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Q92

Right to Privacy is protected as an intrinsic part of Right to Life and Personal Liberty. Which of the following in the Constitution of India correctly and appropriately imply the above statement?
(a) Article 14 and the provisions under the 42nd Amendment to the Constitution (b) Article 17 and the Directive Principles of State Policy in Part IV (c) Article 21 and the freedoms guaranteed in Part III (d) Article 24 and the provisions under the 44th Amendment to the Constitution Official key: C.

UPSC Civil Services Prelims 2018 · General Studies · 2 marks · Polity and Governance

Indian Constitution, polity, rights, governance - Prelims GS Paper I.

Explanation

(a)

(a) **Article 14** and the 42nd Amendment. **Article 14** is equality; the 42nd **Amendment (1976)** is the "mini-Constitution," not the privacy holding. Privacy was not located there. This option is not the key.

(b)

(b) **Article 17** and the Directive Principles in Part IV. **Article 17** abolishes untouchability; DPSPs are non-justiciable directives. Neither is the privacy doctrine. This option is not the key.

(c) Official key

(c) **Article 21** and the freedoms guaranteed in **Part III**. In **K.S. Puttaswamy (2017)** a nine-judge Bench held privacy to be intrinsic to life and personal liberty under **Article 21**, within the Fundamental Rights chapter. That is the correct constitutional location. This option is the official key.

(d)

(d) **Article 24** and the **44th Amendment**. **Article 24** bars child labour in hazardous work; the **44th Amendment (1978)** undid parts of the 42nd and insulated **Articles 20-21** from Emergency suspension. It is not the privacy clause-set named by the Court. This option is not the key.

Summary

Official key is (c) **Article 21** and the freedoms guaranteed in **Part III**. The Supreme Court reads the right to privacy as part of life and personal liberty, surrounded by other **Part III** freedoms. **Article 14**, **Article 17**, **Article 24**, and the 42nd/44th Amendments do not correctly locate that holding. The WRAP key is therefore (c).

Related possible facts

These can be asked in a future Prelims paper.

Puttaswamy (2017)

Nine-judge Bench; privacy a fundamental right

Article 21

Protection of life and personal liberty

Part III

Fundamental Rights, **Articles 12-35**

M.P. Sharma / Kharak Singh

Earlier cases partly overruled on privacy

44th Amendment

Articles 20 and 21 cannot be suspended even in Emergency

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