

Invasion of Information Technology on Right to Privacy: Indian Perspective

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Abstract— Right to privacy is an intrinsic part of human life and dignity. It is the innermost component of human right and established fundamental right. Present age is age of Technology. Information Technology connected with almost all aspect of human life. Technology is a double edged sword on the one hand since it equipped the person to safeguard his privacy and it intrudes the privacy cover one may have on the other hand. Privacy in technological driven world is difficult proposition. In cyberspace privacy is a fiction rather than fact, since every act done in cyber space is being recorded electronically and can be retrieved as and when required. Beginning from Universal Declaration of Human Rights to till date there is no

I INTRODUCTION

Objective- The study is aimed to make a light on the problem of invasion on right to privacy in technological world. This study also shows that how growing information technology is becoming a curse for right to privacy and what steps must be taken to safeguard the right to privacy.

Privacy and Information Technology- The term privacy is derived from Latin term 'privatus', which means separated from the rest, deprived of something especial and from 'privo' which means to deprive office, participation in the government.¹ Privacy is the claim of individuals, group or institutions to determine for themselves when, how and to what extent information about them, is communicated to others.² Right to privacy is "Right to be let alone".³ Privacy is important to every individual and one's personal information is a form of personal property to individual. Therefore, every individual has the right to regulate collection or disclosure of information and is entitled by law to protect in a similar

document of basic and inalienable right of man, which does not talk about right to life and right to privacy. Right to privacy thus lies in the core of and is integral to all rights. Indian constitution does not provide right to privacy as a specific fundamental right but it is essential element of other fundamental right. Right to privacy is a component of right to life and personal liberty and thus a fundamental right. Information Technology Act, 2000 is a milestone in the path of securing the right to privacy in present technological world but not competent to protect this important fundamental right.

Keywords- Right to privacy, invasion, information technology, cyberspace, Human Rights, fundamental rights.

manner of his property ownership.⁴ Privacy is an idea which cannot be defined in objective standard; it is a highly subjective one. The notion of privacy is at once portrayed as a haystack in hurricane⁵. Today in the thriving digital era, the law of privacy remains even more disorganized as new controversies keep arising.

Information technology is combination of two words Information and Technology. Information includes data message, text, image, sound, voice, code, computer program, software and data base microfilm or computer generated microfilm.⁶ The word Technology is originated from the combination of Greek words 'tekhne' and logos. In Greek 'tekhne' means art or skill and 'logos' means study or knowledge⁷. Technology can be defined as the 'entities' both material and immaterial created by the application of mental and physical effort in order to advice something. It is used to solve the real world problems; it can also be defined as 'a means to fulfill human purpose'⁸.

¹ Dr. S.R. Myneni, Information Technology Law(Cyber Law), First edition, pg.616, Asia Law House, Hyderabad, I.S.B.N.- 978-93-84310-72-1

² Westin A. F. Privacy and Freedom, 1967, London Bodley head as cited in Vakul Sharma Information Technology: Law and Practices, Third edition, 2014, pg.249, I.S.B.N. 978-93-5035-0003

³ Warren Brandies, The Right to Privacy (1890) Harward Law Review, IV, (5)

⁴ Supra note- 1

⁵ Richard C. Ausness, The Right of Publicity: A Haystack in Hurricane, 1982, 978-977-1055

⁶ Information Technology Act, 2000: sec.2(v)

⁷ Collins World English Dictionary

⁸ Arthur W..Brian, The Nature of Technology (2009), Newyork Free Press, pg.28, I.S.B.N. 978-1-4165-4405-0

Kinds of Privacy-There are nine primary types of privacy⁹are: bodily privacy, spatial, communicational privacy, proprietary privacy, intellectual privacy, decisional privacy associational privacy, behavioral privacy and informational privacy. In which three types of privacy that are, privacy that involves the person, informational privacy and privacy of choice must cover under fundamental right in Indian context.

