

IN THE SUPREME COURT OF INDIA
 CIVIL ORIGINAL JURISDICTION
WRIT PETITION (C) NO.494 OF 2012

JUSTICE K.S.PUTTASWAMY (RETD) AND ANR.PETITIONER(S)

VERSUS

UNION OF INDIA AND ORS.RESPONDENT(S)

WITH

CONMT.PET.(C) No. 144/2014 In W.P.(C) No. 494/2012
 W.P.(C) No. 220/2015, T.P.(C) No. 313/2014
 T.P.(C) No. 312/2014, SLP(Cr1) No. 2524/2014
 CONMT.PET.(C) No. 844/2017 In W.P.(C) No. 494/2012
 CONMT.PET.(C) No. 674/2015 In W.P.(C) No. 829/2013
 T.P.(C) 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
 W.P.(C) No. 833/2013
 CONMT.PET.(C) No. 608/2016 In W.P.(C) No. 494/2012
 W.P.(C) No. 797/2016, W.P.(C) No. 829/2013
 T.P.(C) No. 1797/2013, W.P.(C) No. 932/2013
 W.P.(C) No. 37/2015, T.C.(C) No. 151/2013
 T.C.(C) No. 152/2013, T.P.(C) No. 1796/2013
 W.P.(C) No. 372/2017

O R D E R

During the course of the hearing today, it seems that it has become essential for us to determine whether there is any fundamental right of privacy under the Indian Constitution. The determination of this question would essentially entail whether the decision recorded by this Court in *M.P. Sharma and Ors. vs. Satish Chandra, District Magistrate, Delhi and Ors.* - 1950 SCR 1077 by an eight-Judge Constitution Bench, and also, in *Kharak Singh*

vs. *The State of U.P. and Ors.* - 1962 (1) SCR 332 by a six-Judge Constitution Bench, that there is no such fundamental right, is the correct expression of the constitutional position.

Before dealing with the matter any further, we are of the view that the issue noticed hereinabove deserves to be placed before the nine-Judge Constitution Bench. List these matters before the Nine-Judge Constitution Bench on 19.07.2017.

Liberty is granted to the learned counsel appearing for the rival parties to submit their written briefs in the meantime.

.....CJI
[JAGDISH SINGH KHEHAR]

.....J
[J. CHELAMESWAR]

.....J
[S. A. BOBDE]

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

.....J
[S. ABDUL NAZEER]

New Delhi;
July 18, 2017.

ITEM NO.501

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s) (Civil) No(s).494/2012

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

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS.

Respondent(s)

WITH CONMT.PET. (C) No. 144/2014 In W.P. (C) No. 494/2012 (PIL-W)

W.P. (C) No. 220/2015 (PIL-W)

T.P. (C) No. 313/2014 (XVI -A)

T.P. (C) No. 312/2014 (XVI -A)

SLP(Cr1) No. 2524/2014 (II-A)

CONMT.PET. (C) No. 844/2017 In W.P. (C) No. 494/2012 (PIL-W)

CONMT.PET. (C) No. 674/2015 In W.P. (C) No. 829/2013 (PIL-W)

T.P. (C) No. 921/2015 (XVI -A)

CONMT.PET. (C) No. 470/2015 In W.P. (C) No. 494/2012 (PIL-W)

CONMT.PET. (C) No. 444/2016 In W.P. (C) No. 494/2012 (PIL-W)

W.P. (C) No. 833/2013 (PIL-W)

CONMT.PET. (C) No. 608/2016 In W.P. (C) No. 494/2012 (PIL-W)

W.P. (C) No. 797/2016 (PIL-W)

(FOR [PERMISSION TO FILE ANNEXURES] ON IA 4/2016

FOR [DIRECTIONS] ON IA 5/2017

FOR STAY APPLICATION ON IA 6/2017)

W.P. (C) No. 829/2013 (PIL-W)

T.P. (C) No. 1797/2013 (XVI -A)

W.P. (C) No. 932/2013 (PIL-W)

W.P. (C) No. 37/2015 (PIL-W)

T.C. (C) No. 151/2013 (XVI -A)

T.C. (C) No. 152/2013 (XVI -A)

T.P. (C) No. 1796/2013 (XVI -A)

W.P. (C) No. 372/2017 (X)

Date : 18-07-2017 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE J. CHELAMESWAR

HON'BLE MR. JUSTICE S.A. BOBDE

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

HON'BLE MR. JUSTICE S. ABDUL NAZEER

Counsel for the parties

Mr. Shyam Divan, Sr. Adv.

