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RELIGIOUS PERSPECTIVE OF PRIVACY IN INDIA

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3.1 An Overview

Man’s need for Privacy is rooted in his animal origins and that men and animals share several basic mechanisms for claiming privacy among their own fellows. But human beings are individuated differently in different culture. The value of a culture lies not only in raising and enlarging the internal man but also in shaping his external existence and advancement towards high and great ideals. Thus the growth of man’s total personality is, to a great extent, predicated upon a sound political, economic and social institution.

India is very rich in its customs and traditions which keep it people binding together. In India Hindus, Muslims, Christians, Sikhs and many other religious sects live side by side in relative harmony. The right to privacy is one of the fundamental rights recognized in the world over. If we go through the religious texts we find special references to privacy in ancient Greek Literature, in various Sanskrit epics viz The Mahabharata and The Ramayana and in Puranic literature. In Islam the principles that define the boundaries of privacy are rooted in the textual source of Islamic law, The Quran and The Sunna (Tradition) of the Prophet Mohammad (PBUH). In Christianity Privacy is accepted as a social norms, one can see several references of privacy in the Holy Bible. In the present chapter researcher is trying to analyze religious aspects of privacy in different religions. And how the need of privacy was accepted by ancient societies? Is the evolution of privacy as a legal right of recent origin? All these issue will be discussed in details.

3.2 Privacy under Hinduism

न विश्ववासाज्जा परस्यर्गों गच्छेत्रर्षेत यानो विकाले।
न चतुरे निशि लिष्टे त्रिगूढो न राजन्या योषितं प्रार्थ्यत।।

(Udhyog Parva207)
(Mahabharata)

Hinduism is the third largest and the oldest religion of the world No one is actually certain how old is Hinduism but it can be said with certainly that Indus valley civilization contributed some ideas to Hindu religion. One
commentator describes Hinduism as, .....More than just a creed it is a total culture, a way of life based on the belief in the unity of all creation. Hindus, see humankind not as an entity separate from animals, but rather as an integral part of the universe that includes all living creatures. In Hindu doctrine, all living creatures, including insects, plants, trees are thought to enjoy a kinship with one another and to be worthy of respect and life.¹

Every society in the course of its Evolution gathers certain intellectual ethical and spiritual values. The aggregate of these values can perhaps be said to be the culture of society at a given period of time. The belief, the dogmas, the prediction and the antipathies of the people constituting the society have all a share in the formulation of these values. In matters of religious and spiritual pursuits interference or disturbance of any kind was prohibited. The following text of Rig-Veda clearly establishes the concern and awareness of privacy in the ancient society.²

य आस्ते यशव चरति यशव पश्यति नो जनः।
तेषा स हमनो अश्वाणि यथेद हन्य तथा।³

(One ought to build such house which may sustain and protect the inmates in all seasons and be comfortable. The passers by may not see the inmates nor the inmates see them).

In the description of house in the various Hindu epics i.e. Ramayan and Mahabharata, Grihya Sutras and Arthashastra a well developed sense of privacy has been discussed there.

Privacy in the Ramayana

The General rule that a woman ought not to be seen by a male strangers seems to be well established in the society described in the Ramayana. There are lots of exception as found in the following texts illustrate and prove the rule.

व्यसनेऽऽु कःःऽु न कःःऽु स्वऽऽ्वरे।
न कःःऽु नो विवाहे वा दर्शनं दुःख्यं स्त्रियाः॥⁴

At the time of calamity, during physical and mental ailment, during war, in Swayambar, during performance of religious rites and during marriage
ceremony if a woman is seen by strangers, no wrong is said to have been committed.

The following two texts exemplify the practice of privacy veiling the eyes among the women. Ravan, the demon king, was killed in the battle field. His wife, Mandodari, comes out of the palace with out putting any veil and using any conveyance addresses her (deceased) husband as follows:

\[
\text{दृष्टवा न खल्वनिकुल्यो वामिनावगुण्डताम्।}
\text{निगिता न सा द्वारालु पद्यर्मेषवागतां प्रभो।}^5
\]

Why don’t you get angry seeing me coming all the way from the city gate as pedestrian and without veil.

\[
\text{परस्येष्टदार दारास्ते श्रद्धा लज्जावर्ग्नद्यान्।}
\text{वहिनिषिद्धतान् सर्वन् कथं दृष्टवा न कुप्यति।}^6
\]

Discarding their veils and there by disregarding

Shame, all your wives have come out seeing

All these why don’t you get angry?