Privacy in Technological World- Along with technological revolution human enters into industrial age, came individualism, anonymity and privacy.¹⁰ Thus, industrial age that allowed privacy flourish however, created the means to intrude upon it and eventually threaten to take it away. Privacy in technology driven world is a difficult proposition. Technology has become a kind of double edged sword, on the one hand it equips the person to safeguard his privacy on the other hand it helps to intrude in the privacy cover one may had.¹¹ Everybody shall have the right to secrecy for the personal data concerning him, especially with regard to his private and family life in safer as he has an interest deserving such protection such as interest is precluded when data cannot be subject to the right to secrecy due to general availability or because they cannot be traced back to the data subject. In so far personal data is not used in the vital interest of the data subject or with his consent. Restrictions to the right to secrecy are only permitted to safeguard overriding legitimate interest of others.¹²

Invasion of Information Technology on Right to Privacy-The invention of computer makes a drastic change in human life other than any invention. Information can now be compiled, processed, stored, retrieved and communicated at speed and in quantity unimaginable, not long ago¹³. Today about half of the world population is online.¹⁴ India to have over 500 million internet user by June,2018¹⁵ which may increase up to more than 700 million in 2020¹⁶. With this popularity of cyber space and ever increasing number of

netizens, chance of cyber crime and intrusion on privacy is also exceeded. Report of the committee on privacy (The Younger Committee) in 1972, in regards to the threats of personal privacy from technological devices said the use of evices as “spy”¹⁷. To some extent the new public concern on privacy is the direct result of new technological developments. Numerous sophisticated electronic devices have been invented and marketed, which greatly increase the possibility of surreptitious supervision of people’s private activities.¹⁸ Modern enterprise and invention have through invasion upon his privacy subjected him to a mental pain and distress for greater than could be inflicted by mere bodily injury¹⁹.

In technological world privacy is a fiction rather than fact. When someone doing online business or surfing the net or sending an email or chatting with some near dear; every time when one be tempted to believe that he is doing these things within the confines of privacy. However the fact that there is nothing like privacy because every act is recorded electronically, who is browsing the internet for various personal reasons.²⁰ It all begins with capturing of the internet protocol address (I.P. Address). It is a kind of personally identifiable information that automatically captured by another computer when communication link is made over the internet, the computer resource in use could easily be identified as it has been given a unique I.P. Address by internet service provider (I.S.P.). When a person brows or visit a site, send an email or chat online, he leave his distinctive I.P. address behind. It is possible either by searching I.P. regulation database or by conducting a track route to determine an approximate physical relation of I.P. address. Other surveillance techniques being widely used are, cookies, globally unique identifier (GUID), web bugs, email or document bug, spyware, online digital profiling etc.

Every action which invades on privacy in cyber space is either cybercrime or civil wrong. Cyber crime is often known as computer crime. A computer could now be referred to as a ‘weapon of offence’ as well as a ‘victim of crime’. Computer crime or cybercrime refer to any crime that involves a computer and network where the computers may or may not have played an instrumental part in commission of crime²¹. It also includes computer related extortion, fraud, forgery and

⁹ Bert-Jaap Koops, A Typology of Privacy, University of Pennsylvania Journal of International Law, 2017 Vol.38 Issued 2 at p-566

¹⁰ Louis Naizer, The Right to Privacy: A Half Century’s Development (1940-41), 39 Mic.L.R. 526

¹¹ Vakul Sharma Information Technology: Law and Practices, Third edition, 2014, pg.254, I.S.B.N. 978-93-5035-0003

¹²R.P. Kataria & S.K.P. Srinivas, Cyber Crime: Law, Practice and Procedure,2014, I.S.B.N.81-87197-92-1

¹³ Faizan Mustafa, Emerging Jurisprudence of Right to Privacy in Age of Internet Collection & Transfer of Personal Data- A Comparative Study, Kashmir Law Review XI, pg.13

¹⁴http://en.m.wikipedia.org/wiki/list_of_countries_by_number_of_internet_users;
<http://www.itu.int/en/ITU/statistic/Document/fact/ICTFact-figure2015.pdf>

¹⁵ ibid

¹⁶ The Indian Express, 20 Feb.2017,6:22pm

¹⁷ C. P. Waker, Police Surveillance by technical diver, Public Law, The British Journal of Administrative Law, Summer 1980, pg 184, A Steven Publication

¹⁸ Report of Younger Committee in Privacy, 5012 (1972), Para- 18

¹⁹ W. F. Pratt, 1975, Public Law, 161, pg.196

²⁰ J. P. Mishra, An Introduction to Cyber Law, second edition, 2014, pg.260, I.S.B.N. 978-93-82676-81-2

²¹R.Moore, definition of cyber crime at http://www.en.wikipedia.org/wiki/cyber_crime

unauthorized access to or interference with data²². Cyber crime may also be looked as crimes committed primarily through internet contact that include credit card fraud, identity theft, child pornography, indecent chat room behavior, software and media piracy, website vandalism, release of virus and worms, spam marketing, bullying, cyber spying, hacking, phishing, stalking, bombing etc. These are the different from of privacy invasion.

