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# The Paradox of Transparency: Privacy Rights in the Age of Surveillance

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## ABSTRACT

*The paradox of transparency in the context of politicians' privacy versus public interest is a complex and enduring debate in democratic societies. This research paper explores the tension between the right to privacy of public officials and the public's right to access information about their private lives, particularly in the context of political accountability and governance. The paper examines key arguments on both sides of the debate, including the impact of privacy on political participation, the role of transparency in exposing hypocrisy, and the implications of recent legal rulings, such as the Indian Supreme Court's verdict on the Electoral Bond Scheme. By analyzing these issues, the paper aims to provide a nuanced understanding of how privacy and transparency intersect in the political sphere and their implications for democratic governance.*

## I. INTRODUCTION

Humans are inherently social beings, yet there are aspects of life that individuals prefer to keep private. Privacy, as a fundamental facet of liberty, ensures that individuals have control over their personal information, protecting it from unauthorized access or misuse. In the political realm, however, the right to privacy becomes a contentious issue. Politicians, as public figures, wield significant power and influence, which raises questions about the extent to which their private lives should be subject to public scrutiny<sup>1</sup>. This tension between privacy and public interest is at the heart of the debate on political transparency.

The public's insatiable appetite for information about the private lives of political leaders has led to intense scrutiny of their personal and family lives. While some argue that such transparency is necessary to hold politicians accountable and expose hypocrisy, others contend that excessive intrusion into private lives may deter qualified individuals from entering politics. This debate is further complicated by recent legal developments, such as the Indian Supreme Court's decision to strike down the Electoral Bond Scheme, which highlighted the delicate balance between donor privacy and the public's right to know about political funding.

This paper seeks to explore the multifaceted nature of this debate by examining the arguments

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for and against politicians' right to privacy, the implications of transparency on governance, and the role of legal frameworks in shaping the boundaries of privacy in the political sphere. By doing so, it aims to contribute to a deeper understanding of how privacy and transparency can coexist in a democratic society, ensuring both accountability and the protection of individual rights.

## **II. POLITICIANS RIGHT TO PRIVACY**

From Aam Aadmi Party flying in Business Class, Old video of Chirag Paswan rehearsing for a video message a day after the death of his father, to Jay Shah (son of Home Minister AMIT Shah) appointed as the secretary of BCCI, the private and family lives of our political leaders have been subject to intense scrutiny in recent decades. The public appears to have a voracious appetite for such reportage. Political privacy is a perennial problem of representative democracy, as it cuts to the heart of the relationship between citizen and representative, yet it remains surprisingly under theorised.<sup>2</sup>

Public officials hold positions of power and influence that directly impact society as a whole; this level of responsibility prompts the acknowledgement that assuming such roles often entails a relinquishment of certain aspects of one's private life. The political privacy debate is typically structured as a balance between the public interest in having access to information about their politicians' private lives and politicians' private interest in controlling who can access that information. The greater the power of the political officeholder, the greater the public interest in knowing about their private life. Restricting political leaders' private rights may reduce the number of qualified candidates for political positions. Many individuals who have lived active and varied lives have made mistakes. Life is full of embarrassing blunders and failures, which are unavoidable for adult individuals. The public exposure of private shortcomings can be a strong deterrent to political participation. Losing one's privacy, as well as the privacy of one's family, raises the cost of running for political office and may discourage qualified candidates.

Instead, access to a politician's personal life is required in order to expose their hypocrisy. Investigating a person's private behavior to determine whether it aligns with their public statements regarding private matters is necessary if hypocrisy is defined (approximately) as a discrepancy between their stated beliefs and actions (i.e., saying one thing while knowing that they are doing another).

The right to privacy is a fundamental principle protected by constitutions and laws globally. However, its boundaries are often debated, particularly when it comes to public officials. Politicians, as elected representatives, frequently assert their right to privacy, but many argue

that this right should not extend to those who hold public office. The discussion revolves around two key questions: first, whether the right to privacy is absolute for everyone, or if the public's right to know about those they elect takes precedence, and second, whether removing politicians' right to privacy would enhance their performance and lead to better governance.

This debate is fueled by numerous scandals involving the private lives of public figures over the years. While some scandals involve less consequential aspects of personal behavior, such as religious beliefs, the majority that capture public attention involve various forms of sexual misconduct. One notable example often cited in this debate is the Delhi liquor scam. A more recent case is the Prajwal Revanna sex scandal. These personal transgressions have spilled into the public domain, significantly affecting the careers and lives of the politicians involved.