In the following text the use of curtain in the house is described:

\[
\text{स्यनीयं नरङ्किरयं तदसाध्य व्याक्तितर।}
\text{सोडक्यासाध्य तु तदस्यम तिरस्करणियमन्तर।}^7
\]

Having gone very near to the sleeping room where there was a curtain only, the ministers started blessing the king.

The following text indicates that an attempt to see or overhear any confidential deliberations between two persons, was considered a wrong for which capital punishment used to be awarded.

\[
\text{य: शृणूणोति निरस्त्रेष्ठा समव्यव्हभवितत।}
\text{भवेद वै मुनि मुख्यस्य वचनं यद्यवैकसे।}^8
\]

Regard being had to the words of the sage, let others know that any body who will overhear our conversations or see us talking shall be killed.

Impersonation was considered a wrong and was punishable, once Indra, the king of gods, made himself to appear as the sage, Gautam and entered his cottage in his absence and had sexual intercourse with his wife, Ahalya,
Gautam, on his return to his cottage, saw Indra posing himself as Gautam and said:

मम रूप सामार्थ्य कृतनामार्थी दुर्मते।
अकर्त्य निद्रा यमाद्र विफल स्वच्छ भविष्यसे।९

You impersonated me and did what ought not to have been done. As punishment for which you will be deprived of your testicles.

महापार्श्व निवृत्त रहस्यं किंचिदालम्।
चिरवृत्त तदाख्याये यदवावं पुरामय।१०

Long ago, there happened a secret event when I was cursed. I will let you know that secret event of my life today.

The following texts reveals yet another norm of he society related to privacy, that seeing a sleeping woman other than one’s wife was also prohibited when Hanuman reached Lanka, he started inspecting the inner-section of the palace in course of searching Sita. He entertained a doubt about the propriety of his action.

निरीशमाणाश्र तत्सता: रिज्जयं स महाकपिं।
जगाम महतीं शंका धर्मसाधवसशाशकितं।११

Hanuman, having inspected the inner apartment of the palace and having seen several sleeping woman, entertained a great doubt regarding the propriety of his action.

परदारावहृद्ध्व व्रसुत्स्व निरीशमाण।
इंद्र खलु मामात्यथ धर्मसाधवपूर्ति।१२

To behold other women while sleeping cause evil consequences and diminishes one’s acquired merit.

Not only to see other women but to touch them was also prohibited as illustrated and exemplified in the following text:

परस्मार्थमु दू ैैंदेहया न दु:खतरस्तिमस्त।
पितृविनाशात् सामित्रे स्वराज्य हरणात् तथ।१३
The fact that someone else may touch my wife is a matter of greatest unhappiness for me. Even my father’s death or losing my Kingdom would not give me that sorrow what I am subjected to by the above fact.

कथा राजा स्थितो धर्मेः परदारानु परामृशेत 
रक्षणीया विशेषण राजदारा महाभत। 
निवर्तय गति नीचां परदारामिश्चनात। \textsuperscript{14}

How a king, who follows his righteous duties, can touch other woman? Ladies from Royal Family are specially to be protected. One must avoid the evil consequences that may result out of such touch.

The following texts prove and explain that to disturb one’s meditation was considered a wrong and as such punishable.

यन्ना लोकस्ये रम्ये काम क्रोधविविषणम्। 
दशवर्ष सहस्त्राणी शैली स्थायति तुर्यगे। \textsuperscript{15}

To win over sex and anger, I was meditating. You have disturbed my meditation as a punishment for which you will turn in to stone and remain as such for ten thousand years.

In the description of palaces and other houses, secret apartment for ladies, bedrooms and drawing rooms are mentioned.

प्रासादै रत्नविकृता: पवित्रित्व शोभिताम् 
फूटा गारेष्वच सम्पूर्णामिन्द्रस्येवामरवतीम्। \textsuperscript{16}

Studded with precious stones the palaces resembled the high mountains. With several secret apartments (for ladies) in the palaces, the whole city of Ayodhya looked like Amaravati of Indra, the king of gods.

