Polity & Governance · GS - II

Comment on the challenges of balancing creative freedom with the right to privacy in the digital age.

EXAM YEAR	PAPER	SUBJECT
DAILY PRACTICE 27/11/2026	GS - II	Polity & Governance

MARKS	WORD LIMIT
15	~250 words

Answer Hint

Article 19(1)(a), Article 21, informational privacy, creative expression, personal data, digital harassment, proportionality

Model Answer

Creative freedom enables filmmakers, writers and artists to portray social realities and fictional situations. However, the use of identifiable personal information without consent can expose individuals to harassment and privacy violations.

1. Constitutional dimensions

1. **Freedom of expression:** Article 19(1)(a) protects artistic and creative expression, including cinema, subject to constitutionally permitted restrictions.
2. **Right to privacy:** In the *Puttaswamy judgment (2017)*, the Supreme Court recognised privacy as a fundamental right under Article 21.
3. **Competing interests:** Creative expression does not automatically justify exposing private individuals to unwanted identification, intimidation or harassment.

2. Emerging challenges

1. **Unauthorised identification:** Real phone numbers, addresses and other personal identifiers may be disclosed through films, social media or online content.

2. **Digital harassment:** Public exposure can lead to abusive calls, threats, stalking and misuse of personal information.
3. **Enforcement difficulties:** Identifying perpetrators, preserving digital evidence and securing timely remedies can be challenging.
4. **Regulatory balance:** Excessive restrictions may discourage legitimate artistic expression, while inadequate safeguards can undermine individual privacy.

3. Institutional and legal responses

The Digital Personal Data Protection Act, 2023 provides a framework for the processing of digital personal data, subject to its scope and applicable provisions. Producers and content creators should adopt fictional contact details, consent-based practices and pre-release privacy checks. Effective grievance redressal and proportionate legal remedies are equally important.

Conclusion

A democratic society must protect both artistic freedom and individual dignity. Responsible content creation, privacy safeguards and proportionate enforcement can help reconcile these constitutional interests.

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