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Imagination is the highest form of research.

Albert Einstein

Volume: IV, Issue: I

January - 2018

Chief Editor

Dr. Keyur K. Parekh

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In Collaboration with

Smt. S.C.P.F. Commerce College, Dabhoi
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EDITORIAL NOTE

We are now publishing the first issue of the third year and we are extremely happy to publish the first issue of January, 2018 of an International Multidisciplinary Referred Journal named *PERCEPTION* under the banner of *KESHAV PUBLICATION* for providing a platform for research scholars to present their excellent research articles and shed light on the unexplored avenues of knowledge. It is an opportunity for young scholars provided by us by bringing out our Quarterly Journal as an extraordinary guide to research scholars of different branches of knowledge.

The most amazing thing for us is the wide range of subject matter for our journal by the genuine scholars from the academic fraternity across the world. It will prove to be an extraordinary opportunity for elite and knowledge seeking readers. It will be a great exhibition of the level of competence the research scholars possess. Our endeavor will provide the scholars with the variegated stuff. This issue offers research articles in different contemporary fields of knowledge and disciplines such as English Language and Literature, Law, Science, Gujarati Literature etc. It is our humble attempt to bring forth the diverse areas and disciplines under one umbrella. We wish, our sincere efforts will certainly achieve the desired results. We feel proud and honored to welcome all the erudite scholars who have encouraged, advised and helped us in paving the path by enriching and embellishing such an academic enterprise. We are determined to pursue this pleasant endeavor by putting our heart and soul into it and ensure that the journal will celebrate the sustained and resourceful life for a longer period of time. Hope that our knowledge seeking and sharing fraternity will enhance, illuminate and encourage us with their everlasting support.

This issue is completely focused on English Literature and Law. We are very much hopeful that this issue will accomplish the changing needs and expectations of the diverse classes and components across the globe.

Editors

PERCEPTION

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SONGS OF THE RATHVA COMMUNITY

Dr. Keyur K. Parekh,

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Abstract:

Songs have always been a wonderful medium of extending culture from one generation to another. It is an effective genre because of its simplicity. It presents an excellent picture of real life situation. The research paper represents the rathva Community and its cultural construct through different songs like Songs of celebration, Songs of Pithora, Songs of festivals, Songs of religion, *Gaynu* etc. These songs are full of variations. They reflect the cultural ethos and provide the real picture of the past and present life of the Rathva Community. Such songs are, in real sense, the perfect picture of the tribal community like the Rathva Community.

Keywords:

Song,	Culture,	Ethos,	Genre,	Festival,
Marriage,	Religion,	Agriculture,	<i>Gaynu</i> ,	Adivasi,

Introduction

Right from the time immemorial, because a man is a social and thinking animal, has always been trying hard to express himself. Therefore he is different from other animals also. Not only that, he also behaves differently from one another. In Gujarati literature, there are many genres to be cherished. The representation of this literature is quite interesting and exciting. Many notable works are beautifully delineated in various genres. As a result, we have poetry, drama, novels, novelette, short story etc. in both oral and written tradition. Both these literary traditions have played a substantial role in paving the path for such a rich literary heritage. The literature is a representation of the society. And as a result, a human being also expresses his feeling and emotions in his life style, festivals, celebrations, religious events, marriage functions, agriculture and nature. It also expresses the virtues and vices of the human being. The poets, writers and the critic play a substantial role in the development

of the literature across the world. In Gujarati literature, time and again, we find the changes and modifications. Because literature is associated with the human life in particular and social life in general, one has to take a resort of literature for understanding the social life of the particular area or tribe. It should not only be understood properly, but also acknowledged in a proper spirit. Many types of songs are available in Gujarati Tribal Literature. They can be summed up as under:

Folk Songs

Along with Gujarati literature, the folk literature is also flourished. The folk poet and writer Zaverchand Meghani of Saurashtra region became instrumental in spreading Gujarati folk literature on the world scenario. Folk literature is a literature created, presented and sung by people. It is an oral tradition therefore it is transferred from one mouth to another from generation to generation. But so far as the Tribal

literature of Vadodara district are concerned, there are plenty of varieties available. Folk songs, folk poetry, folk drama, folk tale, Aakhyan (Skit), *Bhavai* (A type of drama) etc. Folk literature presents the contemporary life of people and subject of the region. It is associated with the elite and distinguished people of the time. It has also been changing according to the changing situation of the societal code of conduct. Some Gujarati writers have given definitions of folk literature. They are as under:

a) *“Lok Sahitya etle lokprebhe ramtu, lok kanthe jivtusahitya”*. Umasahankar Joshi (Rathva Introduction)

Folk literature is a literature which is on the tongue of people and living on the mouth of the people. – Umashankar Joshi

b) *Lok Sahitya etle avu sahyitya je aapna sudhi mukh parampara uteri aavelu chhe. Ane je lok jivan paraj rahelu chhe. Je junu pan hoy ane eno ugam pan navo hoy. Aa sahyitya koi ek Chokkas karate ke kartaoni kruti tarike aapvama aavyu hoy.* – Ke Ka Shastri

Folk literature is an oral tradition. It is on the tongue of the people. It could be old or new. It could be known as the work of any one or more than one writers. – Ke Ka Shastri

c) *Sandhormi Lokorminu Sahitya Sangh Chetananu Dharatinu Dhavan.* – Zaverchand Meghani

It is a religious, emotional spirit of literary discipline, the breast feeding of the Mother Earth. – Zaverchand Meghani

In Folk songs, there are various kinds of songs have been flourishing day by day. These songs are different from one another in different areas of Gujarat. In Saurashtra, Meghani in *Saurashtrani Rasdhar* presents the bardic colour. Likewise, the songs of Rath region which is located in the Eastern part of Gujarat, focuses

on different occasions, festivals, rituals, traditions, cultures, customs, fairs, seasons, nature etc. They are very much attached to the land, nature and agriculture therefore their songs also reflect such events.

As we all know, *Adivasi*, the word itself suggests the people living from the inception of the planet Earth, are basically a kind of tribe residing completely on natural resources. They are very much independent and self resourceful in nature. They live natural life and therefore they are keener towards nature, jungle and land. They are in real sense, a pantheist. Their songs are based on the customs, rituals, agriculture, reaping, Holi, Dashera, Divaso and so many other occasions such as celebrations, fairs and festivals, marriages and death. Over a period of time, this type of songs is developed as the literary genre. Hence, folk songs has become an integral part fo the Tribal literature in particular and world literature in general.

A great German dictator of the world Hitler once said that Life without music is a mistake. And the song has such resonance of sound that it seems quite appealing. For the folk song it is said that it has such a quality that it is oral in tradition, that is why, it can be easily transferred from one mouth to another from generation to generation. Because it is so, every class of the society possess the cultural heritage in the form of the folk song.

The Tribal community, especially the Rathva community is such a community which is very much aware of the preservation of the cultural and literary heritage. The cultural and literary heritage means culture, tradition, life style, customs, beliefs, mannerism, social set up etc. They cherish the folk songs on different occasions such as fairs, festivals, sowing, reaping, marriages, death etc. They enjoy and utilize different songs even according to the cycle of the seasons. This tribal community is pantheist. As a result, the folk songs related to

Nature and agriculture are very common for them. They are relishing the joy of each and every fair, festival, ritual and custom to the fullest.

Hence, in the lives of the Rathva community, the folk song is an integral part. They became the part and parcel of the people. There are certain illustrations which show the real picture of the Rathva folk songs. They are as under:

Songs of Celebration

Transcription:

Sundari Chayali chhelli bazare ke man mula vechava re lol... (3)

Vechi karine pachha varyan ke zat chhedda jaliyo re lol ... (2)

Chhod chhod Kanuda maro chhedo ke gher Bapo zumse re lol

tara bapane ghodiye besadi dau, nahi chhedo chhedlo re lol,

Chhod chhod Kanuda maro chhedo ke gher Madi zumse re lol

Tari Madine chudiyo peravi dam ke, nahi chhedo chhedlo re lol...

Chhod chhod Kanuda maro chhedo ke gher Bhayo zumse re lol

Tara bhayane ghodila lai aalu ke, zab chhedo chhodiyo re lol

Sundari Chayali chhelli bazare ke man mula vechava re lol.

(Rathva 4)

In this song of celebration, the dialogue between an *aadivasi* young boy and girl is shown. The boy is addressed as a *Kanudo* (Krushna) and a girl as a *Sundari* (beauty). A young and beautiful *aadivasi* girl goes to sell *Mula* (reddish) in the market. When she comes back after selling the reddish from the market, a young and flamboyant *aadivasi* boy becomes spell bound after seeing the beauty of the girl. The boy holds the border of her *odhani* (a kind of sari). Then, she requests the boy to leave the *Odhani*

because she is getting late for the meal. If she will get late, her father, mother and brother will get angry. In response to this argument, he tells the girl that she will make her father sit on the horse, bring the silver ornaments to her mother and will gift the horse to the brother and convince them all. So, it is a love song, beautifully presented in the form of the folk song.

Transcription :

Sheri me margho boliyo re aena rajana Chor chhe.

Jo – jo Rani tara Kuliyan re pelo,

Rajano chor chhe ... (2)

Jo – jo Rani tara Kadula re pelo

Rajano chor chhe ... (2)

Sheri me margho boliyo re aena rajana Chor chhe.

Jo – jo Rani tara Morli re pelo

Rajano chor chhe ... (2)

Jo – jo Rani tara Kadulare pelo, Rajano chor chhe.

Sheri me margho boliyo re aena rajana Chor chhe.

(Rathva 6)

In the present song, a Queen has come to play *Garba* (Gujarati folk dance) in the last phase of the night. The King does not know that the Queen has come for *Garba*. The cock has also given a signal for wake up call. It is the best time for the thief for the theft. So, the Queen is warned to be alert for the ornaments. Though, the soldiers are there for the protection of the subject, the thieves are more active.

Transcription :

Ame Garbana ramnara ke garbo ramta re lol... (2)

Ame Nainothi ramnara ke garbo ramta re lol... (2)

Ame pavana patriya ke garbo ramta re lol...

(2)

Ame Garbana ramnara ke garbo ramta re lol... (2)

Ame Bapuna Ladveta ke garbo ramta re lol.

Ame Matana Ladveta ke garbo ramta re lol.

Ame Garbana ramnara ke garbo ramta re lol.

Ame pavana patriya ke garbo ramta re lol.

Ame Virana Ladveta ke garbo ramta re lol.

Ame Benana Ladveta ke garbo ramta re lol.

Ame Garbana ramnara ke garbo ramta re lol.

(Rathva 6)

In this song, an *aadivasi* girl tells that we are fond of playing *Garba* because right from the childhood, *Garba* is associated with her. They play *Garba* as the women of Pavagarh (The mountain situated in Gujarat where there is a very popular temple of Goddess Kalika is there) play. She says that our father and mother who love us a lot, compare us with the women playing *Garba* at Pavagarh. The feelings and emotions of brothers and sisters are also compared with the women playing *Garba* at Pavagarh.

Songs of Pithoro

Rathvas are very much fond of dancing and singing. Songs, music and dance are included in every occasion. Most of the songs are sung during the marriage. They celebrate marriage by celebration of Pithoro, so on this occasion, too, women sing songs of Pithoro and Indraj. Rathvas' songs are short but they are lengthened the songs by repeating the same lines. The singing of songs starts from Tuesday when they go to bring *pandu* (a Pithoro painter). When the Pithoro is being painted in the house songs are sung. When Indraj's branches are planted, men dance around them and young girls and women sing songs around the dancers. When Indraj's branches are brought to the river to make them cool, young girls and women dance and sing songs. During a marriage, people from both sides always mock and abuse each other through

songs, in the same way, Indraj is considered from the opposite side and mocked and abused. During the marriage, the *badvo* (priest) is also mocked. The priest is considered a priest for Pithoro's marriage and is mocked and abused with the help of songs.

Transcription:

Aevo badvo dovalo

Adadhi rate dalo vadhava...2

Aevo badvo dovalo

Adadhi rate daalo vadhava...2

In this song, though it is very short but lengthen by the repetition of the same line again and again, the marriage of the Pithoro *dev* (Deity) is celebrated. In any marriage, the priest is an object of mockery. The *badvo* is the priest of Pithoro's marriage. Likewise, *Badvo* (the priest) is mocked and abused. It says that the *badvo* is so foolish that he consecrates the branches at midnight. The meaning of the song is that the branches should be consecrated earlier.

Transcription :

Ghani saseri ukale hoyli

Motano Indiraj.....2

Indni saseri ukale hoyli

Motano Indiraj.....2

Motile chadte melula marse

Motano Indiraj.....2

In this song, Indraj is also mocked and attacked verbally. It conveys that the house of some in-laws is on a *Ukele* (dung heap). Although Indraj is so great man, his in-laws's house is also on the dung heap. Therefore while going to such house of great Indraj's in-laws, people will feel ashamed and satirize because Indraj is very great person.

Transcription :

Nani doyli roopa sheri bhatiyo...(2)

Aevi aevi manta Juwansyo badvo lidhio...(2)

Nani doyli roopa sheri bhatiyo...(2)

Aevi aevi manta Juwansyo badvo lidhio... (2)

This song mocks at *badvo*. He does the activity of taking out liquor or water from big pots. The *badvo* uses a type of ladle known as a *doyli* which is made up of a gourd. Here it is said that the *doyli* is so small that the *badvo* could not perform his work easily. However the *bhati* is said to be of silver. Because he cannot do his work efficiently, he is mocked at.

Songs of Festivals

Transcription :

*Lakda leva jeli bharano helo laygo re,
Pani meno velo datede vadayo re lol,
Pani leva jeli bedano helo laygo re,
Pani menu vela datede vadayo re lol.
Holino halvo rame re o mari Jodi re,
Holino halvo rame re lol,
Rumal seti lidhine seta payada re oli javanadi,
O bhudi seti lidhi ne seta payada re lol,
Jata reshune shu khashu re oli javanadi,
O bhudi jata reshune shu khashu re lol
Jata revani vato kare re soli javanadi,
O bhudi jata revani vato kare lol.
Holino halvo rame re o mari Jodi re,
Holino halvo rame re lol.*

(Rathva 46 - 47)

The song is the real presentation of the festival of Holi celebrated in the month of Fagun. In this month, the weather is very pleasant and the *aadivasi* people who have gone for a labourious work in the far off places come back to their native places for the agricultural purposes. They celebrate these days and meet the friends and relatives very warmly. They enjoy these days by singing songs of Holi. This song expresses the affectionate relationship of strongly emotional people. These people invite one another for playing *Garba* of Holi popularly known as *Halvo* (a typical *aadivasi* folk dance especially performed during the time of Holi festival in the

Rath region of Vadodara district). In this song, the beloved provokes herlover to elope form this place because the people of the community does not accept their marriage. She says that they have fixed the knot of hand kerchief and now they should not be departed. But more practical lover says that if they elope, what will they eat? Hence, this song not only expresses the kind of excitement of the days during Holi festivals but also the predicament of the *aadivasi* people so far as the financial stability is concerned.

Transcription :

*Aayavo Poonamiyo melo re oli juvanadi,
Oli sori aavyo poonamiyo melo re lol
Mele jashu ne shu ae khashu re osheli javanadi,
Mele jashu ne shu khashu re lol,
Joonali javar dari deshu re shu re o shel javanadi
O sori junli javar dari leshu re lol
Taro tekone maro paiso re o sheli juvanadi
O sori taro tekone maro paiso re lol,
Taka paisani barfi leshu re soli juvanadil
Oli sori taka paisani barfi leshu re lol.*

(Rathva 47)

In this song, a couple in love is described. They discuss that there will be fair on the Full Moon Day, and from there only the lovers will elope. The song conveys that the month of Fagun is the month of lovers. The young boy, the lover proposes the young girl, the beloved to come in the fair for fun and enjoyment. But the young girl says that if they go to the fair, what they will eat. The young boy says that they will grind *Juwar*. The young boy says that her moral support will be enough for him. All the more, they will purchase *Barfi* (Sweet) of one paisa and enjoy it.

