National Journal of Advanced Research
ISSN: 2455-216X; Impact Factor: RJIF 5.12
Received: 01-06-2019; Accepted: 04-07-2019
www.allnationaljournal.com
Volume 5; Issue 3; July 2019; Page No. 22-26

Locating constructs of privacy within classical Hindu law

Dr. S Krishnan
Assistant Professor Seedling School of Law and Governance Jaipur National University, Rajasthan, India

Abstract
Once a civilization has made a distinction between the "outer" and the "inner" man, between the life of the soul and the life of the body, between the spiritual and the material, between the sacred and the profane, between the realm of God and the realm of Caesar, between the church and State, between rights inherent and inalienable and rights that are in the power of government to give and take away, between public and private, between society and solitude, it becomes impossible to avoid the idea of privacy by whatever name it may be called - the idea of "private" space in which man may become and remain "himself". The idea of privacy is as old as Biblical periods. Numerous meanings crowd in on the mind that tries to analyse privacy; The privacy of private property; privacy as a proprietary interest in name and image; privacy as the keeping of one's affairs to oneself; the privacy of internal affairs of a voluntary association or of a business corporation; the privacy of sexual and familial affairs, etc. Privacy enjoys an abundance of meanings. It is claimed in diverse situations every day by everyone against other people, society and the state. Traditionally traced to classical liberalism's public-private divide, there are now several theoretical conceptions of privacy that collaborate and sometimes contend.

Keywords: privacy, Hindu laws

Introduction

Because of the variance exhibited by the various legal, social, and cultural aspects of privacy, it cannot be easily defined. As a legal concept, privacy may form a constitutional claim, a statutory entitlement, a tortious action or an equitable remedy. As a constitutional claim, privacy is either an explicitly recognised right that is capable of independent enforcement, read into a pre-existing right, or located within the penumbra of a larger right. Statutory recognition of privacy may be afforded by both criminal and civil statutes. The offence of criminal defamation for instance, is perceived as an act of violating an individual's privacy by tarnishing his or her reputation. Similarly the provision of in camera trials for divorce proceedings is an illustration of a civil statute implicitly recognising privacy. As a tortious claim the notion of privacy is commonly understood in terms of the right against trespass of property. Equity, co-terminus with a statutory mandate or in isolation, may also be a source of privacy.

Most legal conceptions of privacy in everyday use in India originated from the English common law. Other constitutional and statutory constructions of privacy, even when not found in the common law, arise within a broader modernist system of law and justice that originated in Europe. During the European colonisation of India, the British (and, in a different manner, the French) attempted to recreate the common law in India through the establishment of a new legal and courts system, and the wholesale importation of the European idea of law. The very notion of privacy, as well as its legal conception, is a product of this legal modernity. In post-colonial societies, the argument against the right to privacy is usually premised on its perceived alien-ness - as a foreign idea brought by colonisers and imposed on a traditionalist society that favoured communitarian living over individual rights - in an effort to discredit it.

The fallacy of this argument lies in its ignorance of the cultural plurality of privacy. To begin with, the idea that is connoted by the modernist notion of privacy pre-dated the introduction of common law in India. By the time of the Enlightenment, Hindu law and Islamic law were established legal systems with rich histories of jurisprudence and diverse schools of law within them, each with their own juristic techniques and rules of interpretation. While neither Hindu law nor Islamic law use a term that readily translates to "privacy", thereby precluding a neat transposition of meanings between them, the notion of privacy existed and can be located in both the legal traditions. In this paper, the term 'privacy' is used to describe both the modernist notion that arises from the principle of personal autonomy as well as the diverse pre-modern concepts in Hindu and Islamic jurisprudence that resemble or relate to this notion. These pre-modern concepts are diverse, and do not permit an easy analysis. For instance, the *Manusmriti*, which is a source of classical Hindu law, prohibits bathing in tanks that belong to other men. Additionally it prohibits the use of wells, gardens, carriages, beds, seats and houses without the owner's permission. These prohibitions are not driven by the imperatives of privacy alone. The rationale is that in using others' belongings one appropriates a portion of their sins. Hence, these privacy protections are linked to an ideal of purity. Islamic law also restricts the use or misappropriation of another's property. However, this prohibition is designed to protect private property; it has no ideological link to purity.

