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- ❖ **Indo-US Relations**
- ❖ **Human Rights**
- ❖ **Violence against Dalits**
- ❖ **Psychological Empowerment of Women**
- ❖ **Post-Coloniality in Nepal**
- ❖ **Populism vs. Industrial Policy**



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**Third Concept** aims at providing a platform where a meaningful exchange of ideas can take place among the people of the Third World. The attempt will be to communicate, debate and disseminate information, ideas and alternatives for the resolution of the common problems facing humankind. We welcome contributions from academics, journalists and even from those who may never have published anything before. The only requirement is a concern for and desire to understand and take the issue of our time. Contributions may be descriptive, analytical or theoretical. They may be in the form of original articles, reactions to previous contributions, or even a comment on a prevailing situation. All contributions, neatly typed in double space, may be addressed to:

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### Extolling R2P

**R**2P or Right to Privacy has been held as a fundamental right by a recent unanimous judgment of 9 Judges of the Supreme Court. While asserting that R2P inheres to every human being regardless of his caste, creed, gender or orientation, the Apex Court held that it is a natural, inalienable right that is inseparable from human existence and an intrinsic part of the human element. It has been unequivocally held by the Supreme Court that the right to privacy is a *sine qua non* for the enjoyment of other rights under Part III of the Constitution of India and thereby recognises the overlapping of fundamental rights under our Constitutional scheme. The Apex Court's decision reaffirms the fundamental freedoms that make all democracies strong. "Our society prospers in the shadow of its drapes," the court said, "which let in sunshine and reflect a multitude of hues based on language, religion, culture and ideologies." R2P gives the citizen a little more space to breathe. Upsetting the two previous judgments on the issue, the Apex Court has provided the citizen protection against surveillance by the State. It has put limits on the might of an ever-expansionist and overbearing State. Undoubtedly, justice system in India is a dilatory and expensive and is a deterrent to seeking redress of rights violations'; nevertheless, the significance of the Apex Court's ruling cannot be underestimated and under the prevailing circumstances, it is overwhelming. The judiciary has explicitly told the executive to be a little more respectful of individual rights, including the right to privacy.

Apex Court's unanimous decision provides new vigour to India's Constitution and challenges the government's rising authoritarianism, India's Supreme Court last week affirmed the fundamental right to privacy. The 547-page verdict by the court envisages the sweeping implications of the question before it: "If privacy is to be construed as a protected constitutional value, it would redefine in significant ways our concepts of liberty and the entitlements that flow out of its protection." While conceding that no right is absolute — and opening the door to litigation on specific privacy issues down the line — the Apex Court ruled the right to privacy is "the constitutional core of human dignity." As such, the court affirmed the right to choices like whom to love and what to eat — freedoms increasingly threatened under the present dispensation at the helm, where goons hound mixed Hindu-Muslim couples and mobs attack people suspected of eating beef. Some experts opine that the verdict on R2P is obviously a rebuff to the Modi government, which had contended before the court that the right to privacy could not be extended to "every aspect" of privacy. While extolling R2P, many experts point that personal liberty is fundamental to democracy and privacy is critical to enable people to exercise their basic rights, including the freedom of thought, speech, expression and association, among others.

The R2P also encompasses an individual's right to be left alone, that is essential to protect against arbitrary intrusion by the state. Unfettered infringements would inevitably have a chilling effect on free speech, critical thought, dissent and public participation — the cornerstones of a democratic society. An important aspect in the evolving debate on privacy, when viewed from the lens of public accountability, is the balancing of an individual's right to privacy and peoples' right to information. Where the boundary is drawn, has been a matter of public debate and litigation. While upholding that privacy includes at its core the preservation of personal intimacies, the sanctity of family life, marriage, procreation, home and sexual orientation, the Apex court rejected government's specious argument about the amorphous nature of the right to privacy and its failure to withstand constitutional scrutiny. At a time when the strain of divisive politics is curtailing citizen's right to freely exercise his freedom of choice, an acknowledgement by the Supreme Court of the right to privacy as intrinsic to human existence has broadened the contours and scope of human freedom and has again brought the welfare of the individual to the centre stage. One can hope that this judgement will help expound the balance which adjudicators need to strike while protecting an individual's right to privacy on the one hand and public interest on the other, especially in matters relating to public accountability.

— BK