चतुर्द समस्याचार शयना सनवानवत्। 
दिवशः सर्वर साधुकादि दिव्य भोजन वस्त्रवत्। \textsuperscript{17}

The building was rectangular and very spacious. No one could feel congestion in it. Sleeping rooms, drawing rooms and the places for parking vehicles were separately built. And, there were extremely delicious recipes, juice and dresses kept in it.
Privacy in the Mahabharata

The Mahabharata is one of the two major Sanskrit epics of ancient India, the other being the Ramayana. The epic is part of the Hindu history and forms an important part of Hindu Mythology. It is of immense importance to culture in the Indian subcontinent and is a major text of Hinduism. Besides its epic narrative of the Kurushetra war and the fates of the Kouravas and the Pandavas, the Mahabharata contains much philosophical and devotional material such as the Shrimad Bhagwad Gita.\(^1\)

As the legend goes, Draupadi was the common wife of all the five Pandava brothers. To avoid embarrassment to Draupadi, a rule was made and accepted by all the brothers which runs as under:

\[\text{द्वीमध्या न: सहासीनमन्योौर्यं योजामिविद्मेवत।} \]
\[\text{स नो द्वादश वर्षाणि ब्रह्मचारी वने वसेत।} \] \(^2\)

If any one of us happen to see Draupadi while she is in company of one of us, he will have to undergo the punishment of banishment for twelve years in the forest as Brahmacharin. Once it so happened that while Draupadi was with Yudhishther (the eldest brother of the Pandavas) in a room, Arjun (the younger brother) urgently needed to collect his weapon kept in that very room. Seeing no other way to collect his weapon, Arjun had to violate the rule by intruding upon his privacy. Thereafter, he presented himself for undergoing the prescribed punishment.

\[\text{समय: समति क्रान्तोमवशस्त्रनान्मथा} \]
\[\text{वनवासं गमिष्यामि समयो हयेष न: कृत:।} \] \(^3\)

Having seen her while she was in company of other, I proceed to forest as punishment there of.

\[\text{सांवतीस्य भगवन्यासा वारे ऋषीन्यथातान्।} \]
\[\text{आवयोवृत्त्य तोरेमि: कथं तुस्यात्समागमः।} \] \(^4\)

Don’t you see many sages standing on both sides of the river! How can I have sexual intercourse with you with in the reach of their sight.
A naked woman ought not to be seen and the learned Ones ought to avoid seeing a naked man as well Sex and food are to be enjoyed in a lonely place alone.

Cow, Brahmin, King, Ladies, Friends, Mother, Teacher, Old-person, child, fool or idiot, Bind, a person who is Sleeping, one who is afraid, one who had just left the bed, One who is mad and persons who have lost their way, Should not be attacked. This is the principle which the Great sages have established in the past.

Even for important and urgent matters, I never used to disturb my husband’s sleep which used to keep me satisfied.

While meditating in a lonely place, a sage was disturbed by a girl who apologized in the following text.

Infatuated by sex, beauty and youth, I committed the wrong (of disturbing your meditation). You will kindly excuse me of my improper act.

Rambha, a nymph, was turned into stone as the punishment for disturbing the meditating sage.
One should not visit other’s house at odd hours, one should not sit near a cross-road in the night and one should not try to make the King’s wife his own.

The secret affairs of the sage must not be divulged anywhere. The following texts contain the prohibition of the meeting of a woman and a man in a lonely place.

According to tradition Manava Grihyasutra, Manava Sulbasutra and Manava Dharamsutra (Manusmriti) texts are ascribed to Manu Manusmritis is considered by some Hindus to be the law laid down for Hindus and is seen as the most important and earliest material work of the Dharam Shastra textual tradition of Hinduism.

There are so many places where reference of Privacy found in Manusmriti’s following text illustrate the privacy concept.

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One who is sleeping one who is deprived of his shield, one who is
naked, one who is without arms, one who does not participate in the battle and
one who is busy in fighting with another, should not be killed.

श्रेयासं न प्रवीणयेत्।

The elders should not be disturbed while sleeping

एकाकी विन्दुस्त्रीयं विविक्ते हितमातमः
एकाकी विपन्नानि हि परं श्रेयोदिगमच्छति।

One should meditate alone in a lonely place for only by meditating alone
one attains salvation.

उपेत्य स्नातकο विद्वेषने क्षेत्रनां परस्त्रयम्।
स रहस्यं च संवाद पर स्त्रीशु विवर्जयेत्।

A learned and wise person should not see a naked woman. He should
avoid talking to a woman other than his family member in a lonely place.