This paper attempts to locate constructs of privacy in classical Hindu law. The purpose of this exercise is not to privilege one legal system over another. Therefore, we do not intend to normatively assess the existing modernist discourse on privacy. We simply seek to establish the existence of alternate notions of privacy that pre-date modernity and the common law.

The scope of the paper is confined to locating privacy in classical Hindu law. The materials within the realm of classical Hindu law, relevant to this exercise are- the *sruti*, *smriti*, and *acara*. *Sruti* comprises of the *Vedas, Brahmanas, Aranyakas and the Upanishads.* It is considered to symbolise the spirit of Hindu law and is not the source of any positivist command as such. *Smriti* involves various interpretations of the *sruti*, We have however restricted ourselves to the *Dharmashastras* in this realm. Acara refers to the body of customary practices.

The review of the material at hand however, is not exhaustive. The reasons for this are twofold- *first*, given the vast expanse of Hindu jurisprudence, the literature review has been limited; *second*, there is a limited availability of reliable English translations of ancient legal treatises.

This paper is divided into two parts. The first part of this paper deals with the interface of colonisation with Hindu law and elucidates the nature of Hindu law. With the advent of colonialism, classical Hindu law was gradually substituted by a modernist legal system. Exploring the characteristics of modernity, the factors that contributed to the displacement of classical Hindu law will be identified.

One of the factors that contributed to the displacement was the uncertainty that characterised classical Hindu law. Classical Hindu law was an amalgamation of three sources, as. In an attempt to rule out the uncertainty, and the lack of positive command, the modernisation of Hindu law was brought about. Accordingly this part shall also examine the nature of Hindu law. Furthermore it shall determine whether the application of codified modern Hindu law, is informed by the precepts of classical Hindu law.

Having explicated the nature of Hindu law, the next part will focus on identifying instances of privacy in classical Hindu law.

Before ascertaining specific instances, however, this part will lay down a general understanding of privacy as it existed then. It will be demonstrated that regardless of the absence of an equivalent term, an expectation of privacy existed. The specific illustrations of privacy will then be mapped out.

Given the different aspects wherein an expectation of privacy exists, there is also a possibility of competing claims. In the event that such conflicts arise, this part will attempt to resolve the same.

Part 1: The transmogrification of the nature of hindu law

The evolution of Hindu jurisprudence can be charted through three phases- classical, colonial, and modern.

In the classical phase, it was embodied by the Dharmashastra which elaborated on customary practices, legal procedure, as well as punitive measures. The Dharamshastra was accompanied by the Vedas, and acara. Whether this body of jurisprudence could be called 'law' in the strict modernist sense of the term is debatable.

Modernity has multifarious aspects. However, we are concerned with modernity in the context of legal systems, for the purpose of this paper. The defining attribute of a modernist legal system is the need for positivist precepts that are codified by a legislature. The underlying rationale for formalised legislation is the need for certainty in law. Law is to be uniformly applied within the territory. The formalised legislation is to be enforced by hierarchized courts. Furthermore this codified law can be modified through provisions for amendment, if need be.

This modernist understanding is what informs the English common law. With the advent of colonialism, common law was imported to India. The modernist legal system was confronted by plural indigenous legal systems here that were starkly different in nature.In the given context, the relevant indigenous system is classical Hindu law. The classical precepts were interpreted by the British. These interpretations coupled with the sources of Classical Hindu law, constituted colonial Hindu law.

It is pertinent to note that these interpretations were undertaken through a modernist lens. The implication was the attempted modernisation of a traditional legal system.

The traditional system of Classical Hindu law did not exhibit any of the introduced features. To begin with not all of classical Hindu law was text based. The problem with the textual treatises was threefold. First, they were not codes enacted by a legislature, but written by various scholars. Second, they were not phrased as positivist precepts. Third, their multiplicity was accompanied with the lack of an established hierarchy between these texts.

Additionally classical Hindu law was the embodiment of *dharma*, which in itself was an amorphous concept. The constitutive elements of *dharma* were law, religious rites, duties and obligations of members of a community, as well as morality. These elements do not however, exhaustively define *dharma*. There exist varying definitions of *dharma*, and in some cases even ancient texts dealing with *dharma* fail to articulate its definition. This is on account of the fact that the meaning of *dharma*, varied depending on the in which it is used Owing to the fact that classical Hindu jurisprudence was informed by *dharma*, the former was an amalgamation of law, religion and morality. Therefore it was categorised as jurisprudence that lacked the secularity exhibited by modern positivist law.

