



“A Critical Analysis of Right to Data Privacy Under Article 21 Special Reference to Justice K.S Puttaswamy Case”

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1.INTRODUCTION

1.1 Introduction

The concept of privacy has evolved significantly with the advancement of technology and the increasing digitization of personal information. In modern democratic societies, the right to privacy is considered an essential component of individual liberty and dignity. In India, the Constitution did not explicitly recognize the right to privacy as a fundamental right in its original framework. However, through judicial interpretation, particularly under Article 21 which guarantees the right to life and personal liberty, the scope of privacy has been gradually expanded. The landmark judgment in the Justice K.S. Puttaswamy case marked a turning point by explicitly recognizing the right to privacy as a fundamental right. This development has had profound implications for data protection, surveillance, and informational autonomy in India.

1.2 Significance of the Study

The significance of this study lies in its examination of one of the most important developments in Indian constitutional law—the recognition of privacy as a fundamental right. In an era where personal data is considered a valuable asset, the protection of such data is essential for preserving individual autonomy and dignity. This study contributes to the understanding of how constitutional rights evolve in response to societal changes, especially in the context of technological advancements. Furthermore, the study is important because it



highlights the legal and ethical challenges associated with data privacy. Issues such as data breaches, surveillance, profiling, and misuse of personal information have become increasingly prevalent

1.3 Scope and Objective of the Study

The scope of this study is confined to the analysis of the right to data privacy as interpreted under Article 21 of the Indian Constitution. It primarily focuses on judicial developments, with special emphasis on the Puttaswamy judgment and its implications. The study examines how the concept of privacy has evolved over time and how it is applied in the context of data protection and informational privacy. The objectives of the study are to analyze the constitutional basis of the right to privacy, to understand the significance of the Puttaswamy judgment, and to evaluate the current legal framework

1.4 Research Problem

The central research problem of this study is to examine whether the recognition of the right to privacy under Article 21 effectively ensures the protection of personal data in India. Despite the landmark judgment in the Puttaswamy case, concerns remain regarding the implementation and enforcement of privacy rights in the digital age. The absence of a comprehensive and robust data protection framework further complicates the issue.

1.5 Research Methodology

This study adopts a doctrinal research methodology, which involves the analysis of legal principles, statutes, and judicial decisions. Primary sources include the Constitution of India, landmark judgments such as the Puttaswamy case, and relevant legal provisions related to data protection and privacy. Secondary sources include books, journal articles, research papers, and reports that provide insights into the concept of privacy and its evolution.

1.6 Hypothesis

The hypothesis of this study is that the recognition of the right to privacy as a fundamental right under Article 21 has significantly strengthened the protection of personal data in India, but it is not sufficient in the absence of a comprehensive statutory framework. While the Puttaswamy judgment has laid a strong constitutional foundation, practical challenges in implementation continue to undermine the effectiveness of privacy protections.

1.7 Review of Literature

The concept of privacy has been widely discussed in legal and academic literature. Scholars have analyzed its evolution from a limited notion of physical privacy to a broader concept encompassing informational and decisional autonomy. Various authors have emphasized the importance of privacy in maintaining human dignity and individual freedom. Several studies have examined the role of the judiciary in recognizing and expanding the right to privacy in India. The Puttaswamy judgment has been extensively analyzed for its comprehensive articulation of privacy as a fundamental right. Researchers have highlighted its impact on data protection, surveillance laws, and individual rights.



1.8 Limitations of the Study

This study is subject to certain limitations. Firstly, it is primarily based on doctrinal research and does not include empirical data or field studies. As a result, it may not fully capture the practical challenges faced by individuals in exercising their privacy rights. Secondly, the study focuses mainly on the Indian legal framework and does not provide an extensive comparative analysis of international laws. While some references may be made, the scope remains limited to the Indian context.

1.9 Scheme of the Study

The research is organized into several chapters to ensure a systematic and logical presentation of the subject.

Chapter 1 provides an introduction to the study, including its significance, objectives, methodology, and limitations. It sets the foundation for the analysis that follows.

Chapter 2 deals with the conceptual framework and review of literature, examining the meaning, nature, and evolution of the right to privacy. It also reviews existing scholarly work on the subject.

Chapter 3 focuses on the constitutional basis of the right to privacy and analyzes the Puttaswamy judgment in detail.

Chapter 4 examines the legal framework for data protection in India, including relevant statutes and policies.

