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4:52 pm IST
Apr 24, 2012 **POLITICS**

What Singhvi's Video Means for Privacy

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By **MARGHERITA STANCATI**



— Sam Panthaky/Agence France-Presse/Getty Images
A video purportedly showing Congress leader Abhishek Manu Singhvi, far left, having sex with a woman could have repercussions that go beyond immediate concerns over its legality.

A leaked video purportedly showing senior Congress politician Abhishek Manu Singhvi having sex with a woman in his office raises questions about how to balance the right to privacy with public interest.

The video first surfaced earlier this month. Monday, Mr. Singhvi quit from his post as party spokesman and chairman of a parliamentary committee. In a [statement](#), he explained he resigned because he is “a disciplined party soldier” and as such, he “did not think it fit to subject the party to any inconvenience.”

Mr. Singhvi said he had been blackmailed by his driver, who threatened to release the CD.

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This was a rare (and extreme) example of the private life of an Indian politician being thrust into the limelight.

Mr. Singhvi, who says the CD containing the images was fabricated, tried his best to prevent the video from leaking. He failed. Although a Delhi court said the content could not be shared through media outlets, the video eventually made its way on the Internet, where it went viral.

While watching the video – or pornography in general – is not illegal in India, directly sharing it online is. This means that if you posted the video on Facebook or forwarded it via email to a friend, you probably broke the law. According to India's Information and Technology Act, distributing obscene material electronically is an offence punishable by up to five years in prison.

Note that this applies only if you upload or embed obscene material – if you are merely forwarding a link, you are not breaking the law. “If you are merely putting a link, that is not obscene. The text per se is not obscene,” says Pavan Duggal, a lawyer who specializes in cyber crime. For instance, posting the link to the video on Twitter is not illegal, according to Mr. Duggal.

The video of Mr. Singhvi could have repercussions that go beyond immediate concerns over its legality. Above all, it raises questions on where to draw the line between privacy and censorship.

Key to this debate is whether the content of material caught in sting operations serves the public interest or whether it's merely sensationalist. It's unclear whether Mr. Singhvi's

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video does serve a public interest. In his statement, Mr. Singhvi denied having offered the woman in the video help to secure a post as a judge, something several media outlets had reported.

He claimed the CD "raises no public interest issue, yet evokes salacious private and prurient interest and contumacious internet violation of a flagrant kind." He called on India's political and professional class to "respect privacy issues."

It is undeniable that the video, caught on hidden cameras, is a violation of privacy. As a result, this episode may eventually encourage more voices in support of the right to privacy.


Mr. Duggal is already one of them: "I personally believe that the Singhvi case is a wake up call case, a wake up call to the Indian nation to come up with a strong law on privacy."

Others worry that, in a bid to protect privacy, the balance may tilt closer to censorship.

"If we don't take a nuanced approach [to protecting privacy], this could have unintended consequences on freedom of expression," said Sunil Abraham, executive director at the Center for Internet and Society, a Bangalore-based research group.

Indian policymakers are in the early stages of drafting a privacy bill. It is currently being reviewed by the Planning Commission, which is expected to release a report with its recommendations in the next few months. Mr. Abraham is part of a team of experts currently working with the Planning Commission on this.

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7:38 pm May 14, 2012

Abhi abhi to baki hai wrote:

when BJP Mps caught watching porn pics in mobile in karnataka assembly the media made it a huge issue and fell behind BJP continuously for a number of days. The media tried in every possible way to spoil BJP's image. Now what happened to the media? why dont they raise this

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abhishek manu singhvi sex scandal CD issue? Why dont they ask questions to the congress people? Why dont they make this big issue? Why dont they show this on news channels? why dont they debate about this sex cd? There is no freedom of speech. These news channels are paid channels. The congress is paying money to them so they are showing news in favour of congress and against BJP. News channels should show the truth but in India news channels are creating false news and diverts peoples mind. These channels are misusing freedom of speech and cheating people.

8:06 pm May 1, 20 Recommended post

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when aperson hol political party whi morally high and s atleast we should where leaders quit politics on moral grounds. this is not only for congress but for all parties

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represents the oldest struggle , he has to be up his immoral acts.

3:29 pm May 1, 2012

oops wrote:

Its all about how much American companies hold our economy to ransom. Singhvi or no Singhvi, it is my believe that social media depends on the Indian audience so it can thrive and third world nations and their leaders are merely muppets to the grand econo-vangelisation plans of capitalistic forces from the west. The video wouldn't have gone viral had we lived in the exclusively TV radio age. But capitalism has a price. Perhaps this is one and Singhvi and the powers that be are paying the price ...huge or small.

5:24 pm April 30, 2012

Anonymous wrote:

It may be a violation of one person's privacy, but when someone is in public life, is head of a very very important committee, their privacy levels have to be different. When a person enters public life, and aspires to reach high levels of power, their morality is of utmost importance.

4:02 am April 29, 2012

ghoshbabu wrote:

Social websites are conducting an illegal crime by abetting a blackmailer who is holding someone against a moral issue. If morality was so high why shoudl not we go and flog Vidya Balan publicly and all Bollywood actresses who are always trading stuff for s favors and then pretending to be sati savitiris

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