

Right to Privacy and Freedom of Media in Contemporary Society

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Abstract: *In this paper the researcher wants to emphasis upon the laws relating to right to privacy and the role of press in India. Under Indian Constitution the Article 19(1)(a) deals with the freedom of press, Article 21 deals with No person shall be deprived of his life or personal liberty except according to procedure established by law, and how UDHR and International Covenant on Civil and Political Rights contributes in right to privacy and freedom of press. In simple words we can say that the right to privacy and freedom of press are those two fundamental right with can taken away from the person but in the case of emergency Article 14 is stuck down automatically to protect the national harmony, tranquility, and public order to avoid riots among the people of various religion because India is a secular country. In this paper we collaborated various cases which will help us to understand the why privacy and freedom of press goes hand to hand.*

Keywords: Covenant, Jurisdictions, Utilitarian, Privacy and Press

I. INTRODUCTION

Privacy has always been a vital and basic part of everyone's existence. despite the fact that it is not typically recognised as an equitable theory by the legal system. In the democratic context, the same right is valued. Many civil law jurisdictions also provide it. Internationally, privacy is protected by a strong legal framework because the UDHR and ICCPR protect individuals from unauthorised interference with their privacy. According to American courts, the right to property serves as the foundation for the right to privacy.

Ultimately, though, courts separated property from privacy. In the 1890s, Louis Brandeis J. defined privacy as "individual's right to be let alone." This concept had an impact on the evolution of the law of privacy. There are many possible utilitarian arguments in favour of privacy as a form of liberty, and the political foundations of the right to privacy are based on a profound suspicion of the State. A component of liberty founded on man's long-term interests as a progressive human being is privacy, according to Mill. Continental European philosophers held that privacy was a necessary element of human dignity, which they considered to be an unalterable quality of life.

The "dignitary" theory of privacy in Continental Europe is based on Immanuel Kant's belief that persons should be considered as ends in themselves rather than as tools to a purpose. Privacy lays the groundwork for dignity by encouraging individualism. It is the foundation of human dignity, according to the constitution. It ensures an awareness of dignity. The autonomy of one's own will, as well as the freedom of choice and action, are essential to human dignity. Since the Entick v. Carryington case, privacy has gradually been knitted into the fabric of English law. The majority of sexual assaults on women, including rape, violate the victim's privacy while they are undressed.

II. MEANING AND DEFINITION OF PRIVACY

The word "privacy" is arrived in Black's Law Dictionary as "the condition or state of being free from public attention to intrusion into or interference with one's acts or decisions". The word media means Attention, Coverage, Hype and Reports.

Freedom of speech and expression in the context of public interest is, Press - the print media and the broadcast media. It has taken the responsibility to inform the public about the functioning of the elected government. This includes all other matters in which public have a right to know, Right to discussion and right to criticize the formed government. In



RomeshThappar v. State of Madras case, the Supreme Court has included press in the definition of freedom of speech or expression. In L.I.C. v. Manubhai Shah case, the Supreme Court reiterated as in Indian Express Newspapers v. Union of India case that freedom to circulate ones views can be by word of mouth or in writing or through audio visual media. This right to circulate also includes the right to determine the volume of circulation. The press enjoys the privilege of sitting in the Courts on behalf of the general public to keep them informed on matters of public importance. The journalist therefore has the right to attend proceedings in Court and publish fair reports. This right is available in respect of Judicial and Quasi-Judicial tribunals. However this is not an absolute right. There are also other important considerations, for instance the reporting of names of rape victims, children, juvenile, woman should be prohibited. This restriction is placed because of their weak position in the society that makes them vulnerable to exploitation. Therefore in the interests of justice, the court may restrict the publicity of Court proceedings.

Privacy infringement by the media and its implications

Investigative techniques known as "sting operations" are employed to uncover misconduct, corruption, or unlawful activity. They are widely used to demonstrate whether actions taken by the government or by private individuals are unlawful or against the law. Sting operations can be categorised using both positive and bad attributes. Operations for Positive Sting: By exposing illegal conduct, corruption, or inefficiency that might otherwise go undiscovered, these operations assist the general public. Their benefits stem from the fact that they encourage checks and balances in both public and private institutions, which enhance openness and accountability and support democratic society. These kinds of actions often lead to the exposure of wrongdoings, which advances justice.

