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## RIGHT TO PRIVACY IN THE DIGITAL AGE: A CASE COMMENTARY ON JUSTICE K. S. PUTTASWAMY v. UNION OF INDIA

~Arunendra Kumar Sharma

### INTRODUCTION

The digital age has fundamentally altered the meaning of privacy in modern constitutional democracies. Today, individuals routinely share **biometric information, financial records, personal communications and behavioural data** through digital platforms that are capable of monitoring almost every aspect of human activity. In such a technologically driven society, privacy is no longer confined to the physical sphere of one's home or personal space; it has evolved into a vital safeguard against excessive **State surveillance, unauthorized data collection and intrusive technological control**.

For decades, Indian constitutional jurisprudence lacked clarity on the status of privacy as a fundamental right. Earlier decisions such as *M.P. Sharma v. Satish Chandra*<sup>1</sup> and *Kharak Singh v. State of Uttar Pradesh*<sup>2</sup> adopted a restrictive interpretation and refused to expressly recognize privacy under **Part III** of the Constitution. These concerns eventually culminated in the historic decision of *Justice K. S. Puttaswamy v. Union of India*, where *a unanimous nine judge bench of the Supreme Court recognized privacy as an intrinsic part of the rights guaranteed under Articles 14, 19 and 21 of the Constitution*.<sup>3</sup>

The Puttaswamy judgment transformed the constitutional landscape of India by elevating privacy from a limited common law interest to a constitutionally protected fundamental right. The Court recognized that dignity, liberty, decisional autonomy and informational self-determination cannot survive in the absence of privacy. This case commentary critically

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<sup>1</sup> M.P. Sharma v. Satish Chandra, AIR 1954 SC 300.

<sup>2</sup> Kharak Singh v. State of Uttar Pradesh, AIR 1963 SC 1295.

<sup>3</sup> Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1.

examines the background, constitutional reasoning and continuing significance of the Puttaswamy decision in the context of India's **rapidly** evolving digital society.

## **BACKGROUND OF THE CASE**

### **a) Introduction of the Aadhaar Scheme**

The dispute began with the implementation of the Aadhaar Scheme by the Government of India, which required citizens to provide biometric and demographic information for obtaining a unique identification number. Although the scheme was introduced to improve welfare distribution and administrative efficiency, it also raised serious concerns regarding surveillance and misuse of personal data.

### **b) Constitutional Challenge by Justice K. S. Puttaswamy**

Justice K. S. Puttaswamy, a retired judge of the Karnataka High Court, challenged the constitutional validity of Aadhaar before the Supreme Court. The petition argued that compulsory collection of biometric information violated personal liberty, dignity and individual autonomy.

### **c) Uncertain Judicial Position on Privacy**

Before Puttaswamy, the constitutional status of privacy remained unclear. In *M.P. Sharma v. Satish Chandra* and *Kharak Singh v. State of Uttar Pradesh*, the Supreme Court had refused to explicitly recognize privacy as a fundamental right under Part III of the Constitution.

### **d) Expansion of Article 21 Jurisprudence**

Subsequent decisions, particularly ***Maneka Gandhi v. Union of India***, gradually expanded the scope of Article 21 by emphasizing fairness, dignity and personal liberty, thereby creating the constitutional foundation for recognizing privacy rights.<sup>4</sup>

### **e) Reference to the Nine Judge Bench**

Due to conflicting precedents and the growing significance of digital privacy, the matter was referred to a nine-judge constitutional bench of the Supreme Court to determine whether the right to privacy forms part of the fundamental rights guaranteed under the Constitution.

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<sup>4</sup> *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248.

## ISSUES BEFORE THE COURT

1. **Whether the Right to Privacy is a Fundamental Right under Part III of the Constitution?**
2. **Whether privacy forms an intrinsic part of life and personal liberty under Article 21?**
3. **Whether the freedoms guaranteed under Articles 14, 19 and 21 collectively protect individual privacy and dignity?**
4. **Whether the earlier decisions in *M.P. Sharma v. Satish Chandra and Kharak Singh v. State of Uttar Pradesh* required reconsideration?**
5. **Whether the State can collect and use personal data of individuals without constitutional limitations and procedural safeguards?**

## JUDGMENT OF THE COURT

The Supreme Court in *Justice K. S. Puttaswamy v. Union of India* delivered one of the most transformative constitutional judgments in Indian legal history. A **nine-judge constitutional bench** unanimously recognized the Right to Privacy as a fundamental right protected **under Part III of the Constitution. The bench consisted of Chief Justice J. S. Khehar and Justices J. Chelameswar, S. A. Bobde, R. K. Agrawal, Rohinton Fali Nariman, Abhay Manohar Sapre, Dr. D. Y. Chandrachud, Sanjay Kishan Kaul and S. Abdul Nazeer.**<sup>5</sup>

The Court held that *privacy is not an isolated right but an inseparable aspect of human dignity and personal liberty guaranteed under Article 21 of the Constitution.* It further observed that privacy also intersects with the freedoms guaranteed under Articles 14 and 19, thereby forming part of the constitutional **“golden triangle.”** The bench emphasized that constitutional rights cannot remain static and must evolve with changing social realities, particularly in an era increasingly dominated by technology and digital governance.

