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# THE CONSTITUTIONAL SAFEGUARDS FOR THE RIGHT TO PRIVACY IN THE DIGITAL ERA

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## ABSTRACT

In the evolving present digital era, the protection of individual privacy has become one of the most pressing constitutional challenges. The Indian Constitution and subsequent legal frameworks confront challenges posed by mass digital surveillance, data mining, and unauthorized data sharing, emphasizing the necessity for fair, just, and reasonable procedures for any invasion of privacy and the Data Protection Act. The historical trajectory that led to its recognition as a fundamental right under Article 21 by the Supreme Court in the landmark Justice K.S. Puttaswamy (Retd.) v. Union of India judgment. This study discusses judicial interpretations from early decisions, such as Kharak Singh v. State of Uttar Pradesh and R. Rajagopal v. State of Tamil Nadu, culminating in an expanded doctrine of privacy that incorporates informational and data privacy concerns.

The article also considers contemporary debates around data protection laws, proportionality tests, the constitutional safeguards and The DPPD Act, 2023 available for the right to privacy in India, and the evolving jurisprudence necessary to ensure that privacy remains robustly protected against state and private encroachments in a technologically driven society.

**Keywords:** Constitutional Safeguards, right to privacy, digital era

## 1. INTRODUCTION

Over the ages, privacy has evolved. Privacy, which can be understood as the idea of “right to be let alone,” became one of the most important descriptors among cultural, social, and technological transitions as the ages went by<sup>1</sup>. Early formulations of privacy tended to focus around the protection of one’s reputation or space from unwarranted intrusion. Though privacy meant different things in ancient Greece and Rome, it was only a social norm, the concept was still largely unwritten or legally formulated<sup>2</sup>. This was the infancy stage of privacy, however, this phase ranged from the time under the enlightenment era when philosophers such as John Stuart Mill presented the idea of personal liberty, thereby starting to build what can later be termed as the principle of privacy that had come to acquire a conceptual status as essential to the individual’s freedom.

These days, across the globe, discussions have brought issues regarding the privacy of an individual into the limelight. Privacy ensures the personal autonomy of individuals to express themselves freely online, without fear of constant monitoring. It also protects democratic engagement such that people should be able to meet, greet and comment, as well as criticise one another without fear of retaliation. Economically, it safe-guards the environment in which safe digital transactions can be conducted, as it protects individuals and organisations from identity theft and cyber threats. Privacy plays a vital role to manage the tension between the state, especially in the context of growing information and cybersecurity challenges and the basic rights of the individual in India, where rapid development is taking place technologically. With technology setting an effective change into every aspect of life, a fine line should be drawn between regulations and technological safeguards to secure personal freedom of individuals in the rapidly changing world.

### 1.1 OBJECTIVES OF THE STUDY:

1. To study the historical development of privacy rights and surveillance in India.
2. To study the Constitutional framework regarding the right to privacy, including

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<sup>1</sup>Warren, S. D., & Brandeis, L. D. (1890). The Right to Privacy. *Harvard Law Review*, 4(5), 193–220 (ISSN: 0017-811X)

<sup>2</sup>Keigo Komamura, Privacy’s Past: The Ancient Concept and Its Implications for the Current Law of Privacy, 96 WASH. U. L. REV. 1337 (2019)

significant Court rulings.

3. To evaluate the impact of data collection through Aadhaar and other systems on individuals' right to privacy.

## **1.2 HYPOTHESIS:**

“India’s present digital privacy laws are not adequate to safeguard people’s right to privacy from the threats posed by private sector data collecting and governmental surveillance.”

The DPDP Act, 2023 protects privacy only when the data is collected digitally. When the data is collected offline the act lacks provisions to protect such data and the Information Technology Act, of 2000 also lacks provisions on such data collected by the private sector i.e. by businesses.

