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# From Maryada to Rights: Rethinking Women's Privacy in Cyberspace through Indian Knowledge Systems, Consent and Constitutional Dignity

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**Abstract**

Women's privacy in cyberspace is typically analyzed through modern rights law. In contrast, the cultural vocabulary many families and communities in India use to interpret women's conduct, honor, and modesty receives less scrutiny. This paper examines the idea of maryada, understood as boundary, propriety, and dignity, as it appears in scholarship on Indian knowledge systems, and relates it to consent, constitutional dignity, and contemporary digital rights. Using a doctrinal and conceptual-analytical method, it reads scholarly translations and studies of Indian traditions alongside constitutional jurisprudence and current legislation. It argues that maryada has a double meaning: it can express dignity and mutual restraint, but it has also operated as a social code that places the burden of honor on women and justifies control over their bodies and communication. Consent and autonomy, central to constitutional privacy, are in tension with this code. The paper proposes a reconstructive reading, maryada as rights, built on three principles: dignity as an entitlement of the person, consent as continuing and contextual, and responsibility placed on those who violate privacy and on the institutions that enable such violations. It concludes with implications for law, platform governance, and education. The paper does not claim that classical texts anticipated modern privacy rights, and it treats Indian knowledge systems as plural and contested.

**Keywords:** women's privacy, cyberspace, Indian knowledge systems, maryada, consent, dignity, digital rights

## Introduction

A photograph shared in confidence can be copied and circulated within hours, a woman's face can be inserted into synthetic sexual content, and a phone can be monitored by a person with

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whom she lives. These are violations of privacy, but for many women in India they are also experienced as moral and social events: the shame that follows is often attached to the woman and her family, and not to the person who intruded (Kovacs et al., 2013; Sambasivan et al., 2019). Constitutional law has moved in the opposite direction. In *Justice K.S. Puttaswamy (Retd.) v. Union of India* (2017), the Supreme Court held that privacy is a fundamental right closely tied to dignity, bodily integrity, and autonomy. This paper begins with the gap between the legal promise and lived experience.

The gap has a cultural dimension that is often neglected. Ideas of honor, modesty, and propriety, often expressed through the term maryada, shape how violations are understood, reported, and judged. At the same time, public policy now encourages studying Indian knowledge systems (IKS) in education (Ministry of Education, 2020). This creates both an opportunity and a risk. The opportunity is to ground rights in concepts familiar to Indian society. The risk is an uncritical celebration of tradition that overlooks how traditional norms have constrained women. A responsible analysis must therefore engage IKS critically and not decoratively.

This paper addresses three questions.

1. How do ideas of maryada in Indian knowledge traditions relate to women's dignity, privacy and control over their bodies and communication?
2. How do consent and dignity operate in constitutional jurisprudence and in the statutes that address cyber privacy violations?
3. Can a reconstructive reading connect the two, and what would it imply for law and practice?

The paper contributes a conceptual argument, not new empirical data. It shows that maryada is ambivalent, that it’s protective and controlling meanings can be separated analytically, and that a rights-based reading can retain the former while rejecting the latter. The paper proceeds as follows: it sets out the conceptual framework and literature, describes the method, analyses maryada, consent and constitutional dignity, proposes the reconstructive framework, and considers implications and limits.

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## Conceptual Framework and Literature Review

### ➢ Privacy, Consent and Dignity in Rights Discourse

Modern privacy scholarship begins with Warren and Brandeis (1890), who argued that law should protect a person's private life against intrusion enabled by new technologies. Solove (2008) later described privacy as a cluster of related problems, grouped by the harms that they cause, and Nissenbaum (2010) proposed contextual integrity: information flows carry norms tied to the context in which they occur, so that a violation arises when information moves in a way that breaks those norms. Contextual integrity is especially useful for intimate images, because it shows why agreeing to share an image with one person is not agreement to its wider circulation. Citron (2019) goes further and names sexual privacy as a distinct interest, essential to equality and intimate life.