Chapter 5 discusses the challenges and issues related to data privacy, such as surveillance, data breaches, and lack of awareness. Finally, Chapter 6 provides conclusions and suggestions for strengthening the protection of data privacy in India.

2 CONCEPTUAL FRAMEWORK AND REVIEW OF LITERATURE

2.1 Concept of Right to Privacy under Article 21

The right to privacy has evolved as an integral component of the right to life and personal liberty under Article 21 of the Constitution of India. Initially, privacy was not explicitly recognized as a fundamental right, and early judicial interpretations such as in *M.P. Sharma v. Satish Chandra* and *Kharak Singh v. State of Uttar Pradesh* denied its independent existence. However, with the expansion of Article 21 through liberal judicial interpretation, the scope of personal liberty widened, gradually incorporating the idea of privacy as a necessary condition for dignified human existence. A significant transformation occurred with the landmark judgment in *Justice K.S. Puttaswamy v. Union of India*, where a nine-judge bench of the Supreme Court unanimously affirmed that the right to privacy is a fundamental right under Article 21.



2.2 Conceptual Framework of Data Privacy

Data privacy refers to the protection of personal information from unauthorized access, misuse, or disclosure. It is a subset of the broader right to privacy and has become increasingly relevant in the context of technological advancements and digital governance. The conceptual framework of data privacy is built on principles such as consent, purpose limitation, data minimization, and accountability, which ensure that personal data is handled responsibly. In India, the recognition of data privacy gained constitutional backing after the Justice K.S. Puttaswamy v. Union of India judgment, which emphasized the need for a robust data protection regime.

2.3 Review of Literature on Right to Data Privacy

The scholarly discourse on the right to data privacy has expanded significantly following the recognition of privacy as a fundamental right in India. Legal scholars have analyzed the implications of the Justice K.S. Puttaswamy v. Union of India judgment, emphasizing its role in transforming constitutional jurisprudence. Many authors argue that the judgment aligns Indian law with global standards on privacy protection and strengthens individual autonomy in the digital age. Several studies have highlighted the challenges in implementing data privacy laws, particularly in developing countries like India. Researchers have pointed out issues such as lack of awareness, weak enforcement mechanisms, and the dominance of state surveillance and corporate data collection. Comparative studies often draw parallels with international frameworks such as the European Union's GDPR, suggesting that India must adopt stricter compliance mechanisms to ensure effective data protection.

2.4 Critical Analysis of Puttaswamy Case and Its Impact

The Justice K.S. Puttaswamy v. Union of India judgment represents a watershed moment in Indian constitutional law. It not only recognized privacy as a fundamental right but also laid down the doctrinal framework for its protection. The Court introduced the three-fold test of legality, necessity, and proportionality to determine the validity of any restriction on the right to privacy, thereby providing a structured approach for judicial review. The judgment has had far-reaching implications for governance, particularly in areas involving data collection and surveillance. It influenced subsequent cases and policy decisions, including those related to the Aadhaar scheme, where the Court examined the balance between welfare measures and privacy concerns.

2.5 Informational Privacy and Digital Age Challenges

Informational privacy has emerged as the most significant dimension of the right to privacy in the modern digital era. It refers to the control that an individual exercises over the collection, use, and dissemination of personal data. With the rapid growth of the internet, smartphones, and digital platforms, vast amounts of personal information are continuously generated and processed. The Supreme Court in Justice K.S. Puttaswamy v. Union of India explicitly recognized informational privacy as a core aspect of the fundamental right to privacy, emphasizing that individuals must have autonomy over their personal data.



2.6 Principles of Data Protection

The foundation of data privacy lies in certain universally accepted principles that govern the collection and processing of personal data. These principles aim to ensure fairness, transparency, and accountability in data handling practices. Key principles include consent, purpose limitation, data minimization, accuracy, storage limitation, and security safeguards. These principles are reflected in various international and national data protection laws and serve as the backbone of privacy regulation.

Consent is considered a cornerstone of data protection, requiring that individuals must be informed and voluntarily agree to the processing of their personal data. Purpose limitation ensures that data is collected only for specific, legitimate purposes and not used beyond those purposes. Data minimization restricts the collection of only necessary information, thereby reducing the risk of misuse. These principles collectively aim to empower individuals and limit arbitrary data processing by organizations.

