



NATURE OF PRIVACY IN ANCIENT TIMES: INSIGHTS FROM INDIAN TEXTS

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Abstract

Data is information about ourselves. In this digital world data is everything. From this data, one can improve your life and also can destroy your life. That is why the issue of privacy has become very crucial nowadays. The Honorable Supreme Court of India has also declared the right to privacy a fundamental right. Privacy is not a western concept. It is part of our life since the Vedic period. Shrimadbhagwat Gita contains issues related to privacy in which Lord Krishna advised Arjun regarding secret conversations. He taught Arjun about the importance of knowledge and that he should share this information with others.

Hitopdesha an ancient text contains issues of privacy. Hitopdesha is a collection of moral duties which everyone should follow. Later, this article extracts the issues of privacy from the teachings of Vidur written in Vidur Neeti. Privacy is a part of Indian culture. Although it was not available as a right in ancient India, it was a part of 'Dharma' which was mainly based on the philosophy of 'Karma'. In the western world, it started as a right against the state which is like a conflict of information between the state and the citizens. In ancient India, privacy was a part of our personality. It was people's Dharma to protect their information so that it could not reach the wrong person. For this in many ancient Indian texts, guidelines or bits of advice have been given regarding the flow of information.

Introduction

The fundamental rights have been widening and becoming comprehensive in nature in India. Recently the union government presented a Data Protection Bill in the parliament to protect the right to privacy of the citizens in the country. This was done to follow the supreme court judgment in the case of *KS Puttaswamy v Union of India and others (2017)* in which the court declared the right to privacy as a fundamental right and asked the government to legislate the law for the protection of the right to privacy of the citizens. However, the government has withdrawn the data protection bill from the parliament due to various shortcomings in the

bill and promised to come up with a new data protection law in the future. Due to these updates in the field of privacy everyone is curious about the origin of privacy. Some scholars have claimed that privacy was no longer available in India and it was a discovery of the western world. Some claimed it to be a part of Indian society and culture. Here in this paper, we have tried to extract the elements of privacy from the very pious book of the Shrimad Bhagwat Geeta. Also, we have tried to find out different forms of privacy that have been discussed in the Shrimad Bhagwat Geeta.

Later in this paper, we tried to compare the meaning of privacy in the Shrimad Bhagwat Geeta and today's meaning of privacy.

Privacy is an important element of our social and personal life. The issues of privacy create an important boundary between our personal and public life. Privacy is generally seen as a right or power to control the flow of information about ourselves. In 1890, Warren and Brandeis wrote an article in the journal "Harvard Law Review" titled "Right to privacy" in which he defined privacy as a right to be let alone. (Brandeis, 2022)

Adam Carlyle Breckenridge had written about privacy and that privacy is a most comprehensive right.

"Privacy is the rightful claim of the individual to determine the extent to which he wishes to share of himself with others and his control over the time, place, and circumstances to communicate to others. It means his right to withdraw or to participate as he sees fit. It is also the individual's right to control the dissemination of information about himself; it is his possession."¹

Thomas M. Cooley said that privacy is synonymous with the right to be let alone.²

Although the modern right to privacy indeed has its origin in western countries, it is also true that India had its form of privacy. In India, there was a right to privacy which was natural in nature. Here, the right to privacy was a part of morality and human dignity. In India, Saints live with privacy which was very important for their meditation and spiritual life. Everyone was provided privacy in ancient India. There was no interference allowed in personal lives without due process of law (Dharma).

As the concept of privacy is not new to Indian society, it is available in Dharamashashtras and ancient texts like Hitopdesha which says that certain matters about worship family, and sex should be protected from disclosure. There was a saying at that time-

"sarvas swe grihe raja"

It means that every man is king in his house.

¹ Sharma, S.K., PRIVACY LAW A COMPARATIVE STUDY, Atlantic Publishers and Distributors, page 333

² Thomas M. Cooley, A Treatise on the Law of Torts, 2nd ed. (Chicago: Callaghan and Co. 1888), p.29

Hitopdesha

There is shlok in an ancient text named Hitopdesha which is related to privacy.

“Varnakarpratidhwanainaitravakravikaratah

Apyatnti mano dheerastsmadrasahsi muntrayet”

वर्णकारप्रतिध्वानैत्रवक्रविकारतः

अप्यइन्ति मनो धीरास्तस्माद्रहसि मुत्रयेत् ॥ ३२ ॥³

This means that a clever person can know valuable information by recognizing the changes in color, eye movement, voice, and mouth, that is why communication should be in an isolated place.