Consent is central to these accounts, but it is not simple. Feminist philosophers describe autonomy as relational: people form and exercise choices within relationships and social structures, so a right to choose means little if those structures make some choices costly (Mackenzie & Stoljar, 2000). Dignity provides the moral basis for such claims. Nussbaum (2000) grounds dignity in central human capabilities, including bodily integrity and control over one's environment, and this view aligns closely with the Indian constitutional language of dignity and autonomy.

### ➢ Feminist Critiques of Privacy

Feminist scholars have long warned that privacy has an uneasy history for women. Pateman (1989) showed how the division between public and private life treated the household as a space beyond justice, and MacKinnon (1989) argued that privacy doctrine has often shielded male dominance in the home. Allen (1988) defended privacy as valuable to women provided that it is understood as a means to freedom and not as a shield for domination. Indian feminist legal scholars add that law is both a site of oppression and a site of resistance (Kapur & Cossman, 1996), that reliance on law alone is risky (Menon, 2004), and that women's rights in India have been shaped by competing demands of religion, family and the state (Agnes, 1999). Crenshaw (1991) reminds us that gender interacts with caste, class, and religion, and Kandiyoti (1988) describes the patriarchal bargains through which women accept constraints in return for security.

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- **Technology-Facilitated Gender-Based Violence**

Research on technology-facilitated abuse shows that violations such as image-based sexual abuse, stalking, impersonation, and doxxing form a continuum with offline violence (Dunn, 2020; Henry & Powell, 2016; McGlynn et al., 2017). Citron (2014) argues that online harassment is a civil rights problem because it denies women equal participation in public life, and Citron and Franks (2014) show that the harms of intimate-image abuse are not only emotional but also economic and civic. Studies in South Asia find that women manage privacy through family-shared devices, deleted messages, and other tactics, and that families often respond to abuse by restricting women's phone use (Sambasivan et al., 2018, 2019). Indian studies and legal analyses document under-reporting, victim blaming, and gaps in the law (Halder & Jaishankar, 2011; Kovacs et al., 2013).

- **Indian Knowledge Systems and Women**

Indian knowledge systems are not a single body of doctrine. They include Vedic ritual literature, the legal and ethical texts known as the Dharmaśāstras, the epics, devotional and philosophical traditions, and many regional and folk practices; India's ethical traditions have always been plural and contested (Bilimoria et al., 2007). Scholarship on Dharmaśāstra literature provides a detailed account of its rules on family, property, and conduct (Kane, 1968–1977), and Olivelle's (2005) critical edition and translation of the Manu code is a standard source for its provisions. Work on ritual texts shows that women held defined roles in ancient ritual and hospitality (Jamison, 1996), while Chakravarti (1993) argues that caste and gender hierarchy were closely linked in what she terms Brahmanical patriarchy. These readings show that traditional sources contain both ideals of honoring women and rules that restrict them.

## The Research Gap

The literature on women's cyber privacy is mostly framed in modern rights terms, and the literature on women in Indian traditions is mostly historical. Few studies bring the two together to ask how a culturally familiar concept such as maryada helps or hinders the protection of women's privacy in cyberspace. This paper addresses that gap conceptually.

## Research Methodology

The paper adopts an interpretive, conceptual-analytical approach combined with doctrinal legal analysis. Doctrinal analysis examines authoritative legal sources, namely constitutional

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decisions and statutes, to state and evaluate the law. Conceptual analysis clarifies concepts by tracing their meanings and relating them to other concepts. The method proceeded in four steps: identifying the concepts of maryada, consent and dignity; tracing their meanings in scholarly translations and studies of Indian traditions; mapping them onto the rights concepts of the constitutional and statutory framework; and critically assessing points of convergence and conflict.

Sources were selected purposively. For IKS, the paper relies on a critical edition and translation (Olivelle, 2005), a standard historical survey (Kane, 1968–1977), and scholarly interpretations rather than popular or devotional summaries. For law, it uses reported Supreme Court decisions and the statutes listed in the Table of Legal Authorities. [State whether you read any primary texts in Sanskrit; if not, state that the analysis relies on published translations.] Verse references to translated texts follow the numbering of the cited edition, which may differ from other editions.

