

K.S. Puttaswamy v. Union of India (Privacy)

Supreme Court of India · (2017) 10 SCC 1 · 2017-08-24

Bench

9-Judge Constitution Bench

Chief Justice J.S. Khehar, J. Chelameswar, S.A. Bobde, R.K. Agrawal, R.F. Nariman, A.M. Sapre, D.Y. Chandrachud, S.K. Kaul, S. Abdul Nazeer

Facts

Challenge to the constitutional validity of Aadhaar and related State collection of biometric data.

Issues

Whether the right to privacy is a fundamental right under the Indian Constitution.

Arguments

Petitioners argued privacy is intrinsic to dignity and liberty; the State argued no independent fundamental right to privacy existed.

Court Observations

Six concurring opinions unanimously recognised privacy as intrinsic to Articles 14, 19 and 21.

Ratio Decidendi

Right to privacy is a fundamental right protected under Part III of the Constitution.

Decision

Right to privacy unanimously recognised; M.P. Sharma and Kharak Singh overruled to the extent of their conflict.

Future Legal Impact

Foundation for data protection law, LGBTQ+ rights (Navtej Johar), and dignity-based jurisprudence.

Practical Takeaway

Privacy is not a privilege but a constitutional guarantee.

Five-minute Summary

The petition originally challenged the Aadhaar programme's biometric collection. A 9-judge bench was constituted to answer the antecedent question: does the Constitution guarantee a fundamental right to privacy? In six concurring opinions, the Court held that privacy is intrinsic to dignity, autonomy and liberty and is therefore protected under Articles 14, 19 and 21. The Court laid down a proportionality framework — any State restriction on privacy must satisfy legality, legitimate aim, necessity and proportionality. This decision underpins the Digital Personal Data Protection Act, 2023 and later rulings expanding constitutional rights.

Articles Invoked

- Article 14
- Article 19
- Article 21

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