

News

Why the Kerala High Court denied a couple's request to have their neighbor's CCTV camera removed



The Court stated that although the right to privacy is guaranteed by the constitution, it must be carefully weighed against the rights of others to security and life.

A couple's request to have a CCTV camera placed by their neighbors removed was recently denied by the Kerala High Court, which ruled that surveillance systems put in place to protect an elderly woman who was under grave criminal threat could not be tampered with.

Although the right to privacy is guaranteed by the constitution, Justice N Nagaresh reasoned that it must be carefully weighed against another person's right to life and security.

The judge reaffirmed that the rights functioned within a framework of proportionality rather than in isolation by citing the Supreme Court's historic ruling in *KS Puttaswamy (Retired) and another v. Union of India*.

"A person's personal autonomy is limited by the ideals, rights, and morality of those who are equally free and equal to him. He lives within himself, within a community, and within a state. When they clash, one's right to privacy and another's right to security, which is a component of their right to life, must be carefully balanced," the Court continued.

The petitioner and his spouse argued that their neighbors had set up a CCTV camera with a focus light in their home, aiming straight into their bedroom and drawing/dining space. They went on to say that the CCTV camera was set up to harass them, and even though they filed a police complaint, nothing was done about the neighbors, which is why they went to court.

They claimed that the camera's placement violated Article 21 (right to life) of the Constitution by invading their home's privacy.

The old mother and her two kids, among other responsive neighbors, gave a completely different explanation for the camera's installation. In their reply, they claimed that the old woman was the widow of the petitioner's deceased brother and that the petitioner himself had committed serious crimes against her, including rape attempts, criminal intimidation, and outraging her modesty.

Furthermore, the children built the CCTV camera to protect the woman because of the petitioner's persistent pestering, and the petitioner is the only accused in the crime.

The Court observed that the petitioners had not provided any proof that the CCTV cameras were set up to spy on their private areas after reviewing the facts and submissions.

It further emphasized that the case included an elderly victim of crime who was under serious threat, which shifted the scales in favor of protecting her.

Respondents 5 through 7 have a right to a safe and secure life. The CCTV cameras are deployed to ensure their safety and security. The Court further stated that respondents 5 to 7 cannot be ordered to remove the CCTV cameras under the current circumstances unless there is a proven case of spying into the petitioners' affairs.

As a result, the writ petition was denied.

The petitioners were represented by attorneys PR Reena and VM Krishnakumar.

The elderly woman and her children were represented by advocates SK Saju and Sreejith Cherote.

Dheeraj AS, a government pleader, represented the State.