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CASE COMMENTARY: - K.S PUTTASWAMY V. UNION OF INDIA

KHUSHI SHARMA

TITLE AND CASE DETAILS

Case Name: Justice K. S. Puttaswamy (Retd.) v. Union of India

Citation: (2017) 10 SCC 1

Court: Supreme Court of India

Date of Judgment: 24 August 2017

Bench: Nine-Judge Constitutional Bench consisting of Jagdish Singh Khehar, Dhananjaya Yeshwant Chandrachud, Jasti Chelameswar, Rohinton Fali Nariman, Sharad Arvind Bobde, Abhay Manohar Sapre, Sanjay Kishan Kaul, S. Abdul Nazeer, R. K. Agrawal

INTRODUCTION

The judgment in Justice K. S. Puttaswamy vs Union of India is a landmark verdict of the Indian Constitution that makes the Right to Privacy a Fundamental Right. This controversy has come up owing to the implementation of Aadhaar Scheme by the Government of India to collect and store biometric and demographic data related to the citizens.

The main issue before the Court was whether privacy is a part of the rights guaranteed by the articles 14, 19 and 21 of the Constitution. The judgment was poignant as it added a whole new shade to Indian constitutional law with regard to liberty, dignity, autonomy, and personal freedom.

BACKGROUND AND FACTS

To provide a unique identity number that is associated with biometric information like fingerprints and iris scan, the Government of India introduced the Aadhaar Scheme. The

scheme's goals were to enhance the distribution of welfare benefits and to help stop identity theft.

There were some fears that this would be an infringement of privacy and raise the risk of state surveillance of individuals as a result of mandatory collection and storage of personal information. The Supreme Court had to hold that the Aadhaar Scheme is unconstitutional, having been challenged by retired Justice K.S. Puttaswamy.

In the previous cases of *M. P. Sharma and Kharak Singh vs. the State of Uttar Pradesh*, privacy rights had not been accorded constitutional protection. This led to a conflict of two precedents, and that case was taken to a nine-judge Constitutional bench.

MAIN LEGAL ISSUES

- Whether the Right to Privacy is a Fundamental Right under the Constitution of India?
- Whether privacy forms part of the right to life and personal liberty under Article 21?
- Whether earlier judgments denying privacy protection were correctly decided?
- Whether privacy includes informational privacy, bodily integrity, and decisional autonomy?

JUDGMENT AND REASONING

The Supreme Court unanimously declared the right to privacy to be a Fundamental Right enshrined in Part III of the Constitution. In case of Article 21, the Court has held that Privacy is a fundamental aspect of Life, Liberty, Dignity and Personal Autonomy.

To the extent that *M. P. Sharma v. Satish Chandra* and *Kharak Singh v. State of Uttar Pradesh* were on the issue of privacy rights, the Court overturned that precedent.

The judgment stressed that dignity is essential to constitutional freedom and noted “to live is to live with dignity”. The Court also acknowledged various aspects of privacy like informational privacy, communicational privacy, and decisional privacy.

The Court also formulated the three-part test to determine when privacy rights can be abridged: Legality, legitimate state interest, proportionality.

While privacy has come to be recognized by all judges as a Fundamental Right, different aspects of constitutional liberty and dignity were emphasized in separate concurring opinions.

CRITICAL ANALYSIS

The judgment greatly enlarged the ambit of Article 21 and gave a boost to civil liberties in India. The Court interpreted the Constitution as a "living document" and one that adapts to advancements in society and technology.

Enactment of informational privacy was critically important to the digital age in which governments and corporations gather an enormous amount of private information. The decision upheld the constitutional morality by safeguarding the autonomy and fighting against arbitrary entry into the individual's domain by the state.

In addition, the Court ensured that LGBTQ+ rights were also safeguarded by affirming that sexual orientation is an integral part of an individual's privacy and chiding the logic used in *Suresh Kumar Koushal v. Naz Foundation*. This is later applied in *Navtej Singh Johar v. Union of India*.

The judgment did not specify sufficiently the nature and extent of privacy rights in each particular context, however. Informational privacy was acknowledged, but not a clear protection or surveillance framework was drawn.

The issue of balancing privacy rights and national security, as well as public order and welfare administration, will remain constitutional challenge for future cases.

CONCLUSION

The judgment in *Justice K. S. Puttaswamy (Retd.) v. Union of India*, is one of the most progressive and changing constitutional laws in the history of India. In this judgment, the Supreme Court of India infinitely asserted the inherent Right to Privacy as a fundamental right enshrined in part III of the Constitution of India, specifically in Article 21.

The Court broadened and enlarged the understanding of life and personal liberty by establishing that dignity, autonomy, individuality and freedom of choice are inseparable from privacy. It has brought about a paradigm change in the constitutional paradigm of Indian jurisprudence from the narrow concept of liberty to a wide concept of human rights. Also addressed earlier errors in judicial precedents that had not given the right to privacy sufficient recognition as a value of the Constitution in the cases of *M. P. Sharma vs. Satish Chandra* and *Kharak Singh vs. State of Uttar Pradesh*.

One of the most significant things the court did was to recognize informational privacy in today's digital society. The Court recognised that new technologies, digital surveillance and large-scale information collection pose significant risks to people's freedom. In this way, the judgment became particularly relevant in the context of today's society because in which personal information is easily monitored, stored and misappropriated by both the State and private sector.

The judgment was additionally for promoting constitutional morality which safeguards the individual identity and personal decisions from majoritarian opinions. It went on to play an important role in the *Navtej Singh Johar v Union of India* case, which resulted in decriminalization of homosexuality in India by observations made regarding sexual orientation and dignity. Likewise, the issues raised in this case remain pertinent to ongoing litigation issues about data protection, surveillance legislation, freedom of the web, reproductive autonomy, and AI.

Meanwhile, the ruling left certain questions unaddressed and up for debate. While the Court acknowledged the right to privacy as a Fundamental Right, it did not delineate a comprehensive structure or scope of privacy rights, state surveillance or data protection. Thus, the future role of courts and legislatures in striking a balance between the privacy and national security interests and technological control remains an important one.

In general, the judgment in the *Puttaswamy* case made privacy a concrete constitutional right, rather than a moral or philosophical principle. It reaffirmed the very purpose of the Constitution—it is to guard the dignity and liberty of the individual against arbitrary use of the state power. The judgement will continue to form the bedrock for future privacy laws in India and a landmark in the quest for safeguarding human rights and democratic freedoms.

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