2.7 Role of Judiciary in Shaping Privacy Rights

The judiciary has played a crucial role in the evolution and expansion of privacy rights in India. Through progressive interpretation of Article 21, the courts have transformed privacy from a vague concept into a well-defined fundamental right. Early cases such as *Kharak Singh v. State of Uttar Pradesh* laid the groundwork, although they did not fully recognize privacy as a fundamental right. Over time, judicial decisions began to acknowledge the importance of privacy in protecting individual dignity and liberty. The landmark judgment in *Justice K.S. Puttaswamy v. Union of India* marked a turning point by firmly establishing privacy as a fundamental right. The Court not only recognized privacy but also provided a comprehensive framework for its protection, including the proportionality test. This judgment has influenced numerous subsequent decisions and has become the cornerstone of privacy jurisprudence in India.

2.8 Comparative Analysis of Data Privacy Laws

A comparative analysis of data privacy laws provides valuable insights into the strengths and weaknesses of different legal frameworks. Globally, the European Union's General Data Protection Regulation (GDPR) is considered one of the most comprehensive data protection regimes. It emphasizes strict compliance, heavy penalties for violations, and strong rights for individuals, including the right to be forgotten and data portability. In contrast, India's approach to data privacy has been evolving gradually. The Digital Personal Data Protection Act, 2023 represents a significant step forward but differs from GDPR in certain aspects. For instance, while GDPR imposes stringent obligations on data controllers, the Indian law provides certain exemptions for the State, particularly in matters of national security and governance. This raises concerns about potential misuse of personal data by authorities.



2.9 Emerging Issues in Data Privacy and Future Perspectives

The field of data privacy is continuously evolving, with new challenges emerging due to technological advancements. One of the key issues is the rise of artificial intelligence and machine learning, which rely heavily on large datasets for training algorithms. These technologies often operate in opaque ways, making it difficult to ensure transparency and accountability in data processing.

Another emerging concern is the increasing use of surveillance technologies by governments and private entities. While surveillance may be justified for security purposes, excessive or unchecked surveillance can lead to violations of privacy and civil liberties. The principles laid down in Justice K.S. Puttaswamy v. Union of India, particularly the test of proportionality, play a crucial role in addressing such concerns.

3 CONCEPTUAL ANALYSES OF JUSTICE K.S. PUTTASWAMY CASE

3.1 Background and Evolution of the Right to Privacy

The right to privacy in India was not always recognized as a fundamental right under Article 21 of the Constitution. Initially, judicial interpretations in cases such as *M.P. Sharma v. Satish Chandra* (1954) and *Kharak Singh v. State of Uttar Pradesh* (1962) denied the existence of a constitutionally protected right to privacy. The courts took a narrow view, holding that the Constitution did not explicitly guarantee privacy as a fundamental right. However, over time, the judiciary began to expand the scope of Article 21, interpreting the “right to life and personal liberty” in a more liberal and dynamic manner. Subsequent decisions marked a gradual shift towards recognizing privacy as an integral part of personal liberty. In cases like *Gobind v. State of Madhya Pradesh* and *R. Rajagopal v. State of Tamil Nadu*, the Supreme Court acknowledged privacy rights in limited contexts.

3.2 Scope and Dimensions of the Right to Privacy

The Puttaswamy judgment elaborately defined the scope and dimensions of the right to privacy. The Court emphasized that privacy is not a narrow or static concept but a multifaceted right encompassing various aspects of human life. It includes bodily privacy, informational privacy, and decisional autonomy. This broad interpretation ensures protection against both physical intrusion and misuse of personal data in the digital age. Bodily privacy relates to the protection of an individual’s physical integrity and personal autonomy. It includes rights concerning reproductive choices, sexual orientation, and medical decisions.

3.3 Constitutional Validity and the Three-Fold Test

While recognizing privacy as a fundamental right, the Supreme Court also clarified that it is not an absolute right. The State can impose reasonable restrictions on privacy, but such restrictions must satisfy the three-fold test laid down in the Puttaswamy judgment. This test ensures that any infringement of privacy is lawful, necessary, and proportionate.



The first requirement is legality, which means that any restriction on privacy must have a valid legal basis. The action of the State must be backed by a law that is clear, accessible, and not arbitrary. The second requirement is necessity, which implies that the restriction must serve a legitimate state interest, such as national security, public order, or prevention of crime. Mere convenience or administrative efficiency is not sufficient justification.

