

Justice K.S. Puttaswamy (retd.) v. Union of India and ors.
(2017) 10 SCC 1 (2017) (Right to Privacy)

- In this case Nine Judges of the apex Court overruled the majority view expressed in ADM Jabalpur v. Shivkant Shukla (1976) 2 SCC 521, held- “The view taken by Justice Khanna must be accepted, and accepted in reverence for the strength of its thoughts and the courage of its convictions...”
- Sanjay Kishan Kaul, J. in his concurring judgment said: “...the ADM Jabalpur case which was an aberration in the constitutional jurisprudence of our country and the desirability of burying the majority opinion ten fathom deep, with no chance of resurrection.”
- In this case, popularly known as Aadhaar Case, the SC held that privacy is a constitutionally protected right which emerges primarily from the guarantee of life and personal liberty in Article 21 of the Constitution.
- Further held that elements of privacy also arise in varying contexts from the other facets of freedom and dignity recognised and guaranteed by the fundamental rights contained in Part III.

“..... When histories of nations are written and critiqued, there are judicial decisions at the forefront of liberty. Yet others have to be consigned to the archives, reflective of what was, but should never have been.”

D.Y Chandrachud J. In Justice K.S. Puttaswamy (retd.) Vs. Union of India and ors.