Mr. Vipin Nair, AOR

Mr. P.B. Suresh, Adv.

Mr. Udayaditya Banerjee, Adv.
Mr. S. Prasanna, Adv.
Ms. Samiksha Godiyal, Adv.
Mr. Abhay Pratap Singh, Adv.
Mr. Govind Manoharan, Adv.

Ms. Aishwarya Bhati, AOR

M/s K J John And Co, AOR

Mr. J.M. Kalia, Adv.
Mr. D. S. Mahra, AOR

Mr. Prashant Bhushan, AOR
Ms. Neha Rathi, Adv.
Mr. Pranav Sachdeva, Adv.

Dr. Abhishek Atrey, AOR
Mr. Ravindra Lokhande, Adv.

Mr. Shadan Farasat, AOR

Ms. Jyoti Mendiratta, AOR

Mr. Anish Kumar Gupta, AOR
Mr. Chandra Shekhar Suman, Adv.
Mr. R.K. Rajwanshi, Adv.
Mrs. Rita Gupta, Adv.
Ms. Priyanka Parida, Adv.
Ms. Deepshikha Bharati, Adv.

Mr. Lalit Bhasin, Adv.
Ms. Nina Gupta, Adv.
Mr. Mudit Sharma, Adv.

Mr. Gopal Subramanian, Sr. Adv.
Ms. Archana Pathak Dave, AOR
Mr. Talha Abdul Rehman, Adv.
Mr. Jaideep Singh, Adv.
Mr. Ankur Kashyap, Adv.
Mr. Prateek Chadha, Adv.
Ms. Radhika Sharma, Adv.

Mr. Aravind Datar, Sr. Adv.
Ms. Geetha Kovilan, AOR
Mr. P.R. Kovilan, Adv.
Mr. M.K. Aswathi, Adv.

Mr. Rahul Narayan, AOR

Mr. Pranaya Kumar Mohapatra, AOR

Mr. Chitta Ranjan Mishra, Adv.

Mr. Bhanu Pratap Singh, Adv.

Mr. D.P. Singh Yadav, Adv.

Mr. K.K. Venugopal, AG

Mr. Tushar Mehta, ASG

Mr. Zoheb Hossain, AOR

Mr. Rajat Nair, Adv.

Mr. Ankur Talwar, Adv.

Ms. Shraddha, Adv.

Mr. Acharya Sengupta, Adv.

Ms. Devika, Adv.

Mr. Sajan Poovayya, Sr. Adv.

Mr. Priyadarshi Banerjee, Adv.

Mr. Pratibhanu S. Kharola, Adv.

For Mr. E. C. Agrawala, AOR

Mr. Milind Kumar, AOR

Mr. Gopal Singh, AOR

Ms. Vimla Sinha, Adv.

Mr. Rituraj Biswas, Adv.

Mr. Amit Sharma, AOR

Mr. Dinkar Kalra, AOR

Mr. Jayant Bhushan, Sr. Adv.

Mr. H. S. Parihar, AOR

Mr. K.S. Parihar, Adv.

Mr. K. Ramamoorthy, Sr. Adv.

Mr. Dipak K. Nag, Adv.

Mr. Sanjiv Das, Adv.

Mr. Parmanand Gaur, Adv.

Mr. Kalyan Bandopadhyay, Sr. Adv.

Mr. Soumitra G. Chaudhuri, Adv.

Mr. Chanchal K. Ganguli, Adv.

Mr. Mohit D. Ram, AOR

Mr. S. Udaya Kumar Sagar, AOR

Mr. Guntur Prabhakar, AOR

Mr. Gopal Sankaranarayanan, Adv.

Ms. Savita Singh, AOR

Mr. Jayant Mohan, AOR

Mr. Sanjay Kapur, AOR
Ms. Megha Karnwal, Adv.
Ms. Mansi Kapur, Adv.
Ms. Shubhra Kapur, Adv.

Mr. C.A. Sundaram, Adv.
Mr. Nishant Ramakantrao Katneshwarkar, AOR

Mr. Ranjan Mukherjee, AOR

Mr. T. G. Narayanan Nair, AOR
Mr./Ms. Nitya Madhusoodhanan, Adv.

Mr. V. G. Pragasam, AOR
Mr. Prabhu Ramasubramanian, Adv.