Transcription :

*Aayvo amroliyo melo re oli javanadi,
Oli sori aayvo amaroliyo melo re lol.
Changdol me bethi bethi rade re oli javan di,*

Oli sori changdol me bethi bethi rade re lol
Changdoliyu chui chui bole re oli javanadi,
Oli sori changdoliyu chui chui bole re lol,
Taro ne maro jodo laygo re soli javanadi,
Oli sori taro ne maro jodo laygo re lol,
Pana khadhyane maya laygi re oli javanadi
Oli sori pana khadhyane maya lagi re lol,
Mera me fari fari thayka re oli javanadi,
Oli sori mera me fari fari thayka re lol,
Nasi javani vato kare re oli javanadi,
Oli sori nani nasi javani vato kare re lol,
Aayvo samaroliyo mero re oli javan di,
Oli sori aayvo samaroliyo mero re lol.

(Rathva 48)

In this song, there is a description of the fair of Holi in the month of Fagun. It is about the fair organizes at Aamrol village of the PaviJetpurtaluka (now district) of Vadodara district. This fair is organized on the third day of Holi. This folk song about Holi is sung in the eastern part of the Vadodara district known as Rath region. The *Aadivasis* sing these songs during the celebration of Holi in the month of Fagun. In this song, the fair organized in the Aamrol village is popularly known as *Gesiya*.

Songs of Religion

Gayna: Bhajans:

Every community has its own religions heritage. This heritage is reflected in the *Bhajans* (Hymns). Each religion and sect has its own sets of *bhajans* and ways of singing them. The Rathvas have their own *bhajans*. Their *bhajans* are sung only on particular occasions. How the concept of *bhajans* developed among the Rathva *adivasis* a matter of confusion, because being *adivasis*, Rathvas are related with the nature. Considering Nature as omnipresent, they would have created different *devs*. At that time, they might have added songs and music for *devs* from which they got maximum enjoyment. People try

to give their best to make *devs* happy. In the same way, the Rathvas, within the context of their knowledge of *devs*, might have created *bhajans*. Common people indulge in *bhajan*-singing without realizing that such traditional method of invoking the divine can have a tremendous stress-removing impact. When a person participates in *bhajan*-singing, this participatory action elicits recreation and consequently a kind of mental relaxation. Every person cannot be included in the singing of Rathva *bhajans*, so there is nothing to measure its impact on him.

Rathva *adivasis'* *bhajans* are called *gayna*. Their *bhajan* tradition is different from that of Hindu *bhajans*. The Hindu *bhajans* are in written form, so no changes are seen in them so far as subjects are concerned, but the Rathvas' *bhajans* belong to oral traditions and they have many varieties in the presentation of the same subjects and singing styles. In their *bhajans*, they praise the divine, but all people cannot sing them. *Bhajans* are sung only by the *badva*, so each *badvo* has a different singing style. The *badvo* always sings with two or three companions who are called *gayni*. The *badvo* does not sing *bhajans* in general circumstances but only during particular rituals: when offering *pooja* to *devs* in the *devsthan* and when celebrating GamshahiInd, Pithoro, Pithoro'saanu or *sarokadhvo* (Different rituals in *Adivasis*).

On auspicious occasions, such as all but the last of those just mentioned, the *badvo* sings *bhajans* accompanied by a *dhak*, while on inauspicious occasions such as *saarokadhvo* the *badvo* uses a *karvas* (A musical instrument made from bamboo). The *badvo* sings the first line of any *bhajan* and his companions repeat the same line with him. When the *badvo* sings a *bhajan* of any particular *dev*, in between, he recites the *mantra* of that *dev* too. All *badvago* into a trance while singing *bhajans*. This is called *bharchadhvo*, and it is believed that the spirit of the *dev* enters his body. Under the trance, the *badvo* undergoes the

ritual of *dhunavu* (shaking his head violently and his companions, and other people promise the spirit of the *dev* that they will fulfil his demands and ask it to leave the *badvo's* body). When water is poured on the *badvo's* head, he comes out of the trance and again starts singing *bhajans*. Some *badva* mix more than one story in a single *bhajan*; in other words, the *badvo* starts by singing the *bhajan* of a particular *dev*, and then adds the stories of other *devs* and so lengthens them in *bhajan*.

The subjects of *Rathvabhajans* are their *devs*. In any type of ritual, the *badvo* sings *bhajans* of different *devs*. Mainly there are the *bhajans* of *Dhartimadi*, *Meghraj*, *DoodhoRawal*, *Indraj*, *Kali Koyl*, *Pithoro* etc. Common people never sing *bhajans*, but when the *badvo* sings them, they sit and listen to him and express their respect. *Rathva bhajans* belong to the oral tradition, so the two *bhajans* of *Rathva* are never exactly alike. Each *badvo* has his own *bhajans*, which include the story of *devs* as well as other materials. Due to contact with the mainstream, so much material from it is also included in their *bhajans*. Formerly, *Chhotaudepur* was an independent state and the way *badva* remember the dynasty of kings and their deeds also is found in their *bhajans*.

In *Rathva bhajans*, the rhythm is set by singing the name of the *dev* or *devi* whose *bhajan* is being sung at the end of the line. Sometimes, in a single *bhajan*, more than one *devs* or *devis* are included, and when their stories come, their names are added at the end of the line. “*Re malenmelunebhaimalenmelu ho...*” – this rhythm is used by almost all *badva* for any *bhajan*, but its meaning is not clearly known.

1. Kali Koyal's Gaynu :

Hey aaha kain horan gavun ae

Kain hore gavun ke...Kali ho Koyl

Kaidan na kaidan namo ae

Arrr rahni govale jeli...Kali ho Koyl

Doban ni govale jeli...Kali ho Koyl

Bhekharene gayu hey

Bhekharene gayu chare...Kandurano kunwr.....2

Arrr kaidan n kaidan namo ae

Arrr rah honano bahedo dhare...Kali ho Koyl

Honano bahedo dhare...Kali ho Koyl

Kaidan tara namo ae

Kaidan tara namo pade...Kali ho Koyl.....2

Ae sonano bahado dhari lidho

Honano bahado dhari lidho hoto

Rayna aangana valyan

Rolna pooje nankhava laji

Tina namo padava lajya

Chahan chando hooraj nimatva lajyo

Horan chahan nimatva lajyan

Kali Koyl hati

Chal tina namo padala lajya hota tini hante

Heerna ukalya nankhi lidha

Chahan valyo hiroono re kholo ne.....

Hey kholame lidha aambana gotan

Olen olen gotan thanva hone lagi ne...hey.....

Chanche chanche pani latya

Aambo vanhale vadharava lagyo

Vanhale vadharava lagyo hoto

Aambane javan jivadan lajyan

Aambo zazo morayva ho lago hey.....

Aambo Morava lajyo

Zina zina morva padyan

Jeli bali dobani govale ne.....

Tina namo padava lajya hota

Kandurano hoto tini hante

Hirno dhakodo ghadi lidho

Tina namo padava lajya

Hirno dhakodo hato

Gulali huti kamathi handhi lidhi

Hathalmen dhakodo lajyo

Padi Kali Koyl aambana thalumen ne.....

Tina tantiya ulalva mandya
Tina karamu gotava lajya
Aek be maino hova lajyo
Bena tin na charna maina aaya
Char panche chove aathe navase maina hova lajya
Aaje aayo bala rakhino re maino ne.....
Rakhine maine rakhino kunwr jalamava laajyo
Tina namo padava Vahi Lakhari bazi huti
Rakhino kunwr re
Rakhino kholo nimatyo
Bala Pithorana namo ne
Hey kain horan gavu re
Kali Koylna pete padyo...Pithurano kunwr.....2
Rakhine n maine ae
Rakhine n maine ae...Pithurano kunwr.....2
Kaidan kaidan namo ae
Kali Koylno chhoro nimatyo...Pithurano kunwr.....2
Nandi re nevanae ae
Jamlyane hole nimatyo...Pithurano kunwr.....2
Jamlyane hadare nimatyo...Pithurano kunwr.....2
Taran toyen namo ae
Pithirole nimatyo tu...Pithurano kunwr.....2

This hymn is dedicated to the Devi Kali Koyal. She is the mother of Pithoro whom the Rathvas consider their supreme *dev* (Deity). And therefore, she is worshipped very religiously. The *bhajan* delineated how Kali Koyal planted mango trees and when she went to graze cattle she was raped by Kandurano. It tells the story of Kali Koyal till she gave birth to Pithoro in the river. Through this *bhajan*, the birth of Pithoro is beautifully displayed.

2. Kali Koyal, Rani Mokhar and Pihtoro's Gaynu :

Aaha kain hore gavu ae
Kaink hore gavu ke...Kali ho Koyl.....2

Nandi re nevanae ae
Nandi re nevanae jeli...Kali ho Koyl.....2
Dhamasano hatro ae
Dhamasano hatrovale...Kali ho Koyl.....2
Tadhi hidyu veno ae
Tadhi hidyu veno chhoote...Kali ho Koyl.....2
Ae aaha aaha kano re ne balo ae
Kano ho n balo janmay...Kali ho Koyl.....2
Rakhi ne n maine ae
Rakhino kunwr jalamay...Kali ho Koyl.....2
Kharolome nalo ae
Kharolome nalo date...Kali ho Koyl.....2
Jamalini dale ae
Jamalini dale bathi...Kali ho Koyl.....2
Tina ragatu dadadya
Arr kalu n ratu jamlyu lajyu...Kali ho Koyl.....2
Ae aaha rrr kaidu n kaidu valu ae
Kaidu n kaidu valun vale...Pithurano kunwr.....2
Aankeline zade ae
Aankeline zade bathi...Kali ho Koyl.....2
Ae ragatu dadadya ae
Kalu ratu aankalyu lajyu...Kali ho Koyl.....2
Dokarvelana jalan ae
Dokarvelana jalam bethi...Kali ho Koyl.....2
Kalu ratu dokarvelu...Kali ho Koyl.....2
Kaidan kaidan namo ae
Arr aaha aaha haragune handore chali...Kali ho Koyl.....2
Kunhan kuhan rove ae
Kuhan n kuhan rovi railo...Pithurano kunwr.....2
Vanzyan rola raju ae
Vanzyan rola raju ke...Rani o Mokhar.....2
Arr tambanu ne bedu ae
Tambanu ne bedu lidhu...Rani o Mokhar.....2
Aaha Zinzali vavu ae
Zinzali vavu me jeli...Rani o Mokhar.....2

Aaha rrr goramati makatane ae
Goramati makatane jeli...Rani o Mokhar.....2
Balana laguna ae
Balana laguna karie...Rani o Mokhar.....2
Aaha rrr Zinzali vavume ae
Aaha aaha rrr kanin kanin here chali...Kali o
Koyl.....2
Ae tari ma chodu Kari n bolva mandyo
Tina namo padala lajya
Kari kari Rani Kajal hoti
Chal tina Rani Mokher bolenan ne bole ne.....
Ae tina namo padala lajya hota
Tini hate vadalya petu vadarya
Chal tini nandi nevene
Jay balo Pithoro jalamaya
Aaj maro baalo Pithoro jalamayva ho lago
ne.....
He p o o n a m n e d a d a m e j a l a m a y
Pithuranokunwr.....
Aathe rohe rame ae
Aathe rohe rame ke...Pithuranokunwr.....2
Rande randnu bedu ae
Rande randnu bedu fode...Pithuranokunwr.....2
Maryu shani vero ae
Gulali kamethi ghade...Pithuranokunwr.....2
Ae aaha aaha Devuni vahero ae
Devuni vahero lai...Pithuranokunwr.....2
Kaidan kaidan namo ae
Arrr aaha aaha rrr sindooriyo ghodo jode
r...Pithuranokunwr.....2
Aaha haraguna handore ae
H a r a g u n a h a n d o r e c h a d e ...
Pithuranokunwr.....2
Aaha Kaidan kaidan namo ae
Kaidan kaidan namo r pade...
Pithuranokunwr.....2
Aaha aaha harune handore
Harune handore huve...Pithuran kunwr.....2

Harune handore jove...Pithuran kunwr
Aaha thathaliya kagalo ae
Induna namo lakhe...Pithuran kunwr.....2
Aaha mamani bhageli ae
Mamani bhageli pade...Pithuranokunwr.....2

There are many embedded stories. They are skillfully intermingled with one another. This *gaynu* (Hymn) is one of them. It relates the story of Kali Koyal, Rani Mokher and Pithoro. It tells in detail how Kali Koyal gave birth to Pithoro. Before giving birth to Pithoro, Kali Koyal sat on different trees. Her blood oozed out and fruits like *jambu*, *aankela*, and *dokarvela* came into existence on different trees. Then Pithoro was born. Because Pithoro was illegitimate child, Kali Koyal abandoned him in the river and rushed away.

As one finds this in many fictitious stories, Rani Mokhar had no children. She went to fill up water in a copper pot, and she heard the sound of a child crying. She brought that child home, and he was given the name Pithoro. Rani Mokhar brought him up.

Growing up, Pithoro set out to wander, and one day he broke a clay pot of a widow². She scolded him, saying that his *Mama* (maternal uncle) had taken all the wealth. Pithoro prepared arms. He took the horse *Sindooriyo* and went to heaven to search for his maternal uncle. Pithoro fought with his maternal uncle and received his portion of the wealth. The details of the story in this *gaynu* are found in 'Kali Koyal's Mantra'.

