

Right to Privacy

Meaning-The right to privacy is to restrain government and private actions that threaten the privacy of individuals.

Privacy also extends to bodily integrity, personal autonomy, compelled speech and freedom to dissent or move or think.

Legal and constitutional status •

Article 21 – Protection of life and personal liberty also include right to privacy

In People's Union for Civil Liberties vs Union of India, Kharak Singh vs State of UP — Supreme Court held that the right to privacy is a part of right to protection of life and personal liberty under Article 21.

Negatives aspect

It can hinder the implementation and performance of welfare schemes -like Aadhar and Direct Benefits Transfer-which requires personal data of citizens.

- Right to Privacy will also restrict police and intelligence agencies to collect private information about accused, dead persons etc.

Why there is a need to protect citizen information?

- The current focus on the right to privacy is based on the realities of the digital age.
- India is rapidly becoming a digital economy. Problems of ID theft, fraud and misrepresentation are real concerns. In recent years, several national programmes and schemes are implemented through information technology platforms, using computerised data collected from citizens. • With more and more transactions being done over the Internet, such information is vulnerable to theft and misuse.
- Therefore any system of data collection should factor in privacy risks and include procedures to protect citizen information.

Aadhaar and privacy

- Petitioners argue that Aadhaar scheme which collects personal details and biometrics is a breach of privacy.
- Security concerns a. Aadhaar is mass surveillance technology which undermines security.
 - b. Concerns about rising data leaks of sensitive information online
 - c. Cyber security architecture is not very strong in India.

Judgement: Right to privacy includes the right to be forgotten and the right to be left alone.

About the Right to Privacy: In **Puttaswamy v. Union of India case, 2017**, the Right to Privacy was declared a fundamental right by the Supreme Court.

Right to privacy is protected as **an intrinsic part of the right to life and personal liberty under Article 21** and as a part of the freedoms guaranteed by Part III of the Constitution.

About Right to be Forgotten (RTBF): It is the right to have **publicly available personal information removed** from the internet, search, databases, websites or any other public platforms, once the personal information in question is no longer necessary, or relevant.

What is Right to Education?

Right to Education Act (RTE) provided free and compulsory education to children- in 2009 enforced it as a fundamental right under **Article 21-A**.

Why Right to Education?

The Right to Education serves as a building block to ensure that every child has his or her right to get a quality elementary education.

Constitutional Background

Originally Part IV of Indian Constitution, **Article 45 and Article 39 (f) of DPSP**

The first official document on the Right to Education was **Ramamurti Committee Report in 1990**.

In 1993, the Supreme Court's landmark judgment in the **Unnikrishnan JP vs State of Andhra Pradesh & Others** held that **Education is a Fundamental right flowing from Article 21**.

Tapas Majumdar Committee (1999) was set up, which encompassed insertion of **Article 21A**.

The 86th amendment to the constitution of India in 2002, provided **Right to Education as a fundamental right in part-III** of the Constitution.

The same amendment inserted **Article 21A** which made Right to Education a fundamental right for children between **6-14 years**.

The 86th amendment provided for a **follow-up legislation** for Right to Education Bill 2008 and finally **Right to Education Act 2009**.

Feature of Right to Education (RTE) Act, 2009

The RTE Act aims to provide **primary education to all children aged 6 to 14 years**.

It enforces Education as a **Fundamental Right (Article 21)**.

The act mandates **25% reservation for disadvantaged sections** of the society where disadvantaged groups include:

SCs and STs, Socially Backward Class, Differently abled

It also states that sharing of financial and other responsibilities between the Central and State Governments.

It lays down the norms and standards related to:
Pupil Teacher Ratios (PTRs), Buildings and infrastructure, School-working days, Teacher-working hours.

Achievements of Right to Education Act, 2009

The RTE Act has successfully managed to increase enrolment in the upper primary level (Class 6-8).

Stricter infrastructure norms resulted in improved school infrastructure, especially in rural areas.

It made education inclusive and accessible nationwide.

Removal of “no detention policy” has brought accountability in the elementary education system.

The Government has also launched an integrated scheme, for school education named as **Samagra Shiksha Abhiyan**, which subsumes the three schemes of school education:

Sarva Shiksha Abhiyan (SSA)

Rashtriya Madhyamik Shiksha Abhiyan (RMSA)

Centrally Sponsored Scheme on Teacher Education (CSSTE).

Limitation of Right to Education Act, 2009

Age group for which Right to Education is available ranges from 6 – 14 years of age only, which can be made more inclusive and encompassing by expanding it to 0 – 18 years.

Five States namely Goa, Manipur, Mizoram, Sikkim and Telangana have not even issued notification regarding 25% seats for underprivileged children of society under the RTE.

More focus is being given over statistics of RTE rather than quality of learning.