

AS INTRODUCED IN RAJYA SABHA
ON THE 25TH FEBRUARY, 2011

Bill No. LX of 2010

THE RIGHT TO PRIVACY BILL, 2010

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BILL

to provide for the protection of right to privacy of persons including those who are in public life so as to protect them from being blackmailed or harassed or their image and reputation being tarnished in order to spoil their public life and for the prevention of misuse of digital technology for such purposes and for matters connected therewith and incidental thereto.

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

- 1.** (1) This Act may be called the Right to Privacy Act, 2010.
- (2) It extends to the whole of India.
- (3) It shall come into force with immediate effect.

Short title,
extent and
commencement.

Definitions.	<p>2. In this Act, unless the context otherwise requires,—</p> <p>(a) "digital recording" means recording made by a process of converting sound into a series of electrical pulses and to create text, data, picture which may be still or moving or any other audio visual representation of signal or any combination thereof which is capable of being created, processed, stored, retrieved or communicated electronically and which may be created, observed, delivered, broadcasted or accessed in any manner; and</p> <p>(b) "persons in public life" includes the representatives of the people in Parliament, State Legislatures, local self Government bodies and office bearers of recognised political parties.</p>	5 10
Right to privacy.	<p>3. (1) Notwithstanding anything contained in any other law for the time being in force every person, including persons in public life shall have the right to privacy which shall be exclusive, unhindered and there shall be no unwarranted infringement thereof by any other person, agency, media or any one:</p> <p>Provided that sub-section (1) of section 3 shall not apply in cases of corruption and misuse of official position by person in public life.</p>	15
Cellular phone with in built camera should produce sound and to have flash light.	<p>4. No person shall use a cellular phone with an in built camera, if it does not produce a sound of at least sixty-five decibles and flash a light when used to take a picture of any object or person, as the case may be.</p>	
No person to make digital recording, etc. without consent.	<p>5. Notwithstanding anything contained in any other law for the time being in force, no person shall make digital recording or take photographs or make videography in any manner whatsoever of,—</p> <p>(a) any part or whole of a human body which is unclothed or partially clothed without the consent of the person concerned; or</p> <p>(b) any part or whole of a human body at any public place without the consent of the person concerned; and</p> <p>(c) the personal and intimate relationship of any couple in a home, hotel, resort or any place within the four walls by hidden digital other cameras and such other instruments.</p> <p>with the intent of blackmail or of making commercial gains from it or otherwise.</p>	20 25 30
Penalty.	<p>6. Whoever contravenes or causes to be contravened the provisions of,—</p> <p>(i) section 3 shall be punishable with imprisonment for a term which shall not be less than four years but may extend to seven years and also with a fine which may extend to five lakh rupees;</p> <p>(ii) section 4 shall be punishable with fine which may extend to fifty thousand rupees;</p> <p>(iii) section 5 shall be punishable with imprisonment for a term which may extend to three years and also a fine which may extend to two lakh rupees.</p>	35
Offence to be cognizable.	<p>7. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 every offence punishable under this Act shall be cognizable.</p>	2 of 1974. 40
Act to have overriding effect.	<p>8. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.</p>	
Power to make rules.	<p>9. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.</p>	

STATEMENT OF OBJECTS AND REASONS

Every person has the right to privacy exclusively meant for him to enjoy unless it does not violate any provisions of law for the time being in force. But these days this right has become the subject matter of hot debate throughout the country particularly after the recent Multi-Media Messaging Service (MMS) episodes which have thrown up some important questions about the lacunae in our existing laws and threats of digital technology. Comercialization of sex and easy availability of internet has opened new vistas in pornography. Advancement of technology has made photography by cell phone cameras and videography by small equipment which could be hidden easily which are now employed with impunity to secretly capture private images and intimate moments of women or couples or friends and, thereafter, used to embarrass or blackmail the unsuspecting victims. It is the duty of the State to prevent the misuse of new advancements in technology and protect the right of privacy of its citizens by providing deterrent punishment for the violaters.

Hence, this Bill.

RAJEEV CHANDRASEKHAR

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules to carry out the purposes of the Bill. It will relate to matters of details only. The delegation of legislative power is of normal character.

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(Shri Rajeev Chandrasekhar, M.P.)