3. Kalo Goongon, Hedarani and Kanheri Valen's Gaynu :

Kaio one gavu hey
Hedarani n lagan jode...Kalo ho Goongon.....2
Aaha aaha Kashina kagulo ae
Kashina kagulo lakhe...Kalo ho Goongon.....2
Kem kari lakhu ae
Aaha aaha dhuli dhuli royli raili...Hedarani

kunwr.....2
Nahin nahin mato ae
Kagole laguna jode...Kalo ho Goongon.....2
Hey heerio bajare ae
Harila dukane jailo...Kalo ho Goongon.....2
Pithirola layo ae
Pithirola layo tu...Kalo ho Goongon.....2
Valya vanyana ghoru ae
Valya vanyana ghoun jelo...Kalo ho Goongon.....2
Loogedan khapela layo...Kalo ho Goongon.....2
Ae aaha aaha ghanchan na ghoroo ae
Gangali ghanchan na ghoroom jelo...Kalo ho Goongon.....2
Aaha tiluda ne layo ae
Kali tili n telu layo...Kalo ho Goongon.....2
Aaja Hedarani n telu ae
Hedarani n tilu chade...Kalo ho Goongon.....2
Ghoomlani jano ae
Ghoomlani jano lai ri...Kalo ho Goongon.....2
Aaha Kashini vadyu men ae
Kashini vadyu men chalyo...Kalo ho Goongon.....2
Ae aaha karamuna gotayan ae
Karamuna gotaya tu...Kalo ho Goongon.....2
Arr aek n bena re maina
Ae aaha Diwalina maino aayo...Kalo ho Goongon.....2
Ae aaha Hedarani teme aayo
Aaha ptlya vaderya taran...Kalo ho Goongon.....2
Aek n be n chareo ne maina
Ohathere ne maina hoyo...Hedarani kunwr.....2
Padrmen hatayli ae
Padarmen hatayli tari...Kalo ho Goongon
Ae dungalunga peryu nankhe
He dungalunga peryu nankhe...Kalo ho Goongon

Houna hatera ae
Arr aaha anuna ukela vale...Kanheri Valen
Anuna ukaha vale...Kanheri Valen
Aaha anuna ukela ae
Anuna ukela dhare...Kanheri Valen
Anuna ukela vale...Kanheri Valen
Aateno pateno ae
Hatero jatero vale...Kanheri Valen
Anuna dungero ae
Anuna dungero vadhre...Kanheri Valen.....2
Meghuna dhehale ae
Meghuna dhehale vadhre...Kanheri Valen.....2
Dunyano valego ae
Valle valle vahun vale...Kanheri Valen.....2
Arr rajuna valuno ae
Kashina valuna vale...Kanheri Valen.....2
 This *gaynu* (Hymn) describes the marriage of Kala Goongon with Hedarani. Kala Goongon sent marriage invitations to Kashi. Hedarani did not want this marriage and sobbed heavily, but Kala Goongon did not agree and sent marriage invitations to Kashi. Kala Goongon started shopping for the marriage. He bought marriage things from Hari's shop. From a *vaniya's* shop {Businessman's shop}, he bought new clothes. From a *ghanchan's* shop (oilman's shop), he brought oil of black oil-seeds. With a *jaan* (Bridal procession from bridegroom's home to Bride's home), he reached Kashi's marriage hall and married Hedarani. Their married life started. Hedarani became pregnant. One, two, four and nine months passed. The month of Diwali came and Hedarani gave birth to Kanheri Valen. Kanheri Valen hid in the outskirts. She began to sweep the waste that was left after cleaning the grains. The heaps of grains began to grow. Rain began to come. Rain began to increase. All this was the world's *Maya* (Illusion). Kanheri Valen began to set everything in Kashi. Hence one can surmise that *Bhajan* (Hymn) is also an integral

part of the *Adivasi* culture.

The *bhajan* is a religious presentation of the feeling of a *Bhakta* (Disciple). But here, the *Badva* is at the centre. He sings the *bajans* and other common people perform the role of chorus. When the *bhajan* reaches this point of ecstasy, the *Badvo* goes into a trance. He jumps and starts shaking his head violently. His companions hold him, but his head does not stop shaking. Along with this, he starts chanting the mantra of Pithoro, which does not have any connection with the main thread of the *bhajan*. When in the *bhajan*, the address to Kaida Rajkunwar starts, the *badvo's* body language changes. He is gasping and his voice is trembling. After shaking his head violently for a long time, after requests from his companions to the *dev* that had entered his body that it leave, and after pouring water on his head, everything becomes calm. Then the *Badvo* does not say anything. The story of many *devs* and *devis* remain incomplete.

Works Cited

Banks Marcus and Morphy Howard. *Visual Anthropology*, New Haven and London: Yale University Press, 1997.

Bhattacharya R. N. *Tribal people of India: Society culture and development*. Kolkata: OUP, 2008.

Catherine Bell, *Rituals: Perspectives and Dimensions* Oxford University Press. New York, 1997

Davis Richard, *Lives of Indian Images*, Princeton University Press, Princeton, New York, 1997.

Day, Upendra Nath, *Medieval Malwa: a political and cultural history 1401–1562*, New Delhi, Munshiram Manoharlal, 1965.

Devy G. N., *After Amnesia: Tradition and Change in Indian Literary Criticism*, Orient Longman Press, Bombay, 1995.

Dumezil Georges, *Tribal India, Ancestors, Gods and Spirits*, ISBN-81-85026-18-1, Marg Publications, Bombay, 1992.

Finnegan Ruth, *Oral Traditions and The Verbal Arts*, Routledge, Abingdon, Oxon, New York, 1992.

Fischer E. and Pathy D., *Oral Traditions and the Verbal Arts*, London, Routledge, 1991.

Gazetteer of the Bombay Presidency, Vol.-1, Part-1, History of Gujarat, 1896.

Grierson G. A., *Linguistic Survey of India*, Vol. 9, Part 3, Government of India Central Publication Branch, Calcutta, 1907.

Guha Ramchandra, *Savaging the Civilized: Veerrier Elvin, His Tribals, and India*, IL, University of Chicago Press, Chicago, 1999.

Gupta Charu Smita, *Indian Folk and Tribal Paintings*, ISBN-978-81-7436-465-4, Roli Books, New Delhi, 2008.

Jain Jyotindra, *Painted Myths of Creation: Art and Ritual of an Indian Tribe*, Lalit Kala Akademi, New Delhi, 1984.

THE CREATIVE WORLD OF SHOBHA DE

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Abstract:

Shobha De is one of the most prolific and popular Indian English Women writers of the contemporary time. She is highly praised and strongly criticized. She always writes about the modern approach of the woman in India. She mostly discusses the problems of highly educated and well to do middle class women whose expectations are bit more than the common women of low background. Most of the female protagonists of her novels are from metropolitan cities as well as the fashionable world. They are bold and assertive in nature having all materialistic world. They want to defy the set norms of the society. They seem to be more rebellious in nature. They want to change the world according to their wish and will. All her novels are female-centric and therefore female characters are shown more powerful. By showing the social weakness, the novelist shows the inner strength of her heroines. At times, her writing seems extravagant in nature. It is dense with erotic descriptions and sensuous presentations. Many bed room scenes are freely delineated in the novels. There is no sense of regret or remorse found in both the writer as well as the characters portrayed by her. But, it is certain that the novels are highly critical about the hypocrisy of the male dominated society. Her novels are, no doubt, worth reading and thought provoking.

Keywords:

Fiction,	Metropolitan,	Frustration,	Thought,	provoking,
Identity,	Marginalization,	Exploitation,	Pervert,	Subdued,

Shobha De writes in the modern wave. She is also not free from the modernist way of writing the novels. Many contemporary theories are emerged in 20th century. Feminism is one such theory which can be applied to the writings of Shobha De. Feminism is a very prevailing term these days. The exponent of feminism is Virginia Woolf so far as British literature is concerned. As an ideology, it is accepted all over the world. It is the ideology of a social subgroup that supports the need to promote some specific features of researchers and creations produced by women writers. It is a developing notion throughout various works such as novels, art and film. A positive sense of feminine identity has found recognition now and women are stepping out of

the rigid sex role assigned to them traditionally. Moreover, feminist ideals vary depending on the culture or society it is associated with. For example, the development of feminism in western countries is considerably different from the development in the eastern world. While feminist ideals in western culture often involves the redefining the role of the women in the workplace, feminist ideals in the eastern hemisphere often center around the ability of repressed women to break free from their oppressor and allow self-expression. They are busy in western world and the urban patches in Indian with 'self actualizing', whose identities are not dependent on man. Indian women novelists have concentrated on women's

problems in their works and have given voice to a protest against male domination. The Indian society is basically patriarchal where a woman is given the secondary role. Even in *Anushashan Parva*, it is being said that all her glorification, all her fulfillment lies in sacrificing her life and happiness for the sake of man in different forms of father, husband and the son.

Shobha De is one of the prolific writers of our time. She beautifully presents the contemporary picture of the modern urban women. She is emerging as a feminist writer today and her writings are gaining popularity for their inclination towards this fair sex and the graphic depiction of their pursuits and attitudes. These raise a protest against the male dominated Indian society where the women are denied the freedom to act according to their will and continue to cherish their own dreams in futility. Women are treated as subaltern and mere man's shadow-self. They are considered the other of man counterpart and not one with men or individuals. However the role of women in the society has been changing with each decade of a century, always with a good deal of social conflict and ideological struggle. These have left a great influence on sexual mores and social codes of the prevalent which in turn is well embodied by Shobha De in her characters. She voices against the male culture and strongly defects the marginalization of women. She does not believe in describing her woman characters as love-slaves or bitches or mere helpmates at home. In her novels, she presumably mirrors her own feminist and sexist mind set.

A feministic point of view in ShobhaDe's explosive novel called *Snapshots* presents 'snapshots' from the life of six women who were friends at school- "the 'girl' from Santa Maria High School, leading predictable, mundane lives of domesticity and imagined bliss" (*Snapshots* 70). These Friends had drifted away in due course and "disintegrated through

marriages, transfers and unshared interests" (*Snapshots* 11). One of them residing in London is called up to write, direct and produce a 'bold and meaty' serial on the 'the exciting world of the Nineties Indian urban women', for which she needs 'authentic voices'. The get together of these sisters of the Subcontinent at the house of one of them, Reema, begins well. Despite their problems and initial resistance, they all attend it. There is so much to catch on and memories start to surface- some happy, others bittersweet and some downright poisonous. As Swati, the spirit behind this get together, tells them:

We aren't there just to chit-chat. I want to know everything about everybody from the time we left school. Every single dirty detail. What happened to all the boy friends? Where did the school crushes go? And the breathless infatuations? (*Snapshots* 90)

Infidelity, incest, rape, lies and even death and the evil that lurks beneath the apparently placid everyday lives of these six women form the substances of the novel appropriately called *Snapshots*. *Sisters* is the story of two girls Mikki and Alisha who remain isolated from each other as their father, by virtue of his promiscuity, chooses to get them from different women. Mikki is the daughter of a woman who Seth Hiralal properly weds while Alisha is the offshoot of his illicit relationship with a whore. Mikki grows up in luxury and comfort; she possesses whatever a girl can hope for. Alisha, on the other hand, live a life of deprivation and scarcity in the suburbs of Bombay despite being the daughter of the business tycoon Seth Hiralal. As a result she appears to be hostile and bitter to the entire world, especially to her dead father and his legitimate daughter, Mikki. She appears upset as her father's death means no possibility of her going to America. She hardly seems aggrieved at having lost her creator. She reacts sharply at having been ignored by the newspaper

reporting her father's death. She sneers at herself and her mother existing as an 'open secret' in her father's life. She slams the door of her bedroom and curses everyone including her dead father. But like a determined and tough girl, she makes up her mind to make up for the loss. She sets out to make sure that the 'open secret' was made 'official' now as she prepares to go to 'Shanti Kutir as Seth Hiralal's other daughter the one he fathered but never acknowledged." It is interesting to note that Alisha does not intend to go to the Shanti Kutir to mourn her dead father but to grab forcefully what she does not get lawfully. She seems upset and furious and prepares to take on her adversities. Thus, in the beginning of the novel, the author helps us see how one of the protagonists is going to take on her male counterparts including her father.

Many women are portrayed by her. Her other main character, Mikki, too hardly appears to be mature at sentimentalism at the path of both her parents. In the beginning itself, she seems to prefer her wish and reach to the top for the social convention. Her hatred for any show of sentimentalism is apparent to us as she refuses to wear white colored clothes at her parents mourning and immediately appears to have the ideology of the author who seems to be on her side. When the maid servant tries to solace her, she became angry and orders her to bring coffee for her. Mikki hardly seems to have been shocked by the tragic death of her parents in a plane crash. She looks focused and controlled, she refuses to believe that she is a child and orphaned in the real sense of the world, given her maturity and self-reliance. She sounds rather carefree as she concludes by saying that her father has been quite a man ... quite a bastard too.

In the beginning itself, therefore, Shobha De makes her intentions clear. Her women are not going to be emotional, subdued and weak ladies of manners. On the contrary, they are to be assertive, pragmatic and strong. As the action of

the novel unfolds, both these girls continue to indulge in their single-minded pursuit which is to lead a life of luxury, wealth, comfort and pleasure, a perception quite alien to those women who seek a heavenly bliss in the domestic duties and prefer to revel in a spiritual illusion rather than chasing a material reality. Shobha De's women symbolize the overpowering materialism and the lack of spirituality that characterized modern age. In *Sisters* too, the moment we took at Mikki and Alisha, we know that these girls won't lead and existence the circumference of which the others, especially males, decide. Both Alisha and Mikki refuse to sulk and appear subdued in order to look sober and domesticated. Asha Rani in *Starry Nights* is a sensational young cine actress. A world built in illusions and techno colored dreams. She hardly knows a single person outside the film industry. Studios, parties, photo-sessions, d dabbling are the things only she knows.

She is not desperate for a husband. When she was twelve, she was forced to perform – in blue film. She is seen in a magazine called *showbiz* with glossy and sexy postures. She exposes her nakedness in films. She is very attractive. She has romance with her cine hero called Akshay. She is immensely possessive and crazy towards Akshay. He is a married man with children. She is with him and that is all that matters. She does not think about Malini, his wife and it is no longer possible that he will convert himself to become Muslim, in order to perform their marriage. She says, "We can both become Muslim. The novelist says, "It is easy first we get converted to the faith by a kazi, Changes our names, and then perform the nikah-that's all it takes" (*Starry Nights* 108).

But Akshay refuses to marry her and boldly she commits suicide attempt. She wants him to be happy on his birthday. The description below itself suggests the same:

She moved like a lithe dancer, her hair falling all over his chest, her breasts moving above his face, her nipple occasionally brushing her lips... surrendering himself to her ministrations. (*Starry Nights* 18)

The illusion that is the created world that draws the self into a fatal bondage, she feels only a woman can really please another woman sexually. Asha Rani has a sister named Sudha. She is one of the heroines. She is scheming natured and manipulative. In film industry, she is crowded by vultures for their pounce, the world which is full of cruelty. But she is shrewd and knows pretty well how to survive and thrive in it. She believes in the institution of marriage. She is very practical when she is asked about married men, She says that he has given her his name. She firmly believes that some scoundrel will be after her money or marrying her for fame.

Shobha De violets all notion of respectability associated with marriage. Her women discuss and practice sex with unusual candour. All sexual taboos are broken by them with gusto. The novelist makes them put forth candidly what they always feel but conservative Malini and Rita, a frustrated wife and a busybody, respectively, is illustrative of the attitude of the novelist to marriage and sex. Malini cannot tolerate the very idea of free sex and bursts on Asha Rani:

SEX ! That is all you have - SEX! That is what women like you use. Cheap bitches - part your legs and let any man in. Sex, sex, sex, dirty, filthy sex! Perverts! You must be a pervert. What do you do to him (Akshay) –hah? Suck his cock? Or suffocate him with your breasts? Eventually, a man needs his wife and children. (*Starry Nights* 49)

Many of her heroines are very much practical in nature. Rita is pragmatic in her approach. She tells Malini that if she greets her husband with hatred in her eyes when he comes to her every

night he will turn to Asha Rani's for relaxation and sexual gratification. To Rita, romance in marriage is a figment of imagination, for it “finishes the morning after the wedding night”, men are avid of “variety” and what follows thereafter is a protected life of “boredom.” (*Starry Nights* 50) The following words of Rita sum up novelist's indictment of hollowness and hypocrisy inherent in Indian marriages.

Most women hate their husband – it's a fact. They hate marriage. That's also a fact. But what else they can do? What is the choice? They only way to make a marriage work is through sex – and most women hate that too. But the day a man feels that his woman has lost interest in sex, and therefore in him, the relationship is finished and he starts looking elsewhere. Asha Rani and her kind are always waiting. (*Starry Nights* 50)

Rita pleads for compromise in the marital relationship. She is not averse to even pretension if it makes the marriage work – “to shut your eyes and part your legs, whether you feel like it or not. Because if you don't some other woman will.”(*Starry Night* 49) “A wife is acting all the time”, she adds, “this is the world's best-kept secret ... Everything is decided by the bed. On the bed ... No woman should be foolish enough to be honest with her husband where sex is concerned.” (*Starry Nights* 50) Shobha De's views on marriage and sex should drive the last nail in the coffin of the age-old institution of marriage and patriarchy.

