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Privacy:

Facts:

(2023-2)210 PLRIJ 041 (Ker.)

HIGH COURT OF KERALA AT ERNAKULAM

Before: Justice K. Babu

XXXXXX - Petitioner,

versus

STATE OF KERALA - Respondents.

W.P(CrI).No.609 of 2023

(i) Privacy - Is the ultimate expression of the sanctity of the individual - There cannot be dignity to an individual without privacy - It is a constitutional value founded on fundamental rights - Privacy with its attended values assures dignity to the individual - Dignity is the core which unites fundamental rights - Privacy is the constitutional core of human dignity.

(ii) Privacy - Petitioner, a certified Ayurvedic Therapist, Beautician, and Massage & Spa Therapist, was arraigned as a victim in a case registered under the Immoral Traffic (Prevention) Act, 1956 - Petitioner's name, images, and details were uploaded and published in online media links and YouTube channels, causing humiliation and cyber-attacks - The petitioner's grievance is that the circulation of her name, images, etc., in social media encroaches on her privacy - Petitioner filed complaints before the Police seeking their removal from the social media, but no steps were taken - Directions issued to take steps to remove the images of the petitioner from the online media links - Immoral Traffic (Prevention) Act, 1956 - YouTube - Social Media.

ORDER

K. Babu, J. - (21.06.2023) - The petitioner is a certified Ayurvedic Therapist, Beautician and Massage & Spa Therapist. Thodupuzha Police registered [fir](#) No.389/2023 alleging offences under the Immoral Traffic (Prevention) Act, 1956. The petitioner and some other women were arraigned as victims in this crime. The grievance of the petitioner is narrated in paragraph 11 of the [writ](#) Petition (Criminal), which is extracted below:

“11. Significantly, though the petitioner is arraigned as a victim in the above case, her name, images and details were uploaded and published in the online media links and YouTube channels, the that when the humiliation and cyber-attacks became unbearable for the petitioner, she had submitted detailed complaints before the respondents 3 and 5 showing her grievances and requesting to take immediate steps for the removal of her images and details from the online media links and YouTube channels. True copy of the complaint dated 12.05.2023 submitted by the petitioner before the 5th respondent is produced herewith and marked as Ext.P3. True copy of the complaint dated 26.05.2023 submitted by the petitioner before the 3rd respondent is produced herewith and marked as Ext.P4.”

2. Heard both sides.



3. It is submitted that the petitioner is deprived of the right to perform her profession. It is contended that the circulation of her name, images etc., in social media encroaches on her privacy.

4. Privacy is the ultimate expression of the sanctity of the individual. There cannot be dignity to an individual without privacy. It is a constitutional value founded on fundamental rights. Privacy with its attendant values assures dignity to the individual. Dignity is the core which unites fundamental rights. Privacy is the constitutional core of human dignity. It is submitted that the petitioner has filed Ext.P5 complaint before the State Police Chief seeking to take steps to remove the images, identity of the petitioner and defamatory articles and videos about the petitioner from the media links, but no steps have been taken.

5. Therefore, respondent No.2 is directed to take steps to remove the images of the petitioner from the online media links mentioned in Ext.P6.

SS

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Tags: [Immoral Traffic \(Prevention\) Act 1956](#), [Privacy - Right of](#), [Right to privacy](#), [Social Media](#), [YouTube](#)