

Critical Details of Lifestyle and Freedom under the Pretext of Right to Privacy

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ABSTRACT

This article explores the intricate relationship between lifestyle choices, personal freedom, and the implications of privacy rights in contemporary society. It examines how claims to privacy can sometimes serve as a veil for contentious behaviors and decisions, raising important ethical and legal questions. Through a critical analysis of case studies and legislative frameworks, the paper investigates the balance between protecting individual rights and maintaining societal norms. It emphasizes the impact of digital technologies on privacy expectations and how these shifts challenge traditional understandings of freedom. Ultimately, the article argues for a nuanced approach that recognizes the complexity of privacy as it relates to lifestyle and personal autonomy, advocating for policies that protect genuine rights while also considering the social responsibilities that come with them.

Keywords: Lifestyle, Freedom, Privacy, India.

Introduction

A person's sense of freedom and capacity for enjoyment are greatly influenced by their lifestyle choices. A person's satisfaction and sense of freedom may be greatly influenced by having a positive attitude on life and the capacity to adjust to circumstances. The lifestyle that an individual chooses to lead is mostly determined by their priorities and values, and it greatly affects how free and happy they feel in life. People may design a rich and fulfilling lifestyle by promoting a balanced approach that takes into account their health, relationships, financial security, and personal fulfillment. In the end, having the freedom to choose what one wants and what one believes in is what truly defines freedom.

These days, privacy embraces many facets of human existence, including the requirement that sensitive and personal data be kept private. It also refers to more than just not interfering with personal matters. Additionally, many want the recognition of their right to have their personal information removed off the internet if they feel it might be damaging to them. One of the most basic human rights is the right to privacy that has been recognized by many countries and international organizations.ⁱ However, the concept of privacy is complex and multifaceted, and its boundaries are often blurred with other rights and freedoms. In recent years, there has been a growing argument about the tension between the right to privacy and other significant values, such as freedom and way of life.ⁱⁱ The right to privacy can sometimes conflict with the freedom of expression, as individuals may choose to share their personal lives or opinions publicly. This does not imply that they no longer have the right to privacy, though. Finding a balance between these two essential rights is crucial.ⁱⁱⁱ People's freedom of association and their right to privacy may clash since people tend to associate with those who hold similar values or ideas. This does not imply that they no longer have the right to privacy, though. Making ensuring that any limitations on affiliation are appropriate and required to uphold the rights of others is crucial.

The right to privacy can sometimes conflict with an individual's lifestyle choices, such as their sexual orientation or religious beliefs. However, this does not necessarily mean that they have lost their right to privacy. The key is to ensure that any restrictions on lifestyle choices are proportionate and necessary to protect the rights of others.^{iv} The right to privacy can also conflict with an individual's freedom of movement, as individuals may choose to travel or move to different locations without being monitored or tracked. This does not imply that they no longer

have the right to privacy, though. The key is to safeguard that any restrictions on movement are proportionate and necessary to protect the rights of others. The right to privacy must be balanced with other significant values, such as freedom and lifestyle, which calls for a sophisticated and situation-specific strategy. Any proposed legislation or measures must be carefully weighed in light of the advantages and disadvantages, and their need and proportionality in defending the rights of others must be ascertained.^v

People may be sharing more personal information online than ever before, which has created new privacy protection issues as a result of the advent of digital technology. This does not imply that they no longer have the right to privacy, though. Making ensuring that any limitations on online behavior are appropriate and required to uphold others' rights is crucial.

The Notion of Privacy

Personal interests such as those related to one's name, history, likelihood, and similarity to the common law of protecting private correspondence and diaries are all protected by the idea of privacy from eavesdropping. These interests are shielded by the right to privacy against both widespread, unjustified disclosure and opportunistic marketing.^{vi} One may argue that people's ability to control their personalities and their right to privacy are closely intertwined.^{vii} Its roots are in the idea that every person has certain unalienable rights from birth. Natural rights are unalienable because they are intrinsically connected to the human psyche. It would be impossible for humans to survive without the presence of natural rights.