3.4 Impact and Significance of the Puttaswamy Judgment

The Puttaswamy judgment has had far-reaching implications on Indian law and governance. It has strengthened the protection of individual rights by recognizing privacy as a core constitutional value. The judgment has influenced various subsequent decisions, including those related to LGBTQ+ rights, data protection, and surveillance laws. It has reinforced the idea that dignity and autonomy are central to the concept of life under Article 21. One of the most significant outcomes of the judgment is its impact on data protection laws in India.

3.5 Informational Privacy and Data Protection

Meaning and Importance of Informational Privacy

Informational privacy refers to the right of an individual to control the collection, use, storage, and dissemination of personal data. In the digital age, vast amounts of personal information are collected by both the State and private entities through online platforms, biometric systems, and surveillance technologies. The Justice K.S. Puttaswamy judgment recognized that such data, if left unregulated, can lead to misuse, profiling, and invasion of individual autonomy. Therefore, informational privacy forms a crucial aspect of the broader right to privacy under Article 21.

Recognition in the Puttaswamy Judgment

The Supreme Court emphasized that informational privacy is essential in an era driven by technology and data analytics. It acknowledged that individuals must have control over their personal data, including the right to know how their information is being used. The judgment highlighted risks such as unauthorized surveillance, data breaches, and misuse of sensitive information. It stressed the need for a robust legal framework to regulate data collection and ensure accountability of both government and private actors.

Need for Data Protection Framework

Following the Puttaswamy judgment, the necessity for a comprehensive data protection law became evident. The Court recommended the establishment of safeguards to prevent arbitrary use of personal data. This led to policy discussions and legislative developments aimed at protecting informational privacy. A proper data protection regime must ensure consent-based data collection, purpose limitation, data minimization, and accountability. Thus, informational privacy has emerged as a cornerstone of modern constitutional rights.



3.6 Privacy and Human Dignity

Concept of Human Dignity under Article 21

Human dignity is a fundamental value embedded in the Constitution of India. Article 21 guarantees the right to life and personal liberty, which has been interpreted to include the right to live with dignity. The Puttaswamy judgment firmly established that privacy is intrinsically linked to dignity. Without privacy, an individual cannot exercise autonomy or maintain personal integrity, making dignity incomplete.

Interrelationship between Privacy and Dignity

The Court observed that privacy protects the inner sphere of an individual's life, including thoughts, beliefs, and personal choices. It ensures that individuals can make decisions without fear of judgment or interference. This includes sensitive areas such as sexual orientation, reproductive rights, and personal relationships. By safeguarding these aspects, privacy reinforces human dignity and promotes individual freedom.

Judicial Recognition and Expansion

The recognition of privacy as a component of dignity has influenced several landmark judgments after Puttaswamy. Courts have expanded protections in areas such as LGBTQ+ rights, reproductive autonomy, and freedom of expression. The emphasis on dignity ensures that laws and policies respect individual autonomy and do not treat citizens as mere subjects of state control. Thus, privacy and dignity together form the foundation of a democratic and rights-based society.

3.7 Privacy in the Context of Technology and Surveillance

Growth of Technology and Privacy Concerns

The rapid advancement of technology has transformed the way personal data is collected and used. Digital platforms, social media, artificial intelligence, and biometric systems have created new challenges for privacy protection. Governments and corporations now have the ability to monitor, store, and analyze vast amounts of personal data. This has raised serious concerns about surveillance and potential misuse of information.

Judicial Approach in the Puttaswamy Case

The Supreme Court in the Puttaswamy judgment acknowledged the risks posed by modern technology. It highlighted that surveillance, if unchecked, can lead to a "surveillance state" where individual freedoms are severely restricted. The Court emphasized that any form of surveillance must be backed by law and must satisfy the principles of necessity and proportionality. It recognized that technological progress should not come at the cost of fundamental rights.



Balancing Security and Privacy

One of the major challenges is balancing national security and individual privacy. While surveillance may be necessary for preventing crime and ensuring security, it must not result in excessive intrusion into private life. The Court stressed that safeguards such as judicial oversight, transparency, and accountability are essential. Proper regulation of technology is required to ensure that privacy is not compromised in the name of development or security.

3.8 Criticism and Limitations of the Puttaswamy Judgment

Ambiguity in Application

Despite being a landmark decision, the Puttaswamy judgment has faced criticism for its lack of clarity in certain areas. The broad and expansive definition of privacy makes it difficult to apply uniformly in all situations. Courts often face challenges in interpreting the scope of privacy in specific cases, leading to inconsistencies in judicial decisions.