The co-existence of law and morality in classical Hindu law has led to various debates regarding its nature. Before explicating the nature of classical Hindu law, its sources must be elaborated on. As referred to, the sources are *sruti*, *smriti*, and *acara*. Sruti is constituted by the *Vedas*, *Brahmanas*, *Aranyakas*, and *Upanishads*. Vedas are divine revelations that contain no positive precept *per se*. They are considered as the spirit of law, and believed to be the source of the rules of dharma. The Vedas are constituted by the Rigveda, Samveda, Yajurveda and Athravaveda. Based on the Vedic texts, treatises have been written elucidating religious practices. These texts are known as the Brahmanas. The Aranyakas and the Upanishads engage in philosophical enquiries of the revelation in the Vedas.

Interpretations of the Sruti by various scholars are embodied in the Smriti. The connotations of smriti are twofold. First, it implies knowledge transmitted through memory, as opposed to knowledge directly revealed by divinity. Additionally, it is the term used to collectively reference the Dharmasutras and Dharmashastra.

Dharmasutras were essentially interpretations of revelation in only prose form, or a mixture of prose and verse. They detailed the duties and rituals to be carried out by a person, through the four stages, of his or her life. The duties laid down also varied depending on the caste of a person. They also laid down guidelines for determining punishments.

Dharmasastras on the other hand were in the verse form. Though their subject matter coincided with the Dharmasutra

in terms of domestic duties and rituals, they had a wider ambit. The Dharmasastras also dealt with subjects such as statecraft, legal procedure for adjudicating disputes. In a limited way, they marked the diversification from strictly religious precepts, from those that were legal in nature. For instance the Manusmriti was an amalgamation of law and ritual. The Yajnawalkya Samhita however, has separate parts that deal with customary practices, legal procedure, and punitive measures. The Narada Smriti, in turn deals only with legal procedure and rules of adjudication.

It is opined that in due course of time, the Aryan civilisation diversified. Their life and literature were no longer limited to sacrificial practices, but took on a more 'secular' form. The Arthashastra is evidence of such diversification. Unlike the Dharmashastra, it deals with strategies to be employed in governance, regulations with regard to urban planning, commercialisation of surrogacy, espionage, among other things.

The third source of classical Hindu law, acara refers to customary practices and their authoritativeness was determined by the people. Their prevalence over textual tradition is contentious. Some opine that acara prevails over textual traditions. However, the opposing school of thought believes that customary practices prevail only if the text is unclear or disputed. Other sources of classical Hindu law include the *itihas* (epics such as the Mahabharata and Ramayana), and digests written by scholars.

Given the diversity of sources and its non-conformity to positivism, the nature of classical Hindu law is a heavily contested issue. For instance, with regard to the legal procedure in the Dharmashastra, Maynes opines that these rules qualified as law in the modernist sense. Ludo Rocher however, opines that textual treatises would not qualify as law. Classical Hindu law can admittedly not be identified as strictly legal or strictly moral. However, it does in a limited way recognise the distinction between legal procedure and morality. This is to say, it is not merely a source of rituals, but also lays down precepts that are jurisprudentially relevant. On account of its non-conformity with characteristics of a modernist legal system, classical Hindu law was displaced by its colonial version. The British attempted to accomplish this though the process of codification. The colonial attempts to codify Hindu law were carried forward by the Indian government post-independence. The result was the Hindu Code Bill. The context in which this codification took place must be examined in order to better comprehend this transmogrification. Post-independence, the idea of a Uniform Civil Code had been debated. However it was at odds with the Nehruvian notion of secularity. The codification of Hindu personal law was an attempt at modernising it, without infringing on the religious freedom of Hindus. The idea was to confine the influence of religion to the private sphere. What emerged was the Hindu Code Bill, which served as the blueprint for the Hindu Marriage Act, the Hindu Succession Act, the Hindu Minority and Guardianship Act and, the Hindu Adoption and Maintenance Act. Colonial Hindu law was thus displaced by modern Hindu law. As Galanter observes however, modernisation through legislations may formalise or even modify classical precepts, but cannot erase them completely. For instance, Section 7 of the Hindu Marriage Act, which prescribes the ceremonial requirements for a Hindu marriage, replicates those prescribed in Classical Hindu law. Additionally a plethora of judicial decisions have relied on or taken into consideration, precepts of ancient Hindu jurisprudence. It is evident thus that ancient precepts still inform modern Hindu law. Given their relevance, it would be erroneous to write off classical Hindu law as completely irrelevant in a modernist context.

