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JUSTICE K.S. PUTTASWAMY v. UNION OF INDIA:

CONSTITUTIONAL RECOGNITION OF THE RIGHT TO PRIVACY

~ *Molumuri Navyaveni*

ABSTRACT

The recognition of privacy as a fundamental right represents a significant development in Indian constitutional law. In the landmark judgment of Justice K.S. Puttaswamy v. Union of India, the Supreme Court of India unanimously held that the right to privacy forms an essential part of the fundamental rights guaranteed under the Constitution. This case commentary examines the background of the dispute, the constitutional questions considered by the Court, and the reasoning adopted in the judgment. The decision marked a turning point in Indian constitutional jurisprudence by placing dignity, liberty, and autonomy at the centre of constitutional protection. The article further analyses the broader implications of the judgment for data protection, state surveillance, and individual freedom in the digital age.

INTRODUCTION

The concept of privacy has gained increasing significance in modern constitutional democracies. In India, however, the constitutional status of the right to privacy remained uncertain for several decades due to the absence of an explicit provision in the Constitution and conflicting judicial precedents.¹

The issue was finally settled in the landmark judgment of Justice K.S. Puttaswamy v. Union of India, where a nine-judge bench of the Supreme Court unanimously held that the right to privacy is a fundamental right protected under the Constitution.² The decision significantly

¹ Constitution of India, article. 21.

² Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1.

reshaped Indian constitutional law by recognising privacy as an integral component of dignity and personal liberty.

BACKGROUND OF THE CASE

The controversy in the Puttaswamy case arose from challenges to the Aadhaar scheme introduced by the Government of India. The Aadhaar programme involved the collection of biometric and demographic data of residents for identification purposes.³

Justice K.S. Puttaswamy, a retired judge of the Karnataka High Court, filed a writ petition before the Supreme Court challenging the constitutional validity of the Aadhaar scheme. The petitioner argued that mandatory collection and linking of biometric information violated the right to privacy and personal liberty guaranteed under the Constitution.⁴

During the proceedings, the Union Government contended that the Constitution of India did not explicitly recognise the right to privacy as a fundamental right. The Government relied on earlier Supreme Court decisions which had either denied or limited the recognition of such a right.⁵

ISSUES BEFORE THE COURT

The Supreme Court examined several important constitutional questions:

Whether the right to privacy is a fundamental right guaranteed under the Constitution of India.

Whether earlier Supreme Court decisions denying the existence of such a right were correctly decided.

Whether the right to privacy forms part of the freedoms guaranteed under Articles 14, 19, and 21 of the Constitution.⁶

³ Unique Identification Authority of India, Aadhaar Overview, Justice B.N. Srikrishna Committee, Report of the Committee of Experts on Data Protection Framework for India (2018), <https://uidai.gov.in>.

⁴ Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1.

⁵ M.P. Sharma v. Satish Chandra, AIR 1954 SC 300

⁶ Constitution of India, articles. 14, 19 & 21

These questions were referred to a nine-judge constitutional bench due to their importance in determining the scope of fundamental rights.

JUDGMENT AND REASONING

The Supreme Court unanimously held that the right to privacy is a fundamental right protected under Part III of the Constitution.⁷ The Court observed that privacy is intrinsic to the right to life and personal liberty guaranteed under Article 21 of the Constitution.⁸

The judgment also overruled earlier decisions such as *M.P. Sharma v. Satish Chandra* and *Kharak Singh v. State of Uttar Pradesh* to the extent that they denied the existence of a constitutional right to privacy.⁹

The Court further explained that privacy is not a narrow concept but includes several dimensions such as bodily integrity, decisional autonomy, and informational control.¹⁰ However, the Court clarified that the right to privacy is not absolute and may be restricted by law when such restrictions satisfy the tests of legality, necessity, and proportionality.¹¹

SIGNIFICANCE OF THE JUDGMENT

The Puttaswamy judgment has had far-reaching implications for Indian constitutional law. By recognising privacy as a fundamental right, the Supreme Court strengthened the protection of individual liberty against arbitrary state action.¹²

⁷ Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1.

⁸ Constitution of India, article. 21.

⁹ *Kharak Singh v. State of Uttar Pradesh*, AIR 1963 SC 1295.

¹⁰ Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1.

¹¹ Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1.

¹² PRS Legislative Research, Privacy and Data Protection in India, Justice B.N. Srikrishna Committee, Report of the Committee of Experts on Data Protection Framework for India (2018), <https://www.meity.gov.in>.

The decision also laid the constitutional foundation for future data protection legislation in India and influenced debates surrounding digital governance and surveillance.¹³In the context of rapid technological development, the recognition of informational privacy has become particularly significant.

CONCLUSION

The judgment in Justice K.S. Puttaswamy v. Union of India represents a landmark moment in Indian constitutional history. By affirming the right to privacy as a fundamental right, the Supreme Court reinforced the principles of dignity, liberty, and individual autonomy that form the foundation of the Constitution. Although challenges relating to privacy protection and digital governance remain, the decision continues to guide constitutional interpretation in the digital age.

¹³ Justice B.N. Srikrishna Committee, Report of the Committee of Experts on Data Protection Framework for India (2018), Justice B.N. Srikrishna Committee, Report of the Committee of Experts on Data Protection Framework for India (2018), <https://www.meity.gov.in>.