Challenges in Implementation

Another major limitation is the gap between recognition and enforcement. Although privacy is now a fundamental right, its practical implementation remains weak. Issues such as data breaches, unauthorized surveillance, and misuse of personal information continue to persist. The absence of a fully effective data protection mechanism has made it difficult to enforce privacy rights effectively.

Need for Stronger Legal Framework

Critics argue that judicial recognition alone is not sufficient to protect privacy. There is a need for comprehensive legislation, strong regulatory bodies, and effective enforcement mechanisms. The State must ensure that policies and laws align with the principles laid down in the Puttaswamy judgment. Only then can the right to privacy be meaningfully protected. Thus, while the judgment is revolutionary, its success depends on proper implementation and continuous legal development.

4 ARTICLE ANALYSIS – JUSTICE K.S. PUTTASWAMY CASE

4.1 Constitutional Foundation of Privacy under Article 21

The landmark judgment in Justice K.S. Puttaswamy v. Union of India marks a decisive turning point in Indian constitutional jurisprudence by firmly embedding the right to privacy within the framework of Article 21 of the Constitution. Article 21 guarantees that no person shall be deprived of life or personal liberty except according to procedure established by law. Over time, the Supreme Court has expanded the interpretation of this provision to include various derivative rights necessary for living a meaningful and dignified life. In this context, the



Puttaswamy judgment affirmed that privacy is not an isolated or abstract concept but an integral part of the right to life and personal liberty.

The Court emphasized that the Constitution is a living document that must be interpreted in light of changing social, economic, and technological realities. Privacy, though not explicitly mentioned in the Constitution, is implicit in the guarantee of personal liberty. The judges observed that liberty cannot exist without the protection of an individual's private sphere, where personal decisions and choices can be made freely. This interpretation reflects the dynamic nature of constitutional law, which evolves to meet contemporary challenges and protect emerging rights.

4.2 Overruling of Earlier Judgments

The Justice K.S. Puttaswamy v. Union of India judgment is notable for its explicit overruling of earlier Supreme Court decisions that had denied the existence of a fundamental right to privacy. In particular, the Court revisited the rulings in *M.P. Sharma v. Satish Chandra* (1954) and *Kharak Singh v. State of Uttar Pradesh* (1962), both of which had taken a narrow view of constitutional protections and rejected the notion of privacy as a fundamental right. These earlier decisions were based on a formalistic interpretation of the Constitution and did not fully consider the evolving nature of fundamental rights.

In *M.P. Sharma*, the Court had held that the Constitution did not recognize a right to privacy, particularly in the context of search and seizure. Similarly, in *Kharak Singh*, the majority opinion denied the existence of a general right to privacy, although a minority opinion by Justice Subba Rao had recognized its importance. These judgments reflected the judicial thinking of their time, which was influenced by a limited understanding of personal liberty and the absence of explicit constitutional provisions on privacy.

Another significant aspect of this development is the strengthening of the doctrine of precedent. While the Court generally follows earlier decisions, it is not bound by them when they are clearly erroneous or outdated. The Puttaswamy judgment demonstrates that the judiciary is willing to depart from precedent when necessary to uphold constitutional principles. This flexibility ensures that the law remains responsive and relevant.

Furthermore, the overruling of these judgments has symbolic as well as practical significance. It represents a shift from a restrictive to an expansive understanding of fundamental rights. It also sends a strong message that the judiciary is committed to protecting individual freedoms in the face of new challenges, particularly in the digital age.

4.3 Privacy as a Multifaceted Right

The Justice K.S. Puttaswamy v. Union of India judgment provides a comprehensive understanding of privacy by recognizing it as a multifaceted and multidimensional right. Rather than treating privacy as a single, uniform concept, the Supreme Court acknowledged that it encompasses various aspects of human life, each of which



requires protection. This broad interpretation ensures that privacy is safeguarded in all its forms, reflecting the complexity of modern society and the diverse ways in which individuals interact with the world.

One of the key dimensions identified by the Court is bodily privacy, which refers to the protection of an individual's physical integrity. This includes the right to make decisions about one's own body without interference, such as choices related to medical treatment, reproduction, and personal identity. Bodily privacy is fundamental to human dignity and autonomy, as it ensures that individuals have control over their own physical existence. Any unauthorized intrusion into this domain is considered a violation of both privacy and personal liberty.

Another important dimension is informational privacy, which has gained significant importance in the digital age. Informational privacy. The Court recognized that technological advancements have made it easier to collect, store, and analyze personal data. Therefore, protecting informational privacy is essential for maintaining individual autonomy and preventing misuse of personal information.