Computer hacking is an unauthorized access to computer data. It also means to explore the detail of programmable system.²³ It may be ethical or unethical but it is always an invasion in privacy. Hacking a cell phone, is presumed as computer hacking²⁴. Financial crime²⁵ and online bank fraud crime²⁶ can also be committed by hacking. ATM fraud is now mostly occurs. ATM is not a computer itself but it is an electronic device connected with computer system and come into the ambit of technological invasion on right to privacy.²⁷ Hacking is a mode of invasion in communicational privacy by invading the email, chat etc. without lawful authority often known as cracking.

Internet made possible to communicate through email, chat and instant messaging, the beauty of this facility ended with spamming. Spammer targets many users, send them undesired email which simply create nuisance. Sometimes they try to harass a person, cheat him or lure to share confidential data. They also use fake I.D. so can't be traceable. Stalking involve threatening and harassing behavior that a person does repeatedly²⁸. Cyber stalking can also be used to identify theft and to disrupt anyone.²⁹

Cyber terrorism is the destructive application of technology used by criminals which may affect the life and nation at large. It was appearing before us in 'Red Fort attack (2000)', 'attack on Parliament (2001)' and Bombay attack (2008).

Obscenity is one such notion which is directly related to the prevailing standard of morality and dignity. Obscenity

expressed in the certain form often termed as pornography. When pornographic act are alone in cyber space using digital or electronic devices, which make the subject matter of what is known as cyber pornography. It also includes child pornography³⁰.

Besides, the above mentioned invasions of privacy, a specific and separate wrong can also be committed in cyber world that can be termed as violation of privacy.

International Perspective:

Right to life and personal liberty is the most basic human right on which the entire edifice of human rights jurisprudence is built and right to privacy is the core component of right to life and personal liberty, therefore, unanimous global legal conscience attached great importance to this innermost facet of right to life almost in all the international human rights instruments, beginning with the UDHR to the latest human rights instruments, general or specific. Some important are discussed here as follows-

Universal Declaration of Human Rights 1948, recognizes right to privacy when it declares that "no one shall be subjected to arbitrary interference with his privacy, family, home or correspondence nor to attack upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks."³¹

International Covenant on Civil and Political Rights, 1966, which is a binding human rights instrument, has mandatorily required all the state parties to recognize and protect the right o privacy when it laid down that "no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home and correspondence nor to unlawful attacks on his honour and reputation"³².

Convention on the Rights of the Child, has urged upon the state parties to recognise and protect the human rights of the child as a vulnerable group when it called upon the state parties that "no child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation. The child has the right to the protection of the law against such interference or attacks"³³. Thus, the instant instrument has laid great importance to this right of the child in order to protect the delicate interest of the child.

Convention on the Rights of Persons with Disabilities, The Convention on the rights of persons with disabilities also

²² www.capegateway.gov.za/eng/directories/glossary/c

²³ David M. Stone, Computer Hacking, University Laboratory High School, Urbana, <http://www.logophilia.com/jorgon>

²⁴ Syed Asifuddin and ors. v. state of A.P. 2005, Cr.L.J.4314:Decided on 29/07/2005

²⁵ A report in 'Dataquest' 8Aug.2008 by Cyber News Service entitled 'India First Nigerea' 419case registerd: <http://dqindia.ciol.com/content/nscom/103080809.asp>

²⁶ Sanjay Kumar v. State of Haryana: CRR.No.66 of 2013(O&M) Decided on 10/01/2013

²⁷ Diebold System Pvt. Ltd. v. The Commissioner of Commercial Taxes (2006) 144 STC 59(Kar)

²⁸ Mark Grossman, Esq op.cit, p 146: as cited in An Introduction to Cyber Law, J.P. Mishra

²⁹ Ms. Aruna Kashinath v. Controller of Certifying Authorities and ors. Apl.5/2009: Decided on 28/05/2010

³⁰ Ashcroft, Attorney General et all v. Free Speech Coalition et al, no-00795

³¹ Universal Declaration of Human Rights 1948 ,Article 12

³² International Covenant on Civil and Political Rights, 1966, Article 17(1)

³³ Convention on the Rights of the Child **Article 16**(1) and (2)

specifically seek to establish protection of persons with disabilities³⁴.