The approach has limits. It depends on translations and secondary scholarship and makes no philological claims. It treats traditions as sources of argument and not as authority. Its legal analysis is a snapshot of provisions that are being amended and reinterpreted. The author's position is [state your disciplinary background and any relevant positionality, for example as a legal scholar or an IKS researcher].

## Analysis and Discussion

### ❖ Maryada: Dignity and Its Double Edge

The Sanskrit term *maryādā* denotes a boundary or limit and, by extension, propriety and moral restraint. In ethical usage, it can describe the limits within which a person of integrity acts, and it is commonly associated with dignity and self-restraint. Read this way, maryada is a principle that binds the powerful as well as the weak: it demands that a person respect others' boundaries. In practice, however, the language of boundary and propriety has often been directed at women's conduct. Scholarship on the Dharmaśāstra literature notes two kinds of statements side by side. One is the frequently cited passage in Manu's code that gods delight where women are honored (3.56). The other assigns the guarding of women to father, husband, and sons at successive stages of life (9.3) (Olivelle, 2005). Chakravarti (1993) reads such rules as part of a system that controls women's sexuality in order to preserve caste and family boundaries.

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Together, these two kinds of statements illustrate the double edge of maryada: honor in principle, guardianship and control in practice.

This ambivalence carries into the digital sphere. When a woman's image is leaked, honor norms attach the harm to her reputation and her family's standing. Studies in South Asia describe women who are blamed, restricted, or silenced after abuse, and who adopt secrecy as a defense (Kovacs et al., 2013; Sambasivan et al., 2018, 2019). Kandiyoti's (1988) patriarchal bargain helps to explain why some women accept monitoring in return for permission to own a phone. In this setting, the controlling meaning of maryada operates as an informal privacy regime hostile to women's control of their information.

It would be wrong, however, to treat the controlling meaning as the whole of the tradition. Because IKS are plural (Bilimoria et al., 2007), and because women's ritual and social roles were more varied than rule books suggest (Jamison, 1996), the tradition offers resources that can be re-read in favor of women's dignity. The task is critical selection and reconstruction, and not either rejection or celebration.

- **Consent and Autonomy**

The Dharmaśāstra tradition generally placed decisions concerning women’s marriage and property within family guardianship (Kane, 1968–1977; Olivelle, 2005), whereas constitutional privacy prioritizes individual consent and autonomy. Relational autonomy reconciles these perspectives by recognizing family relationships while protecting women’s independent choices (Mackenzie & Stoljar, 2000). Similarly, contextual integrity establishes that consent to share an image privately does not authorize its public distribution (Nissenbaum, 2010). Consent must be informed, specific, continuing, and revocable. Likewise, family monitoring through phone inspections or stalkerware cannot be justified as protection without consent. Technology must respect women's privacy, dignity, and autonomy (Sambasivan et al., 2019).

- **Constitutional Dignity and the Law of Cyber Privacy**

The Indian Constitution protects dignity, privacy, and personal autonomy under Article 21. In Puttaswamy (2017), the Supreme Court recognized privacy as a fundamental right, while Navtej Johar (2018), Joseph Shine (2019), Vishaka (1997), and Suchita Srivastava (2009) strengthened individual liberty and equality. Statutes such as the IT Act 2000, BNS 2023, and DPDP Act 2023 address digital and gender-based violations. However, fragmented laws,

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morality-based concepts of modesty, limited protection against synthetic media, and social stigma discourage reporting. Effective protection therefore requires coordinated legal reform, sensitive enforcement, and cultural transformation.

**Convergence and Conflict**

Table 1 compares the two readings and identifies possible bridges.