“Shatkarno bhidyate mantrastatha praptchksh vartya

ltyatmana dwitiyen mantra karyo mahibhrata”

षट्कर्णो भिद्यते मन्त्रस्तथा प्राप्तश्च वार्तया

इत्यात्मना द्वितीयेन मन्त्रः कार्यो महीभृता ॥ ३६ ॥

In this, it is saying that there is a breach of privacy if the King talks to six persons. For this reason, the king should talk in isolation with only one that is a minister. In this way, privacy can only be maintained.

“Pashya mantrabhedeyapi ye dosha bhavanti prathi veepate

Na shakyaste samadhatumiti neetividam matam”

पश्य, मन्त्रभेदेऽपि ये दोषा भवन्ति पृथिवीपतेः ।

न शक्यास्ते समाधातुमिति नीतिविदां मतम् ॥ ३७

In this verse, the disadvantages of loss of privacy are explained. Pandit Narayan said that if any loss occurs due to a breach of private information, than that loss can not be compensated.

From the above facts, we can understand that privacy was a considerable value in India Culture.

³ Hitopdesha, Katha- 7, online available at https://archive.org/details/hitopadesha_hindi/page/n191/mode/2up?view=theater

Shrimadbhagwatgita

Shrimadbhagwat Gita is the collection of the teachings given to Arjun by the lord Krishna during the war of Kurukshetra. This whole scripture has been written in eighteen chapters called 'adhyaya'. Each adhyay explains different issues that were asked by Arjuna from Lord Krishna. Now we will try to extract the elements of privacy chapter-wise.

Pratham Adhyaya

In this adhyaya, Arjun asked Lord Krishna to move him to a place from where he could see all the warriors on both sides. Lord Krishna does this. After watching all his opposition warriors who are members of his clan also, get demotivated and refused to attack or participate in the war. Then Shri Krishna motivated him by answering his questions of doubt.

Shri Krishna told him about how our senses take us into an unprotected and senseless life. Shri Krishna asked Arjuna to control all emotions and protect himself from the attacks of the senses.

Chapter 2 shloka 61

"taani sarvani sayamaya yukta aaseet matparh:

Vashe hi yasyendriyani tasya pragya pratishthita"

तानि सर्वाणि संयम्य युक्त आसीत मत्परः ।

वशे हि यस्येन्द्रियाणि तस्य प्रज्ञा प्रतिष्ठिता ॥ 61 ॥⁴

Shri Krishna asked a sadhak (a person who is in yoga or dhyana) to control all his senses and sit under him for Dhyana because whose senses are in control that person put his mind at rest. In this way, Shri Krishna asked a person to control himself so that he could decide what is just or what is unjust. A person who has control over his mind and senses can protect himself from any interference. Shri Krishan Ji here wants a person to become aware of himself and in this way, he is saying to protect information, knowledge, practices, arts, etc so that it could not reach the wrong person.

In the Bhagwat Gita, Lord Shri Krishna told Arjun a very basic principle related to privacy. He said about what is to be shared with anyone and what should not be shared with others. Who is eligible to get information of anyone, Shri Krishna told.

⁴ <https://www.holy-bhagavad-gita.org/chapter/2/verse/61>

Shri Krishna gave supreme knowledge to Arjun which was related to many important matters like the principle of karma, Dhyana, Atma, etc. with this knowledge Shri Krishna asked Arjun to follow guidelines regarding sharing this knowledge.

Adhyaya 18

In Chapter 18 and shloka 63. Shri Krishna said that-

“Iti te gyanamakhyatam guhaadguhantaram maya

Vimrashyaitadsheshena yathechasi tatha kuru.”⁵

**इति ते ज्ञानमाख्यातं गुहाद्गुह्यतरं मया ।
विमृश्यैतदशेषेण यथेच्छसि तथा कुरु ॥ 63॥⁶**

It means, Shri Krishan told Arjun that he has shared this knowledge which is more confidential than confidential. And asked him to think over this knowledge and do whatever he thinks just.

In Chapter 18 shloka 64 Shri Krishna said that

“Sarvguhatam bhuya sranu me param vacha

Isthotasi me dradhmiti tato vakshyami te hitam”⁷

**सर्वगुह्यतमं भूयः शृणु मे परमं वचः ।
इष्टोऽसि मे दृढमिति ततो वक्ष्यामि ते हितम् ॥ 64॥⁸**

Shri Krishna asked Arjuna to listen to this secret knowledge seriously. Shri Krishna said arjuna is very loving to him and that is why he is sharing this knowledge with him.