## **1.3 METHODOLOGY:**

The current study is based on Doctrinal Research. The research began with the finding of research problems based on the Review of Literature. Data is collected through secondary sources. The articles, journals, reports, and newsletters are considered as the secondary sources.

## **1.4 REVIEW OF LITERATURE:**

Heide Wunder<sup>3</sup>, emphasises the need for privacy regulations to control digital platforms. These platforms' widespread effect makes it difficult to distinguish between private and public issues. The author also contends that the growing amount of personal information being shared online heightens privacy problems. She supports specific regulations that preserve people's right to privacy and safeguard their personal data in order to address this. In-depth rules would balance the advantages and disadvantages of social media, allowing users to maintain control over their personal data while still taking advantage of the platforms' communication and connectivity capabilities. The author through his study highlights how urgent it is to put such laws into effect given how the privacy situation is changing.

Margot E. Kaminski et.al<sup>4</sup>, emphasise how urgently privacy rights must be protected. They underscore the significance of protecting people's privacy and the legitimate expectations and

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<sup>3</sup>Considering 'Privacy and Gender in Early Modern German- Speaking Countries' (2022) In Early Modern Privacy: Sources and Approaches (pp. 63-78)

<sup>4</sup>"The Right To Contest AI", 121 Columbia Law Review Association, Inc. 1957 (2021)

rising concerns for data privacy. In light of our increasingly digital society, their work advocates for strong steps to solve these issues. The authors add to the continuing conversation on privacy by promoting robust privacy safeguards and increasing awareness. They urge businesses and politicians to give priority to efficient methods that adjust to the changing privacy landscape, emphasising the need to strike a balance between privacy protection and technology improvements.

The usage of modern surveillance methods and India's inadequate privacy legislation are issues brought up by Sangeeta Mahapatra<sup>5</sup>, in this study. She emphasises the importance of privacy as a basic right and raises concerns about the use of "digital surveillance systems" in the absence of thorough data privacy laws. The author also draws attention to the fact that certain businesses engaged in surveillance activities, especially during the COVID-19 epidemic when contact tracing devices were widely in use. The study emphasises the necessity for India to enact appropriate policies and put strong frameworks in place to safeguard individuals' right to privacy and deal with the moral and legal ramifications of surveillance technology.

Young, Kaliya, et al<sup>6</sup>, note that, in contrast to the United States, which has strong privacy rules, India's Aadhaar system, like the US Social Security Number system, lacks explicit legislation for managing individual data. While the U.S. tightly controls SSNs and enforces rigorous privacy safeguards, India's privacy rights are based on Court rulings. An overview of Aadhaar and SSN is given in the study, which also looks at current and past dangers. It covers legal and regulatory frameworks, operational transparency, the creation of extensive databases in India, the function and placement of each number inside their separate systems and the disparate applications of the numbers in financial services and employee enrolment.

## **2. HISTORICAL DEVELOPMENT OF PRIVACY RIGHTS AND SURVEILLANCE IN INDIA**

### **2.1 PRIVACY RIGHTS IN THE PRE-INDEPENDENCE ERA**

In India, privacy rights and surveillance have a rich history that has changed over time due to sociological, legal, and technical advancements, despite the fact that many people think of them

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<sup>5</sup>"Digital Surveillance and the Threat to Civil Liberties in India Author(s): Institute of Global and Area Studies", (GIGA) (2021)

<sup>6</sup>"Key Differences Between the U.S. Social Security System and India's Aadhaar System." The Promise of Public Interest Technology: In India and the United States, New America, 2019, 137-154. (2019)

as a new idea. The word "privacy" comes from the Latin word "privatus," which means "set apart from what is public," "personal," and "belonging to oneself and not the state." Different civilizations have different ideas about what privacy is. In the constituent assembly during the debates, Mr. Kazi Syed Karimuddin proposed an amendment to protect against unreasonable searches and seizures, taking inspiration from the American and Irish constitutions, which was the first attempt to protect individual privacy from excessive state interference, even though the word "privacy" has no specific and explicit place in the Indian Constitution. Although he pointed out that the Criminal Procedure Code had a comparable provision, Dr. B. R. Ambedkar acknowledged the revision, calling it a "useful proposition" that should be outside the legislative branch<sup>7</sup>. The Indian legislatures had laid the groundwork for the advancement of private rights under Article 21 of the Indian Constitution. The historical events draw attention to significant turning points and milestones in India's surveillance and privacy laws. India's privacy rights and surveillance were significantly impacted by the pre - independence era.

