Polity & Governance · GS - II

Examine the scope of Fundamental Rights in the light of the latest judgement of the Supreme Court on Right to Privacy.

EXAM YEAR	PAPER	SUBJECT
2017	GS - II	Polity & Governance

MARKS	WORD LIMIT
15	~250 words

Answer Hint

Right to privacy; Article 21; fundamental rights; dignity and autonomy; proportionality test; informational privacy

Model Answer

Introduction

In *Justice K.S. Puttaswamy (Retd.) v. Union of India* (2017), a nine-judge Constitution Bench unanimously recognised the right to privacy as a fundamental right under the Constitution. The judgment strengthened the interpretation of liberty, dignity and personal autonomy.

Scope of Fundamental Rights

1. Article 21: Life and Personal Liberty

Privacy is intrinsic to life and personal liberty. It protects individual autonomy, bodily integrity, family life and personal choices.

2. Articles 14 and 19

The judgment recognised that privacy concerns can intersect with equality and freedoms of expression, association and movement. State restrictions must satisfy constitutional standards.

3. Informational Privacy

Individuals have legitimate interests in controlling the collection, use and disclosure of personal information. This is increasingly important in the digital economy.

4. Decisional Autonomy

Privacy protects personal choices involving intimate relationships, family planning, identity and lifestyle, subject to constitutionally valid restrictions.

5. Limits on State Action

Privacy is not absolute. Restrictions must have a lawful basis, pursue a legitimate state objective and satisfy proportionality. Procedural safeguards are essential to prevent arbitrary intrusion.

Implications and Challenges

The judgment influences debates on surveillance, data protection, biometric information and digital platforms. It also requires balancing privacy with public health, national security and other legitimate interests.

Conclusion

The Puttaswamy judgment gave Fundamental Rights a broader, dignity-centred interpretation. Effective data protection, independent oversight and proportionate restrictions are necessary to translate this constitutional recognition into practice.

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