Natural law governs an individual's individuality, life, liberty, and estates. In his works, William Blackstone endorsed this notion. **Blackstone** stated that:

"absolute rights were bestowed on the individual by the unchanging laws of nature. Personal security, liberty, and property rights were divided among these fundamental rights. An individual's right to personal protection entailed the legal and uninterrupted enjoyment of their life, limbs, body, health, and reputation."^{viii}

Key Concepts of Lifestyle

A person's lifestyle is the manner in which they go about their daily existence. The Austrian psychologist **Alfred Adler**, one of the greatest psychologists, coined the word "lifestyle." An individual's lifestyle may reveal a lot about their beliefs and perceptions. It also represents a person's self-image and shows the culture to which they belong. A person's lifestyle reflects how they behave in society. A person's lifestyle is only a reflection of the society to which they belong. An individual's lifestyle is defined by his view of the world around him.^{ix}

It is standard practice to classify persons who have similar traits and worldviews under the label lifestyle. The word "**lifestyle**" has been used and recognized in the social sciences for the past thirty years, and it has been present in psychological and sociological literature. The idea of lifestyle helps people define themselves in terms of their values and behavior, in addition to helping marketers target various market segments.

According to **Solomon** (2002), "*lifestyle as a pattern of consumption that represents an individual's decisions about how to spend their time and money.*"

According to **Blackwell, Miniard and Engel** (2000), "*people make sense of, analyze, anticipate, and comprehend the events that are occurring in their environment and make sense of them in light of their values.*"

Lifestyle and Right to Freedom

Lifestyle is a multifaceted term that refers to the routines, actions, and decisions that make up a person's everyday existence. The rising demand for luxury goods in Asia's emerging economies particularly India has contributed to the luxury market's recent expansion.

Indian culture is heavily influenced by fashion, with clothes being a vital means of expressing one's identity, sense of community, and social standing. The internet has permanently altered our world. It changed every facet of our daily existence.^x The manner in which we do business and communicate. The Internet has grown at one of the quickest rates in recorded human history. More over 4.57 billion individuals, or about 60% of the global population, utilize the internet today.

An analysis of the emergence and history of freedom reveals something man has ever desired and is naturally passionate about freedom. As a result, various individuals have given varied meanings to the word freedom. The term freedom is alluring. It has always been connected to a certain mystery. Adopting the term's widespread meaning entails first and foremost being free in the traditional sense of the word that is, unrestricted, unbound, and unconfined. Freedom will be the state of being free or unrestricted in formal words. The experience of tyranny gives rise to the longing for liberation. Oppression has many different origins. It may originate from the family

itself, with its burdensome overabundance of expectations, or it may originate from an obscure source. We frequently recognize this source as social oppression, which is a byproduct of civilization. Freedom, then, is a collection of concepts rather than a single concept. Political freedom refers to a people's ability to choose their own path free from foreign hegemony and invasion.^{xi}

Our lifestyle and freedom to choose our clothes, food, etc., is our own autonomy but it is a necessary part of living in a civilized society that everyone of us is scrutinized by our neighbors to some extent. Humans have long enjoyed learning about the personal aspects of other people's lives and actions, especially those of their neighbors. The public's interest in news and information, which frequently conflicts with people's right to privacy, is the most evident and contentious value.^{xii} Understanding the nature of the privacy interest will not, in and of itself, resolve this conflict of values; all it will accomplish is to highlight the interest is one of the ideals that has to be remembered.

John Stuart Mill emphasized the necessity to maintain a space where a person's liberty is unencumbered by governmental authority in his work "On Liberty" in 1859. Mill stated that:

"The only aspect of a person's behavior for which he is accountable to society is that which affects others. His freedom is absolute in the part of his life that is only concerned with himself. An individual is a master over himself, his own body and mind."^{xiii}

However, he cannot completely assert his freedom with regard to matters pertaining to him that are of significance to others. There are limitations on them. In the aforementioned remark, Mill noted that an individual's concerns may be seen as his, and he is autonomous in that regard.

Like all libertarians, Nozick contends that everyone has a fundamental right to liberty. But according to Nozick, having a right to liberty does not entitle me to behave as I like without intervention from other people. Nozick opposes the simple, immortalized understanding of liberty in favor of a moralized understanding in which everyone has the freedom to pursue their own interests free from unwarranted interference from others.^{xiv}

According to **Robert Nozick** on Liberty and Lifestyle:

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Robert Nozick's philosophy is the idea that individual rights come first. He contends that every individual has the freedom to make decisions about their lives, and that these rights shouldn't be compromised in the sake of obtaining welfare or other favorable social or economic results.