## 2.2 IMPACT OF THE CONSTITUTION

The Constitution has a very important influence. The 1950 adoption of the Indian Constitution had a significant impact on the legal and social structure of the country. The "right to life and personal liberty" was formally recognized as a basic right under Article 21 of the Indian Constitution upon its adoption in 1950<sup>8</sup>. Despite this, the Indian constitution included no mention of privacy. The foundation for privacy protection was created by this essential clause. The Universal Declaration of Human Rights, which greatly influenced the Constitution, acknowledges the right to privacy. Thus, the Indian constitution set the stage for later judicial, legislative, and social activities that shaped the country's evolving privacy rights and monitoring methods. In the decades that followed the Constitution's promulgation, Indian Courts interpreted and extended the right to privacy. The right to privacy was invoked in well-known instances, such the Kharak Singh case (1962)<sup>9</sup>, to contest police surveillance of an accused person. The Supreme Court of India rejected his suit but recommended changes to the rules, stating that they were "Verging perilously near unconstitutionality." These rulings recognized the importance of privacy, particularly with reference to governmental monitoring. The foundation for a more thorough comprehension of privacy as a basic right was laid by

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<sup>7</sup>Supreme Court Observer, An Analysis of the History of Right to Privacy Under Article 21 of the Constitution.

<sup>8</sup>Supreme Court Observer, An Analysis of the History of Right to Privacy Under Article 21 of the Constitution.

<sup>9</sup>Kharak Singh v. State of Uttar Pradesh, (1964) 1 S.C.R. 332.

these early instances.

## 2.3 TECHNOLOGY DEVELOPMENT

The globe has experienced an advanced transformation that has radically changed the way people communicate and conduct trade with one another, with businesses, and with governments. The multiplication of advanced gadgets, the ubiquity of the web, and the blast of data-driven advances have collectively reshaped the texture of society. The benefits of this computerised change are various, extending from improved communication and comfort to inventive arrangements that have progressed productivity in different segments. Be that as it may, this change has not been without its challenges. In this computerised milieu, individual information, once restricted to physical records, is presently put away, transmitted and analysed electronically. The vulnerabilities characteristic in this biological system have required the improvement of strong information security and protection systems to safeguard individuals' rights and interface.

## 2.4 LAWS PROTECTING PRIVACY RIGHTS

India embraced the activity to pass comprehensive information assurance enactment after realising the centrality it was to protect individual data in the advanced time. An imperative piece of enactment is the DPDPA of 2023. The objective of this enactment is to build up an efficient legitimate system that will administer the gathering, utilise and conservation of individual information. It was affected by the Computerised Individual Information Assurance Charge of 2022. As India's government activities pointed at digitising the country proceeded to prosper, with the presentation of transformative innovations like Aadhaar, the Bound together Instalments Interface (UPI) and Digi Locker, it became clear that a comprehensive lawful system was essential. These innovations like UPI, Digi Locker etc are brought to enhance productivity. Similarly the parliament takes a step to ensure that technological advancement is balanced with the right to privacy.

The Act created the DPA, which is responsible for monitoring data processing activity, registering data fiduciaries, and enforcing data protection regulations. The DPA is essential for managing and supervising data processing in India.