The following arguments aim to outline the primary perspectives presented by both sides in this long-standing debate. In doing so, it generally refers to politicians as elected representatives, though the reasoning behind most arguments also applies to appointed positions in public service. When discussing "no right to privacy," this debate considers a range of transparency and public scrutiny measures that would expose most aspects of politicians' private lives. It also seeks to justify the practice of journalists actively investigating the personal lives of public figures. While different boundaries may exist, and the extent of public scrutiny could vary, for the sake of clarity and simplicity in this two-sided debate, the loss of the right to privacy is treated here as if it were entirely relinquished by politicians.

### **III. ELECTORAL BONDS SCAM**

#### **In a recent incident Privacy and Politicians: The Electoral Bond Scheme Verdict**

The Indian Supreme Court's recent verdict striking down the Electoral Bond Scheme (EBS) underscores a crucial debate: the balance between donor privacy and the public's right to information about political funding. The ruling reaffirmed that while privacy is a fundamental right, it cannot be used to shield electoral financing from public scrutiny, particularly when it affects democratic accountability.<sup>3</sup>

Introduced in 2018, the EBS allowed individuals and corporations to make anonymous donations to political parties. The government justified this scheme by arguing that donor privacy was essential to prevent harassment or retribution. However, the Supreme Court ruled that this secrecy undermined democratic principles by depriving voters of crucial information about political funding.

While the scheme maintained that neither the public nor opposition parties could access donor

details, the government, through its control over the authorized bank, had potential access to this information. This asymmetry in knowledge created concerns about political favoritism, quid pro quo arrangements, and undue influence of wealthy donors over policymaking—directly contradicting the principles of free and fair elections.

The Court applied a **double proportionality test**, weighing the right to donor privacy against the public's right to information. It found that while privacy in political affiliations is valid, it should not extend to financial contributions influencing public policy. Instead, transparency in political donations strengthens voter autonomy by allowing them to assess whether corporate or individual donations have led to biased policymaking.

### **(A) Implications of the Verdict**

By striking down EBS, the ruling prioritizes electoral transparency over absolute donor confidentiality. The Court recognized that unchecked anonymity in political funding fosters undue political influence and undermines voter trust. This verdict not only strengthens democracy but also reaffirms that politicians, as public figures, cannot invoke privacy to shield funding sources that impact governance.

The case highlights that public officials, particularly those in positions of power and responsibility, are expected to adhere to high standards of ethical conduct. When these standards are violated, public trust is significantly eroded. While politicians are entitled to a fundamental right to privacy, this right does not protect them from scrutiny in matters of public interest, especially in instances involving corruption scandals<sup>4</sup>. The Delhi Liquor Scam underscores the **need for a fair balance**—The Delhi Liquor Scam involved allegations of financial mismanagement and kickbacks to ministers. Investigating agencies (CBI, ED) conducted probes, gathering personal and financial data of those involved. While privacy laws protect individuals from unjustified surveillance, they do not shield politicians from lawful investigations into misuse of office or public funds. This Scam is an alleged political scandal involving the Aam Aadmi Party (AAP) government and its Excise Policy (2021–22). This policy aimed to privatize the liquor business in Delhi, allowing private enterprises to operate retail liquor stores. However, it soon became the center of corruption allegations, with claims of bribery, favoritism, and financial irregularities benefiting select businesses and political figures.

## **IV. DATA PROTECTION FOR CITIZENS**

In an era where digital interactions and technological progress dominate, concerns about data privacy have grown increasingly urgent. The widespread surveillance conducted by both

governments and corporations presents major obstacles to protecting personal information online<sup>5</sup>. As people navigate the complexities of the digital world, they frequently grapple with the trade-off between convenience and privacy, prompting crucial discussions about the limits of surveillance and the strategies needed to safeguard sensitive data.

The survey conducted by PwC India highlights that just 16% of consumers are aware of the DPDP Act across different regions, age groups, professions, and urban-rural demographics. Moreover, 56% of consumers are unaware of their rights regarding personal data, while 69% do not know they have the right to withdraw consent<sup>7</sup>. Additionally, 72% of respondents are unaware that handling a minor's personal data requires consent from a parent or guardian.