4.4 Test of Reasonable Restrictions

The Justice K.S. Puttaswamy v. Union of India judgment establishes a clear and structured framework for determining when the State can lawfully restrict the right to privacy. Recognizing that no fundamental right is absolute, the Supreme Court introduced a three-fold test to ensure that any interference with privacy is justified, reasonable, and consistent with constitutional principles. This test serves as a safeguard against arbitrary State action and provides a standard for judicial review.

The first requirement of the test is legality. Any restriction on the right to privacy must have a basis in law. This means that the State cannot interfere with an individual's privacy without a valid legal provision authorizing such action. The law must be clear, accessible, and not arbitrary. This requirement ensures that individuals are aware of the circumstances under which their privacy may be limited and prevents the misuse of power by authorities.

4.5 Informational Privacy and Data Protection

The recognition of informational privacy in Justice K.S. Puttaswamy v. Union of India represents one of the most significant contributions of the judgment, particularly in the context of the digital age. Informational privacy refers to the right of individuals to control the collection, use, and dissemination of their personal data. With the rapid growth of technology, vast amounts of personal information are being generated, stored, and processed by both State and private entities. This has created new challenges for protecting privacy and necessitated the development of robust data protection mechanisms.

The Supreme Court acknowledged that personal data has become a valuable resource in the modern economy, often referred to as the "new oil." However, the collection and use of this data can pose serious risks to individual privacy if not properly regulated. Unauthorized access, data breaches, and misuse of personal information can



lead to identity theft, financial loss, and reputational harm. Therefore, protecting informational privacy is essential for ensuring the security and dignity of individuals.

The protection of informational privacy also has implications for democracy and freedom of expression. When individuals feel that their data is being monitored, they may be less likely to express their views freely. This can have a chilling effect on public discourse and undermine democratic values. Therefore, ensuring informational privacy is essential for maintaining a free and open society.

4.6 Impact on Aadhaar and Surveillance Policies

The Justice K.S. Puttaswamy v. Union of India judgment has had a profound impact on government policies related to Aadhaar and surveillance in India. Although the case itself primarily addressed the question of whether privacy is a fundamental right, its findings significantly influenced subsequent legal and policy developments. The recognition of privacy as a fundamental right under Article 21 meant that any State action involving the collection or use of personal data must comply with constitutional standards.

4.7 Privacy and Human Dignity

The judgment in Justice K.S. Puttaswamy v. Union of India places human dignity at the core of the right to privacy, recognizing that dignity is not merely an abstract ideal but a lived constitutional value that gives meaning to fundamental rights. The Supreme Court emphasized that the Constitution of India is built on the foundation of respect for the individual, and dignity is the central pillar that supports this structure. Privacy, in this context, is not just about secrecy or concealment; it is about the ability of an individual to live with self-respect, autonomy, and freedom from unwarranted interference. By linking privacy with dignity, the Court elevated the right to privacy from a peripheral concern to a central component of constitutional protection under Article 21.

4.8 Role of the State and Non-State Actors

The Justice K.S. Puttaswamy v. Union of India judgment significantly expands the scope of the right to privacy by addressing not only State actions but also the role of non-state actors in potentially violating this right. Traditionally, fundamental rights were viewed as protections against arbitrary State interference. However, the Court recognized that in the modern world, private entities such as corporations, technology companies, and data processors have immense power over personal information. As a result, the threat to privacy is no longer limited to government actions but also arises from the activities of private individuals and organizations.

5 CONCLUSION & SUGGESTIONS

Conclusion

The recognition of the right to privacy as a fundamental right under Article 21 of the Constitution of India marks a transformative moment in Indian constitutional jurisprudence. The landmark judgment in Justice K. S. Puttaswamy (Retd.) vs Union of India firmly established that privacy is intrinsic to life and personal liberty. This



decision not only overruled earlier precedents that denied constitutional protection to privacy but also expanded the scope of fundamental rights in alignment with evolving societal and technological realities.

Suggestions

To strengthen the protection of data privacy in India, several measures can be undertaken at legal, institutional, and societal levels. First and foremost, there is a need for a comprehensive and robust data protection framework that clearly defines the rights of individuals and the obligations of data controllers. Such a framework should ensure transparency in data collection, provide individuals with control over their personal information, and establish strict penalties for violations. It should also include provisions for data minimization, purpose limitation, and accountability to prevent misuse of personal data.

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