Aiming to regulate the processing of personal data by public and commercial organisations,

legislative initiatives like the implementation of the Personal Data Protection Act in 2023 will help protect people's right to privacy in an increasingly digital world. However, it has not been as effective as dreamt of because of the ongoing surveillance practices and technological advancements at a swift rate. The introduction of the Aadhaar system by the government with various other digital surveillance systems stresses the need for the state to ensure the privacy of all individuals. The trajectory of privacy rights in India highlights a persistent struggle to balance individual freedoms with national security.

### **3. THE RIGHT TO PRIVACY: A CONSTITUTIONAL PERSPECTIVE IN INDIA**

#### **3.1 CONSTITUTIONAL PROVISIONS RELATED TO PRIVACY**

In India, a person's right to privacy is crucial to their safety and well-being. The right to privacy shields an individual's private life from prying eyes, including government ones. Privacy encompasses all aspects of an individual's life, including their digital footprint, bodily integrity and autonomy. Particularly in the modern day, privacy is an essential component of an individual's daily existence. With the rapid advancement of technology around the world, people are eager to keep up with the changes. The right to privacy has restrictions. The following are India's primary constitutional provisions pertaining to privacy: With the advent of the digital age, it is clear to everyone that protecting people's rights is a major function of Article 21: Right to Life and Personal Liberty. "No person shall be deprived of his life or personal liberty except according to a procedure established by law," states Article 21 of the Indian Constitution<sup>10</sup>. The foundation of India's private rights is this article. A component of the right to personal liberty is the right to privacy, which encompasses the freedom to be left alone and the power to manage one's personal information. Article 21 of the India constitution had a crucial Impact on privacy as the SC of India has consistently interpreted Article 21 as including the right to privacy. A significant ruling in the 2017 case of "Justice K.S. Puttaswamy (Retd.) v. Union of India" stated the vital importance of the right to privacy in safeguarding life and liberty.

Given that the Indian Constitution's Article 19(1)(a) guarantees the right to free speech and expression, this provision has a substantial bearing on privacy. The right to privacy and the freedom of speech are intertwined. Confidentiality allows people to openly share their thoughts

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<sup>10</sup>Dr. Mamta Rao, Constitutional Law, 1st ed. (2013), pg. 222.

without worrying about being watched or having their privacy infringed<sup>11</sup>. In the 1981 case of S.P. Gupta v. Union of India, an Indian Court ruled that the fundamental right to freedom of expression is the source of the right to know. Article 19(1)(a) has had a significant impact on privacy since Indian Courts have recognized that privacy is an essential component of freedom of expression<sup>12</sup>. It allows people to express themselves without fearing surveillance by the government or other parties.

Article 14 of the Indian Constitution protects the right to equality. Article 14 defends the right to equality and ensures that all Indian citizens are treated equally under the law. This article prohibits discrimination on the basis of a person's caste, gender, or place of birth in order to ensure equal protection under the law.

They ensure that authorities provide explanations for their judgments, correct administrative errors, or stop unlawful activities in order to prevent violations of people's right to privacy. In order to preserve a balance between the rights of individuals to privacy and state security measures, Article 32 is essential. According to Article 32, any government interference with an individual's private rights must be reviewed by a Court in order to prevent the state from acting arbitrarily. Article 32 promotes transparency and accountability from the government in addition to protecting the right to privacy. Article 32's importance goes beyond personal complaints; by establishing precedents that will impact future laws, it has played a crucial role in forming the body of knowledge on privacy.

### **3.2 AN IN-DEPTH ANALYSIS OF HOW THE CONSTITUTIONAL PROVISIONS APPLY TO THE DIGITAL ERA**

The Indian Constitution provides for a strong and flexible legal framework that can accommodate all necessary changes and integrate specific amendments to protect individual rights. Because technology is developing at a rapid pace, the values outlined in the Constitution are essential for the country to be able to use digital technologies while still protecting people's dignity, rights, and freedoms. Although the Constitution was framed in a pre-digital era, its principles are versatile and adaptable, allowing them to be successfully applied to the opportunities and problems created by the digital age. The "right to privacy is particularly important in the digital era because Article 21 recognises it as a fundamental right," which

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<sup>11</sup>S.P. Gupta v. Union of India AIR 1982 SC 149.

