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CASE COMMENT: K.S. PUTTASWAMY V. UOI (2017)

INTRODUCTION

The case of *K.S. Puttaswamy v. UOI (2017)*¹ stands as a landmark judgment in Indian constitutional jurisprudence, as it unquestionably affirmed that the right to privacy is a fundamental right under the Constitution of India. The case decided by a unanimous nine-judge bench of the Supreme Court arose against the backdrop of the widespread implementation of the Aadhar card implementation which mandated the collection of biometric and demographic data of the citizens. Justice K.S. Puttasawamy, a retired judge, challenged the constitutional validity of the mandatory data collection, arguing that it was against the right to privacy. Right to privacy, though not explicitly mentioned in the constitution, is intrinsic to the right to life and personal liberty under Article 21 and the freedoms guaranteed by Part III.

The judgement laid down a robust framework which expressed privacy as a multifaceted right that is deeply linked to human dignity, autonomy, and individual freedom, and continues to shape the evolving discourse regarding new concepts.

FACTS

The case was filed by Justice K S Puttasawamy (Retd.) through a writ petition filed before the Supreme Court challenging the constitutional validity of the Aadhar Scheme, which was spearheaded by the Unique Identification Authority of India (UIDAI)².

¹ *K.S. Puttaswamy (Retd.) v Union of India*, (2017) 10 SCC 1, AIR 2017 SC 4161.

² *Justice K.S. Puttaswamy (Retd.) & Anr. Vs. Union of India & Ors.*, PRIVACY LAW LIBRARY (2017), <https://privacylibrary.ccgmlud.org/case/justice-ks-puttaswamy-ors-vs-union-of-india-ors>.

The Aadhar project, started in 2009 was aimed to provide a 12-digit unique identification number to the residents of India by collecting three biometric and demographic data, and was linked with several welfare schemes with an aim to remove false beneficiaries and to easily streamline the process of service delivery.

The petitioners argued that the mandatory collection and storage of sensitive personal information like biometric and iris scans, without proper data safeguard mechanisms, posed a major threat to the privacy of individuals. They further contended that the Right to privacy was an inherent part of the Right to life and personal liberty and those guaranteed by Part III of the Constitution.³

In 2015, a three-judge bench was formed, and the compilation of demographic biometric data by the government for the Aadhar scheme was questioned on the grounds of right to privacy.⁴

The government, represented by the Attorney General of India, argued against the existence of a fundamental right to privacy based on the judgments in M.P. Sharma and Kharak Singh. It was further argued that the right to privacy ceased to exist as it was a common law protected by a statute⁵

The three-judge bench, while addressing the challenges, took note of the several key decisions by the Supreme Court in which the right to privacy was held to be a constitutionally protected fundamental right, which, however, were pronounced by smaller strength benches than those of MP Sharma and Kharak Singh.

The case was referred to a 9 judge constitutional bench to scrutinize and determine whether the right to privacy is to be considered as a fundamental right under the Indian Constitution.

ISSUES

1. Whether the right to privacy was an intrinsic part of the right to life and personal liberty under Article 21, and part of the freedom guaranteed under Part III of the Constitution of India?

³ Gautam Bhatia, *The Supreme Court's Right to Privacy Judgement – VI: Limitations*, CONSTITUTIONAL LAW AND PHILOSOPHY (Sep 1, 2017), <https://indconlawphil.wordpress.com/2017/09/01/the-supreme-courts-right-to-privacy-judgment-vi-limitations/>.

⁴ *Puttaswamy v. Union of India (II)*, GLOBAL FREEDOM OF EXPRESSION, <https://globalfreedomofexpression.columbia.edu/cases/puttaswamy-v-union-of-india-ii/>.

⁵ *Puttaswamy v. Union of India*, WIKIPEDIA, https://en.wikipedia.org/wiki/Puttaswamy_v._Union_of_India#Aftermath.