Privacy in the Grihya Sutra

The sage Ashwalyana known for his celebrated work Ashwalayana
Surta was a disciple of great sage Shaunaka of the mythological fame, whose
name is appearing in the Puranasas a contemporary of Sutapuranik by the word
Sutra mean a formula and Irihaya means, Domestic, and Sutra is always brief so
it will be easy to remember and memories besides acting as commandment.

Weber maintains that the Grihya Sutras are of much importance to us in as
much as it is in them that we have to look for the down of our legal literature.
The Grihya Sutra contains elaborate rules for the construction of a house.

The house generally comprised a bed room, a store room, a kitchen, a
hall or drawing room and compound. The main door of a house was not
supposed to face the door of another house and used to be so constructed that
the house holder should not be seen by unholy persons while performing
religious rites, while dinning in his house and passers by should not be able to
see the valuables in the house.

Even in the selection of site for a dwelling house, one of the main
consideration was to avoid the sight of persons or things that formed
impediments to the study of the Vedas. In the above regulations and
prohibitions lies the awareness and concern of the society to exclude possible sight of a stranger to preserve the sanctity of the house, to respect one’s privacy in performance of religious rites, for the study of the Vedas and for dinning purposes.  

A Santaka was prohibited to have a look at a naked woman (even if she is his wife) except during sexual intercourse. He was further prohibited to take his meal together with his wife.

3.3 Privacy under Islam

Muslim constitutes the largest minority group in India. More recently there has been a good deal of discussions as to how far Islam protects the Right to privacy. Islam is the natural way of life. It is a natural religion for mankind. All the rules laid down by it, individual as well collective, are based upon the fundamental principles that man should behave and act in consonance with natural laws that he finds working in this universe, and that he should refrain from a course of life that might force him to deviate from the purposes for which nature is operating. The Holy Qura’n informs that Almighty God has not only created everything that we find in universe but has also endowed it with
an instinctive knowledge of the ways by which it can most suitably perform the
task assigned to it in the general scheme of things:

“Our Lord is He who gave everything its peculiar form and nature, then
guided it alright (i.e. showed it the way following which it can fulfill the
purpose for which its creation was due).\textsuperscript{43}

Everything that is there in universe is engaged in the performance of its
duty in complete submission to the will of God. That is how they must behave.
No one has power or capacity to go against the prescribed course. If a man
chooses to violate the laws of nature and the guidance and has given for
individual and social life, this is bound to lead him astray from right path and
produce disturbing consequence here and here after.

The rules and regulations governing the relationship and socialization
between men and women are those basics in any human civilization which,
when violated, result in the destruction of the entire society. This may be
readily witnessed in various time in the history of civilization. There is
recognition of privacy in the Quran and in the saying of Prophet Mohammad
(PBUH). Several Quranic verses emphasize the individual’s right to privacy.
The more prominent of these two verses speaking of the privacy of the home,
stating Allah Commanded in Surah Noor to seek permission before entering a
house hold:

“O you who believe! Enter not houses other than your own, until you
have asked permission…….” This is for your own good, so that you might bear
in mind. Hence, if you find no one in the house do not enter it until you are
given leave; and you are told “turn back” then turn back. This will be most
conductive to your purity: and God has full knowledge of all you do.\textsuperscript{44}

To drive this point of home, the Prophet had stated in one Tradition that
a man should not even peep in to a house with out permission, for if he does so
he would have entered it Islamic Law also prohibits interference with the
correspondence of others. The Prophet had warned that; any one who reads the
letter of another without permission will read it in hell fire,\textsuperscript{45} and He who
listens clandestinely to people’s conversation against there wished will have
molten lead poured into his ears on the day of resurrection. Also in prohibiting the violation of the honour and reputation of others the Quran prohibits scoffing, defamation, insults, and offensive nicknames. These rules apply to both state and private intrusions in to privacy.