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, No migrant worker or member of his or her family shall be subjected to arbitrary or unlawful interference with his or her privacy, family, correspondence or other communications, or to unlawful attacks on his or her honour and reputation. Each migrant worker and member of his or her family shall have the right to the protection of the law against such interference or attacks³⁵.

Convention for the Protection of Human Rights and Fundamental Freedoms, The Convention attached great significance to the right to privacy when it has unequivocally laid down that “everyone has the right for his private and family life, his home and his correspondence,³⁶ for right to life and personal liberty would be meaningless without the protection of its core component, i.e., right to privacy.

Montreal Statement of the Assembly for Human Rights, The Assembly recognized the debt which the peoples of the world owe to the effort of scientists and technologists. Nevertheless, the Assembly points out that many aspect of technological advance represent positive threats to human rights and to human dignity and that the world community must be alerted to the nature of these threats³⁷.

European regulation, 2012, Right to be forgotten and to erasure: Data must have not be retained indefinitely and the time limits must be set in place after which data must be erased from the system. Data controller must have “transparent and easily accessible policies with regard to the processing of personal data and for exercise of data subjects right”³⁸.

Indian Legal Protection to Privacy in Technological world, Privacy has both positive and negative content. The positive content imposes an obligation on the state to take all necessary measures to protect the privacy of the individual. The negative

content restrains the state from committing any intrusion upon the fundamental right privacy. Though Privacy is not introduced as a separate fundamental right in constitution but its essence is found in many provisions. Preamble of constitution has assured the security, fraternity assuring the dignity of the individual along with liberty of thought, expression, belief, faith and worship to all its citizen. Art. 19(1) (a) of constitution provides the right to freedom of speech and expression, which implies that the person is free to express his thought, belief and conviction. A person has the freedom of life and personal liberty, which cannot be taken away except according to the procedure established by law. These provisions improvably provide right to privacy. The founding fathers of the Constitution also accepted the notion of privacy being a fundamental right.³⁹ ‘National Commission to Review the working of Constitution’ recommended that an Art 21-B, for granting a constitutional right to privacy be included within the scheme of Part III.

Besides, the constitutional protection of the right to privacy, the following statutory legislations extend protection to the right to privacy pertaining to the area to which the law is concerned.

The Telegraph Act 1885, this is the first enactment to save the telephonic conversation in India. The Act Prohibit and penalize unlawful interception of communication and tempering with message sent over telegraph. Procedure of lawful interception is also prescribed in the Act⁴⁰.

Information Technology Act, 2000, The Act recognizes the right to privacy as a statutory right⁴¹ and its violation as a crime⁴². It also recognizes electronic voyeurism. If someone commits the breach of the lawful contract of maintaining privacy has now become a punishable crime⁴³. If liable person is fail to protect data of a person then the person is entitled to get compensation⁴⁴. Electronic signature has been recognized to be a private property and its publication without lawful authorization is punishable.⁴⁵ Hacking⁴⁶, identity theft⁴⁷, cheating by impersonation through computer⁴⁸, cyber terrorism⁴⁹ etc. are made a punishable offence. Cyber

³⁴ Article 22 – Respect for privacy³⁴-1. No person with disabilities, regardless of place of residence or living.

³⁵ International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families **Article 14**

³⁶ Convention for the Protection of Human Rights and Fundamental Freedoms signed at Rome on 04/11/50 Article 8 (1)

³⁷ Montreal Statement of the Assembly for Human Rights, March 22 – 27, 1968 New dangers caused by scientific developments.