<sup>12</sup>Constitutional law Dr Mamta Rao pg 170 first edition, 2013.

indicates that the values stated in the Indian constitution are still relevant in this highly technologically advanced era, is an example of a provision that is still relevant today. The likelihood of privacy violations has increased due to the widespread use of digital communication and technology. This right includes shielding private information from illegal access, data breaches, and unjustified surveillance. As the digital age progresses, it is critical to make sure that people's right to privacy is fundamentally safeguarded by striking a balance between national security and individual rights. According to the Puttaswamy ruling, constitutional principles such as Article 21 guarantee that laws designed to protect people's right to privacy are in line with the legality, necessity and proportionality criteria<sup>13</sup>. Because internet connectivity is growing at an unprecedented rate in this digital age, the right to privacy guaranteed by Article 21 also makes sure that the quantity of personal data generated by people is not vulnerable to arbitrary incursion. It is crucial for any government or private organization to protect people's right to privacy.

The foundation of India's fundamental right to privacy is found in Article 21 of the Constitution. The idea that one's right to one's own life is the most fundamental human right was established by the seminal decision of *Bugdaycay v. Secretary of State* (1987). The recognition of privacy as a fundamental right emphasises the need of protecting individuals from capricious government or entity invasions. It ensures that personal data is handled in a way that respects people's autonomy and dignity, in accordance with international human rights standards. This "interpretation" highlights the relationship between data privacy and self-determination.

The Indian Constitution's Article 19(1)(a) on freedom of speech and expression has a big influence on people's right to privacy. Article 19(1)(a) protects the right to freedom of speech and expression, even though it does not specifically address privacy. Freedom of expression and privacy are inextricably linked. The ability to generate and express one's views and opinions without fear of surveillance or excessive intrusion into one's personal life is made possible by privacy. Freedom of speech and privacy must be reciprocally reinforced if democratic values are to flourish. For a democratic country like India to create an atmosphere where ideas can flourish and people can hold one another accountable, information must be

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<sup>13</sup>Constitutional law Dr Mamta Rao pg 222 first edition, 2013.

freely and openly shared. In *Dinesh Trivedi v. Union of India* (1997)<sup>14</sup>.

The right to privacy is significantly impacted by Article 14: Right to Equality. Article 14 guarantees that everyone is treated equally under the law, regardless of their background. As fundamental rights, everyone's right to privacy is equally guaranteed. Article 14's core principle of equality ensures that everyone is treated equally and that the law is applied equally<sup>15</sup>. Any government activity that lacks rationality and is not supported by sound policy judgments is fundamentally arbitrary and in violation of Article 14's demand for reasonableness, which is opposed by arbitrary conduct. The idea that privacy is a right that must be granted consistently and without prejudice is supported by this constitutional principle. Every citizen has the right to privacy, guaranteeing equal protection under law.

People can petition the Supreme Court to uphold their fundamental rights under Article 32<sup>16</sup>. It is a potent instrument that enables people to take legal action when their right to privacy has been infringed. The Indian Constitution's Article 32 gives the Supreme Court the authority to defend people's right to privacy by issuing writs like quo warranto, prohibition, habeas corpus, mandamus and certiorari. Article 32 of the Indian constitution significantly highlights the importance of fundamental rights within the constitutional framework, serving as a pillar in the country's efforts to protect individual liberty.

Even though the state is unable to execute its policies in Court, it bases its policymaking on the Directive Principles of State Policy. In the current day, they have the ability to influence policies concerning digital inclusion, digital literacy, and closing the digital gap. In the digital age, fundamental responsibilities like fostering peace and a sense of fraternity are still important in the fight against online hate speech, cyberbullying, and the spread of false information.