Mr. Jagjit Singh Chhabra, AOR

Mr. Jatinder Kumar Bhatia, AOR
Mr. Ashutosh Kumar Sharma, Adv.

Mr. Abhinav Mukerji, AOR

Mr. Mishra Saurabh, AOR

Mr. Manish Vashishtha, AOR

Mr. Sanjay Kumar Visen, AOR
Mr. Anil Grover, AAG
Mr. Mishal Vij, Adv.

Mr. Shiv Mangal Sharma, AAG
Mr. Lalit Mohapatra, Adv.
Ms. Ruchi Kohli, AOR

Mr. S. Mukerjee, Adv.
Mr. Manoj K. Mishra, AOR
Mr. Umesh Dubey, Adv.

Ms. Aruna Mathur, Adv.
Mr. Avneesh Arputham, Adv.
Ms. Anuradha Arputham, Adv.
Mr. Amit Arora, Adv.
For M/s Arputham Aruna & Co, AOR

Mr. J.S. Attri, Sr. Adv.
Mr. Varinder Kumar Sharma, AOR
Mr. Chandra Nand Jha, Adv.

M/s Corporate Law Group, AOR

Mr. Jugal Kishore Gilda, AG
Mr. Aniruddha P. Mayee, AOR
Mr. Charudatta Mahindrakar, Adv.
Mr. A. Selvin Raja, Adv.
Mr. A.M. Oza, Adv.
Mr. Chirag Jain, Adv.

Mr. Garvesh Kabra, AOR

Mr. Arjun Khera, Adv.
Mr. Sahil Khanna, Adv.
Mr. Harish Pandey, AOR

Mr. R. Sudhinder, Adv.
Mr. Ashok Mathur, AOR
Ms. Amrita Sarkar, Adv.

Mrs. Anil Katiyar, AOR

Mr. Anip Sachthey, AOR

Mr. Rakesh Diwedi, Sr. Adv.
Ms. Hemantika Wahi, AOR
Ms. Jesal Wahi, Adv.
Ms. Shodhika Sharma, Adv.

Mr. Anand Grover, Sr. Adv.
Mr. Prasanna S., Adv.
Ms. Pripti Tandon, Adv.
Ms. Lorainne Misquita, Adv.
Mr. Suraj Sanap, Adv.
Ms. Priyam Cheriyan, Adv.
Ms. Srinidih Rao, Adv.
Mr. Vijayant Singh, Adv.
Mr. Apar Gupta, Adv.
Mr. Nipun Saxena, Adv.
Mr. Anando Mukherjee, Adv.

Ms. Anitha Shenoy, AOR

Applicant-in-person, AOR

Mr. Jogy Scaria, AOR

Mr. Wills Mathews, Adv.
For Mr. Rabin Majumder, AOR

Mr. Sapam Biswajit Meitei, Adv.
Mr. Naresh Kumar Gaur, Adv.
Mr. Ashok Kumar Singh, Adv.

Mr. K.V. Jagdishvaran, Adv.
Mrs. G. Indira, Adv.

Mr. C.D. Singh, AAG
Ms. Shivali Chaudhary, Adv.
Ms. Sakshi Kakar, Adv.

Mr. Joseph Aristotle S., Adv.
Mrs. Priya Aristotle, Adv.
Mr. Ashish Yadav, Adv.
Ms. Romsha Raj, Adv.

Mr. Tapes K. Singh, Adv.
Mr. Mohd. Waques, Adv.

Ms. Tannishtha Singh, Adv.
Ms. Ayushi Gupta, Adv.
For M/s. Meharia & Company, AOR

Mr. M. Shoeb Alam, Adv.
Ms. Fauzia Shakil, Adv.
Mr. Ujjwal Singh, Adv.
Mr. Mojahid Karim Khan, Adv.

Mr. Julien George, Adv.
Mr. Arjun Ranganathan, Adv.
Mr. Yatin Garg, Adv.
Mr. Nikhil Nayyar, Adv.

Mr. Karan Bharihoke, Adv.

Mr. Nishe Rajen Shonker, Adv.
Mr. Anu K. Joy, Adv.

UPON hearing the counsel the Court made the following
O R D E R

List these matters before the Nine-Judge Constitution Bench on
19.07.2017, in terms of the signed order.

(Sanjay Kumar-II)
Court Master

(Indu Kumari Pokhriyal)
Branch Officer

(Renuka Sadana)
Assistant Registrar

(Signed Order is placed on the file)