³⁸ Regulation of the European Parliament and of the council on the protection of individuals with regards to processing of personal data on the free movement of such data (General Data Protection of Regulation) available at http://ec.europa.eu/justice/data-protection/review_2012/com_2012-11-en-pdf, cited in “Report of the Group of experts on privacy”

³⁹B. Shiva Rao, The Framing of India’s Constitution, Indian Institute of Public Administration (1967), Vol. 2, at page 75, 87,139,152

⁴⁰ Telegraph Act Sec 5(2) and Telegraph Amendment Rule 2007, Rule 419- A

⁴¹ Information Technology Act, 2000 Sec 72

⁴² Information Technology Act, 2000 Sec 66-E

⁴³ Information Technology Act, 2000 Sec 72-A

⁴⁴ Information Technology Act, 2000 Sec 43-A

⁴⁵ Information Technology Act, 2000 Sec 73

⁴⁶ Information Technology Act, 2000 Sec 65

⁴⁷ Information Technology Act, 2000 Sec 66-C

⁴⁸ Information Technology Act, 2000 Sec 66-D

⁴⁹ Information Technology Act, 2000 Sec 66-F

defamation⁵⁰ and obscene publication and transmission⁵¹ are also prohibited. Sexual pornography⁵² is now become a crime. Research and development need to be done so National Nodal Agency is established⁵³. Indian Computer Emergency Response Team is established for the purpose to serve as the national agency for incident response⁵⁴.

The Telecom regulatory Authority of India 1997, The TRAI Act formed a regulatory body for the regulation of telecom sector. The TRAI from time to time issued direction and regulation to give effect to the right to privacy in telecom sector.⁵⁵ It also issued directions on privacy protection to service providers.

I.S.P. License, The internet service provider licensing regime also provides for some degree of privacy protection under the licensing regime envisaged under Telegraph Act.

The Human D.N.A. Profiling Bill, 2012, D.N.A. profiling bill was introduced to establish a centralized DNA bank which incorporate with existing DNA bank and store DNA record of suspects, offenders, missing person and volunteers.

Draft National Encryption Policy, 2015, This policy brought forth with the ostensible goal of ensuring privacy and promoting internal security.

Draft Geospatial Information Regulation Bill, 2016, Bill disseminating in publishing or displaying information that is likely to affect security, sovereignty and integrity of country will become punishable offence.

The Aadhaar (Targeted Delivery of Financial and other Subsidized Benefit and Service) Act, 2016, This act made the information secure and confidential⁵⁶. It puts a restriction on sharing of biological data information collected under this act⁵⁷.

Right to Privacy: Indian Judicial Response- The province of privacy of an individual can to be determined by law. Right to Privacy is specifically not accepted as a constitutional right in India until the judgment of Aadhaar card case⁵⁸. It has a long and interesting Journey to establish himself as a constitutional right.

The first claim of right to privacy is made in M.P. Sharma case⁵⁹ 1954 and while declining it to be so the Supreme

Court ruled that “when the constitution makers have thought fit not to subject such regulation to constitutional limitation by recognition of fundamental right to privacy, analogous to the (American fourth amendment). We have no justification to import it in to a totally different fundamental right by some process of strained construction”⁶⁰.

After M.P. Sharma in 1963 Supreme Court further undertook a comprehensive examination of the question of right to privacy in Kharak Singh case⁶¹ and wherein it held that “unreasonable search and other arbitrary police intrusion struck at the very heart of civilization and ordered liberty even through privacy has not been specifically enumerated as fundamental right”. ‘Justice Murphy’ considered such an invasion was against the very essence of the scheme of ordered Liberty. Minority judge Justice Subba Rao however imputed right to privacy in a clear form of a component of personal liberty and therefore a fundamental right. In this case Supreme Court also discussed the concept of personal liberty in wolf v. Colorado⁶². Further in Govind v. State of M.P.⁶³, Supreme Court undertook a more comprehensive analysis of right to privacy. The court accepted a limited right to privacy rooted in Art.19 (1) (a) (d) and Art 21 though not considered absolute. There may be certain restrictions placed on right to privacy in larger societal or public interest.

The scope and ambit of right to privacy or right to be let alone came up for consideration before Supreme Court in Auto Shankar case⁶⁴ and established remedies for the breach of privacy in public and private law⁶⁵. US Supreme Court judgments of Griswold v. Connecticut⁶⁶ and Roe v. Wade⁶⁷ about government invasion to privacy and women’s bodily privacy in absolute right of abortion, was also discussed. In PUCL v. Union of India⁶⁸, Court ruled that, right to privacy encompasses within the right to life and personal liberty and telephone tapping is invasion on right to privacy.