### **3.3 LANDMARK JUDGMENTS ON RIGHT TO PRIVACY AND DATA PROTECTION**

Important Court cases and historic rulings have had a big impact on privacy and data protection in India. In addition to influencing how privacy rights are interpreted, these decisions

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<sup>14</sup>*Dinesh Trivedi v. Union of India*, (1997) 4 SCC 306.

<sup>15</sup>D.D. Basu, *Commentary on the Constitution of India*, vol. 2, 9th ed. (Arts. 13-14) (LexisNexis 2014).

<sup>16</sup>D.D. Basu, *Commentary on the Constitution of India*, vol. 6, 9th ed. (Arts. 25-35) (LexisNexis 2014).

established guidelines for controlling monitoring and safeguarding personal information.

The most prominent privacy rights lawsuits Union of India v. Justice K.S. Puttaswamy (Retd.) (2017): was a pivotal moment in the development of privacy rights in India. This significant Court case serves as a reminder of the value of the right to privacy. The Supreme Court of India acknowledged the right to privacy as a fundamental freedom in accordance with Article 21 of the Constitution. The ruling highlighted the value of privacy under the constitution by stating that it is necessary to protect life and liberty. This important ruling also confirmed that the freedom of "speech and expression" and other liberties safeguarded by article III of the Indian constitution are inextricably linked to privacy. It underlined that both state and nonstate entities cannot unjustly meddle with people's privacy. The ruling established three requirements that must be met before any restrictions on privacy rights may be implemented: legality, necessity, and proportionality. Personal liberties were significantly impacted by the Puttaswamy ruling.

Kharak Singh v. State of Uttar Pradesh (1962): One of the first cases in India to address surveillance and personal privacy issues was the Kharak Singh case, which acknowledged that surveillance practices must adhere to fundamental rights and stressed the need for protections against arbitrary surveillance. The Kharak Singh case had a significant impact on India's surveillance landscape, solidifying the notion that privacy is a fundamental right and laying the foundation for subsequent developments in this area of law. It also opened avenues for state surveillance measures, subjecting privacy rights to legislative regulations. The ruling in Kharak Singh highlights the need for any state action that infringes on an individual's privacy to be supported by a clear legal framework, protecting people from unjustified government actions. Even though the phrase "privacy" was not specifically stated in the constitution at the time, this case played a crucial role in developing the idea that it is a fundamental right. The area of individual privacy rights has undergone tremendous transformation as a result of the Supreme Court's determination that privacy is fundamental to human liberty. In addition to providing opportunities for state monitoring, the Kharak Singh case placed stringent restrictions on these techniques, guaranteeing that they are subject to judicial oversight. This made sure that people's right to privacy was upheld, even if the state was still able to undertake surveillance as long as it stayed within the law.

Gobind v. State of Madhya Pradesh (1975): The significance of privacy rights was reaffirmed by the Gobind case.

Aadhaar Act Case (2018): Due to privacy concerns, the Aadhaar Act, which created a distinctive identity system for Indian citizens, was challenged in Court. In 2018, the Supreme Court upheld the Aadhaar Act's constitutionality despite enacting some restrictions and privacy-related safeguards. This case had a significant impact on surveillance and people's right to privacy because it brought to light the conflict between government programs that collect personal data and individuals' right to privacy. The ruling made it clearer what parameters these programs must adhere to in order to safeguard people's privacy. The Court underlined that Aadhaar must follow the rules of necessity and proportionality even though it serves a valid governmental objective, such as guaranteeing that social benefits reach the intended beneficiaries. This case had imposed a prohibition on usage by private entities as a method of authentication of individuals. The Aadhaar Act Case of 2018 establishes a significant precedent when weighed against the state's interest in upholding national security and public order as well as individuals' fundamental right to privacy.