Right to Privacy

Article 21 of the Indian Constitution protects the fundamental right to privacy, as evidenced by rulings such as **Kharak Singh v. State of UP** and **R. Rajagopal v. State of Tamil Nadu**, which emphasise the protection of individual dignity and private. Even if the information in a sting operation is true, the participant's dignity, reputation, and employment may suffer if their private behaviours are made public. This raises major concerns about the boundaries of journalistic freedom and privacy.

Against Public Morality

Coercing someone into committing a crime they otherwise would not have is a common practice in sting operations. Moral quandaries arise from the technique of entrapment. For instance, if the media hadn't pushed people to commit crimes, should they still be punished for crimes they might not have committed? The individual may argue that they were compelled to break the law in these circumstances.

Test Cases and Illustrations

Aside from the examples already mentioned, there are numerous other cases that may be helpful in illustrating and clarifying the account of privacy being defended. Another function of the cases already discussed and the ones that follow is to present a series of "on pain of rationality" arguments. If you agree with me on this or that case, and there are no relevant dissimilarities in some further case, then on pain of rationality you should agree with me in the latter case. This would be a powerful way to argue even if in the process we run afoul of some intuition or use of language. The overall goal is to aim at coherence as well as the completion. To begin, consider the following two cases.

The right to privacy – international obligations

UDHR 1948 in Article 12 and ICCPR 1966 in Article 17 give protection to the concept of privacy. Though freedom of speech and expression given in Article 19 of the UDHR 1948 and ICCPR 1966 was enshrined in Article 19(1)(a) of the Indian Constitution We do not find such constitutional recognition given to privacy in India. Here, privacy is not given any separate constitutional status. Right to life, liberty and security of person is enshrined in Article 3 of the UDHR 1948. This is recognized in Article 21 of the Indian Constitution. Privacy was not included in this Article. In Nihal Chand v. Bhagwan Dei case during the colonial period, as early as in 1935, the High Court recognized the independent



existence of privacy from the customs and traditions of India. But privacy got recognition in free India for the first time in Kharak Singh case. In Kharak Singh v. State of U.P. case, the Supreme Court struck down domiciliary visits by the police as it violates Article 21. But it was in the minority view given in this case by justice Subha Rao that privacy got a recognition as a right included in Article 21 of the Constitution. In this case the apex court recognized privacy as part of right to life and personal liberty. Privacy was recognized as a separate right in UDHR 1948. This has failed to materialize in the same spirit as a fundamental right in the Indian Constitution, like the right to speech and expression and right to life.

III. CONCLUSION & SUGGESTIONS

The connection between privacy laws and press freedom is still a major and evolving topic in democracies. Although social media makes information more accessible and provides journalists greater clout, it also raises the risk of false information, deception, and invasions of privacy. As seen by the revolution in Sudan and the assault on press freedom in Turkey, digital platforms can serve as both tools of resistance and tools of political control. A compromise between these competing interests is attempted in India by laws such as the Press Council of India Act, 1978, the Information Technology Act, 2000, and constitutional clauses like Article 19(1)(a) and Article 21.

Although courts recognise the right to privacy in cases involving personal injury, they usually support press freedom when matters of public interest are at stake. Cases like Joseph Shine v. Union of India (2018) and Shreya Singhal v. Union of India (2015) show the judiciary's evolving position on digital rights and censorship. However, with increased concerns about government overreach, the spread of misinformation, and increasing digital surveillance, a balanced regulatory approach is required. Reducing governmental and corporate manipulation while maintaining journalistic freedom should take precedence over restricting speech in policymaking.

All internet regulations should incorporate international human rights concepts. It is imperative that governments continually review their rules governing online communication in order to protect vulnerable groups, such as women, minorities, and LGBTQ+ communities. Public institutions should support research and information-sharing initiatives to detect and prevent coordinated disinformation tactics. Supporting investigative journalism and partnering with global groups are two ways to increase digital literacy. IT companies can provide transparency in content control by establishing clear guidelines for prohibited speech, implementing equitable warning systems, and establishing transparent appeal processes for content deletions. Businesses must engage with local civil society organisations to understand the political and cultural dynamics of the area. Such collaboration can improve content filtering and misinformation control tactics.

However, international platforms are not totally immune to governmental regulation. Posts from the Vietnamese activist group ViệtTân were removed by Facebook because of "local legal restrictions." Vietnam's cyber security law, which is modelled after China's and requires IT businesses to store user data locally, raises concerns about government monitoring and repression of dissent.

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