

Justice K.S. Puttaswamy (Retd.) v. Union of India (2017)

Notice on DPDP Rules, 2025. The Digital Personal Data Protection Rules, 2025 were notified on 14 November 2025. With this notification, Section 44(3) of the Digital Personal Data Protection Act, 2023 became operational and amended Section 8(1)(j) of the Right to Information Act, 2005. The earlier public interest override within clause (j) stands removed. Public interest reasoning now operates through Section 8(2) of the RTI Act, which has not been amended. This page has been reviewed in the light of this change. For the full practitioner note, see *DPDP Rules, 2025: The amendment to Section 8(1)(j) of the RTI Act*.

Did you know? *Puttaswamy* runs to nearly 550 pages across six concurring opinions — the longest Constitution Bench output in recent Supreme Court history. Every opinion agreed that privacy is a fundamental right. The divergences were on how to balance it against other State interests.

In one line. A nine-judge Constitution Bench of the Supreme Court unanimously held that the **right to privacy is a fundamental right** protected by Article 21 of the Constitution of India.

What that means in practice for RTI.

- Section 8(1)(j) of the RTI Act gains a **constitutional shield** — the personal-information exemption is not mere statutory creation but reflects a constitutional right.
- Balancing privacy against transparency is now a **proportionality test**, not a mechanical checklist.
- The 14 November 2025 substitution of Section 8(1)(j) by the DPDP Rules, 2025 draws directly on *Puttaswamy* reasoning.

Citation

Justice K.S. Puttaswamy (Retd.) v. Union of India and Ors., (2017) 10 SCC 1.

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

Date of judgment: 24 August 2017.

The reference

A nine-judge Bench was constituted to resolve a question that had hovered over Indian constitutional law for decades: **is there a fundamental right to privacy?** Earlier Benches had given conflicting answers. *M.P. Sharma* (1954) and *Kharak Singh* (1963) suggested there was no such right. Later cases — *Gobind v. State of M.P.* (1975), *R. Rajagopal v. State of Tamil Nadu* (1994), *PUCL v. Union of India* (1997) — implied there was.

The immediate trigger was the challenge to the **Aadhaar scheme**. But the reference question was broader: does the Constitution recognise a fundamental right to privacy at all?

What the Court held

Unanimously

All nine judges agreed that **privacy is a fundamental right** inhering in Part III of the Constitution — principally Article 21 (life and personal liberty), but also traceable to Articles 14 (equality) and 19 (freedoms). *M.P. Sharma* and *Kharak Singh*, to the extent they held otherwise, were overruled.

The three-part test

The Court laid down a **proportionality test** for any State action that infringes privacy:

1. **Legality** — the action must be backed by a valid law.
2. **Legitimate aim** — the State must pursue a goal that justifies the infringement.
3. **Proportionality** — the means adopted must be rationally connected to the aim and must be the **least restrictive alternative**.

Informational privacy

Several opinions specifically identified **informational privacy** — a person's right to control the collection, use, and dissemination of personal information — as a distinct facet of the broader right. This facet directly frames the Section 8(1)(j) balancing in the RTI Act.

Implications for the RTI Act

- **Section 8(1)(j) is now read with constitutional weight.** Denial on privacy grounds has a stronger foundation than before.
- **Section 8(2) public-interest override is constrained.** The override must pass the *Puttaswamy* proportionality test — a significant public interest, proportionate to the privacy harm.
- **14 November 2025 DPDP amendment.** The substituted text of Section 8(1)(j) aligns the RTI exemption with the DPDP Act, 2023 definitions — which themselves were drafted with *Puttaswamy* in mind. See [DPDP Rules, 2025: the amendment](#) and [PIO reply after DPDP Rules, 2025](#).

Tension with the transparency line of cases

Puttaswamy sits uneasily beside the transparency jurisprudence of *CBSE v. Aditya Bandopadhyay* (2011), *Girish Ramchandra Deshpande* (2013), and *CPIO SC v. Subhash Chandra Agarwal* (2020). The resolution is case-specific: each disclosure must be tested against the three-part proportionality framework. Routine service-record disclosures (designation, pay scale, postings) easily clear the test; disclosures of medical records, private financial data, or intimate relationships of private persons do not.

Related on this site

- The RTI Act, 2005 — current text. Section 8(1)(j).
- Privacy under RTI.
- Privacy of public servants.
- Public interest.
- DPDP Rules, 2025 — the amendment.
- Girish Ramchandra Deshpande (2013) — ACRs and property returns.
- Case law library.

Sources

1. *Justice K.S. Puttaswamy (Retd.) v. Union of India and Ors.*, (2017) 10 SCC 1.
2. Constitution of India, Articles 14, 19, 21.
3. The Right to Information Act, 2005, Sections 8(1)(j) and 8(2).
4. The Digital Personal Data Protection Act, 2023, Section 44(3).

Last reviewed on

20 April 2026

rti, case-law, supreme-court, constitution-bench, privacy, article-21, puttaswamy, 2017



Right to Information Wiki

The working reference for India's Right to Information Act, 2005.



<p>Read online</p> <p>https://righttoinformation.wiki/important-decisions/k-s-puttaswamy-vs-union-of-india</p>	<p>Main website</p> <p>https://righttoinformation.wiki/</p>	<p>Last updated</p> <p>2026/04/20 01:08</p>
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