### **Important Observations Made by the Judges:**

#### **1. Justice D. Y. Chandrachud**

Justice Chandrachud, while delivering the leading opinion for four judges, observed that privacy enables individuals to preserve their autonomy, identity and dignity against arbitrary intrusion. He stated that privacy protects personal choices relating to family, marriage,

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<sup>5</sup> Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1, ¶ 3.

sexuality, faith and belief. According to him, constitutional rights derive their legitimacy from the dignity of the individual, and therefore privacy is intrinsic to liberty itself.

## **2. Justice J. Chelameswar**

Justice Chelameswar described privacy as the “**right to be left alone.**” He observed that every individual possesses a private sphere into which neither the State nor society can intrude without lawful justification. His opinion recognized different dimensions of privacy including bodily privacy, informational privacy and decisional autonomy.

## **3. Justice Rohinton Fali Nariman**

Justice Nariman connected privacy with **Articles 14, 19 and 21** and held that privacy permeates every constitutional freedom guaranteed under Part III. He observed that arbitrary invasion of privacy directly affects dignity, liberty and equality. His opinion strengthened the doctrinal foundation of substantive due process in Indian constitutional jurisprudence and clarified that any State action infringing privacy must satisfy constitutional scrutiny.

## **4. Justice S. A. Bobde**

Justice Bobde observed that privacy protects the “**inner sphere**” of an individual from unwanted interference. He emphasized that privacy is essential for the free development of personality and individual independence. His opinion reflected the idea that constitutional democracy cannot survive unless individuals are guaranteed a protected personal space.

## **5. Overruling Earlier Precedents**

One of the most significant aspects of the judgment was the express overruling of the earlier decisions in *M.P. Sharma v. Satish Chandra* and *Kharak Singh v. State of Uttar Pradesh* to the extent they denied constitutional protection to privacy. The Court clarified that these decisions adopted a narrow and outdated interpretation of fundamental rights inconsistent with modern constitutional values.

## **RATIO DECIDENDI AND CONSTITUTIONAL PRINCIPLES**

The most significant contribution of *Justice K. S. Puttaswamy v. Union of India* lies in the constitutional principles evolved by the Supreme Court while recognizing privacy as a fundamental right.

### **a) Privacy as an Essential Part of Human Dignity**

The Court held that privacy is inseparable from human dignity and individual autonomy. According to the bench, dignity forms the constitutional foundation of all fundamental rights and privacy acts as a shield protecting the personal sphere of an individual against arbitrary intrusion.

### **b) Privacy Flows from the “Golden Triangle” of Fundamental Rights**

The Court clarified that privacy is not confined only to Article 21 but also emerges from the combined reading of Articles 14, 19 and 21.<sup>6</sup> This constitutional relationship was described as the “golden triangle” of fundamental rights. The judgment therefore expanded privacy beyond physical liberty and linked it with equality, freedom of speech, freedom of movement and decisional autonomy.

### **c) Recognition of Informational Privacy**

One of the most progressive aspects of the judgment was the recognition of informational privacy in the digital age. The Court acknowledged that modern technology enables governments and private corporations to collect, analyse and store vast amounts of personal data. It therefore held that individuals possess a constitutional interest in controlling dissemination and use of their personal information.

### **d) Doctrine of Proportionality**

The judgment established that any State action restricting privacy must satisfy the doctrine of proportionality. The Court laid down four essential requirements:

- existence of a valid law,
- legitimate State objective,
- necessity of the restriction,
- proportionality between the objective and the intrusion.

## **CRITICAL ANALYSIS**

### **1. Expansion of Article 21**

The judgment significantly expanded the scope of Article 21 by recognizing privacy as an essential part of life, liberty and dignity.

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<sup>6</sup> INDIA CONST. arts. 14, 19 & 21.

## 2. Recognition of Informational Privacy

The Court acknowledged the dangers posed by digital surveillance, biometric data collection and misuse of personal information in the technological era.

## 3. Constitutional Foundation for Data Protection

The decision laid the groundwork for future data protection laws in India, including the Digital Personal Data Protection Act, 2023.

## 4. Lack of Clear Enforcement Mechanism

Despite recognizing privacy as a fundamental right, the judgment did not provide a concrete institutional framework for enforcement and protection.

## 5. Continuing Concerns of Digital Surveillance

Even after Puttaswamy, concerns relating to facial recognition technology, AI surveillance and mass data collection continue to exist in India.

## CONCLUSION

The author is of the opinion that the Puttaswamy judgment should not merely be viewed as judicial recognition of privacy, but as a significant constitutional safeguard aimed at protecting individual freedom in the digital era. The judgment reflects the idea that constitutional rights must evolve alongside technological and societal transformation while maintaining a balance between legitimate State interests and civil liberties.

The author further believes that the true significance of the judgment lies not only in its legal reasoning, but in its continuing relevance to contemporary debates surrounding data protection, informational privacy and digital governance in India.

In the words of Justice D. Y. Chandrachud, “**Privacy is the constitutional core of human dignity.**” The enduring success of Puttaswamy will therefore depend upon whether constitutional institutions continue to uphold individual autonomy, dignity and liberty in an increasingly interconnected digital society.<sup>7</sup>

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<sup>7</sup> Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1, ¶ 298.