It implies that an individual is entitled to total autonomy for his way of life.^{xv}

Importance of Protecting Privacy

One of the fundamental principles of a democratic political system is individual moral autonomy, which is protected by privacy. Every person has an inner or private space in their lives that they desire to be free from outside intrusion. Every person has a unique "inner zone" and this is necessary for a civilized society. Every individual citizen therefore has an "inner zone" that is characteristic of every civilized community. The concept of the "inner zone" is fundamental to privacy since there are some facets of life that require privacy for everyone, such as having sex, giving birth, raising a child, meditating, and developing one's spiritual and intellectual faculties, which includes producing literary and creative works. Outside intervention in various aspects of life is not something that humans desire. The fundamental rights of individuals would be lost if they were denied privacy in these aspects of their lives.

Regardless of time, place, or culture, privacy's inherent ability there will never be a shift in the need to balance social and individual rights. The unique characteristics of privacy cannot be altered by societal shifts. Therefore, privacy's nature is crucial, which progressively leads to the idea of privacy's basis.^{xvi} The foundation of man's claim to human dignity is freedom and his lifestyle, or the control over one's own person and the expansion of one's self through information.^{xvii}

To pursue happiness, one has to have some degree of freedom to do as they like. A sort of private haven where a person is free to do as they like is necessary for their lifestyle. That freedom is as much at risk from invasions of privacy as from attack, violence, or incarceration. The truth is that it offends "*to the reasonable sense of personal dignity.*" Perhaps there is no problem with considering invasions of privacy to constitute torts of dignity. The damage inflicted by this incursion cannot be undone, and the loss of dignity cannot be made up for by financial compensation. The spiritual component of our otherwise ordinary constitution is harmed.^{xviii}

The right to privacy penalizes egregious or irrational breaches of the circumstances necessary for its survival is an effort to protect uniqueness. Thus, the law of privacy should uphold this social ideal. It is useful not just in tort law

but also in other fields.

Legal and Constitutional Framework of Freedom of Lifestyle and Privacy

The Indian Constitution is the primary legal instrument that delineates the fundamental rights, obligations, and guiding principles of the nation as well as the political system. Fundamental rights including the freedom of expression, protection from discrimination, equality, and the right to life and personal liberty are all guaranteed by the Constitution. These rights provide people the ability to express themselves and live their lives without fear of repression, which has a direct impact on their social interactions, lifestyle preferences, and personal liberties. The Indian Constitution, which establishes people's rights and obligations, advances social justice, and promotes civic engagement, is a vital tool in determining how people live their lives. The values embedded in the Constitution give people a framework for decision-making and behavior as they go through their private and public lives, which eventually shapes the sociocultural fabric of the country.

Any legal system should aim to preserve citizen's lives and advance their well and pleasure rather than to stifle, annoy, disgrace, or otherwise negatively impact them. Law is a body of rules or standards that specify acceptable behavior and the consequences of breaking them.^{xix} India has clear laws that address a variety of topics. India is a democratic nation where state legislatures and the federal parliament both have the authority to enact laws. The Indian Constitution contains the rules for enacting laws. In India, there are several pre- and post-constitutional legislation. While some rules are explicit, others are generic in nature. These laws deal with declaring citizens' rights, defending those rights, stopping crimes, preserving one's physical integrity, and protecting one's own property rights. The Indian Constitution's Third Part guarantees people's fundamental rights. This section covers fundamental rights such as the freedom of religion, equality, and freedom from oppression. In the present period, the right to privacy has grown in significance. The privacy right is multifaceted. In certain states, it might just be a constitutional right; in others, it might be protected by both the law and the constitution.^{xx}