Union of India & Ors. v. Manohar Lal Sharma, 2021: focuses on the contentious Pegasus spyware incident, making it a significant ruling in the Indian context of privacy rights and surveillance. In this case, the Hon'ble Supreme Court affirmed the right to privacy and called for stringent rules and oversight. Consequently, a more balanced approach to state monitoring is ensured, one that addresses valid security concerns while respecting people's freedom. This case greatly increased public awareness of the problem of monitoring and individual privacy, enabling citizens and civil society organisations to take a more active stance in favour of protecting their right to privacy and holding the government responsible for any violations. They made sure that surveillance operations must be judicially supervised to avoid violating people's right to privacy and that they are only employed for justifiable reasons like public safety and national security. The Hon'ble Supreme Court's appointment of an independent committee to investigate claims set a precedent for the use of impartial experts in evaluating governmental actions. This was an important step since it ensured an objective investigation of the claims by fostering public trust.

As a result of these important Court rulings and landmark rulings, data protection and privacy rights have advanced considerably in India. They have contributed to the establishment of legislative protections for privacy, the recognition of privacy as a fundamental right, and the regulation of government monitoring practices in order to strike a balance between the rights to privacy and the legitimate interests of the state. These incidents have also increased public

awareness of people's right to privacy and given people the means to defend themselves against state and non-state actors who infringe on their privacy without cause. Additionally, the aforementioned rulings affirmed the necessity of a more complete framework for state surveillance operations as well as a more improved legal framework targeted at improving the protection of individual rights. All things considered, these cases continue to influence India's changing privacy and data protection environment by striking a balance between state interests and individual liberties and opening the door for further development and adaptation in response to emerging issues and technological advancements.

#### **4.1 CONCLUSION**

In the digital age, government access to personal data has grown to be a serious concern, with important implications for privacy, civil liberties, and individual rights. With an emphasis on the possible consequences of the DPDPA 2023, this dissertation investigated constitutional issues with the Indian government's monitoring and access to personal data.

According to the well-known "Justice K.S. Puttaswamy (Retd.) versus Union of India" case, protecting one's right to privacy is equal to protecting one's life and liberty. Despite this recognition, India has struggled to balance the conflicting demands of protecting individual privacy and preserving national security.

The DPDPA 2023 represents a significant advancement in addressing these issues. However, there are several issues and points of controversy with this law. The Act's data localization regulations offer an innovative method to securing sensitive information, especially for essential personal data. However, there are still concerns over the possible effects on international data flows and data security.

Analysis of the Act's approach to granting the government access to personal data has highlighted the importance of strong oversight, accountability, and transparency.

The effects of government access to personal data on civil rights, privacy, and freedom of expression have been clarified through case studies and legal assessments. It is clear that governments must take a rights-based approach to data access, making sure that accountability procedures, consent procedures, and protections are in place to protect people's rights.

Lastly, safeguarding civil rights in the digital age has both benefits and drawbacks. To avoid privacy invasion and individual rights violations, government access to personal data must be strictly regulated. The DPDPA 2023 and similar laws around the world are crucial to achieving this balance. Maintaining civil liberties in the digital era is a dynamic process that requires ongoing focus, adaptability, and a commitment to upholding individual liberties and democratic principles in the face of quickly advancing technology.

In conclusion, India's history of privacy rights and surveillance has been a convoluted one, influenced by changing social norms, legal interpretations, technological developments, and constitutional requirements. At first, it appears that there was no clear legal protection for privacy, and judges frequently sided with the state's interests. But important decisions gradually recognized privacy as an implicit constitutional right, leading to the historic K.S. Puttaswamy case that made privacy a fundamental right. This decision overturned previous decisions that had rejected privacy as a fundamental right and set a clear precedent for future judicial interpretation and policymaking with the express purpose of preserving people's privacy. The adoption of data security regulations and the recognition of privacy as a fundamental right are important advancements in India's ongoing evolution of privacy rights and surveillance techniques. In India, balancing privacy and surveillance is still difficult despite this significant achievement.

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