

REPORTABLE

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION**

WRIT PETITION (CIVIL) NO 494 OF 2012

**JUSTICE K.S.PUTTASWAMY (RETD.),
AND ANR.**

..Petitioners

VERSUS

UNION OF INDIA AND ORS.

..Respondents

WITH

T.C. (CIVIL) NO 151 OF 2013

T.C. (CIVIL) NO 152 OF 2013

W.P.(CIVIL) NO 833 OF 2013

W.P.(CIVIL) NO 829 OF 2013

W.P.(CIVIL) NO 932 OF 2013

CONMT. PET. (CIVIL) NO 144 OF 2014 IN W.P.(C)NO.494/2012

T.P.(CIVIL) NO 313 OF 2014

T.P.(CIVIL) NO 312 OF 2014

S.L.P(CRL.)NO.2524/2014

W.P.(CIVIL)NO.37/2015

W.P.(CIVIL)NO.220/2015

CONMT. PET. (C)NO.674/2015 IN W.P.(C)NO.829/2013

T.P.(CIVIL)NO.921/2015

CONMT.PET.(C)NO.470/2015 IN W.P.(C)NO.494/2012

CONMT.PET.(C)NO.444/2016 IN W.P.(C)NO.494/2012

CONMT.PET.(C)NO.608/2016 IN W.P.(C)NO.494/2012

W.P.(CIVIL)NO.797/2016

CONMT.PET.(C)NO.844/2017 IN W.P.(C)NO.494/2012

W.P.(C) NO.342/2017

AND WITH W.P.(C)NO.000372/2017

ORDER OF THE COURT

1 The judgment on behalf of the Hon'ble Chief Justice Shri Justice Jagdish Singh Khehar, Shri Justice R K Agrawal, Shri Justice S Abdul Nazeer and Dr Justice D Y Chandrachud was delivered by Dr Justice D Y Chandrachud. Shri Justice J Chelameswar, Shri Justice S A Bobde, Shri Justice Abhay Manohar Sapre, Shri Justice Rohinton Fali Nariman and Shri Justice Sanjay Kishan Kaul delivered separate judgments.

2 The reference is disposed of in the following terms:

- (i) The decision in **M P Sharma** which holds that the right to privacy is not protected by the Constitution stands over-ruled;
- (ii) The decision in **Kharak Singh** to the extent that it holds that the right to privacy is not protected by the Constitution stands over-ruled;
- (iii) The right to privacy is protected as an intrinsic part of the right to life and personal liberty under Article 21 and as a part of the freedoms guaranteed by Part III of the Constitution.

(iv) Decisions subsequent to **Kharak Singh** which have enunciated the position in (iii) above lay down the correct position in law.

.....CJI
[JAGDISH SINGH KHEHAR]

.....J
[J CHELAMESWAR]

.....J
[S A BOBDE]

.....J
[R K AGRAWAL]

.....J
[ROHINTON FALI NARIMAN]

.....J
[ABHAY MANOHAR SAPRE]

.....J
[Dr D Y CHANDRACHUD]

.....J
[SANJAY KISHAN KAUL]

.....J
[S ABDUL NAZEER]

New Delhi;
AUGUST 24, 2017