2. Whether the decisions in precedent cases are correct in law?⁶

ARGUMENTS

PETITIONERS

It was argued by the petitioners that the Right to privacy is intrinsic to the Right to life and personal liberty as guaranteed under Article 21 and the freedoms granted under Part III. They further contended that the previous precedents were based on an outdated and narrow reading of the Constitution. It was also contested that since India is bound by its international commitments as a committee members of institutions like UDHR and ICCPR, which recognize the right to privacy as a fundamental right, and hence should think of the right to privacy as an intrinsic right. Further pleading that, in a digital age where data can be easily collected, a robust constitutional protection of privacy is urgent, and that the mandatory collection of biometric and demographic data under the Aadhar scheme violates individual autonomy, bodily integrity, and informational privacy.

RESPONDENTS

The government argued that there was no explicit mention of the right to privacy in the constitution as a fundamental right, and the precedents like MP Sharma and Kharak Singh also hold the same. They further argued that even if the right to privacy exists, there are several limitations to it, like national security, public welfare schemes, and other justifiable restrictions. It was argued that the Aadhar scheme was an efficient tool meant to streamline benefits to the citizens directly without the need of its middle beneficiaries, which will further reduce leakage and corruption, and further claimed that sufficient safeguards were built into the Aadhar and UIDAI framework to protect against the misuse of data.

DECISION

On 24 August 2017, the Supreme Court's nine-judge bench, through its six separate opinions, unanimously held that privacy is a distinct and independent fundamental right under Article 21 of the Constitution. The decision held out an expansive interpretation of right to privacy which covered the body and mind, including decisions, choices, information, and freedom. The right to privacy was held to be an overarching right of Part III of the Constitution, which was

⁶ *Fundamental Right to Privacy*, SUPREME COURT OBSERVER (Apr 14, 2025), <https://www.scobserver.in/cases/puttaswamy-v-union-of-india-fundamental-right-to-privacy-case-background/>.

enforceable and multifaceted. The bench further overruled the earlier decisions in *M.P. Sharma v Satish Chandra* (1954)⁷ and *Kharak Singh v. State of Uttar Pradesh*⁸ up to the extent they held that privacy was not a fundamental right⁹.

The court further established that privacy was not an elitist construct and rejected the government's argument that's stated that the right to privacy must be forsaken in the interests of welfare entitlements provided by the state.

It was further held that the right to privacy may be restricted where the invasion meets the three-fold requirement of

- A. legality, which postulates the existence of law;
- B. need, defined in terms of a legitimate state aim; and
- C. Proportionality, which ensures a rational nexus between the objects and the means adopted to achieve them.

Justice S.K. Kaul added a fourth prong to this test, which mandated "procedural guarantees against abuse of such interference".¹⁰

CONCLUSION

The case of *K.S. Puttaswamy* stands as bedrock for privacy jurisprudence in Indian law and has influenced debates on issues like data protection, surveillance, etc. The judgment overruled the outdated precedents and recognized privacy as an inalienable fundamental right of the Indian Constitution.

The case further led to the discussions of a comprehensive data protection regime in India, which further led to the drafting of the Digital Personal Data Protection Bill¹¹. The judgment elevated facts like personal autonomy and individual choices in progressive judgments, including the judgment of LGBTQIA+ rights (*Navtej Singh Johar v UOI*)¹².

In this age to digital age, the principles balance individual rights with legitimate state interests.

⁷ *M. P. Sharma v Satish Chandra*, (1954) 1 SCR 1077 (India).

⁸ *Kharak Singh v State of Uttar Pradesh*, (1962) [1964] 1 SCR 332, AIR 1963 SC 1295 (India).

⁹ *The right to life and personal liberty under Article 21: A timeline*, SUPREME COURT OBSERVER, (Jun 26 2025), <https://www.scobserver.in/journal/the-right-to-life-and-personal-liberty-under-article-21-a-timeline/>

¹⁰ *Case: Justice K.S. Puttaswamy (Retd.) Vs. Union of India*, DHYEYA LAW, <https://www.dhyeyalaw.in/justice-k-s-puttaswamy.php>.

¹¹ The Digital Personal Data Protection Bill, 2023, No. 113, Acts of Parliament, 2023 (India).

¹² *Navtej Singh Johar v UOI*, (2018) AIR 2018 SC 4321, (2018) 10 SCC 1 (India).

The judgement continues to find a place in debates of new age issues like data protection, surveillance, and individual freedom, setting a strong foundation in India's evolving legal space