In *Second Thoughts*, ShobhaDe examines the graphic presentation of a young upper-middle class house wife, who battles with an alien city, an insensitive husband and extreme ennui and fatigue. This monotonous life is staged against the back drop of an alienating and something antagonistic milieu of the metropolitan city, Bombay. De's analysis of marriage is thus significantly situated within a specific upper class location in Bombay with its self-

explanatory cosmopolitan culture.

In the beginning of the novel, city is presented as the rationale for Maya's decision to accept the role of a house wife in an arranged marriage. Maya claims that it is her desire to escape from conservative Calcutta scenario to what seems like the self-centered and exciting world of Bombay that propels her into an early marriage with Ranjan, a bank executive. However both the city and her marriage prove contrary to her expectations, leaving her disillusioned and alienated. She is denied access to cosmopolitan freedom that she associates with Bombay. She can only view from a distance. Maya begins to discover that her own position as wife to a man, who on the exterior is a successful western – educated executive, is severally undermined by his traditional attitude to women.

Bombay's cosmopolitan life also stands critique as Shobha De's Shows in its upper-middle class mentality, an attitude of intolerance towards regional identities Calcutta is firmly associated with “Pretty ethnic things. “Regional identities are either erased or firmly stereotyped. Maya resents these polarizing demands made on her in order to make her acceptable to her husband's bank circle. Similarly, her husband Ranjan demands a 'dutiful wife' from her and remains insensitive and functional. Maya's expectation is of a companionate one. Maya's attraction to a young neighbor is shown as an offshoot of her loneliness, and the kind of pressure she feels in conforming to her husband. The fastidious standards which are quasi romantic prove to be unreciprocated even with her flamboyant lover Nikhil. He deserts her once his physical desires are fulfilled, which was a drawback from the stifling marriage.

Shobha De is obviously making a serious attempt to examine the frustrations and yearning of a woman who is intelligent, sensitive, and educated but who remains deeply unhappy in her marriage. At best, the novel offers a platform for

an unhappy woman's voice to emerge from the trapping of a seemingly good marriage. This is exposed in the ironical gap between the witty consciousness of Maya and the role she actually performs as a dutiful wife. Only at once point in the novel does this split between Maya's private self and public role collapse. A close reading of Shobha De will make explicit the feminist urge in her writing.

A broader evaluation of her works reveals her protest against the old image of woman as 'an appendage' or 'an auxiliary'. Shobha De strives to undo stereotype image of women who cry for freedom and equality which still goes unheard in the patriarchal world. Shobha De, as a writer, understands intimately the psyche of women and her problems. Her treatment of the contemporary urban woman's position and the challenges she faces is not to be ignored. To surmise, one can say that Shobha De certainly is one of the leading novelists of Indian English Fiction who advocates the genuine problems of Indian Urban women. She, in real sense, presents the woman sensibility to the fullest. She herself says: “I did write with a great deal of empathy forward women without waving the feminist flag. I feel very strongly about the woman's situation”. But some of her narrations are very controversial. At times, they seem to be rebellious. Due to the advent of education and earning, the entire scenario has been gradually changing. The predicament of women is witnessing enormous change and to some extent, they are in the driving seats. Hence, one can definitely say that Shobha De is one of the most prolific Indian English woman writers who writes with the feminist touch.

Work Cited

Anand. K and S. SenthilMurugan. “Thr Feminist Ideology in Shobha De's Novels: A Critical Study.” *New Vistas in Indian Writing in English*. Ed. Dr. J. Samuel Kirubahar and others.

Virudhunagar: VHNSN College, Virudhunagar, 2012. Print.

De, Shobha. *Starry Nights*. New Delhi: Penguin Books, 1991. Print.

_____. *Sisters*. New Delhi: Penguin Books, 1992. Print.

_____. *Snapshots*. New Delhi: Penguin Books, 1995. Print.

_____. *Second Thoughts*, New Delhi: Penguin Books, 1996. Print.

SUBJECTIVE ELEMENTS IN THE POETRY OF EUNICE DE SOUZA

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Abstract:

Eunice de Souza is probably one of the least explored among the modern Indian English poets. But she is quite notable for her strong subjective voice and self-assertion. She has been writing poetry for more than three decades. Her poetry has translated into Portuguese, Finnish and Italian languages. De Souza taught English literature for more than thirty years at St Xavier's College, Mumbai and retired as the Head of the department in 2002. She currently lives in Mumbai. She is one among the new generation of Indian poets trying to discover their own voice by effectively de-constructing the foundational and hierarchical sexual codes. The codes are related to implicit norms that govern the cultural intelligibility of women in all its aspects. The poetry of Eunice labour hard to break the shackles of tradition that dictate a culturally constructed body in a hegemonic scheme of society. In her poetic volumes *Fix* (1979), *Women in Dutch Painting* (1988), *Ways of Belonging* (1990) and *Selected and New Poems* (1994), she expresses the desire of a woman to break the repressive foundations that have restricted her in a hierarchical frame. Like Kamala Das, her poems have been critically acclaimed and reflect a strong sense of individuality and feminism. The lifelessness and inertia of existence, discontinuity and dissonance mark the very nature of the poetry of Eunice de Souza. The note of subjectivism sounds in all most all her poetries. Her indignation is germinated from the violence in the name of religion and race. She receives a sense of eternal torture. The chaos of psychic situation becomes the foreground of her poetry.

Keywords:

Subjective	Self-assertion	Hierarchical	Hegemonic	Shackles
Repressive	Inertia	Dissonance	Indignation	Feminism

Subjective elements project an act of self-experience evaluating and defining the relationship between the self and outside world. It projects an inner urge of the writer to unburden his psychic trauma and to express anguish and depression at the ruthlessness of the world. The poet continues a tradition that attempts to make significance and beauty out of the terror of our modern condition.

Eunice de Souza is probably one of the least

explored among the modern Indian English poets. But she is quite notable for her strong subjective voice and self-assertion. Her poetry allows us to peep into her sufferings and tortured psyche on one hand and the paradox and complexity of the female psyche on the other hand. She reveals the tensions and frustrations which a woman faces because of the discrepancy between the way she wants to behave and the way she is made to behave. De Souza's dealing

with love and sexuality in her poems show how she is dissatisfied with the society which demands silent acceptance from a woman. She adopts an aggressive and satiric attitude in her compositions. She is quite aware of the growing unrest of her life that gives her pain and suffering.

De Souza was born in Goa, the colonial capital of Portuguese India and much of her poetry deals with establishing self within a framework of contradictory cultures and traditions. She feels terrified with the existing society and takes poetry as a means of self-expression. Her poetry compels her readers to reflect upon her loneliness, her craving for love and to be loved. The poet's subjective mode here reveals the insecurity of her mind. Though in her later poems, she seems to be yearning for peace and comfort at the cost of her inner and suppressed desires, yet there is a constant undercurrent of frustration and tension. Thus, most of her poems are written in subjective mode. Bruce King remarks:

“Similar to Sylvia Plath's miming of deep fears and resentments which are expressed through self-ironic wit. The subjects of her satires are the church, marriage, motherhood, colour prejudice, sexual prudery and alienation felt by many Goan Catholics towards Hindu India.” (157)

De Souza's first volume, *Fix* is realistic representation of the Goan Catholic Community with its entire vernacular, to which she belongs. The Catholic characters she portrays in her poems are, as Veronica Brady observes: “an embodiment of the complacency, the closed heart and mind which constitutes evil in De Souza's world because it entails the refusal of freedom, the passion for the possible...” (113)

De Souza expressed her personal agony in satirical tone. She tells everything candidly in “de Souza Prabhu,” one of her poems from her first volume *Fix*. She depicts every details of her belonging as Kamala Das depicts in “An

Introduction.” Eunice de Souza seems to say that she has been a victim of the indifference and she did every effort to please her parents by acting in a tomboyish manner. Her parents' ardent desire to have a boy stems from the long-preserved patriarchal notions of the superiority of the male sex. How sarcastically she remarks against her family:

I heard it said
My parents wanted a boy.
I've done my best to qualify.
I hid the bloodstains
on my clothes
and let my breasts sag. (“de Souza Prabhu,”
Fix Collected Poems 26)

These useless efforts of holding back her feminine feelings and urge and trying to prove herself a boy makes her tone harsh and sardonic. She had to suffer the pangs of gender discrimination in an asymmetrical social structure. In a patriarchal society, the birth of a female child is traditionally less welcomed than that of the male. Being born a boy is itself a privilege. Girls arrive in the world as undesirable creatures as Eunice de Souza express in her “de Souza Prabhu” where she puts herself in the category of 'lame ducks'.

Eunice de Souza's poems are major attempts to invoke introspections and subjective reflections in the readers. She adopts an observant tone with a detached voice and underlying rage in her poems. She expresses her resentment against the Goan-Catholic society in such a way that it makes her tone strident. Many of her poems are the exposure of her harsh attitude:

No matter that
my name is Greek
my surname Portuguese
my languages alien.
There are ways
of belonging.
I belong with the lame ducks. (26)

In these above lines, the trans-cultural associations of her name, and the self-destructive conclusions she reaches are delivered in an ironic tone. Eunice de Souza exposes several instances, delivered in the tone of alienation which beautifies her work. Her stance on poetry seems much the same as her stance on life when she asserts:

No, I'm not going to
Delve down and discover
I'm really de Souza Prabhu
even if Prubhu was no fool
and got the best of both world. (26)

Here the sense is one of the desperate compromises; Prabhu aspires to the status of Brahmin while at the same time claiming a Catholic identity. This shows her impression of alienation despite her efforts. The chief sources of Eunice De Souza's poetry are recurrent hunting of her childhood memories, her living surroundings with social reality and incidents related with the atmosphere in which she belongs. She develops her characteristic protest to leap across the situation for her liberated self. In fact, a great deal of her artistic relevance springs from her background.

"Forgive Me Mother" concludes "In dreams/ I hack you." "For My Father, Dead Young" has as its refrain "I'm you." "Autobiographical" begins by confessing feelings of guilt for her father's early death, for several disastrous love affairs and learns nothing from experience:

Right, now here it comes.
I killed my father when I was three.
I have muddled through several affairs
and always come out badly.
I've learned almost nothing from
experience. (*Fix* 28)

What can be a stronger proof of her 'subjectivism' than this? She spares nothing for the fancy of the reader and speaks about all sentimental thoughts with a hurried pace. With

the tide of time, her hankering for love, pure love degenerates into unwarranted lust and her emotional urges remain unfulfilled for that she muddled through several affairs and always come out badly. Again and again, she focuses our attention on herself; again and again, she resorts to 'I' and 'me' and 'mine.'

The inner anguish of Eunice de Souza makes her negative about herself and her poetry. She becomes tragic and pessimistic revealing her horrifying experiences from which she says she hasn't learnt anything. Throughout her poems the elements of discontentment is pervasive:

I heard for the abyss with
monotonous regularity. (28)

Poetry emerges as a creative safeguarded by turning the terror away from waging war against others to waging war against oneself; by shifting the battle ground from landscape to mindscape. Because poetry is an absolute text of crisis, the poet, with her sheer faculty of imagination, transforms the very environment of terror with weapons of love and peace. Right now, amidst the overwhelming presence of hatred and cruelty, that poetry has, as Keki N. Daruwalla writes, "a more significant role in the reconciliation of the inner worlds with the complexities of the outer. It is in this context that we can place the poetry of Eunice de Souza that comes as a harmonious link between one's self and society." (57)

Some of De Souza's most interesting poems are psychological and have mainly to do with the results of conflicts with parents. Her poem "Forgive Me, Mother" is explicit:

It was kill or die
and you got me anyway
The blood congeals at lover's touch
The guts dissolve in shit. (*Fix* 24)

She feels her birth is not out of love but it was mere accident. She rebelled against a stifling, crude religious and family upbringing by, in

reaction, identifying with the poor, the Hindu and India.

Her *Fix* has been denounced from the pupil at St. Peter's in Bandra. Adil Jussawalla said that if she continued in the same vein, she would soon be condemned at St. Peter's in Rome. It is owing to her violent and vituperative mode that her poetry has been denounced by her own community as 'a betrayal'. While addressing her mother she says:

Forgive me, mother,
that I left you
a life-long widow
old, alone.

... ..

In dreams
I hack you. (24)

Her mother remains widow throughout her life. She repents for leaving her mother all alone. Most of her poems are subjective and although her honesty can be almost uncomfortable, her voice remains realistic throughout, at times funny, angry, dark, amused, sentimental and determined. "Sweet Sixteen" offers a realistic portrayal of the female psyche caught in the oppressive structures. The mother in the poem is a typical figure who is more concerned with the preservation of the stereotyped patriarchal order of things. Despite being a woman herself, Eunice's mother holds a biased attitude towards her as she feels disappointed in having given birth to a girl child. She narrates:

Mamas never mention menses.
A nun screamed: you vulgar girl
don't say brassieres
Say bracelets. ("Sweet Sixteen," *Fix* 6)

To her mother, the usage of words like "menses", brassieres" etc. are taboo as these purely personal words which do not find a place in the communal life. At school the poet taught that the common article of dressing exclusive to their sex 'a brassier' is a disgraceful one, they should call it 'bracelets' which is utterly pointless. These

articles are indispensable for their daily routine life but they must screen them, for it is embarrassing to be viewed by others. The nun on seeing bare armed girls goes around nonsensically pinning papers so that the sight of such arms does not inflame desire. She reminds of her exclusivity by the "thundering preacher" and the "screaming nuns" and she is marked as a "vulgar girl." Her vulgarity is socially constructed. She is a victim of some primary condition of oppression where her very femininity is synonymous with vulgarity.

As she grew, there was an embroidery sister forcing her into developing "feminine skills." Subsequently, she was one of a row of small girls in first communion dresses, and then again, in school, she clutched Sister Flora's skirt and cried "for my mother" who taught her to cross the road. To adjust with such phallogocentric society left her confused and anchorless, "now she wears lipstick and / now she is a Bombay girl" ("The Road," *The Women in Dutch Painting* 60) The poet also confesses that: "I am still learning/ to cross the road" (60) It is obvious that Eunice's interpretation of the human society is based on her own marginalized experiences as a girl and later as a woman.

She passively absorbs the commands of two dominant institutions: patriarchy and religion. Eunice de Souza's poetry reveals struggle of a brave intelligent woman to maintain herself in a world i.e. actually, life-denying. De Souza's childhood among the Goan community of Poona appears to have been hell. In poem "One Man's Poetry," she narrates her various stages of growth and her loneliness:

As I grew up
I longed only
to laugh easily.
All that emerged
was a nervous whinny. (*Fix* 31)

The poet grew up in such an atmosphere that she even can't laugh normally. She was provided depressive and solitary surroundings so that she feels secluded all the time. In the poem "One Man's Poetry," she tells:

My limbs began to scatter
my face dissolve
my love would hold me close
neither speak nor weep,
bring me food and feed me.
From him I am learning to love. (31)

The poet is taken care by her adolescence lover persona from whom she learns to love. It is ironical that family members do nothing for her emotional support and care. Nowhere in her poems, has her mother found taking care of her only daughter as the poet mentions "from him I am learning to love." Living within this socially imposed identity, she feels alienated, both emotionally and socially. This alienation and resultant unresolved tensions not only breed confusion and depression but also leaves her insecure permanently.

Eunice de Souza is also displaced by her own ambivalent relationship with masculine hegemony and by a personal alienation both within her own culture and the wider Indian state. She even compared his lover's presence and affection with the Almighty, as His presence is felt but He never appears mortally and shares one's love, feelings or agonies. She speaks:

From you I have understood
something of the silence of gods
how they tire of being the first cause
of every quarrel
how they shrink
from sweaty importunity.
Even the skies these days
are full of junk in orbit.
Be less like the wild gods, love.

