



DATA PRIVACY

State as Data Collector, Child as Data Subject: Madurai Bench Quashes Tamil Nadu's Sensitive Data Circular

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Introduction

In an era where welfare administration is rapidly digitised, the Madras High Court (Madurai Bench) has redrawn the constitutional boundary between benign State paternalism and the privacy rights of children. In a writ petition that pitted a public spirited individual against the entire educational bureaucracy of Tamil Nadu, the Division Bench of Dr. Justice G. Jayachandran and Mr. Justice K.K. Ramakrishnan quashed a government school data collection circular that required teachers to harvest deeply personal information from adolescent students. The judgment, delivered on 5 January 2026 in W.P.(MD) No. 29474 of 2025, is the latest application of the Supreme Court's transformative decision in Justice K.S. Puttaswamy (Retd.) v. Union of India to the schoolhouse.

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Factual Matrix

The litigation arose from proceedings dated 4 September 2025 issued by the Member Secretary, Model Schools, Tamil Nadu (third respondent). Identified as Na.Ka.No.960/L1/CG64/MS/2025, the circular instructed teachers to collect data on twenty five “stigmatic” attributes from orphanhood and parental incarceration to gender nonconformity and history of abuse through the Educational Management Information System (EMIS) portal. The data collection was confined to students enrolled in government run Model Schools studying in classes IX to XII. Mr. Ameer Alam, the petitioner, impugned the measure as unconstitutional and moved the High Court under Article 226 for a writ .

Rival Submissions

The petitioner, contended that the circular lacked statutory authority and exposed vulnerable adolescents to social ostracism. He argued that the interrogation by teachers, coupled with online publication of responses, violated the fundamental rights to privacy, equality and free expression guaranteed by Articles 21, 14 and 19(1)(a) of the Constitution. The State, defended the measure as an exercise of *parens patriae*. It was submitted that anonymised data would enable targeted scholarships, counselling and other welfare interventions, and that students could refuse to answer without consequence.

Judicial Deliberation

The Court framed the core issue as whether the State's collection methodology passed constitutional muster in light of the informational privacy jurisprudence expounded in Puttaswamy. The Bench observed that the circular penetrated the most intimate zones of a child's identity, including sexuality, caste, nomadic status and parental incarceration. It emphasised that adolescents constitute a “vulnerable constituency” whose dignity demands heightened protection from stigmatising exposure. The State's failure to correlate each data point with a specific, evidenced welfare programme rendered the intrusion disproportionate. Equally damaging was the discriminatory aspect: only Model School students were subjected to the survey, leaving private and government aided schools untouched, thereby offending the equality clause.

Proportionality Analysis

Applying the fourfold test, the Court held that while the State's aim to extend special attention was legitimate, the circular lacked rational nexus and necessity. Less intrusive alternatives such as anonymous sampling or voluntary self certification were not

explored. The absence of data retention limits, access protocols or grievance redress mechanisms exacerbated the constitutional infirmity. The Court further noted that teachers acting as data enumerators eroded the fiduciary relationship between educator and pupil, converting the classroom into a site of surveillance.

Precedential Anchoring

The judgment prominently relied on the Supreme Court's exposition in Puttaswamy that privacy attaches to the person and is not surrendered merely because the individual is in a public space.

Final Disposition

Consequently, the Court quashed the circular dated 4 September 2025 and directed the State to refrain from collecting the impugned data in the prescribed manner. It, however, clarified that the State retains the liberty to design, after expert consultation, a privacy compliant and statutory welfare scheme that is voluntary and need based. Connected miscellaneous petitions were closed without costs.

Conclusion

Ameer Alam v. Government of Tamil Nadu is a salutary reminder that the Constitution's promise of privacy does not recede at the school gate. By insisting on proportionality, non discrimination and procedural fairness, the Madras High Court has safeguarded the dignity of adolescents while nudging the State towards rights respecting governance. The ruling situates informational privacy at the heart of childhood and offers a template for future challenges to surveillance masquerading as welfare.

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