rights, political ideology, and general feedback. Everywhere privacy ensures our competency and autonomy. It gives us the right to live life as we want to live without fear of others' judgments, restrictions, and status.

## **6. CONCLUSION:**

The right to privacy, deeply enmeshed with the fundamental right to life, is one of the most salient aspects of human dignity, autonomy, and freedom in the modern world. With the rapid digitalization of the world and increased interconnection, privacy issues have become the need of the hour, which is why the concept of privacy must be seen not only as an individual entitlement but also as a vital constituent of democratic governance, personal liberty, and human development. It is not only a legal or constitutional affair but also a subject of ethical and philosophical debate because it varies according to the development of human existence. Privacy is very vital in personal life. It is the aspect that gives people independence to decide in freedom without the influence of others or fear of invasion. Privacy encourages self-expression, personal relationships, and psychological well-being, all of which are crucial to living a dignified life. If a person is denied his or her privacy, that person becomes prone to exploitation, discrimination, and coercion, which are all activities that detract from the possibility of living free and secure lives. Therefore, the protection of privacy is of utmost importance so that people may exercise their right to life with dignity and independence.

In the digital era, the concept of privacy has been given new dimensions, particularly in data protection and cyber security. With the mushrooming of digital technologies, a lot of people generate and share large amounts of personal data every day. Such has posed a reason for increased apprehension regarding data breaches, unauthorized surveillance, and misuse of personal information by state and non-state actors. Governments and corporations hold unprecedented amounts of personal data of individuals, provoking the important question of whose control this information belongs under. Another particularly critical area would be that between state surveillance on the one hand and privacy/and the right to life.

Governments often justify surveillance measures in the name of national security, crime prevention, and public order. While some level of surveillance is necessary for maintaining law and order, excessive or unchecked surveillance can lead to a surveillance state, where individuals are constantly monitored, their actions scrutinized, and their freedoms curtailed. Advances in mass surveillance technologies, including facial recognition systems, biometric databases, and artificial intelligence-driven monitoring, have made the feared erosion of privacy more than a distant threat. Finding the delicate balance between security needs and privacy rights is arguably one of the most momentous tasks for modern democracies. In the context of medical and health-related privacy, the right to confidentiality of medical records, reproductive rights, and decisions related

to one's body further reinforce the connection between privacy and the right to life. Access to healthcare services, especially for marginalized and vulnerable groups, is often contingent upon the assurance that personal medical information remains private. Breaches of medical privacy can lead to stigmatization, discrimination, and psychological distress, all of which directly impact an individual's well-being and quality of life. Thus, the protection of health-related privacy is vital to ensuring a dignified existence.

The right to privacy must also be regarded as part of personal identity and sexual orientation. Legal advancements in many countries have recognized the rights of LGBTQ+ individuals to live freely without interference from the state in their private lives. Decriminalization of homosexuality, recognition of same-sex marriages, and protection against discrimination are all manifestations of privacy rights extended toward protecting individual choices. An expression of one's gender identity and sexual orientation that does not frighten one because of persecution should be a human right to life in dignity and freedom. This makes privacy rights the shield from societal prejudices as well as overreach by governments on matters concerning personal identity.

Legal and constitutional advancement notwithstanding, universal protection remains an issue regarding privacy. Issues like digital surveillance, corporate data collection, misinformation, deepfakes, and the commodification of personal data continue to pose significant threats to privacy. In addition, disparities in privacy protections across different jurisdictions highlight the need for a more harmonized global approach to privacy laws and policies. The transnational nature of digital communication necessitates international cooperation to uphold privacy standards and prevent privacy violations on a global scale.

The protection of privacy should always be a collaborative effort between government, civil society, the private sector, and individuals. Its legislative frameworks would need to regularly be updated through amendments to always be in congruence with the pace that technological advancements offer. Awareness programs and digital literacies are further needed to develop people's sensitivities toward handling privacy in a connected world. More significantly, judicial activism and public interest litigation may form an essential area in which to ensure that authorities are kept under check and laws are put in place with all the might necessary for them to be followed.

The right to privacy is not merely ancillary but constitutes an essential constituent of the right to life. It promotes the principles of dignity, autonomy, and freedom in human life. In a world in which societies grapple with challenges such as the technological evolution of human society, legal developments, and ethical considerations, it becomes important that privacy is understood as a basis for democratic governance and individual liberty. Protecting privacy is a collective responsibility for governments, businesses, and others involved in developing a world in which people live with dignity, security, and freedom from unwarranted intrusion. This ensures we rededicate ourselves to the higher cause of human rights, justice, and a free society in defending privacy.

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