In Chapter 18, shloka 67, Shri Krishna put some restrictions on sharing the knowledge of the Gita with anyone who is lethargic, not having faith, has no interest in listening, and never shares with a person who thinks he (Shri Krishna) has some defects.

“Idam te naatpaskay na bhaktaya kadachan

Na chashusrooshave vachyam na ch man yobhyasuyati”⁹

⁵ Goyandka, Jayadaya, Shrimadbhagwadgita Tatvavivechani Hindi Tika, Gita Press, Gorakhpur, Chapter-18, Shloka 67 page- 782

⁶ <https://www.holy-bhagavad-gita.org/chapter/18/verse/63>

⁷ Goyandka, Jayadaya, Shrimadbhagwadgita Tatvavivechani Hindi Tika, Gita Press, Gorakhpur, Chapter-18, Shloka 67 page- 783

⁸ <https://www.holy-bhagavad-gita.org/chapter/18/verse/64>

⁹ Goyandka, Jayadaya, Shrimadbhagwadgita Tatvavivechani Hindi Tika, Gita Press, Gorakhpur, Chapter-18, Shloka 67 page- 789

इदं ते नातपस्काय नाभक्ताय कदाचन ।

न चाशुश्रूषवे वाच्यं न च मां योऽभ्यसूयति ॥ 67॥¹⁰

Through this shloka, Shri Krishna taught Arjuna about sharing important information. He taught him and warned him regarding sharing information. Shri Krishna put some restrictions on the sharing of information with anyone who has no interest in listening, who has no faith in Shri Krishna, and who sees defects in Shri Krishna. And a person who has no faith in karma.

If we take this principle of sharing information we can understand the principle of privacy. It means that sharing of information should be based on some criteria. Sharing information with the wrong person may harm anyone and the state also. The principle of the right to privacy is also the same as above which gives control to a person on sharing of information regarding himself.

VIDUR NEETI

It is one of the ancient Hindu texts which proved that privacy was a considerable part of life in ancient India. It is based on a conversation between Dhritrashtra and Vidur. At the beginning of the war in Kurukshetra, Sanjay came to talk with Dhritrashtra and asked him about his wrong decisions and the disadvantages of the coming war. Due to the conversation with Sanjay, Dhritrashtra becomes sad and tense. That is why he called Vidur and asked him to give his valuable knowledge. Then Vidur delivered Vidur Neeti to Dhritrashtra.

Chatvari ragya tu mahabelan

Vajryanayahu panditstani vidyat

Alppragyai sah mantram Na Kurya

Deerghsutre rabhsaicharanesh

चत्वारि राज्ञा तु महाबलेन

वर्ज्यान्याहुः पण्डितस्तानि विद्यात् ।

अल्पप्रज्ञैः सह मन्त्रं न कुर्या

दीर्घसूत्रै रभसैश्चारणैश्च ॥ ७४ ॥¹¹

In this shloka, Vidur said how we should talk secretly so that privacy could be maintained. Vidur advised the king to recognize those people who are having low intelligence, are procrastinators, are

¹⁰ <https://www.holy-bhagavad-gita.org/chapter/18/verse/67>

¹¹ Shri Hari Vidur Neeti, Gita Press, page no 14, online available at

<https://archive.org/details/HindiBookVidurNeetiCompleteByGitaPress/mode/2up>

rash people, and praising people. Vidur said, the king should not do secret discussions in front of these people, because they all are responsible for the loss of secret information i.e. privacy and they all are discardable.

Conclusion

In ancient India, people were very well aware of the issue of privacy. The nature of privacy in ancient India was different from that of privacy in the western world today. Privacy in India was available as a part of the culture. It was a duty of the person as the philosophy of Dharma says. Shrimadbhagwat Gita contains lots of information about 'privacy'. Shri Krishna told Arjun about the sharing of knowledge with others and tell him, with whom he should share the valuable information. Hitopdesha which is an ancient Indian text also talks about the issue of privacy. It explains how should a king discuss valuable information with others so that the information can be protected.

Vidur, who was a wise person in Hastinapur, also talked about privacy as written in Vidur Neeti.

From all the above pieces of evidence, we can say that privacy was available in ancient India. However, it was not a right against the state. While it was the duty of everyone. Everyone respected each other privacy. Due to this, there may be very few incidences of invasion of privacy.

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