Under Islamic law, only state officials conferred with the necessary Jurisdiction may violate the above Islamic injunctions on right to privacy. They may only do so for the purpose of conducting reasonable searches or investigations and this must be in accordance with the due process of law. It is reported that during the Caliphate of Umar Ibn-al-Khatab he used to go round on night patrol of the city of Medina. One night while on patrol he heard some noise of drunkenness coming from a house and he knocked on the door to find out what it was but no one answered him. He then climbed over the wall and saw a drunken party inside; he shouted down and accused the home owner of breaking the law prohibiting intoxicants. The man replied; If I have committed one sin you have committed four sins to find out you spied on us against God’s command that “spy not each other”, you climbed over the wall despite God’s command that “enter houses through the proper doors”, you entered without announcing yourself nor greeting in violation of God’s Command that: “announce your presence and invoke greeting of peace upon those there in”, you entered with out the permission in violation of God’s command that “do not enter until permission is given you”. The Caliph Umar was abashed and he said: ‘you are right and I must forgive you your sin.’ The man then indicated the Caliph saying: that is your fifth sin, you claim to be the Caliph and protector of Islamic law, how can you then say you forgive what God has prohibited. This vividly illustrates the importance of the right to privacy under Islamic law.

The Quran even establishes a right to privacy for people vis-a-vis their family members that are with in their own home. The Quran specifies three times at least when explicit permission has to be taken before people could enter into the private domain (room, etc,) of their parents: before the down prayer, during the afternoon and after the night prayers. The Quranic
principles applies to all Muslims, but young adult who have recently reached the puberty are simply encouraged in this verse to get accustomed to the habit of seeking permission when they want to enter rooms other than theirs, so that such becomes second nature to all members of the family.\footnote{55}

Moreover the Prophet of Islam is reported to have stipulated that potential visitors may not cast curious gazes into the inside of people’s house when they draw near those houses in order to seek permission to enter them further more the Prophet Mohammad (PBUH) has stimulated that a person who attacks on intruder to prevent that intruder from spying on his/her private home is not liable for punishment for his/her attack. These texts are sufficient samples of the textual basis for the protection of a privacy of a particular place exemplified by people’s private homes. But this is not all. These are texts that establish people’s right to endow privacy on meetings they attend in setting that are not seen as private in natural Prophetic reports emphasize that, if a gathering was meant by those who attended it to be a private one, the privacy of those present there in must be respected irrespective of where the meeting occurs. The Prophet Mohammad (PBUH) is reported to have said “private encounters result in entrustment”, According to Muslim Jurist, should be prohibited people from conveying any information about actions and saying that occurred in private settings.\footnote{56}

The morality of Islam based on the concept of Haya aims at inculcating a feeling of shyness in human nature and tries to develop it as a part of man’s mental make up so that it may serve as a strong moral deterrent against all evil inclinations. Haya Implies shyness which a wrong doer feels before his God and Conscience. This is the force that prevents man from indulging in indecency and obscenity. If a man commits a wrong under the impulse of his animal nature, it is his shyness that makes him feel the pangs of conscience. To counter act “munkar”,\footnote{57} The Divine law giver has specified Haya. The holy Prophet (PBUH) said:

“When you do not have Haya, You may do whatever you please”.

\footnote{55} For more on this, see the previous section.

\footnote{56} For a detailed discussion, see Chapter Two.

\footnote{57} For further elaboration, refer to the discussion in Chapter One.
The Quran asserts that the urge to clothes oneself and conceal one’s shameful parts is innate in man. Sense of modesty is a part of human nature. The felling of Haya is inherent in man though in a crude form. Islam aims to educate Haya by refining it.\(^{58}\)

Allamah Ibn Kathir Quotes ‘Ubaidah: Every thing which is in disobedience of Allah is a major sin. These verses further contain the following commandments:

Lowering the Eyes (GHADD AL-BASAR): To lower the eyes means to turn away the eyes from everything forbidden (Tafsir Ibn Kather). Including in this is looking at a woman with bad intentions and also looking at a woman with no specific intention. As well, it includes looking at those part of the body of a man or woman which are defined as private (satr). However, necessities such as medical treatment are exempt from it. Similarly to peek into people’s houses and to use the eyes in seeing all such things that the religion has forbidden are including under this commandment.\(^{59}\)

Guarding the Modesty (Private Parts): This implies restraining oneself from all forbidden means to satisfy one’s sexual desire. Included in this are adultery, rape, masturbation, homosexuality, lesbianism etc.

Concealing the beauty and ornaments: Beautification, whether it is natural such as face, hands and body or artificial and intentional such as clothes, jewelry and makeup, all of these things should be concealed from every one except the Meharaam (those who have been exempted)

Concealing the sound: the another important issue that has been discussed in Surah Noor pertains to the sound. Woman have been asked not to walk with a heavy foot so as to draw attention of men through the sounds of jewelry.