("From You I Have Understood," *The Women in Dutch Painting* 61)

Like God, her lover also remains detached and silent to her agonies. Due to the feelings of negligence, she finds even nature indifferent - 'full of junk in orbit'. Ultimately, she warns her lover persona not to be like 'wild gods'. In the poem the sense of pain, loss and absence of God (lover persona) are central. She feels their relation have no hopes but slowly and gradually it is diminishing.

She feels she should end the relationship, the way 'spring does/with the cherry trees'. Suddenly her feelings turns out in vain due to her lover persona's uncertain behaviors and she feels barren and leaves her poem unfinished. Her poems appear to be mere cranky effusions of her personal grouses and frustration. In the poem "It's Time to Find a place," she silently suffers indifferent behavior of her lover persona:

It's time to find a place
to be silent with each other.
I have prattled endlessly
in staff-rooms, corridors, restaurants.
(*Selected and New Poems* 96)

The poet "prattled endlessly" suggests her vacuum within. Words lose its meaning when two people failed to understand each other. She feels neglected, lonely and desperate. If one loves with depth even silence is understood. At that time no need of communication arises. But at this juncture, the poet talks too much and carries conversation in her head when the lover persona is not around. She fails to find ease and peace in his absence as there is lack of genuine feelings. She feels all his love for poetry is nothing but to seek refuge from hard reality. That's why she wants to discontinue the relationship. There is something between the two that itches the poetess and creates an aura of discontentment in her. In the poem "Alibi," the poet boldly brings out her lover persona's shallowness:

My love says
 for god's sake
 don't write poems
 which heave and pant
 and resound to the music
 of our thighs
 etc.
 Just keep at what you are:
 a sour old puss in verse
 and leave the rest to me. (*The Women in Dutch Painting* 57)

The lover doesn't want their relationship socially accepted. He doesn't allow her to narrate their feelings in poems. He advises her not to write poetry that resound 'the music of our thighs'. It was feelings between the persona and the poet that inspires her to write poetry. But when she realizes the futility of their affection, nothing remains to express as she was advised by him 'just keep at what you are/a sour old puss in verse'. Ferdinand expresses his attitude towards the poetry of De Souza "here are poems which speak of failure, isolation, disintegration and loss. Her self-expression gets completely exposed, stripped of all gloss and her sense of betrayal." (Fernandes xvi, 114.)

As a subjective poet, De Souza confines herself to the regions of her own experience. And by doing so, she becomes very frank and honest, close and intimate while providing every detail. That is why subjectivism sounds so appealing and convincing in her poetry. In the poem "She and I," she mentions death of her lover and her agonized situation, as her affair used to be with a married man and she cannot share her feelings with his family members:

Perhaps he never died.
 We've mourned him separately,
 in silence,
 She and I
 Suddenly, at seventy-eight
 she tells me his jokes,

his stories, the names of
 paintings he loved,
 and of some forgotten place
 where blue flowers fell.
 I am afraid
 for her, for myself,
 but can say nothing. ("She and I," *The Women in Dutch Painting* 51)

After the death of that lover persona, she came to know through his wife that he used to share the same things with his wife also when he was alive. She felt sad, tortured and insecure. Probably the poet might have the feeling of being robbed of her personal treasure as she thought that particular lover persona had shared some moments and secrets especially with her only.

She is bitterly satirical in attacking the stereotyped treatment of feminine experience by poets in her poem "Poem for a Poet." "My Students" can be cited as an instance:

My students think it funny
 that Daruwalls and de Souzas
 should write poetry.
 Poetry is faery lands forlorn.
 Women writers Miss Austen.
 Only foreign men air their crotches. (*Fix* 17)

They feel that only foreign men can write good poetry and a frank expression of their sexuality rests only with foreign men.

As a vibrant poet, Eunice de Souza penned down her depressed desires with utmost naturalness and volunteered to speak on behalf of the thousands and millions of Indian feminine voice. She gives bold, frank and honest expression to her hidden emotions with rich feminine sensibility. She takes the poetry as a mean to react to the world around them. Eunice de Souza feels terrified with the existing society and takes poetry as a means of self-expression. She has merely charted down her own experiences in her

poems but the pity lies in the fact that this is a shared experience of countless women even today.

Due to her inner anger, suppression, suffering, pain, oppression, humiliation and gender indiscrimination, she becomes subjective in order to share her experience to get some relief. A. K. Mehrotra tells in his introduction to her poems in the anthology, *Twelve Modern Indian Poets*: “Eunice de Souza's poems have the brevity, unexpectedness, and urgency of telegrams” (114)

Eunice de Souza's poetry has a special force and appeal because of the honesty and candour with which she asserts in relation to love, sex and family. Everywhere keeping 'woman' in focus, she imaginatively identifies herself with the same 'women'. K. R. Ramchandran Nair comments on the style of her poems:

... it is the first person narrative style she employs in her more subjective poems that fortifies the critics against any possibility of separateness between the private personality of the poet and the tormented woman persona of her poems. But then, this style is an essential part of the confessional mode the poets adopts. (99)

The use of the first person singular or the confessional “I” is another characteristics of subjective style of the poet. S. P. Ranchan says “the use of the first person singular in Whitman's poetry that its becoming is but an expansion of its being. In a sense its end precedes its beginning.” (3)

As woman poet, Eunice de Souza projected the existing social power structures and created a place for herself, in the world of masculine hierarchies and “self” being at the centre. A poet's raw material is not stone or clay; it is her personality. She could not escape from her predicament even for a moment. As being subjective, she rightly narrates:

We push so much under the carpet-
The carpet's now a landscape

A worm embedded in each tuft

There's a forest moving. (“Landscape,”
Selected and New Poems 93)

Works Cited

- De Souza, Eunice. Fix. Mumbai: Newground, 1979. Print.
- . Women in Dutch Painting. Mumbai: Praxis, 1988. Print.
- . Ways of Belonging: Selected Poems. Edinburgh: Polygon, 1990. Print.
- . Selected and New Poems. Mumbai: St Xavier's College, 1994. Print.
- . *A Necklace Of Skulls Collected Poems*. New Delhi: Penguin Books India, 2009. Print.
- King, Bruce. *Modern Indian Poetry in English*. Rev. Edi., New Delhi: Oxford Uni. Press, 2001. 157. Print.
- Brady, Veronica. “One Long Cry in the Dark: The poetry of Eunice de Souza.” *Journal of Literature and Theology* Vol.III, No. 1, (March 1991): 113. Print.
- Daruwalla, K.N. “Confessional Poetry as Social Commentary: A View of Indian Poetry in English by Indian Women Poets,” *Contemporary Indian English Poetry*. Ed. Atma Ram. Calcutta: Writers Workshop; 1989. 57. Print.
- Fernandes, Keith. (Fernandes xvi) *Introduction Selected and New Poem by Eunice de Souza*. Bombay: St. Xavier, 1994. 114. Print.
- Nair, Ramchandran K. R. *The Poetry of Kamala Das*. New Delhi: Reliance Publishing House, 1993. 99. Print.
- Ranchan, Som P. Walt Whitman and the Great Adventure with Self. Bombay: Manaktal and Sons, 1967. 3. Print.

NEW HISTORICISM IN *THE SHADOW LINES*

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Abstract:

New Historicism is a new approach of interpretation of a literary work of art which came into existence as a reaction against historical and biographical methods of literary criticism. New Historicism is based on the assumption that a literary work is the product of time, place, and circumstances of its composition. New Historicist argues that literary work of art cannot be read and understood in isolation. They emphasise that literary texts must be read and interpreted in its biographical, social and historical context. Indian English literature in general and Amitav Ghosh in particular provide sufficient scope for new historical approach and analysis and his *The Shadow lines* bears the stamp of authority of context and textual context which provides an ample opportunity for New Historical studies. As a writer he has 'textualised the history' and 'historicized the text'. Focusing upon New Historicism as an approach to analyse the novel *The Shadow Lines* by Amitav Ghosh; the paper examines how the author has incorporated historical events in his fiction and highlighted nostalgia through the suffering of the character.

Keywords:

Historicism,	Shadow,	History,	Culture,	Context
Partition,	Riots,	Murder,	Nation,	Society,

New Historicism is a most sought after critical theory based on the parallel reading of literary and non-literary texts usually of the same period. 'New Historicism' is also referred to as 'Cultural Poetics' emerged in the 1970 and 1980s, largely in reaction against the New Criticism and its ahistorical viewpoint. In New Historicism the adjective 'new' highlights its opposition to the old historical criticism predominant before the emergence of New Criticism. *In the earlier historical-biographical criticism literature was seen as a reflection of the historical world in which it was produced. Further, history was viewed as stable, liner and recoverable - a narrative fact. In contrast New Historicism views history more broadly and includes all of*

the cultural, social, political and anthropological discourses at work in any given age. These various texts are valuable in understanding a particular social construct. The discourses at any given time affect both an author and his /her text; both are irrevocably part of a social construct.

New Historicist approach concerns with national matters like partition, communal madness, political matters and international events of the past. The theme of detachment and isolation become part of it. The search for freedom, passion for social justice and deep concern for the individual liberty are very well represented in such works.

Stephen Greenblatt is largely considered to be

one of the predecessors of New Historicism. New Historicism provides a critical method of interpretation of a literary work of art, which came into being as a reaction against historical and biographical methods of literary criticism. The new critics consider a literary text as an autonomous entity. It is based on the assumption that a literary work is the product of the time, place and circumstances of its composition. The new Historicists therefore reject the autonomy of both an artist and work of art and argue that literary texts cannot be read and understood in isolation. They focus on literary texts and believe that they must be read and interpreted in its biographical, social and historical contexts. The phrase that he uses to express this interconnectedness is the historicity of texts and the textuality of history. In other words all writing is culturally or historically specific and all history is not some stable, objective entity but rather like a literary text itself.

Greenblatt puts stress on literary critics who should be aware of their own historicity of the fact that all are historical subjects and also one's own personal histories shape the way in which they view and relate to the world around them and there is no stepping outside of or distancing themselves from history. Thus the text is historically specific; the meaning of the text is not stable. Foucault another contributor of New Historicism examines the intricately structured power relations that obtain in a society at a given time, to show how that society constructs, defines and thus controls its members. Foucault argues that society maintains control by making its constructed categories such as crime, madness or sexuality appear to be natural things given rather than made and so beyond question or change. Yet such constructs change over time, leading us to suspect the naturalness of our own constructs. New Historicism accepts Foucault's insistence that power does not reside somehow above, with lawyers, politicians and the police but rather follows a principle of circulation

whereby everyone participates in the maintenance of existing power structures. Following Foucault, New historicism frequently addresses the idea that the lowest common denominator for all human actions is power so new historicists seek to find examples of power and how it is dispersed within text. Power is a means through which the marginalized are controlled and the thing that the marginalized seek to gain. This relates back to the idea that because literature is written by those who have the most power, there must be detail in it that shows the views of the common people. New Historicists are concerned with relations of power within society and they think of history in terms of power relations and they are fascinated by the circulation of power within society. So the New historicism treats culture as capital for making the power more abstract as means influencing people and texts are cultural because of social values and contexts. So art is an important means of transmitting the culture.

Great writers are masters of all these cultural exchange. For ages history has ascertained important aspect in the world of literature. Writers brought to life historical figures and events in their works. Focusing upon New Historicism as an element of text and history in literary writings the paper elaborates on the historicists approach to literature as used by the contemporary Indian English writer Amitav Ghosh in his novel *The Shadow Lines*. It provides sufficient scope for new historical approach and analysis. His works bear the stamps of authorial context, textual context and the context of the readers which provide an opportunity for New Historical studies. As a writer he has 'textualised the history' and 'historicized the text'.

The Shadow Lines was published in 1988, four years after the Sectarian violence that shook New Delhi in aftermath of the Prime Minister Indira Gandhi's assassination. The novel is considered by many as his best work and had

bagged the Sahitya Akademi award in 1989. It tells the story of the narrator's family of three generations which are spread over London, Dhaka and Calcutta and draws characters from different nationalities, cultures and religions in the world. The first generation is represented by the grandmother Tha'mma, Jethamoshai, Mayadebi and Saheb. The father, the mother and Jatin represent the second generation. The two parts- 'Going Away' and 'Coming Home' are used to refer to going and coming with home as the central symbol a place where one is born and brought up and is deeply attached to. The characters either go away from their home or come home. We find that characters go away from homes in Calcutta or Dhaka or come home to Calcutta or Dhaka. The novel investigates the various facets of violence and India's fight for freedom.

The novel derives its content from the memory of characters. It is at some level a recollection of events and their various interpretations held by the characters. The characters suffer a sense of loss and isolation. They are always craving after the past for those days and for those places that are no longer traceable. For example Tha'mma's reminiscences of her childhood in Dhaka keep haunting her who has seen Calcutta for about two decades. She believed that Calcutta can never be Dhaka which used to be her home. The memories of the 1964 riot traumatize the unnamed narrator and he successfully covers them until the 1984 riots prompts a personal crisis and a detailed disclosure of the earlier trauma. As he tells the events, he only recalls fragments of conversations with relatives and friends that suggest that they too had been redefined by their experiences that day for example May Price looks back, still wondering if she had visited India when she did because she was in fact in love with Tridib and she still cannot answer her question. "I don't know whether everything else that happened was my fault: whether I'd have behaved otherwise if I'd really

loved him" (TSL193)

Ghosh through his novels takes us to the past and his interest in history and amalgamation of facts and fiction are so intense that the reader visits and revisits the places and events. His fiction reveals his obsession with history. Indeed he infuses new heights into his work with history and imbued his fiction with both political and historical consciousness. Ghosh is thus a novelist who colours his novels with history and configures it for e.g the events that happened in 1947 the time of partition pose many questions regarding religion and identity which also become central and the incidents that happened on those days still remain live in the memory of the people of India. The displacement and change of identity did not take any time but it just occurred. People were caught in this new boundary and could not bail out. This quiet acceptance is on a par with the loud exclaim as Tha'mma wonders in a shocked tone having come to know about the India-Bangladesh borders' normalcy- "What was it all for then- partition and all the killing and everything- if there is not something in between?" (TSL 167). She finds no "trenches perhaps, or soldiers, or guns pointing at each other or even just barren strips of land. Don't they call it no-man's -land?" (TSL 67). This belief in borders is reflective of nation's definition as limited. Her dilemma is consonant with the central confusion of all nationalisms. Thus, the borders are mere shadow lines or mirage only. Tha'mma is informed that this Partition is rather embodied in 'disembarkation cards' (TSL 167) and visa formalities instead of being on land. Partition not only took lives, it also betrayed hopes and deceived people of their dreams. It disillusioned people. Therefore Tha'mma could never forgive history for the things that it denied her, "...in the unity of nationhood and territory, of self-respect and national power: that was all she wanted- a modern middle classes life, a small thing that history had denied her in its fullness and for

which she could never forgive it.” (TSL 86)

Amitav Ghosh has written historical events in fictional language and the fiction matter very meticulously treated as history and thus gives the effect of presence and absence of history at the same time. The public chronicles of nations are interrogated by highlighting on the one hand the reality of the fiction people create around their lives and on the other hand by describing the various details of individual memories that do not necessarily tally with the received version of history. For instance, the narrator himself is a witness to the riots in Calcutta in 1964, but when he tries to prove it to his colleagues using the traditional medium of recording history- i.e. the newspaper- he initially meets with disappointment. There is no visible record of the narrator's history stored in his mind.