Right to privacy is not a single specific right but it is a bunch of many rights, it is a multifaceted fundamental right, such as Bodily privacy as recognized in Mr. X v. Hospital Z.⁶⁹, Naz Foundation v. Union of India⁷⁰, Saroj Rani v. Sudarshan

⁵⁰ Information Technology Act, 2000 Sec 67

⁵¹ Information Technology Act, 2000 Sec 67-A

⁵² Information Technology Act, 2000 Sec 67-B

⁵³ Information Technology Act, 2000 Sec 70-A

⁵⁴ Information Technology Act, 2000 Sec 70-B

⁵⁵ Telecom Commercial Communications Customer Preference Regulation, 2010

⁵⁶ Sec.28, Aadhaar Act, 2016

⁵⁷ Sec.29, Aadhaar Act, 2016

⁵⁸ K.S. Puttaswamy v. Union of India, 2017, 10 SCC 1

⁵⁹ M.P. Sharma v. Satish Chandra, AIR 1954 SC 300

⁶⁰ C.J. Meher Chand Mahajan in M.P. Sharma Case

⁶¹ Kharak Singh v. State of U.P. AIR 1963 SC 1295

⁶² 93L ED 1782:338 U 525 (1949)

⁶³ 1975 2 SCC 148

⁶⁴ R. Rajagopal v. State of T.N. AIR 1955 SC 264

⁶⁵ Privacy Law: Principles, Injunction and Compensation, Rishika Tneja and Sidhant Kumar, Eastern Book Company, ISBN 9789351451198

⁶⁶ 14 L ED 2d 510:381 US 479 (1965)

⁶⁷ 35 L ED 2d 147: 410 US 113 (1973)

⁶⁸ AIR 1997 SC 568

⁶⁹ AIR 1999 SC 495

⁷⁰ 2009 III DR 1

Kumar⁷¹ and state of M.P. v. Madhukar Narayan Mardhikar⁷². Financial privacy is recognized in District Registrar and collector v. Canara Bank⁷³, Communicational privacy in R. Malkani v. state of Maharashtra⁷⁴, Amar Singh v. Union of India⁷⁵ and Ratan Tata v. Union of India⁷⁶. Information technology and Data privacy in K.S. Puttaswamy v. Union of India⁷⁷. In this case right to privacy is established as a fundamental right under Art 21.

CONCLUSION & SUGGESTIONS- The right to privacy was coined by “Warren and Bradies”⁷⁸ but this right exists as a natural right since time immemorial and was enjoyed by the ancient civilized society from the very beginning. Right to privacy is an important human right. It is the core of all fundamental rights. Right to privacy is innermost component of human life and dignity and now became established fundamental right⁷⁹. Status of right to privacy is accepted in international instruments like UDHR, ICCPR and others. In India right to privacy is not a specific fundamental right under Constitution of India but the Supreme Court of India by constructive interpretation recognized right to privacy as a fundamental right. Supreme Court dealt with right to privacy firstly when it declared that interference in right to sleep is a violation of fundamental right⁸⁰. Later right to privacy is recognized as a statutory right along with several dimensions and remedy under law of torts, private law⁸¹. Right to privacy is now well settled fundamental right under article 21 of constitution as recognized by Supreme Court of India. Computer technology made drastic change in human life and Internet is now using by almost all person either by computer or by smart phone. Now human live in technological world where his privacy is in siege. Either there is no privacy or very difficult preposition. Privacy in technological world is always at risk which will lead to cybercrime and intrusion to privacy.

The present legal system in India is not competent to safeguard the privacy of the technology users. There is much more to do for securing the privacy from intrusion of information technology. There is a need to amend the constitution to provide a righteous place to right to privacy along with its restriction as fundamental right. A separate and specific act needed to be enacted to define clearly and

safeguard the privacy in technological world in which the principle laid down by group of experts in privacy Committee report must be

⁷¹ AIR 1984 SC 1562

⁷² AIR 1991 SC 207

⁷³ AIR 2005 SC 186

⁷⁴ AIR 1973 SC 157

⁷⁵ 2011 7 SCC 90

⁷⁶ AIR 2014 SC (Supp) 827

⁷⁷ 2017 10 SCC 1

⁷⁸ Harvard Law Review (1890)4,193.

⁷⁹ K.S. Puttaswamy v. Union of India, 2017, 10 SCC 1.

⁸⁰ M.P. Sharma v. Satish Chandra AIR 1954 SC 300; Kharak

Singh v. State of UP AIR 1963 SC 1295

⁸¹ R. Rajagopal v. State of Tamil Nadu, AIR 1995 SC 264