

NEARBY



Perarivalan gets one-month parole

VELLORE
A.G. Perarivalan, one of the life convicts in the Rajiv Gandhi assassination case, came out of the Central Prison for Men on Thursday, after the Tamil Nadu government granted him parole for a month.

TAMIL NADU • PAGE 5

Whip seeks to disqualify 19 MLAs

DENNIS S. JESUDASAN
CHENNAI

Tamil Nadu Assembly Speaker P. Dhanapal on Thursday issued notices to 19 AIADMK MLAs owing allegiance to party leader T.T.V. Dhinakaran to respond within a week as to why they should not be disqualified for withdrawing support to Chief Minister Edappadi K. Palaniswami. The action was based on the recommendation to disqualify them made earlier in the day by Chief Whip S. Rajendran. By withdrawing support to the Chief Minister, Mr. Rajendran said, they had gone against the unanimous party decision in February electing Mr. Palaniswami as leader of the AIADMK Legislature Party.

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Supreme Court accepted privacy is a fundamental right but not an absolute right; judgment is a positive development

ARUN JAITLEY, Finance & Defence Minister



The Supreme Court judgment strikes a blow on the unbridled encroachment and surveillance by the state and its agencies in the life of the common man

SONIA GANDHI, Congress president



This right to privacy judgment is a setback for the government because it goes against its stand on privacy

PRASHANT BHUSHAN, Senior advocate



Congratulations to all lawyers, activists, others who fought sinister designs of the govt. to deny Indians their right to privacy

SITARAM YECHEURY, CPI(M) leader



Privacy is a fundamental right, declares SC

While saying it is intrinsic to life and liberty, the court also said that it is not an absolute right

KRISHNADAS RAJAGOPAL
NEW DELHI

In a unanimous verdict, a nine-judge Constitution Bench of the Supreme Court on Thursday declared that privacy is intrinsic to life and liberty and an inherent part of the fundamental rights enshrined in the Constitution.

The court held that privacy is a natural right that inheres in human beings because they are human. The state does not bestow natural rights on citizens. Natural rights like privacy exist equally in all individuals, irrespective of class, strata, gender or orientation.

‘Core of human dignity’

“Privacy is the constitutional core of human dignity. Privacy ensures the fulfilment of dignity,” Justice D.Y. Chandrachud wrote.

The Centre had argued against the recognition of privacy as a fundamental right. It had assured the court that privacy would be protected through parliamentary statutes.

But the court retorted that statutory laws “can be made and also unmade by a simple parliamentary majority.”

“The ruling party can, at will, do away with any or all of the protections contained in the statutes. Fundamental rights are rights citizens may enjoy despite the governments they elect,” Justice Rohinton F. Nariman explained in his separate judgment.

The court chided the Centre for describing right to



Heart of the matter

Salient points:

- Privacy is a constitutionally protected right emerging primarily from the guarantee of life and liberty in Article 21 of the Constitution

- It includes the preservation of personal intimacies, sanctity of family life, marriage, procreation, the home and sexual orientation

- Privacy connotes a right to be left alone. It safeguards individual autonomy and recognises one's ability to control vital aspects of his/her life

- Privacy is not an absolute right, but any invasion

must be based on legality, need and proportionality

- Informational privacy is a facet of this right. Dangers to this can originate from both state and non-state actors

- Government must put in place a robust regime for data protection. It must bring about a balance between individual interests and legitimate state concerns



'Within restrictions': Union Law minister Ravi Shankar Prasad shows his Aadhaar card at a press conference following the Supreme Court's ruling on the right to privacy • PTI

SC rips apart its 2014 ruling on Section 377

LEGAL CORRESPONDENT
NEW DELHI

The nine-judge Bench of the Supreme Court on Thursday ripped apart its own judgment of 2014 upholding Section 377 of the Indian Penal Code, which criminalises consensual sexual acts of adults in private.

The Bench observed that the chilling effect of Section 377 “poses a grave danger to the unhindered fulfilment of one's sexual orientation, as an element of privacy and dignity.” In separate judgments, the Constitution Bench, led by Chief Justice of India J.S. Khehar, concluded that the 2014 verdict by a

two-judge Bench of the court pandered to a “majoritarian” view to deny the LGBT community their inherent fundamental rights of life, personal liberty, equality and gender discrimination.

The 2014 judgment's view that “a minuscule fraction of the country's population constitutes lesbians, gays, bisexuals or transgenders” was not a sustainable basis to deny the right to privacy, Justice D.Y. Chandrachud observed in his judgment.

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RULING BRINGS CHEER TO LGBT COMMUNITY • PAGE 15

Government, Congress spar over verdict

SANDEEP PHUKAN
NEW DELHI

Moments after meeting Finance Minister Arun Jaitley in his North Block office, Law Minister Ravi Shankar Prasad welcomed the Supreme Court judgment on the right to privacy, and claimed it affirmed the government's position. However, taking on the Centre, Congress president Sonia Gandhi said the judgment “strikes a blow to the government's arrogant attempts at curbing individual liberties.”

“The government has been consistently of the view that the right to privacy should be a fundamental right flowing from Article 21 and it should be subject to reasonable restrictions as enshrined there,” Mr. Prasad said at a special briefing.

In a departure from the norm, Mr. Prasad used the official briefing at the Press Information Bureau to target the Congress. “What has been the Congress's record in the protection of individual liberty? During the Emergency, the then Attorney-General argued that if a person is killed in jail, there is no remedy. That is the party's record.”

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Nilekani back at Infosys as Chairman

JAY SHANKAR
BENGALURU

IT major Infosys on Thursday announced that its board had unanimously approved the appointment of Nandan Nilekani as non-executive chairman of the board, “effective immediately.”

R. Seshasayee, chairman of the board, along with former CEO and managing director Vishal Sikka, Jeffrey Lehman and John Etchemendy, decided to step down from the board, Infosys said in a release.

Mr. Nilekani's return to the board of the company he co-founded after eight years was welcomed by outgoing chairman Mr. Seshasayee, who said: “Nandan is the ideal leader for Infosys at this stage in the company's development. His appointment will allow Infosys to focus on the strategic changes it needs to make in order to capitalise on the attractive opportunities in the years ahead.”

Mr. Nilekani's appointment also saw Ravi Venkatesan step down as co-chairman, while remaining on the board as an independent director.

The 62-year-old electrical engineer was the CEO at Infosys from 2002 to 2007 and served as co-chairman of the board before his departure in 2009 to head the government's Aadhaar programme.

Mr. Nilekani's return was precipitated by Mr. Sikka's abrupt resignation as CEO on August 18 amid a bitter and public volley of charges and counter-charges between the board and co-founder N.R. Narayana Murthy.

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