In *The Shadow Lines* the narrator archives the events like the historian on one hand and on the other hand after a passage of time he is more objectively present in them. The only resources which the narrator-historian possesses to record the history are memories, photographs, and Tridib's stories which are difficult to dismiss because they are factually correct yet set in a medium of fiction; for him the past exists only in memory and has no visible traces left in the present to go by. *The Shadow lines* pictures the narrator's search for connections for the recovery of lost information, repressed experience, the trauma or joy that have died off into the repository of public or private memory.

By recounting the personal histories of Tha'mma's dispersed family in *The Shadow Lines* Amitav Ghosh reveals the process of a collective will obtained to invent a new nation. Ghosh figuratively presents the common consensus through Tridib as he says, “Every one lives in a story, my grandmother, my father, his father, Lenin, Einstein and lots of other names I hadn't heard of; they all lived in stories, because stories are all there to live in, it was just question

of which one you chose.”(TSL 201). Tha'mma agreed to dream a new nation, believing in the reality of borders beyond which existed another reality “I believed in the reality of nations and borders, I believed that across the border there existed another reality. The only relationship my vocabulary permitted between those separate realities was war or friendship.” (TSL 241).

The novel includes the historical events like freedom movement in Bengal, the Second World War, the Partition of India in 1947, the spontaneous communal disturbances in the form of riots in East Pakistan and India and 64 Hazratbal Incident in Srinagar. The novel not only records the tense historical moments but also the trauma and estrangement which had damaged the psyche of the people. Ghosh has engineered the past through houses, photographs, maps, road names, newspapers, advertisements etc. and allowed us to relate the text with parallel co-text and authenticate the author's acumen of the time and place covered by the novel. So a historicist approach to text examines a segment of historical reality presented by the novelist whose techniques of writing fiction enable him to describe his vision which proves Amitav Ghosh as significant historian. The fictional framework renders history more readable and lively and he is able to involve the reader more than what actual history does. In his fiction one finds both political and historical consciousness. Ghosh is thus a novelist who configures his novels to the needs of history and thus derives the meaning from it.

It is concluded that a re-examination of the historical past in *The Shadow Lines* of Amitav Ghosh explains a strong inclination of the author towards an illustration of culture and it is found that texts are cultural because of social values. The celebration of ordinary individuals helps the cultural understanding of hidden histories.

Ghosh reveals the unheard-of secrets of history. He tries to express the hidden side of history and

also translates the silent and suppressed voice and invisible figures that live far away from the historical figures are perceived by him as significant characters through his work. His narrative technique focuses on individual private history, rather than the country's public history. In doing so he projects history of the colonised rather than the coloniser.

The contemporary written history gives new impetus for historiography and culture and thus gives opportunities to writers for penning down the cultural experiences. The focal concepts in New Historicism, textuality of history, historicity of text, contextuality and intertextuality not only help to define the new historicist concerns and the objects of the new historicist analysis but also offer new ways of analysis and interpretation of both literary works and history and culture. Thus, the new historicism depicts the circulation of social energies and cultures. New Historicism assumes that not only documents but texts also constitute history and in the social processes society fashion both individual identity and socio historical situation. Greenblatt's interpretation of texts is understood through the individual histories narrated in the novel *The Shadow Lines* of Amitav Ghosh and seeks to reveal the relationship between texts and their historical contexts.

Works Cited

Abrams M.H. and Geoffrey Galt Harpham *Glossary of literary terms*. Heinle & Heinle pub.1998.

Bose Brinda. *Amitav Ghosh Critical Perspectives*. Delhi: Pencraft International. 2003.Print.

Chaudhary Bibhash.Ed. *Amitav Ghosh Critical Essays*. New Delhi: PHI Learning Private Limited.2009.Print.

Ghosh, Amitav. *The Shadow Lines*. Haryana: Penguin Group. India. 2008.Print.

Greenblatt, Stephen; Gallagher, Catherine. *Practicing New Historicism*. Chicago: University of Chicago Press.

2001. Print

Hawley John C. *Contemporary Indian Writers in English Amitav Ghosh*. New Delhi. Foundation Boo

2005. Print.

Khair, Tabish. Ed. *Amitav Ghosh: A critical Companion* Delhi: Permanent Black. 2003. Print.

A STUDY OF 'GAMIT' FOLK TALES

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Abstract:

Folkloristics of the Folklore Studies is quite a young branch of formal academic discipline dealing with the scientific investigation of culture. In 20th century folkloristics has found its due respect and has been established as an inter-disciplinary branch of social science. Folkloristics provides an opening for the study of ancient literature, beliefs, customs, music, dance, taboos and so on our nation possesses the rich cultural heritage. Before the arrival of Aryans, various ancient communities were inhabiting the Indian peninsula. These ethnic groups had their unique folk literature which was transmitted orally. In India we still have some ethnic groups who have been preserving their rich culture in oral tradition with the growing impact of industrialization and modernization, before such cultural heritage becomes extinct, it is an urgent need to record and preserve these traditions. Here, I have selected two folk tales of 'Gamit' tribe roughly translating them into English. These tales are amalgamation of narratives and songs.

Keywords:

Folklore,	Folk literature,	culture,	oral tradition,	Gamit Tribe,
Folk tale,	Folk song,	Gestures,	Custom,	Nationalist

William R. Bascom defines folklore as - "All knowledge that is transmitted by word of mouth and all crafts and techniques that are learnt by imitation and examples as well as the products of such crafts. A whole range of material which includes folk art, folk craft, folk tools, folk customs, folk beliefs, folk medicines, folk recipes, folk music, folk dance, folk games, folk gestures, and folk speech as well as those verbal forms of expression. Even with this preliminary knowledge of folklore, it is not difficult to see that folklore is almost as old as the human society. There has been no society, not excluding the most ancient or primitive in which knowledge, beliefs, customs etc. have not been shared and handed down.

Study of folklore is important to preserve the back values, remember the rich past and transmit the ancient culture down to generation through stories and songs. Folklore is prime evidence of culture indeed of humanity. It is a mirror of culture, a lens for society, a key to behaviour a projection of mind.

Folk tradition which is called the root of all literature. Many of our great writers including Chaucer, Shakespeare, Tagor and Girish Karnad are highly influenced by folk traditions.

American folklorist Alan Dundes says, "Folklore is an autobiographical ethnography. It is a people's own description of themselves. Folklore is a crucial to knowledge of human experience."

Well known scholar of folk literature of Gujarat Hasu Yagnik says, "Lore is the primitive stage of all sciences, arts and knowledges found today." Folk literature is the common treasure and mother of all knowledge exist today.

Until about 4000 BCE all literature was oral, but beginning in the years between 4000 and 3000 BCE, writing developed both in Egypt and in Civilization of Sumer ... in which the habitual use of writing extended over Asia, North Africa and the Mediterranean lands and eventually composition of written literature occurred.

The word, 'lok' has come from masses, originated from a Sanskrit verb 'Darshne' means to look. In Vedas lok is synonymous to country people. Lok is that human society which is undeveloped because of its popular customs and tradition, food, cloth, behaviour in primitive beliefs. In folk those people are included who are not elite and their literature is called folk literature. Folk literature is beyond the limitation of civilization. The authorship of folk is not known. The tendency of folk literature is innate, easy and oral form so speaker and listener play a great role instead of the reader and the author.

Often folklore and folk literature used as synonyms but Chandrakant Topiwala explains that folk literature is only a branch of the huge tree of folklore. Its roots go back in to the past but its branches and leaves are over flourishing.

Nevertheless, during all centuries in which the world has learnt to use writing, there has existed. Side by side with the growing written important activities carried on by those actually unlettered and those not much accustomed to reading and writing.

Till 18th century study of folklore had not found its due respect. It was inevitably defined as a dependent rather than an independent entity. Many misconceptions were attached to the term 'folk'. Folk was defined in contrast to some other population group. The folk were understood to

be a group of people who constituted the lower stratum, the so called *vulgus in populo* in contrast with the elite of that society. Folk as an old fashioned segment living on the margins of civilization was, and for that matter still is, equated with the concept of peasant. On the barometer of civilization, the folk were more or less considered as barbarians. Father of American Folklore - Richard Dorson wrote that, "No subject of study in the United States to day is more misunderstood than folklore." Folklore was considered as fall as myth, irrational, old wives' tales and non-sense. In the strict sense of the term, folk in its initial meaning referred to European peasants and to them alone.

It was only in later 19th century, that the systematic study of folklore came to be known as folkloristics and developed as an independent academic discipline. Scholars agree that interest in systematic collection and 'preservation' of folklore started in Europe - in Germany, to be precise towards the last parts of 18th century almost in synchronization with the two intellectual movements of Romanticism and Nationalism. Johann Gottfried von Herder - a German nationalist poet and thinker discovered what he called 'Volksseele - soul of the people' in traditionally preserved tales, songs and beliefs of the peasantry living in the German countryside. Inspired by Nerder's appeal two German brothers Jacob Grim (1785 - 1863) and Wilhelm Grim (1786 - 1859) assiduously took of the task collecting, examining and publishing German tales and myths in a systematic manner. Grim brothers published a scholarly treatise on folktales, a methodology for collecting and recording folk stories that became the basics of folklore studies. The first volume of their celebrated 'Kinder und Hausmarchen' published in 1812 which was translated as Grimms' Fairy Tales. Although, the work in the field of study of folklore was being done by the interested and committed persons since much earlier, the term

'Folklore' was first coined by William John Thomas (1803 - 1885) a British antiquarian in 1846. He introduced this compound term replacing various other terms as 'Popular Literature', 'Popular Antiquities' or 'Relics of Ancient Poetry'. The quest for antiquities of all kinds had intrigued Englishmen throughout the 17th and 18th centuries.

In England poets, clergies, school masters and interested people made the study of such literature their popular pastime. With the growing need to formalize this new field of cultural studies British Folklore Society was established. When these Englishmen came to India they carried on their taste for ancient India folk literature, and tradition and they did pioneering work in this regard to repopularise heritage of rich and varied culture of India.

Indian folklore tradition is fairly ancient. A number of tales have been derived from Vedas and Puranas. Our nation possesses the rich heritage of ancient literature which prevailed in oral tradition. We can quote number of works which have an immense and immortal effects on Indian psyche like Panchtantra, Hitopadesh, Bruhat Katha, Jatak Katha etc.

Many European scholars believe that India is the home of the fairy tales, and that all European fairy tales have been brought from thence by crusaders, Mongol missionaries, Gypsies Jews, traders and travelers. In India systematic efforts for collection of rich culture began by the foreigners, missionaries, British Officers, their wives and by their daughters.

India has twenty-four officially recognized languages and an estimated 1200 languages in all, including many that do not have written scripts. Each of these has its own subculture, local customs and oral traditions. One such tribal community is of 'Gamit'. People of this community inhabit the different regions of Gujarat and in Maharashtra. In Gujarat their maximum population is in Surat and Tapi

districts. Their roots go back to ancient astroloid communities residing in India before the arrival of Aryans. Thus primitive society has been specified as the Scheduled Tribe (article 366(25)) according to the constitution of India. These tribal have been preserving rich cultural heritage in their folk songs and tales.

These tales have strong story element. Nature, animals and insects form an integral part of such stories. These stories were meant to pass on from word of mouth. Some stories are amalgamation of story and song. We shall study two such stories in translation which have been collected during the fieldwork.

A Crab and Three Sisters :

There was an old man. He had three daughters. One day he went to forest to collect the firewood. He was not able to raise the firewood bundle so he called for the help. No one responded to him. At last a crab appeared 'he' agreed to help the old man on one condition that he would allow one of his daughters to be married off with him. Old man agreed. He came home and talked to his three daughters about his meeting with the crab and the promise he had made. Sneering at her father's proposal the eldest daughter said, I will not get married to this insect because, if you put crab into oven the sound heard is '*chudum*' and when you put into mouth the sound heard is '*kudum* !' Both the elder daughters turned down crab's marriage proposal but the youngest one agreed. She got married with the crab and came to stay with him at his place.

Some days passed and the old man visited his daughter to know about the well being of his daughter. Crab husband was not present at home. So the wife asked the husband ...

"King of my heart

My father has become our guest

What shall I cook for him ?"

The crab husband replied ...

"Queen of my heart
Cook chicken and mutton
for your father."

After some days two elder sisters visited their married sister. The husband was not at home this time too and his wife again asked him ...

"King of my heart
My sisters have become our guest
What shall I cook for them?"

The husband replied ...

"O queen of my heart
Cook chicken alone with feathers."

It was obvious that the crab was not happy with two elder sisters' arrival who had turned down him marriage proposal. Though he was not present at home, he conveyed this message through food that two sisters were unwelcomed guest and better they should not come again. There are some indigenous element in this story which must be highlighted.

- ◆ A reptile - crab is brought at the superior level than the human being.
- ◆ The crab in the story possesses magical power. Old man is convinced about it and so as his youngest daughter. A reptile - crab is brought at the superior level than the human being.
- ◆ When told in native dialect rhyming of the words like 'Chudum - Kudum, Kukadan - Pichhadan' - entertain the listeners as well as it is also a memory technique.

New World Dictionary of Advance English defines crab as one of the species of decapods which has four pairs of legs and a pair of pincers. Another meaning is that it is a heavy machinery to hoist the weight. Crab has a good balance and it can walk side ways. It can survive under water and on land. Some of the species of crab inhabit on the trees too.

As per Arne Thompson tale type motif classification this tale can be put under ... B - 495.1 Helpful Crab.

B - 620.1 Daughter promised to animal suitor.

It is important to note that many stories found in the different part of the India and the World have resemblance with the crab tale. Verrier Elwin collected from M. P. region near Chitrakoot where crab is replaced by fisher-girl. In Grimm Brothers' collection a Frog Prince gets married to the Princess. Mungarian, Scotch, English revolve around the same storyline. Only and foremost difference is metamorphoses of the Crab or the Frog or the Wolf takes place in the end while in Gamit tale and story collected by Elwin crab remains the crab till the end.

Myna and Cowherd:

Long ago there lived a cowherd. The used to take cattle of the village for grazing on the side of riverbank. When the cattle would gather under the shadowy trees after grazing, he would play on his flute beautifully. One Goddess was residing in the nearby forest. She liked this cowherd's flute playing very much.

One day when the cowherd went for bathing in the river, the Goddess took the form of a mynah and took the flute and the clothes of the cowherd and perched on the highest branch of the tree.

Cowherd went home and said that a bird had flown away with his flute and the clothes and he wanted them back. He sent his father to take his belongings back. Father went under the tree and said ...

"Mynah O Mynah,
Give my son's flute back
Give my sons clothes back."

The bird replied ...

"*Mama O mama**
Send your son only. (2)

* (Mother's brother - Father-in-law)

She did not give him his son's things. Then the cowherd sent his mother. She came under the tree and requested to mynah give back his son's flute and clothers. Mynah said to her ...

"*Fuchi O Fuchi*"

Send your son only

I will give him his flute

I will give him his clothes."

* (Father's sister - Mother-in-law)

Then the elder brother of the cowherd went to the mynah and demanded to give his brother's belongings. Mynah replied to him ...

"*Bavlaha O Bavlaha*"

Send your brother (2)

* Husband's elder brother)

Then sister followed, whom mynah said ...

"*Nandihi O Nandihi*"

Send your brother (2)

* (Husband's sister)

One by one all the family members of the cowherd went to Mynah but they returned empty handed, because mynah insisted to give the flute and clothes to the owner himself and nobody else.

Finally, the cowherd went himself and said ...

"Mynah O Mynah

Give me my flute back

Give me my clothes back."

Mynah was sitting on the highest branch of the tree and said to the boy ...

"O cowherd,

Climb the tree

and come closer."

Mynah went on calling the cowherd closer and closer and he climbed on and on. When the cowherd reached at the top where mynah was waiting, she took the boy into her wings and flew

far ... far away.

