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RIGHT TO PRIVACY AS A FUNDAMENTAL RIGHT: A CASE COMMENTARY ON JUSTICE K.S. PUTTASWAMY v. UNION OF INDIA

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Introduction

The judgment delivered in Justice K.S. Puttaswamy v. Union of India is considered one of the most significant constitutional decisions in Indian legal history. In this landmark case, a nine-judge bench of the Supreme Court of India unanimously recognised the Right to Privacy as a Fundamental Right under the Constitution of India. The judgment strengthened the protection of individual liberty and human dignity in the digital age. It also transformed the constitutional interpretation of Articles 14, 19, and 21.

The case became highly important because rapid technological development and digital governance had increased concerns regarding surveillance, personal data collection, and misuse of private information. The decision established that privacy is not merely a statutory right but an essential part of the right to life and personal liberty guaranteed under Article 21 of the Constitution.

This judgment has had a deep impact on constitutional law, data protection, digital governance, and individual freedoms in India.

Facts of the Case

The case originated from challenges raised against the Aadhaar Scheme introduced by the Government of India. Aadhaar required citizens to provide biometric information such as fingerprints and iris scans for identification purposes. Petitioners argued that compulsory collection and storage of biometric data violated the privacy of individuals.

During the proceedings, the Government contended that the Constitution of India did not

expressly recognise privacy as a Fundamental Right. The Government relied upon earlier judgments of the Supreme Court, namely *M.P. Sharma v. Satish Chandra* and *Kharak Singh v. State of Uttar Pradesh*, where the existence of a constitutional right to privacy had either been denied or not fully recognised.

Due to conflicting judicial opinions on the issue, the matter was referred to a larger bench of nine judges to determine whether privacy could be recognised as a Fundamental Right under the Constitution.

Issues Before the Court

The primary issue before the Supreme Court was whether the Right to Privacy is protected as a Fundamental Right under Part III of the Constitution of India.

The Court also considered whether earlier decisions denying privacy protection required reconsideration and whether privacy forms an essential component of liberty and dignity.

Judgment of the Court

The Supreme Court unanimously held that the Right to Privacy is a Fundamental Right protected under Articles 14, 19, and 21 of the Constitution. The Court declared that privacy is an intrinsic part of life, liberty, dignity, and individual autonomy.

The Court observed that privacy enables individuals to make personal choices regarding family, marriage, education, food habits, sexual orientation, and personal beliefs. Without privacy, the enjoyment of liberty and dignity would become incomplete.

The judgment overruled the earlier decisions in *M.P. Sharma* and *Kharak Singh* to the extent that they denied constitutional protection to privacy. The Court clarified that the Constitution is a living document and must evolve according to changing societal and technological conditions.

The judges further held that although privacy is a Fundamental Right, it is not an absolute right. Reasonable restrictions may be imposed by the State if such restrictions satisfy legality, necessity, and proportionality.

Analysis of the Judgment

The judgment is highly significant because it expanded the scope of Fundamental Rights in India. By recognising privacy as a constitutional right, the Supreme Court strengthened individual protection against arbitrary State action and excessive surveillance.

One of the most important aspects of the judgment is its emphasis on human dignity. The Court recognised that privacy is closely connected with dignity, autonomy, and freedom of choice. This interpretation widened the meaning of Article 21 and reinforced constitutional morality.

The decision also became important in the context of technological advancement. In the digital era, personal information is constantly collected through mobile applications, social media platforms, online transactions, and digital identification systems. The judgment acknowledged that protection of informational privacy is essential in modern democratic societies.

The Court also referred to international human rights principles and comparative constitutional law. It recognised that privacy is globally accepted as a human right and forms part of democratic governance.

Another important contribution of the judgment was its impact on LGBTQ+ rights. The Court observed that sexual orientation forms an essential attribute of privacy and dignity. This reasoning later influenced the decision in *Navtej Singh Johar v. Union of India*, where Section 377 of the Indian Penal Code was partially struck down.

The judgment further encouraged the development of data protection laws in India. The recognition of privacy as a Fundamental Right created constitutional pressure upon the government to establish legal safeguards for personal data protection. This eventually contributed to the enactment of the Digital Personal Data Protection Act, 2023.

However, some critics argue that the judgment left certain questions unanswered regarding the practical limits of surveillance powers and data collection by private corporations. While the Court recognised informational privacy, the absence of a detailed statutory framework at that time created uncertainty regarding implementation.

Despite such concerns, the judgment remains a constitutional milestone because it modernised Indian constitutional jurisprudence and strengthened democratic freedoms.

Impact of the Judgment

The Puttaswamy judgment has had a far-reaching impact upon Indian constitutional law and governance. It established stronger judicial scrutiny over State actions involving surveillance and data collection.

The judgment influenced several later cases relating to privacy, internet freedom, reproductive rights, and sexual orientation. Courts increasingly relied upon privacy principles while interpreting constitutional protections.

The decision also increased public awareness regarding digital privacy and data security. Citizens became more conscious about the collection and misuse of personal information by both governments and private entities.

Furthermore, the judgment encouraged discussions regarding artificial intelligence, facial recognition technology, and digital surveillance systems. As India moves toward digital governance, the principles laid down in Puttaswamy continue to remain highly relevant.

Conclusion

Justice K.S. Puttaswamy v. Union of India is one of the most transformative constitutional judgments delivered by the Supreme Court of India. By recognising the Right to Privacy as a Fundamental Right, the Court strengthened the protection of liberty, dignity, and individual autonomy under the Constitution.

The judgment successfully adapted constitutional principles to modern technological realities and reinforced democratic values in the digital age. It recognised that privacy is essential for the free development of human personality and meaningful enjoyment of freedom.

Although challenges relating to surveillance, data protection, and technological misuse still continue, the Puttaswamy judgment remains a strong constitutional safeguard for citizens. The decision will continue to influence Indian constitutional law and digital rights jurisprudence for many years to come.

Footnotes

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

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

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

5 INDIA CONST. arts. 14, 19 & 21.

6 Navtej Singh Johar v. Union of India, (2018) 10 SCC 1.

7 The Digital Personal Data Protection Act, 2023, No. 22, Acts of Parliament, 2023 (India).

8 Universal Declaration of Human Rights art. 12, G.A. Res. 217A (III), U.N. Doc. A/810 (1948).