Part II: Precepts of Privacy in Classical Hindu Law

As referred to, we have not come across a terminological equivalent of the term 'privacy' in the course of our research. The linguistic lacuna is admittedly a hurdle in articulating the pre-modern understanding of privacy as found in Hindu jurisprudence. It is not however, an argument against the very existence of privacy. The lack of pre-modern terminology necessitates the usage of modern terms in classifying the aspects of privacy detailed in Hindu jurisprudence. Thus, broadly speaking, the aspects of privacy we have culled out from the material at hand are those of physical space/ property, thought, bodily integrity, information, communication, and identity. As will be demonstrated these aspects overlap on occasion and are by no means an exhaustive indication. In order to contextualise these aspects within the realm of Hindu jurisprudence, they are detailed below through specific illustrations.

A. Privacy of physical Space/ property

Akin to the modern legal system that first understood privacy in proprietary terms, Hindu jurisprudence too accorded importance to privacy in terms of physical space. This is further illustrated by the similarity between the common law notion of a man's house being his castle, and the institutional primacy accorded by the Naradsmriti to the household. The common denominator here is the recognition of a claim to privacy against the sovereign. This claim operated against society at large as well. For instance, an individual caught trespassing on someone else's property was liable to be fined. These religious precepts were supplemented by those reflected in texts such as the Arthashastra. By way of illustration the house building regulations prescribed by it are largely informed by the recognition of a need for privacy. To begin with, a person's house should be built at a suitable distance from a neighbour's house, to prevent any inconvenience. In addition the house's doors and windows should ideally not face a neighbours doors and windows directly. The occupants of the house should ensure the doors and windows are suitably covered. Furthermore in the absence of a compelling justification, interference in a neighbour’s affairs is penalised. Juxtaposed to religious texts that often perceived privacy as a concept driven by the imperative of purity, the Arthashastra is reflective of a secular connotation of privacy. Though the household was privileged as the foundational institution in Hindu jurisprudence, claims of privacy extend beyond one's house to other physical objects as well, regardless of whether they were extensions of the household or not. For instance, both the Yajnawalkya Samhita and the Manusmriti condemn the usage of another person's property without his or her permission. What is noteworthy in the context of personal property is that in an era infamous for the denigration of women, Hindu jurisprudence recognised a woman's claim over property. This property, also known as Stridhana, had varied definitions. In the Yajnawalkya Samhita for instance, it is conceptualised as, “What has been given to a woman by the

father, the mother, the husband or a brother, or received by her at the nuptial fire, or given to her on her husband's marriage with another wife, is denominated Stridhana or a woman's property". In the Manusmriti, it is defined as "What was given before the nuptial fire, what was given on the bridal procession, what was given in token of love, and what was received from her brother, mother, or father, that is called the sixfold property of a woman". Beyond mere cognizance of proprietary rights however, these precepts were also informed by the notion of exclusivity. Consequently, a woman's husband or his family were precluded from using her Stridhana, unless they were in dire straits. Additionally it was a sin for a woman's relatives to use her wealth even if the same was done unknowingly.

B. Privacy of Thought

In addition to the aspect of physical space, a claim to privacy vis-a-vis the intangible realm of thought was afforded by Hindu jurisprudence. In the modern context the link between solitude and privacy has been recognised as early as 1850 by Warren and Brandeis. The key distinction is that in the modern era this need for solitude was seen as a function of the increasing invasion of privacy. In the pre-modern era however, solitude was considered essential for self-actualisation, and not as a response to the increasing invasion of the private realm. Meditation in solitude was perceived as enabling existence in the highest state of being. In fact a life in solitude was identified as a pre-requisite for being liberated. Though solitude itself is intangible, engaging in meditation would require a tangible solitary space. This is where the privacy of thought overlapped with the aspect of privacy of space. Accordingly, the Arthashastra prescribed that forest areas be set aside for meditation and introspection. It also recognised the need for ascetics to live within these spaces harmoniously, without disturbing each other. It is evident, that as far as the aspects of privacy were concerned, there were no watertight compartments.