As Arne Thompson motif index this tale can be placed under ...

A - 188 - Gods in love with human

- 552 - Animals and in-laws

5-2-7 Other stories of supernatural 700 - 749.

It is interesting to note that Mynah addresses cowherd's father as '*Mama*' and mother as '*Fuchi*'. In Gamit tribe father-in-law is addressed as *Mama* and Mother-in-law as *Fuchi* by the daughter-in-law or Son-in-law. This suggests marriage take place between maternal cousins. Addressing one by one relatives of husband or wife which is an important feature of tale or folk song. This might be to introduce in-laws. This also serves as the memory technique as these tales and songs were meant for oral transmission.

Cowherd is worshipped by the Gamit community as '*Gowal Dev*' local deity, as the guard of chief deity. His place is at the footstep of hillock or at some distance from the chief deity. Interesting fact about myna or mynah is that this term is derived from *mālna*, from Sanskrit *Madanā* also stands for passion and God of Love.

Works Cited

Arne, Antti and Stith Thomson. *The types of the Folktale*. Helsinki : Academia Scientiarum Fennica, 1961.

Bascom, William R. *Folklore and Anthropology*. The Journal of American Folklore, Vol. 66, No. 262 (Oct. - Dec. 1953), pp. 283-290.

Dundes, Alan. *The Meaning of Folklore : The analytical essays of Alan Dundes*. Ed. Simon J. Bronner. Utah State University Press, 2007.

Bloomington. *Interpreting Folklore*. Indiana University Press, 1980.

Jacobs, Joseph. *Indian Fairy Tales*. London : David Nutt, 1912.

Kumar, Manoj. *Exploring Folk literature*. Jaipur : Yking Books, 2016.

New World Dictionary of American English. Third College Edition. Cleveland, New York, 1988.

Ramanujan, A. K. *Folktales from India*. Gurgaon : Penguin Books, 1991.

Vyas, Daksha and Navin Modi. *Gamit Jati : Samajik ane Sanskrutik Adhyayan*. (Guj.). Vyara : Institute of Tribal and Rural Development and Research & Prafull Bhakti Centre for Post-graduate Studies, 1993.

Yadav, M. L. and Rock Pebbles. *International Literary Magazine*. July-Dec. 2008, Vol. XI, pp. 34-41.

Gazetteer of Surat District. Gujarat Government Encyclopedia Britannica. Vol. XXVI, Cambridge, England.

<http://hdl.handle.net/10689/6473>

Tales - I : Mother, Grand mother of the contributor

Tales - II : Ratanibai Gamit of Kelkutch, Tal. Vansda, Dist : Navsari Dt. 9-11-2016

PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005: AN APPRAISAL

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Abstract:

Indian women have always been considered to be downtrodden section of the society. Men have always treated women like dirt under one's feet. Deplorable had been the pathetic condition of women in Ancient India. Although, efforts were made, even in Shastras and Puranas too, electrify and exalt the image of women by associating it with Goddess Durga.

Keywords:

Domestic,	Violence,	Woman,	Household,	Respondent
Cognigable,	Non-balable,	Offence,	Tradition,	Population,

efd

Introduction:

Ours is a tradition bound patriarchal society where women have been socially, economically, physically, psychologically and sexually exploited at the hands of the menfolk, sometimes in the name of religion, sometimes on the pretext of writings in the scriptures and sometimes by the social sanctions.

Violence against women is not a new phenomenon from the ancient time women is victim of violence because in comparison to men, women is always considered as weaker gender in any nation of the world. Same situation is applicable in Indian perspective before independence position of women is horrible as well as palpable due to various reasons. Among which one of the prominent reason is illiteracy and gender in equality in male dominant society so in constitution various provisions were enacted for removing gender discrimination for instance article 14,15,16,21 and 42 of the constitution.

Though the history of this land is interspersed with that of women across various ages, which beat all odds to acquire a position of power and might to the extent of becoming rulers, yet these were exceptions and not the rule. Women constitute about one half of the global population, but ironically they are placed at various disadvantageous positions due to the gender differences and bias. They have been the victims of violence and various kinds of exploitation by the male dominated society all over the world since times immemorial.

Domestic violence is an undoubtly a human right issue and his legal binderation to the development. Vienna,1994 and Benjiging Declaration accord, also exercise the Domestic Violence is an undoubtly a human right issue.

Where a woman is subjected to cruelty by her husband and relatives, it is an offence under section 498-A of Indian Penal Code,1860, but there is no proper civil law. In respect, therefore Article 14,15,16 and 21.

There are certain Conventions or laws on International as well as national level through which a woman can be protected from all forms of discrimination including domestic violence too.

Salient features of the Protection of Women from Domestic Violence Act, 2005:

The salient features of the protection of women from domestic violence act, 2005 are as follows:

1. The Act seeks to cover those women who are or have been in a domestic relationship with the abuser where both parties have lived together in a shared household and are related by consanguinity, marriage or a relationship in the nature of marriage or adoptions; in addition relationship with family members living together as a joint family are also included. Even those women who are sisters, widows, mothers, single women, or living with them are entitled to get legal protection under this Act.
2. Domestic violence includes actual abuse or the threat of abuse that is physical, sexual, verbal, emotional and economic. Harassment by way of unlawful dowry demands to the woman or her relatives would also be covered under this definition.
3. In case **HIRAL P HARSORA AND OTHERS V/S KUSUM NAROTTAMDAS HARSORA OTHER** ; Supreme court pronounced wider definition of the "Respondent" and replaced any male person to any person.
4. One of the most important features of the Act is the women's right to secure housing. The Act provides for the woman's right to reside in the matrimonial or shared household, whether or not she has any title or rights in the household. This right is secured by residence order, which is passed by a court. These residence orders cannot be passed against anyone who is a woman.
5. The other relief envisaged under the Act is that of the power of the court to pass protection orders that prevent the abuser from aiding or committing an act of domestic violence or any other specified act, entering a workplace or any other place frequented by the abused, attempting to communicate with the abused, isolating any assets used by both the parties and causing violence to the abused, her relatives and others who provides her assistance from the domestic violence.
6. The act provides for appointment of protection officers and NGOs to provide assistance to the woman like medical examination, legal aid, safe shelter, etc.
7. The Act also provides for breach of protection order or interim protection order by the respondent as a cognizable and non-bailable offence punishable with imprisonment for a term which may extend to one year or with fine which may extend to twenty thousand rupees or with both. Similarly, non-compliance or discharge of duties by the protection officer is also sought to be made an offence under the act with similar punishment.
8. The Act provides power to grant interim and ex parte orders in any proceeding before magistrate under this Act. The Magistrate may pass such interim order as he deems just and proper. If the Magistrate is satisfied that an application prima facie

discloses that the respondent is committing, or has committed an act of domestic violence or that there is a likelihood that the respondent may commit an act of domestic violence, he may grant an ex parte order on the basis of the affidavit in such form, as may be prescribed, of the aggrieved person under section 18, section 19, section 20, section 21 or as the case may be section 22 against the respondent.

9. This Act also provides for relief in other suits and legal proceedings. Any relief available under section 18, 19, 20, 21 and 22 may also be sought in any legal proceeding, before a civil court, affecting the aggrieved person and the respondent whether such proceeding was initiated before or after the commencement of this Act. Any other relief referred to sub section (1) may be sought for in addition to and along with any other relief that the aggrieved person may seek in such suit or legal proceeding before a civil or criminal court. In case any relief has been obtained by the aggrieved person in any proceeding other than a proceeding under this Act, she shall be bound to inform the Magistrate of the grant of such relief.
10. The court of Judicial Magistrate of the First Class or the Metropolitan Magistrate, as the case may be, within the local limits of which-
 - (1)(a)- the person aggrieved permanently or temporarily resides or carries on business or is employed; or
 - (b) the respondent resides or carries on business or is employed; or
 - (c) the cause of action has arisen, shall be the competent court to grant a

protection order and other orders under this Act and to try offences under this Act.

11. Any order made under this Act shall be enforceable throughout India. The provisions of this Act shall be in addition to, and not in derogation of the provisions of any other law, for the time being in force.

While economic abuse includes deprivation of all or any economic or financial resources to which the victim is entitled under any law or custom whether payable under an order of a court or otherwise or which the victim requires out of necessity including, but limited to, household necessities for the aggrieved person and her children, if any, stridhan, property, jointly or separately owned by her, payment of rental related to the shared household and maintenance and disposal of household effects, any alienation of assets whether movable or immovable valuables, shares, securities, bonds and the like or other property in which the victim has an interest or is entitled to use by virtue of the domestic relationship.

Problem of proper functioning of Domestic Violence Act, 2005 :

After the enactment of Protection of Women From Domestic Violence Act, 2005 it was expected that a lot of women facing violence in their own homes at the hands of their own people will be benefited, but fulfilment of the objective of the Act, is miles away from the reality, some reasons of which are highlighted herein below:

Role of Police:

The state government has failed to provide any special training to police regarding the PWDVA. There is no special women cell

attached to all the police stations of the country.

Allocation of Budget:

No special budget is allocated by the Central and State Government with regard to the implementation of the PWDVA. The service provided by the members of Mediation Centre situated at the District and Session Courts is not remunerated by the State Government.

Conclusion:

Indian woman has come a long way and proved that she is capable of doing anything and equal partner in the growth and prosperity of the nation. Women are one of the pillars of the society and it would be very difficult to imagine society without the presence of women. Now it is high time for all of us to understand the power of women. Even our judiciary and legislature have accepted the fact that women are one of the most important elements of society and their exploitation would not be accepted at any cost. There is one saying that behind every successful man there is a woman. This saying is enough to prove that man and woman both are necessary elements of society. A woman plays different roles in her life which is not an easy task. During her life she acts as daughter, wife, sister and mother at different stages of life. So we must give her due care and respect and understand her efforts towards the welfare of the society at large. Through this article I tried my best to cover all the constitutional and legislative rights of women against the crimes which they are facing day-to-day.

Works Cited

Kumara Jayawardena, feminism and Nationalism in Third World, Kali for Women,1986

Section2(f) of The Protection of Women from Domestic Violence,2005.

Section 3 of The Protection of Women from Domestic Violence,2005.

CIVILAPPEAL NO. 10084 of2016

Section 18 of The Protection of Women from Domestic Violence,2005.

Section 19 of The Protection of Women from Domestic Violence,2005.

Section 23 of The Protection of Women from Domestic Violence,2005.

Section 26 of The Protection of Women from Domestic Violence,2005.

Section 27 of The Protection of Women from Domestic Violence,2005.

Section 31 of The Protection of Women from Domestic Violence,2005.

Section 36 of The Protection of Women from Domestic Violence,2005.

DOMESTIC VIOLENCE AGAINST WOMEN IN INDIA

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Abstract:

“Domestic violence” is one of the biggest challenges women are facing worldwide. India is one of the countries, where women are severely impacted of it. This article deals with the introduction of “Domestic violence”, meaning and concepts, criminal laws with focus on different types of domestic violence against women under various laws. Any kind of domestic violence against women, Domestic violence may be subtle or brutal, physical or mental. It may be words, gestures or mere silence. And the discussion of all aspects, reasons of domestic violence and other Indian acts.

Keywords:

Domestic	Violence	Women	Protection	Harassment
Sexual	Prevention	Remedies	Aggrieved	Persons

Domestic violence is undoubtedly a human right issue and seriously deterrent to development. The phenomenon of domestic violence has been widely prevalent but remained invisible in the public domain. The United Nations' committee on convention on elimination of all forms of discrimination against women had recommended the state parties should act to protect women against violence of any kind, especially that occurring within the family.

Under article 14, 15 and 21 of the Constitution of India, has been enacted to provide for more effective protection of the rights of women guaranteed under the constitution. The Indian government has taken measures to try to reduce domestic violence by legislation such as the protection of women from domestic violence act 2005. An act to provide more effective protection of the rights of women guaranteed under the constitution, who are victims of violence of any kind occurring within the family and related matter.

Presently where a women is subjected to domestic violence by her husband or his relatives, it is an offence under section 498-A of the Indian Penal Code. The civil law does not address this phenomenon. It entirely enables the wife or the female living in a relationship in the nature of marriage to file a complaint under the act against husband or any relative, or the male partner. It defines the expression “Domestic violence” to include actual abuse or threat or abuse that is physical, sexual, verbal, emotional or economical. Harassment from the way of unlawful dowry, demands to the woman or her relatives also covered under this definition.

Domestic violence is also known as domestic abuse, spousal abuse, family violence, dating abuse and intimate partner violence. Domestic violence includes harms or injuries which endangers women's health, safety, life, limb or well being, whether mental or physical. It may also be through physical, sexual, verbal, emotional and economic abuse. DV attacks as

many as 70 percent of married women in India between the age of 15 and 49 are victims of beating, rape or forced sex. In India, more than 55 percent of the women suffer from domestic violence.

The victims of domestic violence are overwhelmingly women and women tend to experience more severe forms of violence. In determining whether any act omission or conduct. Domestic violence affects women's productivity in all forms of life i.e. assaulted women will always get agonized and emotionally disturbed and remain quite after the occurrence of the torment.

The National Crime Record Bureau (<http://ncrb.gov.in/2015>) reveal that 8 crimes against women is committed every 5 minutes, a woman is raped every 15 minutes. 3.3 million children witness domestic violence each year. A dowry death every 69 minutes and one case of cruelty committed every 5 minutes by either husband or relative of husband. This occurs despite the fact that women of India are legally protected under the act protecting women from domestic violence.

In the 11 years since the PWDVA, a civil act, was passed, over 10,00,000 cases have been filed across the country under sections pertaining to "cruelty by husband" and dowry. According to NCRB data, cases registered under the abetment of suicide of women were 3034 in 2014 and rose by 34 percent in 2015 to 4060. Cases registered under the violation of PWDVA increased by 8%, from 426 in 2014 to 461 in 2015.

Many studies have reported about the prevalence of the violence and have taken a criminal justice approach, but most women refuse to report it. As the women refuse to speak of the violence and find help, they are also not receiving the proper treatment.

There are several domestic violence laws in India, the earliest law was the Dowry Prohibition

Act passed in 1961 by the Government of India, making dowry demands in wedding arrangement illegal. In 1994, the government passed a law forbidding women or their families from asking about the sex of the baby after an ultrasound scan or any other test. Rape is also the violence against women. Two new sections 498-A and 304-B into the IPC, and the most recent legislation is the Protection of Women from Domestic Violence Act (PWDVA) 2005. According to the act, any act, omission or commission or conduct of the respondent shall constitute domestic violence case in certain circumstance. It includes causing harms, injuries or endangers the health, safety, limits life or well being, whether mental or physical of the persons or tends to do so and causing physical abuse, verbal, emotional, abuse and economical abuse, which are also explained in these sections.

The surveys found that 85% of women, who suffered sexual violence in or outside of marriage, never sought help and only 1%, report it to the police. According to a **BBC report**², around 3,09,546 crimes were reported against women, of which 1,18,866 were for domestic violence alone.

On 19th March 2013, Indian Parliament passed a new law within the effectively protection of women from sexual violence in India. It come in the form of the **Criminal Law (Amendment) Act, 2013**³, which further amends the IPC, the code of criminal procedure 1973 and Evident Act 1872 and in the section 4 & 5 of this act, lays down the duties of police officer, protection officer, service provider and magistrate to inform the aggrieved person of her right to make an application for one or more reliefs under the act.

Speedy trial in the PWDVA mandates that the magistrate shall endeavour to disposal of every application filed within a period of sixty from first day of its hearing are not a reality. None of the court has been able to achieve the PWDVA

provision of time of 60 days to passing of orders and this creates delays in justice.