Governments and corporations frequently amass large volumes of data, including browsing habits, social media interactions, location tracking, and biometric details<sup>6</sup>. While this is often justified in the name of national security, law enforcement, or targeted marketing, the unchecked collection of personal information raises serious concerns about mass surveillance and its effects on privacy rights.

### **(A) The Boat Scandal**

The Boat Scandal serves as a harsh reminders of the dangers associated with citizen's fragile data. Here's a paraphrased version of your text:

Over 7.5 million boAt customers' data has surfaced on the dark web, exposing personally identifiable information (PII) such as names, addresses, contact numbers, email IDs, and customer IDs, which are now available for purchase.

On April 5, a hacker known as **ShopifyGUY** claimed responsibility for breaching the data of boAt Lifestyle, a brand specializing in audio products and smartwatches. The hacker released approximately **2GB of compromised data**, containing **7,550,000 customer records** on an online forum.

The impact of such data breaches extends beyond the immediate exposure of personal details. Victims are at increased risk of **financial fraud, phishing scams, and identity theft**. Cybercriminals can exploit this information to orchestrate **social engineering attacks**, gaining access to bank accounts, conducting unauthorized transactions, and committing credit card fraud.

For companies, the repercussions include **loss of customer trust, legal liabilities, and reputational damage**. Given these serious implications, implementing robust cybersecurity measures is more critical than ever. (forbes)

## V. CONCLUSION

In this paper, we emphasized on question of privacy to public individuals which may seems necessary but can be against public interest ,it is regarded that when a person serves himself to society there is no query of privacy against them and on the other hand a citizen's information and it's data must be protected at any coast, these day to day data leak and use of spyware brings individuals trust at the verge of collapse. Leniency in protecting a person's identity by the government raises serious concerns.

Privacy is a fundamental right for individuals and applies to the personal matters of public figures as well. However, it is neither reasonable nor justified for public figures to assert privacy over their official responsibilities, such as governance, policymaking, corporate affairs, ministry formation, and politics.

Furthermore, privacy should not be mistaken for secretive business dealings that undermine public institutions. When a crime occurs, suspects must undergo investigation and questioning. Those implicated in unlawful activities cannot claim privacy as a shield to protect their identities or hide criminal actions under the pretext of the right to life.

The paradox of Transparency in the context of politicians' privacy versus public interest continues to be a complex and evolving issue in democratic societies. This discussion has examined the delicate balance between the right to privacy of public officials and the public's right to access information about their private lives, particularly in relation to political accountability and governance. While privacy is a fundamental right, its application to public figures must be carefully evaluated against the public's demand for transparency to ensure accountability and maintain trust in democratic institutions.

The arguments presented in this paper highlight the multifaceted nature of this debate. On one hand, excessive intrusion into the private lives of politicians can deter qualified individuals from entering politics, thereby reducing the pool of capable leaders. On the other hand, transparency is essential to expose hypocrisy, corruption, and unethical behavior, which are detrimental to democratic governance. The Indian Supreme Court's verdict on the Electoral Bond Scheme serves as a landmark example of how transparency in political funding can strengthen democratic accountability by ensuring that voters have access to crucial information about the sources of political financing.<sup>8</sup>

However, the debate does not end here. The increasing digitization of society and the proliferation of data collection by both governments and corporations have added new dimensions to the privacy-transparency paradox. The Boat Scandal, for instance, underscores

the vulnerabilities of citizens' data and the urgent need for robust cybersecurity measures to protect personal information from breaches and misuse. This incident also highlights the broader implications of data privacy for public trust in institutions, as citizens increasingly demand greater protection of their personal information in the digital age.

### **(A) Final Thoughts**

The tension between privacy and transparency is unlikely to be resolved entirely, as it is rooted in the fundamental principles of democracy and individual rights. However, by fostering a nuanced understanding of these issues and implementing thoughtful policies, societies can strike a balance that upholds both accountability and the protection of personal freedoms. The ultimate goal should be to create a political environment where transparency strengthens democracy without eroding the privacy rights that are essential to individual dignity and autonomy.<sup>9</sup>

In conclusion, the debate over politicians' privacy versus public interest is not just a theoretical exercise but a practical challenge that requires ongoing dialogue, legal innovation, and ethical commitment. By addressing these issues head-on, democratic societies can ensure that transparency serves as a tool for accountability rather than a weapon of intrusion, and that privacy remains a safeguard for individual rights without becoming a shield for corruption.

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