In fact, all the above commands in these verses of Surah Noor are intended to prevent adultery and rape. Thus these commands provide the best preventative strategies and treatment for the protections of men’s and women’s honour.\(^{60}\)

Observance of Hijab Even in Distress: Commands of Hijab are essential regardless of the circumstances of sorrow or happiness. Now a days some
people believe that under distressing or jubilant circumstances a person is exempted from following the Divine Law and he/she is not required to follow Shariah. This is clearly a great ignorance.

Qais Bin Shammas reported that a female companion of the Prophet (PBUH) whose name was Ummi Khalid, come to see the Prophet (PBUH) to inquire about her son who had been Martyred in a battle. She was hiding her face behind a veil. One of the companions asked her, “you have come to inquire about your martyred son and you have covered your face with a veil? She responded, I am distressed by the loss of my son, don’t wish to be distressed by the loss of my Haya as well. The Prophet (PBUH) said to her, Your son will have the rewards of two martyrs, She asked him, How come a Prophet (PBUH) of Allah? He responded, because he was killed by the people of the Book."

The following Hadith indicates the prohibition of touching the body of a woman. The holy Prophet (PBUH) said:

The one who touches the hand of a woman without having a lawful relation with her, will have an ember placed on his palm on the Day of Judgement (Takmilan, faith-al-Qadir) The holy Prophet (PBUH) accepted the oath of allegiance from women only verbally without taking their hands into his own hand. He never touched the hand of a woman who was not married to him (Al-Bukhari)."

Insulting each other, Sarcasm, libel defamation and back-biting all were wholly prohibited in Islam by one stroke of Quranic legislation. The Quran enjoins:

O ye who believe, let not some men among you laugh at others, nor defame or be sarcastic to each other, nor speak ill of each other behind their backs.

This is how the ground norm of Islam the holy Quran, protects the dignity of individuals and their right to self respect and honour.

In addition, the Prophet Mohammad (PBUH) has emphasized the duty of protecting the privacy of people’s correspondence and communication
whether or not they take place in a private place. The Prophet (PBUH) is reported to have said “He who looks into a letter belonging to his brother, look into the Hell fire”. This establish that even if a private communication is conveyed outside of a private environment, the nature of the correspondences creates a right to privacy that must be applied to the correspondence.

We have already spoken of the Prophet (PBUH) discouragement of people from confessing to committing shameful acts they committed which have not resulted in infringement on people right. The spirit of respect for privacy in this line of thought is emphasized by other traditions. For example, the Prophet (PBUH) has reportedly said, “If you have been embroiled in an embarrassing sin, which God choose not to disclose, do not disclose it yourselves.” The Prophet (PBUH) has even turned his face away (twice) from a man who wanted to confess before the Prophet that he committed adultery. After the man insisted on conveying his confession for the third time, the confessors mental state or drunkenness may have had led him to make his confession. Only after these possibilities were excluded, the punishment was carried out. Some Muslim Jurists have relied on this story to argue that people are not encouraged to confess of committing crimes that have not been prosecuted, if the rights of others are not involved. It is clear that such a rule promotes the individual privacy.66

Another example of the protection of privacy offered in the Islamic law of evidence is that Muslim Jurist express their reluctance to accept the testimony of individuals when it is made either for or against a family member of a former family member of their own family members, it goes with out saying, are the ones most acquainted with the details of other’s life. Although Muslim Jurists do not use the language of Privacy to justify their reluctance to hear those testimonials their attitude has definitely led to enlargement of people’s privacy.67
3.4 Privacy Under Christianity

"But when you pray, go into your room, close the door and pray to your Father, who is unseen. Then your Father, who sees what is done in secret, will reward you."

Matt 6:6 (Bible)

Christianity is India’s third largest religion which approximately have 24 million followers constituting 2.4% of India’s population in this area of my thesis I am trying to find out Christian attitudes towards privacy. Whether Bible or other well respected teachings, could speak directly to the right to privacy?

Although Bible does not treat privacy specifically but we can see several references of privacy in Bible. One idea of privacy is the idea of secrecy. For example one of the rewards mentioned in Revelation is Revelation 2:17 “To him who overcomes, I will stone with a new name written on it, known only to him white stone with a new name written on it, known only to him who receives it.” So also Christ and the Church is allegorical of the marriage relationship yet in a marriage relationship sexual union is to be done in private. Notice also that Moses met with God in the tabernacle in the Holy place where others were not allowed. Indeed the temple itself speaks of God’s privacy in the Holy of Holy’s. Those who enter inappropriately are killed.