The primary goal of Article 20(3) of the Constitution is privilege against self-incrimination is privacy protection. The privilege is a reflection of our regard for the inviolability of the human individuality and each person's right to a private space in which to live his or her own life. It expresses the personal inner restraints of each person's emotion and cognition and calls for government interference to compel self-loathing.^{xxi} The Indian Supreme Court affirmed the right to privacy as a fundamental constitutional right and broadened the meaning of liberty as set down in Article 21. When a person's fingerprint, eye scan, or other biometric data is saved and used without that person's consent, it entirely violates their fundamental right to privacy, which is protected by the right to life under Article 21.^{xxii} The Supreme Court's interpretation of the right to privacy has opened the door for a plethora of new claims. The Supreme Court decided that even while a right isn't specifically designated as vital in the constitution, it may nonetheless be regarded as such. The nation's political, social, and economic transformations necessitated the acknowledgement of novel rights.^{xxiii}

A component of many legal frameworks intended to limit public and private actions that infringe upon an individual's privacy is the right to privacy. In light of intelligence agencies' current ability to access and examine nearly every aspect of a person's life, privacy rights are currently being questioned.^{xxiv}

India has ratified a number of international accords to protect its citizens' rights. The Indian Constitution's Articles 51 and 253 mandate that the State pass laws in order to fulfill its duties overseas.^{xxv} According to Article 12 of the Universal Declaration of Human Rights, member countries are obligated to protect the right to privacy of their citizens ^{xxvi} and The International Covenant on Civil and Political Rights, Article 17.^{xxvii} The 1993 Indian Parliament passed the Human Rights Act 1993, which defines human rights as rights to equality, life, and liberty, in order to uphold India's commitment to international law.^{xxviii}

Despite the fact that no Indian statute specifically mentions the right to privacy, numerous comparable interests are safeguarded and acknowledged there.^{xxix} The court began to interpret legislation pertaining to Indian citizens' rights liberally with the passage of the Human Right Act in 1993. Data protection is one of the many areas of technology covered under the expansive Information Technology Act of 2000. Section 43A of the Act mandates that data controllers take appropriate security precautions to safeguard personal information. Although the main goal of the Right to Information Act of 2005 is to facilitate access to information, it also includes privacy-related measures. According to the statute, public authorities and government agencies must keep records of their operations and grant individuals' access upon request. The Payment and Settlement Systems Act of 2007 established regulations for payment systems and mandates that payment system operators protect personal data and uphold confidentiality. The Digital Personal Data Protection Act, 2023 is a comprehensive law that attempts

to control the gathering, archiving, and use of personal information. It lays forth guidelines for data protection, including permission, purpose limitation, and data reduction, and calls for the creation of a Data Protection Authority (DPA).

Conclusion

Beyond our wildest aspirations, the digital world has the power to transform our lives and shape our social behavior, financial circumstances, political views, security, and governmental policies. But no organization, person, or neighborhood will be able to endure without the internet or social media. Therefore, I think the best way to manage the negative effects of the internet's expansion on our ever-changing lives is to educate ourselves on appropriate usage, enact laws for protection, minimize dangers, and regulate security threats.

Data protection laws and regulations are essential for protecting individuals' personal information in the digital age. The goal of these regulations should be to create a legal framework that strikes a balance between the need for data security and information freedom. Privacy impact assessments are an essential tool for evaluating the potential impacts of any proposed measures or laws on individuals' privacy rights. These assessments should be conducted in consultation with stakeholders and ought to weigh the advantages and disadvantages of any proposed policies or legislation.

Transparency and accountability are essential for protecting individuals' privacy rights in the digital age. Governments and private companies should be transparent about their data collection practices and should be accountable for any breaches or misuse of personal information. International cooperation is essential for protecting individuals' privacy rights in the digital age. Governments and commercial businesses must collaborate to create uniform data protection guidelines and exchange best practices for safeguarding personal data. The right to privacy must be balanced with other significant values, such as freedom and lifestyle, which calls for a sophisticated and situation-specific strategy. Any proposed legislation or measures must be carefully weighed in light of the advantages and disadvantages, and their need and proportionality in defending the rights of others must be ascertained.

ⁱ Agnidipto Tarafder, "Surveillance, Privacy and Technology: A Comparative Critique of the Laws of USA and India", 57 *Journal of the Indian Law Institute* 550-578 (2015).

ⁱⁱ Dr. Naseem Ahmed and Faiz Khan, "The Erosion of Privacy in the State Surveillance: A Digital Dystopia" 29 (1) *Madhya Pradesh Journal of Social Sciences* 438-448 (2024).

