

AS INTRODUCED IN THE RAJYA SABHA
ON THE 5TH DECEMBER, 2025

Bill No. XXXIII of 2025

THE CONSTITUTION (AMENDMENT) BILL, 2025

A

BILL

further to amend the Constitution of India.

BE it enacted by Parliament in the Seventy-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2025.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Insertion of
new article
21B.

Right to
Privacy and
Digital Rights

2. After article 21A of the Constitution, the following new article shall be inserted, namely:—

“21B. (1) Every citizen shall have the right to privacy, which shall include the right to personal autonomy, bodily integrity, dignity, and protection of personal data. 5

(2) Every citizen shall have the right to control the collection, storage, use, processing and dissemination of their personal data, both online and offline, subject to reasonable restrictions imposed by law in the interest of:

- (a) national security,
- (b) public order, 10
- (c) prevention of crime,
- (d) protection of the rights and freedoms of others, and
- (e) sovereignty and integrity of India.

(3) The State shall ensure that no citizen shall be subjected to surveillance, interception of communication, or profiling by automated systems, except in accordance with the procedure established by law. 15

(4) Every citizen shall have the right to:—

- (a) secure communication;
- (b) be informed when automated systems are used to make decisions affecting their rights; and 20
- (c) seek explanation for such decisions.

(5) Parliament may, by law, provide for the enforcement and protection of the rights guaranteed under this article and promote digital literacy and data ethics.”

STATEMENT OF OBJECTS AND REASONS

In the 21st century, the digital revolution has transformed how individuals communicate, access information, and conduct their personal and professional lives. With this transformation, the concept of privacy has expanded beyond physical spaces into the digital realm.

Firstly, technology evolves at a rapid pace, often outstripping existing legal frameworks. Traditional rights to privacy, as understood in classical constitutional law, primarily protect physical privacy—such as protection against unlawful searches and seizures. However, digital privacy concerns include the collection, storage, and processing of massive amounts of personal data by both Governments and private entities. Without explicit constitutional safeguards, individuals remain vulnerable to invasive surveillance, unauthorized data sharing, and breaches of confidentiality in the digital space.

Secondly, the digital environment poses new forms of threats that the Constitution framers did not foresee. Cybercrimes like identity theft, phishing, hacking, and unauthorized use of personal information can cause serious harm to individuals. Governments and corporations often collect and analyze personal data for various purposes—ranging from national security to targeted advertising—sometimes without adequate transparency or consent. A dedicated constitutional provision ensures clear limits on such practices and provides citizens with enforceable rights and remedies.

Thirdly, privacy is a fundamental aspect of personal autonomy and dignity. In the digital age, control over personal data and online identity is crucial for protecting freedom of thought, expression, and association. Without protection, individuals may face censorship, discrimination, or repression based on their digital footprint. Recognizing digital rights constitutionally empowers citizens to safeguard their freedom in cyberspace, just as they do in physical spaces.

Furthermore, a separate constitutional provision provides legal clarity and consistency. It helps establish clear obligations for Governments and private actors, mandates transparency, and defines redress mechanisms for violations. This clarity is vital for judicial interpretation, policymaking, and technological innovation that respects human rights.

Lastly, with increasing global emphasis on data protection—through frameworks like the General Data Protection Regulation (GDPR) in Europe and similar laws worldwide—incorporating digital rights constitutionally aligns a nation with international human rights standards. This fosters trust in digital ecosystems, promotes responsible governance, and protects citizens in a connected world.

Though the Supreme Court of India in *Justice K.S. Puttaswamy (Retd.) vs. Union of India* (2017) recognized the right to privacy as a fundamental right under Article 21 of the Constitution, the absence of an explicit textual provision in the Constitution has led to interpretational inconsistencies and weak enforcement. With the rapid expansion of digital technologies, there is a compelling need to recognize Digital Rights, including informational privacy, protection from surveillance, algorithmic transparency, and control over personal data.

In conclusion, a separate constitutional provision on the Right to Privacy and Digital Rights is necessary to comprehensively protect individuals in the digital era. It ensures that fundamental rights evolve alongside technology, addressing new challenges while safeguarding personal freedoms and dignity in an increasingly digital society.

This amendment seeks to:

- (i) insert a new Article 21B explicitly recognizing the Right to Privacy and Digital Rights;
- (ii) enable Parliament to legislate comprehensive frameworks to protect these rights.

Hence, this Bill.

A.D. SINGH

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(Shri A. D. Singh, M.P.)