C. Privacy with respect to bodily integrity

A claim to privacy of thought can only be substantively realised when complemented by the notion of privacy with respect to bodily integrity, as corporeal existence serves as a precursor to mental well-being. The inference drawn from the relevant precepts concerning this aspect is that they were largely women-centric. Arguably they were governed by a misplaced patriarchal notion that women's modesty needed to be protected. At best they could be considered as implicit references to an expectation of privacy. The Manusmriti states, "But she who…goes to public spectacles or assemblies, shall be fined six krishnalas". Restrictions operating during a woman's menstruation were twofold. Her family was prohibited from seeing her. Additionally cohabitation with such a woman was also forbidden. It should be pointed out that that these constructs had little to do with a woman's expectation of privacy. They were forbidden due to the attached implications of impurity that would vest in the defaulter. A woman's autonomy with regard to her body was not regarded as a factor meriting consideration. However, there were constructs, albeit limited, which were more egalitarian in their approach and did recognise her autonomy. They established that women do have an expectation of privacy in terms of bodily integrity. Sexual assault was considered as an offence. Evidence of this is found in the Yajnawalkya Samhita which states, "If many persons know a woman against her will, each of them should be made to pay a fine of twenty four panas". In addition, the Arthashastra vested in commercial sex workers the right to not be held against their will. Further it expressly states that even a commercial sex worker cannot be forced to engage in sexual intercourse. Women could make a claim to privacy not only against society at large, but also against their husbands. Ironically, while our contemporary legal system (i.e., the Indian legal system) fails to criminalise marital rape, the *Manusmriti* considered it an offence.Additionally, husbands were also prohibited from looking at their wives when the latter were in a state of relaxation.

D. Privacy of Information and Communication

While the three aspects explicated above were by and large restricted to the individual, the privacy of information and communication has been largely confined by Hindu jurisprudence to the realm of the sovereign. Both the Manusmriti and the Arthashastra acknowledge the importance of a secret council that aids the king in deliberations. These deliberations are to be carried on in a solitary place that was well-guarded. The decisions made in these deliberations are to be revealed on a need to know basis. That is to say, only persons concerned with the implementation of these decisions are to be informed. The Manusmriti also provides for private deliberation by the king on matters not involving governance. It provides, "At midday or midnight, when his mental and bodily fatigues are over, let him deliberate, either with himself alone or with his ministers on virtue, pleasure, and wealth". Apart from governance, privacy of information also pertained to certain types of documents that were considered private in nature. These are documents that involve transactions such as partition, giving of a gift, purchase, pledge and debt. What is interesting about this precept is the resemblance it bears to the common law notion of privity. The common characteristic of the documents referred to, is that they concerned transactions undertaken between two or more persons. The rights or obligations arising from these transactions were confined to the signatories of these documents. It could be possible that the privatisation of these documents was aimed at guarding against disruption of transactions via third party intrusions. The limited reference to private communications is found within the realm of governance, within the context of privacy of information. The only illustration of this that we have come across is the precept in the Arthashastra that requires intelligence to be communicated in code.

E. Privacy of Identity

The final aspect that warrants detailing is the privacy of identity. The notion of privacy of identity can be understood in two ways. The first deals with protection of personal information that could be traced back to someone, thus revealing his or her identity. The second recognises the component of reputation. It seeks to prevent the misappropriation or maligning of a person's identity and thus reputation. In ancient Hindu jurisprudence there is evidence of recognition of the latter. An illustration of the same is offered by the precept which states "For making known the real defects of a maiden, one should pay a fine of a hundred panas". Another precept prescribes that false

accusations against anyone in general are punishable by a fine. Additionally, there is also a restriction operating against destroying or robbing a person of his or her virtue. In the modern context, the above would be understood under the rubric of defamation. These precepts are indicative of the fact that defamation was recognised as an offence way before the modern legal system afforded cognizance to the same.

Conclusion

The dominant narrative surrounding the privacy debate in India is that of the alien-ness of privacy. This paper has attempted to displace the notion that privacy is an inherently 'Western' concept that is the product of a modernist legal system. No doubt the common understanding of the legal conception of privacy is informed by modernity. In fact, the research conducted in support of this paper has been synthesised from privacy information through a modernist lens. The fact still remains however, that privacy is an amorphous context, and its conceptions vary across cultures. To better appreciate the relevance of Classical Hindu law in a modernist context, the nature of Hindu law must be examined first. While Hindu jurisprudence might not qualify as law in the positivist sense of the term, its precepts continue to inform India's statues and judicial pronouncements.