ⁱⁱⁱ See Dr. Abhishek Kumar Singh, Dr. Sadaf Khan, et.al., *Indian Constitutional Values and Politics Ethos* (Upnanyan Publications, New Delhi, 2022).

^{iv} W. A. C. "The Right of Privacy in News Photographs" 44 *Virginia Law Review* 1303-1317 (1958).

^v See Huma Khan and Mirza Juned Beg, "Rights of Women Prisoners' in India" 40 (28) *Satraachee* 335-339 (2023).

^{vi} W.A.C. *op.cit.* at 1303-1317.

^{vii} Surabhi Singhal, "Right to Privacy: Need of the Hour" I *LEXHUMANITARIAN* (2020).

^{viii} See Howard L. Lubert, "Sovereignty and Liberty in William Blackstone's Commentaries on the Laws of England" 72 (2) *The Review of Politics: A Journal of Political Theory* (2010).

^{ix} Available at: <https://www.ciesin.columbia.edu/repository/metadata/ig/Browse/GlobalDroughtHazardFrequencyandDistribution.html>, (accessed on 6th September, 2024).

^x Mirza Juned Beg and Samrah Fatima, "National Regime for Protection of Child from Sexual Abuse: An Analytical Study of Present Rules and Laws" XXIV *Journal of Philosophy* 50-54 (2023).

^{xi} See David M. O'Brien, *Privacy, Law and Public Policy* 262 (Praeger Publisher, 1st edn., 1979).

^{xii} Mirza Juned Beg, "Right to Privacy is an Integral Part of Right to Life and Personal Liberty" XV *Legal Desire International Journal on Law* (2018).

^{xiii} W.L. Courtney, *On Liberty by John Stuart Mill* 20 (The Walter Scott Publishing Co. Ltd., 2011).

^{xiv} Diane Jeske, "Libertarianism, Self-Ownership, and Motherhood" 22 (2) *Social Theory and Practice* 139 (1996).

^{xv} See Robert Nozick, *Anarchy, State and Utopia* (Basic Books, 2nd edn., 2013).

^{xvi} P.K. Rana, "Right to Privacy in Indian Perspective" 2 *IJL* 7 (2016).

^{xvii} S. K. Sharma, *Privacy Law-A Comparative Study* 21 (Atlantic publishers and Distributors, New Delhi, 1994).

^{xviii} See *Poe v. Ullman*, 367 U.S. 497; *Goldman v. United States*, 316 U.S. 129; *Public Utility Commissioner v. Pollock*, 343 U.S. 451.

^{xix} M.D.A. Freeman, *Lloyd's Introduction To Jurisprudence* 5 (Thomson Reuters, 2021).

^{xx} Asrani-Dann Sheetal, "The Right To Privacy In The Era Of Smart Governance: Concerns Raised By The Introduction Of Biometric-Enabled National Id Cards In India" 47 *JILI* 53-94 (2005).

^{xxi} No one who has been charged with a crime may be forced to testify against himself.

^{xxii} Sabreen Ahmed & Shubhankit Singh Sentar, "Right to Privacy – Is UIDAI A Violation of An Individual's

Fundamental Rights”? available at: www.JURIP.org (accessed on May 11 2024).

^{xxiii} C.K. Mohapatra, “Right of Privacy : Issues and Challenges” 4 *Indian Journal of Research* 344-345 (2015).

^{xxiv} See B. Sridevi, “Right to Privacy” *Supreme Court Journal Weekly* (2017).

^{xxv} The Indian Constitution, arts. 51 and 253.

^{xxvi} Nobody shall be the target of unjustified intrusions into his family, home, communication, privacy, or honour and reputation. Everyone is entitled to legal defence against these kinds of intrusions or assaults.

^{xxvii} In order to implement the ban against such interferences and attacks and to ensure the preservation of the right, the State is required by this article to enact legislation and other measures.

^{xxviii} Human Rights refers to the freedoms of life, liberty, equality, and dignity that each person is entitled to, as protected by the Indian Constitution and/or as incorporated in international covenants, and as upholdable in Indian courts.

^{xxix} H.N. Seervai, *Constitutional Law of India* 969 (Universal Law Publication, New Delhi, 4th edn., 2014).