BLOGS

KS Puttaswamy v. Union of India: Landmark case on Right to Privacy

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The case of KS Puttaswamy v. Union of India (2017) is a landmark judgment by the Supreme Court of India that recognized the right to privacy as a fundamental right under the Indian Constitution. Read more about the case in this post!

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Introduction

On 24th August 2017, the Supreme Court of India, in the landmark case of Justice K.S. Puttaswamy vs Union of India, affirmed the constitutional right to privacy as an integral component of **Part III of the Indian Constitution**, encompassing fundamental rights such as equality, freedom of speech, personal liberty, and more. This decision followed a challenge to the Aadhaar scheme, asserting that the collection of biometric data violated privacy rights.

The Court clarified that while privacy is fundamental, it is not absolute and can be subject to limitations based on tests of proportionality and reasonableness. The judgment emphasized that all state actions must comply with these fundamental rights, evolving standards of privacy protection under **Article 21**, and ensuring that any infringement meets stringent legal benchmarks.

Also Read: Exploring the Right to Privacy in India

Issues Identified in the KS Puttaswamy Case

The key issues before the Supreme Court were:

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

2. If privacy is a fundamental right, what is its scope and limitations?
3. Whether the Aadhaar scheme, as implemented, violates the right to privacy.

Arguments Advanced

Petitioners' Arguments:

- Challenge to M.P. Sharma and Kharak Singh: Petitioners argued that these cases, which denied privacy as a fundamental right, were based on outdated principles from A.K. Gopalan vs. State of Madras. They pointed out that A.K. Gopalan's approach of interpreting each fundamental right separately was later rejected by the Supreme Court in Rustom Cavasji Cooper vs. Union of India.
- Approval in Maneka Gandhi case: They highlighted that in the Maneka Gandhi case, the Supreme Court endorsed Justice Subba Rao's minority opinion in Kharak Singh, which supported privacy rights, while overturning the majority view. This, they argued, signified a shift towards recognizing privacy as fundamental.
- Multi-dimensional Model of Privacy: Petitioners advocated for a broad understanding of privacy, aligning it with natural rights and international human rights standards. They emphasized that privacy should be seen as encompassing various aspects of personal freedom and dignity.
- Constitutional and International Context: They argued that privacy is not just a statutory or common law concept but is inherent in the Constitution and supported by international human rights norms. They advocated for interpreting the Constitution in light of its Preamble, which emphasizes justice, liberty, and equality.

Respondents' Arguments:

- Reliance on M.P. Sharma and Kharak Singh: Respondents upheld the decisions in M.P. Sharma and Kharak Singh, which held that privacy is not explicitly protected under the Constitution. They argued that these judgments, being by larger benches, should hold sway over subsequent decisions by smaller benches.
- Constitutional Limitations: They contended for a narrow interpretation of privacy, viewing it strictly within the framework of the Constitution's fundamental rights chapter. They emphasized that any expansion of rights should be left to Parliament rather than judicial

interpretation.

- Ambiguity of Privacy: Respondents characterized privacy as an ambiguous concept that should be defined through legislative processes and common law evolution, rather than through broad judicial pronouncements.

Judgement of KS Puttaswamy Case

The judgement in the KS Puttaswamycase, delivered by the Supreme Court on 24th August 2017, is a landmark decision that affirmed privacy as a fundamental right under Article 21 of the Indian Constitution.

This ruling overturned earlier decisions and established that privacy is crucial for human dignity and personal autonomy. The Court clarified that while privacy is fundamental, it is not absolute and can be restricted by law if necessary for legitimate state interests. This restriction must adhere to strict criteria: it must be lawful, serve a necessary purpose, and be proportionate to the goal it aims to achieve.

The judgment emphasized two aspects of privacy: first, the right to be left alone, free from unwarranted state intrusion into personal matters; second, the right to make autonomous decisions without undue interference.

It also recognized that privacy encompasses informational privacy, which involves protecting personal data from unauthorized use or access, especially in the context of digital technologies.

Regarding data protection, the Court highlighted the need for a robust legal framework to safeguard personal information. While it acknowledged the importance of data in governance and service delivery, it stressed that such data collection and usage must respect individuals' privacy rights.

Moreover, the judgment addressed the rights of marginalized communities, including the LGBTQ+ community, affirming that sexual orientation is an intrinsic part of personal identity and therefore protected under the right to privacy.

Test for Privacy

These tests provide a framework for evaluating State actions that infringe upon privacy rights, ensuring that such infringements are justified, proportionate, and respect the fundamental rights

guaranteed by the Indian Constitution.

Reasonableness Test (Chelameswar J.):

- Applies across Part III of the Constitution.
- Focuses on whether the infringement is justifiable in the context of the fundamental right involved (e.g., equality, freedom of speech).
- For Article 21 (right to life and personal liberty), requires the infringement to be just, fair, and reasonable.Compelling State Interest Test (Chelameswar J.):
- Reserved for cases where privacy claims deserve strict scrutiny.
- Requires the State to demonstrate a compelling interest justifying the intrusion into privacy.Case-by-Case Analysis (Nariman J.):
- Emphasizes that the nature of privacy violations will dictate the applicable standard.
- Links privacy violations with specific fundamental rights like equality (Article 14) and freedom of speech (Article 19(1)(a)).Proportionality Test (Chandrachud J. and Kaul J.):
- Chandrachud J.: Requires legality, legitimate aim (e.g., national security), and proportionality between means and ends.
- Kaul J.: Adds necessity (narrow tailoring) and procedural safeguards against abuse of interference.Public Interest Basis (Sapre J.):
- Allows reasonable restrictions on privacy based on social, moral, and compelling public interest.
- However, lacks clarity on specific constitutional basis and standards for application.

Conclusion

The Puttaswamy case set a precedent by affirming privacy as an integral part of India's fundamental rights framework. It provided clarity on the scope and limitations of privacy rights, ensuring that individuals' autonomy and dignity are respected while balancing legitimate state interests. The decision underscored the importance of legislative and judicial measures to protect privacy in an increasingly digital age, marking a significant milestone in Indian jurisprudence on individual rights and freedoms.