

ABSTRACT

The idea of Privacy, which was originated in the animal society, has been adopted in the primitive human society, where the traces of it were first found. According to different Anthropological studies, the idea of Privacy varied in respect of different primitive societies. With the evolution of primitive society to ancient society and then gradually to modern society, the idea of Privacy has been developed to get its present shape. The root of Privacy and its protection is embedded in the history of human civilization, which is characterized specially by transformation of primitive society into modern society. The social transformation has increased both the physical and psychological opportunities for Privacy and also proved to be fruitful for conversion of these opportunities into choices of values in the context of socio-political reality. Social transformation is the responsible factor for changing nature of Privacy as well as the changing character of Privacy violations from primitive societies to modern societies.

Privacy was never an alien in India; rather it was embedded in the deep rooted custom of the rich cultural heritage of India. The development of Right to Privacy in U.S.A. in the modern period has been based on the Warren-Brandeis article and the search and seizure cases under Fourth Amendment of the U.S. Constitution, the final result of which is the Privacy Act, 1974. U.K. had no law of Privacy; instead there was the law of breach of confidence. With the help of various legal developments, the Younger Committee Report was submitted in 1972, the final outcome of which is the Data Protection Act, 1998. Though India is lagging far behind U.K. and U.S.A. for protection of Privacy in the modern period, but it is also enriched with various legislative and judicial developments, which ultimately has given rise to the Right to Privacy Bill, 2011, now known as Privacy Bill, 2014.

Right to Privacy is an important right under the Right to Life and Personal Liberty as also an integral part of Human Rights Law which is a matter of concern for everybody in the contemporary social scenario. Privacy does not only mean leading an isolated life, but specifically it denotes freedom from unauthorized and unwarranted interference into one's private life.

According to the Nordic Conference of Jurists on the Right to Respect for Privacy, 1967, violation of individual Right to Privacy means, the interference with one's private, family and home life, physical or mental integrity or moral or intellectual freedom, the attacks on honour or reputation, being placed in a false light, the disclosure of irrelevant, embarrassing facts relating to private life, the use of name, identity or likeness, the interference with correspondence, the spying, prying, watching and besetting, misuse of communication, written or oral and the disclosure of information given or received by one in circumstances of professional confidence.

Therefore, the violation of the Right to Privacy includes violation of basic human rights of family, marriages, child-bearing, motherhood, education, information, reputation, personal liberty and many more, all of which are in the

urgent need of protection in the contemporary social scenario. To make it more elaborate, it can be said that, the specific instances of violation of Right to Privacy are unauthorized and unreasonable telephone-tapping, e-mail scanning, narcotic analysis, polygraph test and brain mapping, sting operation, biometric enabled national ID Cards, the role of media in violating the Right to Privacy of public personalities by taking their photographs without permission and unauthorized interference into their private life, growing number of the heinous crime of female foeticide as the violation of Right to Privacy of a woman, making of counter-terrorism laws without concerning about the violation of Right to Privacy of the citizens of a country. All of these rights are included in the basic human rights of individuals and as such the violation of Right to Privacy amounts to violation of basic human rights of individuals.

The problem area in this field or sphere of study is that the Right to Privacy has not been adequately dealt with by the legislatures of different countries. The present legislations that deal with the protection of the Right to Privacy do not in fact secure this right to the greatest extent. Since protection of the Human Right to Privacy is an issue that attracts global norms transcending national boundary, therefore, the present study has taken into account the development of the law relating to the Right to Privacy in the international and national field as well as the part played by the judiciary, as far as the protection and enhancement of these rights are concerned.

The objective of the present study is to understand and summarize the various emerging dimensions of Right to Privacy and also to address the socio economic challenges confronting the protection of Right to Privacy in U.S.A., U.K. and India. In a nutshell, the objectives of the study are to trace the historical background of the Right to Privacy, to make a comparative study and to examine the various aspects of Right to Privacy in U.S.A., U.K. and India, to examine the International, Regional and National Laws on Right to Privacy throughout the world, to review the role of the Judiciary in U.S.A., U.K. and India on the protection of Privacy rights, to evaluate the Outstanding Facets, Dimensions and Current Trends of Right to Privacy and to remove the conflict between Right to Information and Privacy. The study also aims at providing certain remedial measures and suggestions to prevent the violation of Right to Privacy.

The purpose of this study is also to review the existing laws relating to Privacy, to make the general people aware of their Privacy rights, to evaluate the concept of Privacy in Cyberspace and to find out the need for creating a separate fundamental Right to Privacy after Article 21 of the Indian Constitution and to analyze the merits and demerits of the Right to Privacy Bill 2011, now known as the Privacy Bill, 2014.