The concept of God’s Holiness has in it the concept of God’s privacy. Therefore we should respect the concept of privacy. Respecting property rights means also to respect privacy rights.

The godly will respect others property rights and privacy rights. The ungodly will violate others property rights and privacy rights. Being secretive is also part of God’s nature.

“Truly you are a God who hides himself. O God and Savior of Israel.”

The secret things belong to the Lord our God, but the things revealed to us and to our children forever. Also concerning privacy, what one does in
private is more reflective of one’s true convictions. Jesus for example taught his followers to keep their generosity private at least to the extent in which they were able. “But when you give to the needy, do not let your left hand know what your right hand is doing, so that your giving may be in secret.” Then your father, who sees that what is done in secret, will reward you.” So also with prayer, “But when you pray go into your room, close the door and pray to your father, who is unseen. Then your father, who sees what is done in secret will reward you.” And as there is particular virtue in such secret service one should not put as much weight concerning public, visible, “in the limelight” type of service reflective of the scribes and Pharisees of which Jesus commented upon in.

Another inference of privacy is on the description of Nooh after the great flood it is thus observed, he lay uncovered in his tent and Ham violated his father’s privacy by looking upon his fathers nakedness and by telling his brothers about it. Another inferences of privacy are “let your women keep silence in the Churches : For it is not permitted unto them to speak but they are commanded to be under obedience as also Set the law, and if they will learn anything, let them ask their husbands at home: for it is a shame for woman to speak in the Church.”

“Now I want you to realize that the head of every man is Christ, and the head of the women is man, and the head of Christ is God. Every man who prays or prophesies with his head covered dishonors his head and every woman who prays or prophesies with her head uncovered dishonours’ her head ....if a woman does not cover her head, she should have her hair cut off; and if it is a disgrace for a woman to have her hair cut or shaved off, she should cover her head.”

“I also want women to dress modestly with decency and propriety, not with braided hair or gold or pearls or expensive clothes, but with good deeds, appropriate for women who profess to worship God”.
Adultery in the natural sense is sexual intercourse of a married person with some one other than his or her own spouse. It is condemned in both the Old and New Testaments.  

Second there is Fornication, the illicit sex acts of unmarried persons which is likewise forbidden.

Through my research I was able to identity two possible point of connection; the development of a theory of Christian dignity that might lead to a right to privacy, and a possible relationship between privacy and secrecy.

3.5 Recapitulation

Religion is as important to India as is breathing to a living being. People in India staunchly believe in their faiths. It is amazing how simply they can believe in the religious myth and legends. The diversity in India has resulted in the formation of several religious faiths i.e. Hindus, Muslims, Christians, Sikhs and many other sects.

After going through the various texts of different religions we have found that the privacy of the home, family and individual is guaranteed under various religions as a core value and fundamental human right. But such right is not absolute and can be regulated and restricted when it interferes with a compelling state interest. Privacy of the home is fundamental, but this does not mean that a person may do anything at any time as long as the activity takes place with in a person’s home. The privacy of the home can be restricted when it interferes in a serious manner with health, safety, rights and privileges of others or with the public welfare.

Hindus Dharma Shastras also recognized the concept of privacy. The ancient Indian theory, based on the Upanisadic Literature prescribes meditation which is not possible without concentration and concentration is possible if the person concentrating is not disturbed. The policy underlying the rules regulating the constructions of the houses found in Grihya Sutras, The Ramayana, The Mahabharata manifests ample consideration and respect for one’s privacy. A person was not to be disturbed while studying, sleeping, meditating and while attending or discharging his religious duties. The use of
curtains as described in the Ramayana is pointer in the same direction.
Enjoyment of sex and food was also recommended in a place where one could
exclude the side of other persons. There were stringent rules punishing those
who used to disclose or divulge the confidential information. A duty was
imposed to avoid seeing a naked woman when she used to dress herself and
while giving birth to a child. Peoples were respected and treated with dignity.

Islamic law is divinely ordained comprehensive system regulating
public and personal matters as well. The Quran the holy book of Islam revealed
to the Prophet Mohammad (PBUH) and traditions of Prophet Mohammad are
the principal source of Islamic law. Islamic law explicitly protects privacy of
home as a fundamental human right. The home derives its importance as a
sanctuary for the family and carries with it associations and meaning which
makes it particularly important.

