An account of the evolution of ‘privacy’ in India is presented here by tracing the conceptual trajectory of privacy through the filter of family regulation. In doing so, it scans a wide discursive canvass for constructions of privacy as well as crucial relationships, the act has taken the unprecedented step of a posteriori a mixed response vis-à-vis the outlook towards privacy and violence. There have been many pro-women judgements since the implementation of the PWDVA 2005, but cultural stereotypes and biased interpretations persist. The notion of family privacy, the court rulings on rape – “no self respecting woman would come forward in a court just to make a humiliating statement against her honour” (emphasis added) such as is involved in the commission of rape on her” or “the rapist during the defeat of the soulless heartless woman.”

**Womenhood and the culture of silence**

The link between Section 498A addresses the prevalent norms of womanhood and the culture of silence around domestic violence is a posteriori – a majority of women interviewed during the last National Family Health Survey justified violence against them by their husbands. As many as 54 percent of women and 51 percent of men agreed that it is justifiable for a husband to beat his wife (for example, when she disrespects her laws or neglects the house or children). UNICEF’s The State of the World’s Children 2012 reported that among 15- to 19-year-olds in India, 57 percent of boys and 53 percent of girls believed that a husband was justified in beating his wife under certain circumstances. It seems that notions of self-identity, shame and honour exert more pressure and influence on the collective consciousness of women than laws that promise them redress.

With such stiff cultural resistance to making private matters public, a backlash against legislation was inevitable. Men-led groups (comprising husbands, mothers-in-law and sisters-in-law) across the country have facilitated a large and active country-wide network of different organizations such as the World Bachpan Bachao Andolan, Committee for the Protection of Children and Evaluation Group, and the United Nations Declaration on Elimination of Violence Against Women. Besides covering a gamut of physical, verbal, economic and mental abuses, they also include sexual abuse, especially forced, non-consensual sexual intercourse. However, rape is still not recognized in marriage, unless committed with a minor or separate wife. Section 375 of the Indian Penal Code makes an exception to the offence of rape in marriage because sexual intercourse is seen as a right of the husband and a natural implication of the marriage. By conventionally including marital rape in the PDVDA (through the euphemistic term ‘sexual abuse’), yet another dimension of violence in the family has been challenged. Yet, women may not always recognize the offense as such or the husbands as violence (Lawyer’s Collective Women’s Rights Initiative and ICWR 2005). To deal with spousal violence in diverse private domestic relationships, the act has taken the unprecedented step of including “any relationship in the nature of marriage,” thus including women in live-in relationships, legally voidable marriages and common law marriages. It can also be used in natal family relationships by mothers, daughters, widows and so on. Unlike the pro-PDVA days when a woman had to visit a number of courts to seek different kinds of relief, the new law offers her a “single-window clearance” – one court for a number of supposedly immediate relief measures such as protection from violence, monetary relief and compensation, temporary custodial rights and the right to the “shared household.” The right to reside in the shared household is one of the highlights of the act as it addresses a major lacuna in the system – dispossession from the house. The PDVDA allows women directly to file petitions for protection structures in the form of Protection Officers, Service Providers and even Counsellors.

Meanwhile, women continue to bear the cross for the family’s salvation and the nation’s honour. The heightened presence of law in...
Among all the social institutions in India, the family enjoys an iconic place in the social imaginary as an ideal unit. Dowry-related violence triggered a high-pitched women’s movement that pushed the Indian government to amend existing laws and protect women from violence.

It seems that notions of self identity, shame and honour exert more pressure and influence on the collective consciousness of women than laws that promise them redress.