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

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KS Puttaswamy v Union of India upheld the Right to Privacy as a fundamental right under Article 21 of the Indian Constitution. Read a detailed case analysis here!

Introduction

The case of Justice K.S. Puttaswamy (Retd.) v. Union of India (2017) is a landmark judgment by the Supreme Court of India that affirmed the right to privacy as a fundamental right under the Constitution. This decision has profound implications for individual rights, state power, and the relationship between citizens and the government, particularly in the context of technological advancements and data privacy concerns.

Background of the Case

The genesis of the Puttaswamy case lies in the Indian government's implementation of the Aadhaar scheme, which aimed to establish a unique biometric identification system for citizens.

The scheme was intended to streamline access to government services and welfare benefits. However, it raised significant concerns regarding the potential infringement of individual privacy rights.

Justice K.S. Puttaswamy, a retired judge of the Karnataka High Court, filed a petition challenging the constitutional validity of the Aadhaar scheme. He argued that the mandatory nature of Aadhaar for accessing essential services violated individuals' right to privacy.

The case was initially heard by a three-judge bench, which recognized the need for a larger bench to address whether privacy was a fundamental right guaranteed by the Constitution.

Legal Issues

The primary legal questions before the Supreme Court were:

1. Is the right to privacy protected under the Constitution?
2. If so, what is its scope and extent?
3. How does this right interact with other fundamental rights and state interests?

The case was referred to a nine-judge bench due to conflicting judgments in earlier cases, notably M.P. Sharma v. Union of India and Kharak Singh v. State of Uttar Pradesh, which had denied privacy as a fundamental right.

Key Arguments in KS Puttaswamy v. Union of India

The Supreme Court's deliberations involved extensive arguments from both sides. The petitioners contended that privacy is an intrinsic part of life and personal liberty under Article 21 of the Constitution, while the respondents argued that there is no explicit mention of privacy as a fundamental right in the Constitution.

- Petitioner's Perspective: The petitioners maintained that privacy is essential for human dignity and autonomy, integral to the exercise of other fundamental rights such as freedom of speech and expression (Article 19) and protection against arbitrary state action (Article 14).
- Respondent's Perspective: The government argued that recognizing privacy as a fundamental right would lead to judicial overreach and hinder legislative efforts aimed at social welfare and security.

Judgment Given

On August 24, 2017, the Supreme Court delivered a unanimous verdict affirming that the right to privacy is indeed a fundamental right protected under Articles 14, 19, and 21 of the Constitution. The judgment was delivered by a nine-judge bench comprising Chief Justice J.S. Khehar and Justices D.Y. Chandrachud, R.F. Nariman, S.A. Bobde, A.M. Sapre, S.K. Kaul, R.K. Agrawal, Chelameswar J., and S.A. Nazeer.

1. Recognition of Privacy: The court held that privacy is an intrinsic part of life and personal liberty under Article 21 and is also linked to other freedoms guaranteed by Part III of the Constitution.
2. Overruling Previous Judgments: The court explicitly overruled earlier judgments in M.P. Sharma and Kharak Singh, which had denied constitutional protection for privacy.

3. Compelling State Interest: The court established that any infringement on the right to privacy must be justified by a compelling state interest and must meet standards of legality, necessity, and proportionality.
4. Impact on Aadhaar Scheme: While not deciding on the constitutionality of Aadhaar itself in this judgment, it set crucial precedents for evaluating its implications on individual privacy rights in subsequent hearings.

Justice D.Y. Chandrachud authored a plurality opinion emphasizing that privacy is not merely an individual concern but also essential for democracy and societal well-being. He noted that “the Constitution recognizes human dignity as intrinsic to liberty,” asserting that any law infringing on privacy must be justifiable under strict scrutiny standards.

Implications of the Judgment

The Puttaswamy judgment has far-reaching implications for Indian law and society:

1. By affirming privacy as a fundamental right, the judgment enhances individuals’ autonomy over their personal information and bodily integrity.
2. Future laws affecting personal data must now undergo rigorous scrutiny to ensure they do not violate individuals’ privacy rights without adequate justification.
3. In an era where data collection is ubiquitous due to technology advancements, this ruling sets a precedent for data protection laws in India, paving the way for comprehensive legislation governing data privacy.
4. The recognition of privacy as a fundamental right aligns India with global trends emphasizing individual rights in an increasingly digital world.

Conclusion

The Puttaswamy v. Union of India case represents a watershed moment in Indian constitutional law, establishing the right to privacy as an inviolable aspect of human dignity and personal liberty. By overruling previous judgments that denied this fundamental right, it has fortified individual freedoms against potential state encroachments.

As technology continues to evolve and data collection becomes more pervasive, this judgment serves as an essential safeguard for citizens’ rights in India. It underscores the necessity for laws

that respect individual autonomy while balancing state interests in governance and security.

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