



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2026

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

BRIEF ANALYSIS OF K.S. PUTTASWAMY V. UNION OF INDIA

~Vaishnavi Upadhyay

INTRODUCTION

The right to privacy, this simple idea stands at the heart of one of the most important constitutional cases ever decided in India. In Justice **K.S. Puttaswamy v. Union of India**¹, a nine-judge bench of the Supreme Court held that privacy is a fundamental right guaranteed under the Constitution of India. The judgment did not just settle a legal question, it reshaped the relationship between the individual and the state.

FACTS OF THE CASE

The immediate trigger for this case was the Aadhaar scheme launched by the Government of India. Aadhaar is a biometric identification system that collects fingerprints, iris scans, and personal demographic data of residents. The government began linking Aadhaar to welfare schemes, bank accounts, mobile numbers, and tax filings, making it practically mandatory for accessing a wide range of services.

Justice K.S. Puttaswamy, a retired judge of the Karnataka High Court, filed a writ petition in 2012 challenging the constitutional validity of Aadhaar. He argued that the collection and storage of sensitive biometric data without the consent of citizens violated their right to privacy. The petition raised a fundamental question: does the Indian Constitution protect privacy as a fundamental right at all?

A three-judge bench initially hearing the matter noted a serious conflict: two earlier Supreme Court decisions had held that privacy was not a fundamental right. In **M.P. Sharma v. Satish Chandra**² and **Kharak Singh v. State of U.P.**,³ larger benches of the Supreme Court had either

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

² M.P. Sharma v. Satish Chandra, 1954 SCR 1077 (India).

³ Kharak Singh v. State of U.P., (1964) 1 SCR 332 (India).

denied or significantly narrowed the right to privacy. Given this precedent, the matter was referred to a nine-judge constitutional bench to conclusively settle the question.

ISSUE BEFORE THE COURT

The central question before the nine-judge bench was:

Whether the right to privacy is a fundamental right protected under Part III of the Constitution of India, and if so, what is its scope?

CONTENTION OF THE PARTY

The petitioners argued that privacy is an intrinsic aspect of human dignity and personal liberty. They contended that **Articles 14** ⁴(equality), **Article 19** ⁵(freedom of speech and expression, movement, etc.), and **Article 21** ⁶(right to life and personal liberty) of the Constitution collectively protect privacy as a fundamental right. They further argued that the state cannot compel a citizen to part with their biometric data without legal safeguards and meaningful consent.

The Union of India, on the other hand, relied on the older precedents to argue that privacy was not independently recognized as a fundamental right. The government also argued that the right to privacy, even if recognized, must yield to larger public interests such as welfare distribution, national security, and curbing black money.

JUDGEMENT AND REASONING

On 24 August 2017, all nine judges delivered a judgement recognising privacy as a fundamental right. Six separate but concurring opinions were written, with the lead judgment authored by Justice D.Y. Chandrachud, and separate opinions by Justices J. Chelameswar, S.A. Bobde, A.K. Goel, S.K. Kaul, and Sanjay Kishan Kaul.

A. Overruling of Earlier Precedents

The bench held that both M.P. Sharma and Kharak Singh were incorrectly decided to the extent they denied privacy as a fundamental right. The Court observed that those decisions had failed to appreciate that dignity and liberty the very soul of Article 21 cannot exist without privacy. The evolution of constitutional jurisprudence since 1954 and 1962, particularly the expansive

⁴ INDIA CONST. art. 14.

⁵ INDIA CONST. art. 19.

⁶ INDIA CONST. art. 21.

reading of Article 21 in **Maneka Gandhi v. Union of India**⁷, made it clear that the older view was no longer tenable.

B. Privacy as Right

The Court held that privacy is not a gift from the state it is an inherent right that flows from the very fact of being human. Justice Chandrachud wrote that privacy protects an individual's autonomy and recognises their ability to control vital aspects of life. This includes the privacy of the body, mind, information, and choices. The right does not exist in a vacuum; it draws strength from Articles 14, 19, and 21 read together.

Importantly, the Court recognised three distinct dimensions of privacy: (i) spatial privacy, the sanctity of one's home and physical space; (ii) decisional privacy the freedom to make personal choices about one's life, relationships, and beliefs (iii) informational privacy the right to control information about oneself.

C. Limitations on the Right

The Court clarified that privacy, like other fundamental rights, is not absolute. The state can interfere with privacy provided three conditions are met: first, the interference must have a valid law backing it (legality), second, there must be a legitimate state aim (necessity); and third, the means used must be proportionate to the aim sought (proportionality). This three part test, borrowed from international human rights jurisprudence, now serves as the standard for evaluating privacy violations in India.

D. Sexual Orientation and Other Sensitive Dimensions

Justice D.Y. Chandrachud specifically noted that the right to privacy protects sexual orientation. He observed that **Section 377** of the Indian Penal Code,⁸ which criminalised consensual same-sex relations, was an affront to the dignity and privacy of LGBTQ+ individuals. While this was an observation and not the direct holding of the case, it paved the way for the Supreme Court's subsequent landmark ruling in *Navtej Singh Johar v. Union of India* (2018),⁹ which decriminalised consensual homosexual acts.

⁷ *Maneka Gandhi v. Union of India*, [1978] 2 SCR 621 (India).

⁸ § 377 Indian Penal Code (1860) (India).

⁹ *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1 (India).

SIGNIFICANCE AND IMPACT

First, the judgment democratised dignity. By rooting privacy in the constitutional guarantee of life and liberty under Article 21, the Court made it available to every person not just the wealthy or educated who could afford to litigate.

Second, it brought India's constitutional framework in line with global standards. The proportionality test mirrors the approach taken by the European Court of Human Rights and the courts of Germany, Canada, and South Africa.

Third, it opened the door for reforms in several areas of law most notably data protection, LGBTQ+ rights, and surveillance law. Without Puttaswamy, the Navtej Johar judgment and the eventual enactment of a data protection law would have lacked a solid constitutional foundation.

Fourth, for corporate lawyers and compliance professionals, the decision is foundational. Any law or government scheme involving personal data collection must now satisfy the proportionality test. This has direct implications for fintech regulations, health data policies, and employment screening practices.

CONCLUSION

Justice K.S. Puttaswamy v. Union of India is not merely a case about Aadhaar or biometric data it is a case about what it means to be a free individual in a constitutional democracy. The Supreme Court's unanimous verdict restored a right that had been wrongly denied for over six decades and gave every Indian a constitutional shield against arbitrary intrusion by the state.

The judgment is a reminder that a constitution is a living document. It must be interpreted not just in light of the text written in 1950, but in light of the evolving understanding of human dignity and freedom. In recognising privacy as fundamental, the Court ensured that the Constitution of India remains relevant and protective in the digital age.