**Table 1**

*Maryada-Centred and Rights-Based Readings Compared*

| **Concept** | **Maryada-centered reading (as interpreted in scholarship)** | **Rights-based reading (constitutional and statutory)** | **Tension and possible bridge** |
|---|---|---|---|
| Dignity | Tied to conduct, role, and family standing | Inherent entitlement of every person (*Puttaswamy*, 2017) | Treat dignity as inherent and make honor a duty of others to respect |
| Privacy | Household boundaries and the separation of inner and outer spheres | Control over body, information and choices in all spaces | Boundaries should protect the woman and not conceal harm done to her |
| Consent | Decisions placed within family guardianship | Individual, informed and continuing consent | Relational autonomy: relationships support, and do not replace, choice |
| Modesty and shame | Burden carried by women | Violation is a breach of consent and not a woman's lapse | Replace modesty language with consent and dignity in law |

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|---|---|---|---|
| Protection | Guardianship, as in the commonly cited rule on guarding women | Protection against violators, with remedies | Protection must not become control |
| Responsibility | Restraint expected of women | Duty on offenders, platforms and the State | Reallocate restraint to the person who intrudes |

❖ **Maryada as Rights: A Reconstructive Framework**

The analysis suggests a reconstructive reading in which the protective core of maryada is retained, and its controlling use is reversed. Three principles follow.

*Dignity as entitlement.* Dignity is not conferred by conduct but belongs to every woman, as the constitutional case law holds (*Puttaswamy*, 2017) and as capabilities theory supports (Nussbaum, 2000). In this reading, maryada describes a duty on others: to respect a woman's boundaries, body and information. The violation of privacy is then a failure of maryada by the violator, and not a loss of honor by the victim.

*Consent as continuing, contextual and relational.* Consent must be specific to a context and purpose (Nissenbaum, 2010), revocable, and understood within relationships that support autonomy (Mackenzie & Stoljar, 2000). Intimacy, marriage, or shared housing do not imply consent to monitoring or circulation.

*Shared and structural responsibility.* Because violations arise from norms, technologies, and institutions together, responsibility lies with offenders, families, platforms, and the State, not only with individual women (Citron, 2014; Kapur & Cossman, 1996). Restraint, the core of maryada, should be demanded of the party with power to intrude.

**Implications**

*Law and policy.* Offenses concerning intimate images and stalking should be framed around consent, dignity, and the absence of authorization, not modesty. The law should address synthetic sexual content explicitly, provide civil and rapid-removal remedies as well as criminal sanctions, and make victim-centered procedures part of police practice (Citron, 2014; Henry & Powell, 2016).

*Platform governance.* Intermediaries should provide accessible reporting channels in major Indian languages, meet takedown obligations promptly, and use privacy-protective defaults, since women's ability to respond depends on how these tools are designed (Dunn, 2020).

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*Education and IKS.* If IKS are taught as part of national policy (Ministry of Education, 2020), curricula should include critical readings that show both the honoring and controlling strands of tradition so that students can distinguish dignity from control. Digital literacy programs should teach contextual consent and available remedies.

*Families and communities.* Awareness work should challenge victim blaming and present protection as respect for a woman's choices, and not as surveillance (Sambasivan et al., 2019).

**Limitations and Directions for Future Research**

The paper is conceptual and does not test its claims empirically. It relies on translations and secondary scholarship and does not cover the full diversity of Indian traditions, such as Buddhist, Jain, Tantric, regional and folk sources, or women's own voices within them. Future research could examine these sources directly with philological expertise, collect empirical evidence on how women and families use the language of maryada when responding to digital violations, compare judicial reasoning in cyber privacy cases over time, and evaluate the effect of consent-based drafting on reporting and conviction.

**Conclusion**

This paper has argued that maryada, as a concept in Indian knowledge traditions, has a double meaning that matters for women's privacy in cyberspace. As dignity and mutual restraint, it aligns with the constitutional commitment to dignity and autonomy. As a code of honor directed at women, it conflicts with that commitment and helps explain victim blaming and the under-reporting of digital abuse. Consent, understood as continuing, contextual, and relational, and dignity, understood as inherent, provide the means to reconstruct maryada as rights. The proposed framework places the duty of restraint on those who violate privacy and on the institutions that enable such violations, and it calls for law, platforms, families, and education to reflect that shift. The task for scholars and policymakers is to engage Indian knowledge systems critically, using what supports women's dignity and setting aside what constrains it.

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