Privacy is subjective and eludes a straitjacketed definition. On occasion this elusiveness is a function of its overlapping and varying aspects. At other times it stems from a terminological lacuna that complicates the explication of privacy. These impediments notwithstanding, it is abundantly clear that the essence of privacy is reflected in Hindu culture and jurisprudence. This may give pause to thought to those who seek to argue that 'collectivist' cultures do not value privacy or exhibit the need for it.

References

1. Daniel J. Solove A Taxonomy of Privacy, University of Pennsylvania Law Review, 2006, 154(3).
2. Upendra Baxi. Who Bothers About the Supreme Court: The Problem of Impact of Judicial Decisions, available at http://clpr.org.in/wp-content/uploads/2013/08/whobothersabouttheSupremeCourt.pdf.
3. See RH. Clark, Constitutional Sources of the Penumbral Right to Privacy, available at http://digitalcommons.law.villanova.edu/cgi/viewcontent.cgi?article=2046&context=.See PUCL v. Union of India, AIR, 1997, 568.
4. See Griswold v. Connecticut, 381 U.S. 479 (1965); Lawrence v. Texas, 539 U.S, 2003, 558.
5. See The Indian Penal Code, 1850, 499.
6. See The Hindu Marriage Act, 1955 Section 22; The Special Marriage Act, 1954, Section 33.
7. Bhairav Acharya, Vidushi Marda. Identifying Aspects of Privacy in Islamic Law, available at http://cis-india.org/internet-governance/blog/identifying-aspects-of-privacy-in-islamic-law (Last visited on December 23, 2014).
8. See Robert Lingat, The Classical Law of India, 1973.
9. Donald R. Davis, Jr., the Spirit of Hindu Law, 2010.
10. Alan Gledhill, The Influence of Common Law and Equity on Hindu Law Since 1800, available at http://www.jstor.org/stable/755588 (Last visited on December 23, 2014); Werner Menski, *Sanskrit Law: Excavating Vedic Legal Pluralism*, available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1621384 (Last visited on December 23, 2018)
11. Privacy International, *A New Dawn: Privacy in Asia*, available at https://www.privacyinternational.org/reports/a-new-dawn-privacy-in-asia/background (Last visited on December 28, 2019)
12. J. Duncan M Derrett. The Administration of Hindu Law by the British, available at http://www.jstor.org/stable/177940 (Last visited on December 23, 2019).
13. Manusmriti, Chapter IV, 201.
14. Manusmriti, Chapter IV, 202.
15. Wael B. Hallaq, An Introduction to Islamic Law, 2009, 31.
16. Marc Galanter. The Displacement of Traditional Law in Modern India, Journal of Social Issues, 1968, 24(4).
17. Werner Menski, Hindu Law: Beyond Tradition and Modernity, 2003.
18. J. Duncan M. Derrett, Introduction to Modern Hindu Law, 1963.
19. John D. Mayne, Hindu Law, 1875.
20. Ludo Rocher, Studies in Hindu Law and Dharamasastra, 2012.
21. Madhu Kishwar, Codified Hindu Law: Myth and Reality, available at http://www.jstor.org/stable/4401625 (Last visited on December 23, 2014).
22. See The Hindu Marriage Act, 1955, Section 7.
23. Saroj Rani v. Sudarshan Kumar Chadda, AIR 1984 SC 1562 (reflected the importance accorded by classical Hindu law to marital stability).
24. M Govindaraju v. K Munisami Goundu, 1996, 6(13).
25. Semayne v. Gresham, 77 Eng. Rep. 194, 195; 5 Co. Rep. 91, 195 (K.B. 1604).
26. Julius Jolly, The Minor Law Books, 1889, 164.
27. Manmath Nath Dutt, The Dharamshastra - Hindu Religious Codes, 1978, 1(103).
28. LN Rangarajan, Kautalya. The Arthashastra 371 ("O be built at a suitable distance from the neighbours property so as not to cause inconvenience to the neighbour"), 1992
29. See Manusmriti, Chapter IV, 201-202.
30. Manusmriti, Chapter IX, 194.
31. Samuel D. Warren & Louis D. Brandeis, *The Right to Privacy*, Harvard Law Review, 1890, 4(5).
32. Manusmriti, Chapter IV, 258; *Supra* note 71, Dutt, 134.
33. Manu Chapter VI, 44.
34. Manusmriti IX, 84