**In this context Quran States**

O ye who believe, enter not houses other than your own without first
announcing your presence and invoking peace upon the people there in. that is
better for you, that you may be need full......... and if you find no one there in,
still enter not until permission hath been given, and if it to said unto; GO away,
for its is Purer for you, Allah Knoweth what you do.

The Prophet Mohammad (PBUH) also emphasized the right of the
people to be protected against unreasonable intrusions into their privacy. He
stated:

If a person looks at you (referring here to a man’s home where he
expects privacy) without your permission and you pelt with a stone and put out
his eye, no guilt will be on you. Thus we have found that the privacy of the
home is guaranteed under Islamic law as a care value and fundamental Human
right.

The Bible does not treat privacy specifically but we can see several
references of privacy there in. The Bible says that in a marriage relationship,
sexual union is to be done in private. Jesus Christ taught his followers to keep
their generosity private, at least to the extent in which they were able. Another inference of privacy is on the description of Nooh after the great flood, he lay uncovered in his tent and Ham violated his father’s privacy by looking upon his father’s nakedness and by telling his brothers about it.

Even though the need to privacy was accepted by ancient societies, the evolution of privacy as a legal right is of recent origin. It has become one of the most important Human Rights of the modern age.
Notes & References

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5. Supra Note 4, p.1402.
7. Ibid.
10. Ibid, Yoddha Kand, P.1081.
12. Ibid.
13. Ibid; Aranya Kand, p 496.
17. Ibid, Ayodhya Kand, p.422.
20. Ibid 1004.
21. Ibid, 301.
22. Ibid, Anushasan Parva, 954.
23. Ibid, Soptick Parva, 34.
27. Ibid, Udyog Parva, 207.
29. Ibid, 1197.
30. Ibid, Anushasan Parva, 850.
32. Ibid, 339.
33. Ibid, 65.
34. Hargovind Shastri (ed.) Manusmriti’s, 276.
35. Ibid, 186.
38. Dr. Ram Gopal, India of Vedic Kalpasutras 151.
39. Dr. V.M. Apte, Social and Religious life in the Grihya Sutras pp.141
40. Ibid, 180.
41. The members of the denomination Known as “Ramanuj Sampradaya”
    do not eat and drink in presence of any one else. This practice is still
    prevalent in Southern India.
42. Dr. V.M. Apte, Social and Religious life in the Grihya Sutras, pp.86-87.
43. Al Qura’n, 20:50.
44. Q. 24: 27.
46. Reported by al. Bukhari and Muslim, see, e.g. al Qaradawi (above n.16)
    pp. 315-16.
47. Quran 49: 11.
48. See Al Salah (above no. 162) at p.69.
49. Quran 49:12.
50. Quran 2: 189.
51. Quran 24: 27.
53. This incident has been narrated in slightly varied by different narrators’
    but all depicts the same important principles of prohibition of violation
    of individual privacy and Islamic law.
54. (Q.24: 58)
55. Al-annab, Mawahib-al-jalil (Bairut) VI, 304.
56. Al. Shirazi-al-Tanbin (Cairo 1951), 162.
57. Adultery, theft, lying and all other sins which man commits under the
    impulse of his animal nature, run counter to his human nature. All such
    acts have been described by the Quran by the comprehensive word
    “Munkar” or in other words acts which are repugnant to human nature.
    S. Abul A’la Maududi, Purdah and status of women in Islam Translated
58. Ibid 162.
59. (Q. 24:30-31).
60. Ibid Q 24: 30-31).
61. Modesty, shyness. As an Islamic term, Haya implies modesty and
    shyness a person feels before his own conscience and before Allah.
63. S. Abdul A’la Maududi, Purdah and Status of woman, 177(1979)
64. (Q. 49 : 11-12).
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66. Renold I Carlson, evidence: Teaching Materials for an age of science
67. Thomas Nagal, Concealment and Exposure and other Essays Oxford
69. Eph 5:32.
70. Isaiah 45:15.


72. Matt 6:3-4.

73. Matt 6:5-6.

74. Mathew 23.


76. Corinthians 14:34-35.

77. Corinthians’ 11:3-6.

78. Timothy 2:9-10.

79. Exodus 20:14; 1Cor 6:9,10.

80. (1 Corinthians 5:1:6,13,18; Ephesians 5:3).