The system is not very clean when it comes to filling a DV complaint. Many times the police urged to sort out the matter among them as this was not simply a matter of violence.

According to this act every women who have been deprived of their right to life by the act of husband or relatives of the husband, can file a complaint to the protection officer, police officer or magistrate in the form of 'Domestic Incident Report'. Complaint can be filed by the victim/aggrieved person or relatives, it will be considered as the prima-facie evidence of the offence. After a DV case has been filed, many different kind of organization play a role in ensuring justice to the victim.

Section 12 defines the aggrieved person or protection officer or any other person on behalf of the aggrieved person, may present an application to the magistrate. This domestic violence act empowers the magistrate to pass orders for grant of monetary relief to the aggrieved person from the respondent to meet the expenses incurred, loss of earnings, medical expenses, loss of property and maintenance.

Batra and Batra SC judgment clarifies about what constitutes a shared household under DV Act over which a wife may have right of residence.

In a latest Supreme Court order on domestic violence and abuse cases (**Rajesh Sharma and Others v/s. State of UP**⁵, ostensibly to prevent the misuse of section 498A of the IPC, is one more regressive step that undoes many decades of feminist fight for equal rights and women's right to legal remedy in situations as delicate and volatile as domestic violence. In 2014 in the **Arnesh Kumar** case⁶, the top court has ordered that no automatic arrests should be undertaken under section 498A, because there's misuse of the law by disgruntled women. Drafters should

create a protection remedy for widows who are victims of domestic violence. The economic hardship they face when denied inheritance rights or security of tenure creates additional stress and affects her ability to leave a violent relationship.

In a landmark verdict⁷, the Supreme Court has widened the scope of the Domestic Violence Act by ordering deletion of the words "adult male" from it, paving the way for prosecution of women and even non-adults for subjecting a woman relative to violence and harassment. The apex court has ordered striking down of the two words from section 2(q) of the Protection of Women from Domestic Violence Act, 2005, which deals with respondents who can be sued and prosecuted under the Act for harassing a married woman in her matrimonial home.

The apex court said "the microscopic difference between male and female, adult and non adult, regard being had to the object sought to be achieved by the 2005 Act, is neither real or substantial, nor does it have any rational relation to the object of the legislation." Section 2(q) of the Act reads: "respondent' means any adult male person who is, or has been, in a domestic relationship with the aggrieved person and against whom the aggrieved person has sought any relief under DV Act."

The effects of domestic violence on our society are obviously enormous, but are impossible to measure. We can say the effects of this act provide many remedies to the women. Domestic violence is common and the victims often first presented with health problems to the doctors, nurses and others working in primary care, accident and emergency department. Along with them shelter homes, service providers and clinics in particular need training in its recognition and management.

To give proper benefits of the rights under the law available, it is needed to aware everyone about domestic violence and especially women

with their rights to save themselves from such incidents and recurrence of them. A strict law has to be passed to punish those women who are filing a false complaint against husband or relatives by misusing of domestic violence act so that there will be fair justice to all.

BBC report BBC, INCRB 100 women 2014,
Violence at home in India

Criminal Law (Amendment) Act, 2013
Loksabha, The Criminal Law Amendment
Bill 2013, Bill no. 63-C of 2013

Batra and Batra SC Appeal (civil) 5837 of 2006

Rajesh Sharma and Others v/s. State of UP SLP
(Crl.) No. 2013 of 2017

Arnesh Kumar case SLP (CRL.) No. 9127 of
2013

Indian Express, New Delhi Oct. 9, 2016

ENVIRONMENTAL EDUCATION: HOLISTIC APPROACH FOR ENVIRONMENT PROTECTION LAW AND SUSTAINABLE DEVELOPMENT IN THE INDIAN CONTEXT

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Abstract:

The environmental education becomes an integral part of the strategy for ecological development, environmental improvement and protection as well as prevention of environmental degradation. Such an approach to education becomes a medium and process of creating awareness about man's relationship with his natural as well as social and manmade environment. It should aim at enabling individuals and communities to understand the complex formation of environment that results from interaction of their biological, physical, social, economic and cultural aspects along with knowledge, values, attitudes and skills acquired over the years.

Keywords:

Environmental,	Education,	Social,	Knowledge,	Biological,
Human,	Wealfare ,	Sustainable,	Development,	Relationship,

Introduction:

During last decade, environmental issues have been receiving increasing attention in all spheres of life, including greater coverage in the media. There is also a growing awareness of the need and importance of involving people actively in the protection of environment and management of the natural resources of their locality. While the disasters, like the Bhopal tragedy and Chernobyl accident, the recent nuclear plant emissions in Japan have heightened the awareness among the general public and the governments as to the grave dangers, the most significant contribution of the nascent environmental movement in India has been to bring into sharp focus the vital connection between growing poverty of vast numbers of marginalised people and the accelerating environmental degradation and the need to

involve the people especially the affected people actively in the protection and management of the natural resources, especially the Common Property Resources (CPRs), like forests, rivers and grazing lands. Issues of violation of rules and regulation by the industries, creation of more and more SEZ, problems of CRZ have further added to the gravity of the situation worsening the prospects. It is the marginalised people who are the focus of the environmental movement and depend on it for their essential basic needs. So environmental conservation and restoration of ecological balance must include not just rivers, forests, and soil but also the humans. who are very much a part of the ecosystem. The goals of improved equity, eradication of poverty and environmental sustainability which must form the basis of development in the Third World, can only be

achieved if basic human necessities are met on a much wider scale than before. It is the contention of this article that development requires a large scale decentralised but coherent effort for the application of science to basic needs and the delivery of goods and services aimed at fulfilling these needs through the government machinery, judicial

administrative, social and academic institutions. The environmental impacts of conventional technology are relatively well known today. Air pollution, acid rain, industrial waste disposal, toxic effluent, noise and vibrations, crowding and congestion and many other side effects of urban and industrial activity are now widely recognised as the costly bi-products of activities which otherwise produce useful outputs. In addition to the deteriorating quality of air, water and other components of our environment, the poor lack access to basic amenities, such as food and water, housing, clothing, transport and the myriad other basic needs. This, perhaps, is the most crucial area of human concern, linking technology with environment.

While governments must necessarily play a leadership role through education, creation of awareness, implementation of various Acts, policies and programmes in letter and spirit along with the provision of infrastructure and overall planning, their policies on science and technology must be geared primarily for promotion of creative action at the individual and community levels. In India too, the policy makers have begun to voice their concern with ecological and environmental issues. These issues have in recent years become important in India. The new Fundamental Duties of Citizens, added to the Indian Constitution in 1977-78, make concern for the environment a fundamental duty of all citizens. The enactment by Parliament of the Environment (Protection) Act in 1986 and the Rules formulated under it by the Department of Environment have made

immediate concern with these essential issues. This law is in addition to earlier laws and regulations, as personified by the State Pollution Control Boards.

Thus, environmental management has become a serious issue of major interest, in the context of planning, and an important agenda item for the manager and public administrator. Even if we confine attention to industry, several questions will need to be asked—what will be the cost of “add-on” measures of pollution control in established industries.

Environment, Climate Change and Sustainable Development:

The Earth is the only planet in our solar system that supports life. The complex process of evolution occurred on Earth only because of some unique environment conditions which existed there. Human activities are releasing greenhouse gases into the atmosphere. Rising levels of greenhouse gases are rapidly changing the climate. There is new and stronger evidence that most of the global warming is attributed to human activities. The on-going climate change predicts that the global temperature will rise unusually. The mean sea level is expected to rise 9-98 cm by the year 2100, causing floods at low-lying areas. Other effects could include an increase in global precipitation and changes in the severity or frequency of extreme events. Humans will face new risks and pressures. Food security is unlikely to be threatened at the global level, but some regions may experience food shortages and hunger. Water resources will be affected as precipitation and evaporation patterns change around the world. Physical infrastructure will be damaged, particularly by sea-level rise and by extreme weather events. The situation is quite an alarming one and calls for the state intervention at every point not only as a caretaker but also as the saviour of its citizens.

The strategies to ensure sustainable development has at least four important elements, such as ecologically harmonious, efficient and conserve resources including energy, and must aim at local self reliance and offer equity with social justice. While for the achievements of the first three elements, considerable inputs from the science, technology, economics, and sociology would be needed while equity is a political question calling for the sensitivity and commitments of the political masters and policy makers in letter and spirit. However, one thing is clear that sustainability means commitment to safe and secure future calling for sound and effective administrative management through efficient policies, their implementation, laws, motivating and educating masses for developing awareness for the environment preservation at the individual as well as institutional and government level in responding to the climate changes globally.

National Environment Policy (NEP):

The National Environment Policy does not seek to replace, but build on the earlier policies—the National Forest Policy 1988, National Conservation Strategy and Policy Statement on Environment and Development 1992, Policy Statement on Abatement of Pollution 1992, National Agriculture Policy 2000, National Population Policy 2000, National Water Policy 2002. Across the political spectrum of the country there has been a recognition of the vital role natural resources play in

providing livelihoods, and securing life support to ecological services. In this perspective a need for a comprehensive policy statement has been evident for some time in order to infuse sectoral and cross-sectoral, including fiscal approaches to environmental management. The NEP is intended to be a guide to action in regulatory reform, programmes and projects for environmental conservation and the review and

enactment of legislation, by agencies of the Central, state, and local governments. The policy also seeks to stimulate partnerships of different stakeholders, i.e. public agencies, local communities, academic and scientific institutions, the investment community, and international development partners, in harnessing their respective resources and strengths for environmental management.

The principle objectives of the policy relate to current perceptions of key environmental challenges. They include: to protect and conserve critical ecological systems and resources, the invaluable natural and man-made heritage, which are essential for life support; to ensure equitable access to environmental resources and quality for all sections of society, and in particular, to ensure that poor communities, which are most dependent on environmental resources for their livelihoods, are assured secure access to these resources; to ensure judicious use of environmental resources to meet the needs and aspirations of the present and future generations; to integrate environmental concerns into policies, plans, programmes, etc. The policy has been evolved from the recognition that only such development is sustainable, which respects ecological constraints, and the imperatives of justice. The present policy marks a paradigm shift in the sense that, for once, liabilities have been fixed. "The polluter pays" is the mainstay of NEP whereby responsibilities are fixed either on the individual or a government agency. Secondly, environmental clearance for any developmental activity has become mandatory. Strict liability imposes an obligation to compensate the victim for harm resulting from actions or failure to take action, which may not necessarily constitute a breach of any law or duty or care.

A Viable Model of Eco Development:

The concept of sustainable development thus defined, it now becomes imperative to identify

some of the elements of viable model of eco development and formulate an integrated strategy. Fig. 1 depicts six elements of the proposed model and traces the interconnection. Human welfare or improvement in the quality of human life is now regarded as the ultimate goal of any development strategy. It consists of income and employment generation and poverty alleviation as well as mass participation and self-reliance in order to neutralise the forces which lead to deprivation and marginalisation of the weaker sections of the society. Decentralisation of the administration and strengthening of local authorities and institutions may also help in motivating these groups. The new development strategy should not only aim at economic growth but also at an equitable distribution of the income it produces because rural poverty is not a production problem but distribution problem. World Conference for Agrarian Reform and Rural Development proposed the strategy of balanced participator and formulated the following seven focus points:

- (i) Elimination of rural poverty through targeted development programmes in the economic and social sector.
- (ii) Access to land, water and other natural resources.
- (iii) Participation.
- (iv) Integration of women into rural development.
- (v) Access to production means, markets and services.
- (vi) Development of rural job opportunities outside agricultural.
- (vii) Education, training and extension services

Environment:

- ▶ Physico-Biotic Resources
- ▶ Socio-Cultural Milieu
- ▶ Physico-Cultural Processes

Human Welfare:

- ▶ Income ▶ Mass participation

- ▶ Employment ▶ Selfreliance
- ▶ Poverty alleviation

Energy and Technology Economy and Space:

- ▶ Conv-comm. ▶ Pre-industrial ▶ People
- ▶ Nodes
- ▶ Conv-non-comm ▶ Industrial ▶ Activities
- ▶ Networks
- ▶ Non - conventional ▶ Post-industrial
- ▶ Institutions ▶ Movements

Environmental Education:

The word 'Environment' is defined as the complex of edaphic, climate and biotic factors that act upon an organism or a community and in the above context environmental education means the educational process dealing with man's relationship with his natural and cultural surroundings and as such it includes the relationship of population, resource allocation and depletion, conservation, energy and technology and urban and rural development and planning to the total biosphere. Thus, environmental education becomes an integral part of the strategy of eco development, environmental improvement and protection as well as prevention of environmental degradation. The environmental education, thus defined, becomes a medium and process of arousing awareness about man's relationship with his natural as well as social and man-made environment. One of the basic aims of environmental education is to enable individuals and communities to understand the complex nature of the natural and built in environments resulting from the interaction of their biological, physical, social, economic and cultural aspects and to acquire knowledge, values, attitudes and practical skills to participate in a responsible and effective way in anticipating and solving socio-economic problems and in the management of the quality of the environment. It also assists in creating a sense of responsibility and solidarity among countries and regions as the foundation

for new international ecological order which will guarantee the conservation and improvement of the environment. Thus, environmental education is also education through environment, about environment and for environment. It requires a holistic approach considering all components together in their totality. Environment becomes both—the style and the subject—matter of education. In so far as the style is concerned it means using environment as a teaching-learning aid and as an approach to education. In so far as the subject matter is concerned it means teaching about the components and constituents of environment.

The phenomenon that merits our attention is population explosion in the developing countries, depletion of renewable and non-renewable physical resources and increasing environmental pollution. The concept of ecology and ecosystem; environmental resources, their classification and exploitation, environment; development and the hydrologic and nutrient cycles; energy, technology and environment; society and environment; impact of agricultural and industrial developments and urbanisation on environment, legal provisions and pollution control measures must form the core of environmental education at appropriate level of teaching and learning. The school and college teachers must be

given refresher courses and orientation programmes before they take up the challenging task of creating environmental awareness among school going children and youths. Several other courses are needed to cater to the demand of trained personnel at various levels to monitor the environmental quality and to assist the decision-makers in evaluating the environmental impact of proposed development activities. In some cases specialised cadres may need reorientation. Thus, there is an explicit need to support various types and levels of environmental education and training

programmes that are essential for ensuring an effective and enlightened handling of environmental problems. The public in general and students in particular should be made aware of legal provisions under the Wild-life Preservation Act, Indian Forest Act, Pollution Control Act and other environment conservation measures. Environmental education is the principal means of enhancing awareness, both among the public at large, and among focused groups.

Such education may rely on educational institutions at different levels; the print electronic or live media; and various other formal and informal settings. The Supreme Court has also mandated that environmental education must be imparted at all levels, including higher education in the formal system. However, there is a need for further strengthening the existing programmes and making them more inclusive and participatory. The environmental laws and government machinery for its implementation plays extremely important role in protecting healthy environment as a basic human right. Other factors responsible for a environment protection regime are: prevailing environmental laws, particularly in the Indian context reflecting vivid culture bound traditions, the agencies responsible for their implementation inclusive of judicial trends, to assess and analyse the performance and the challenges before of the Pollution Control Boards and National Environment Policy of India in comparison with international environmental standards, to make an assessment of public opinion as regards the enforcement of environment and Human Rights, and efforts to educate people to inculcate the awareness about the concerns of environment through government institutions specially created for environment preservation; positive role and the contribution of academic institutions like schools, colleges and

universities; issues of proper solid waste disposals, recycling of reusable materials like paper, plastics are of paramount importance and need to be considered to protect the healthy and safe environment leading to the sustainable development.

Conclusion:

The development programming and sectoral priorities of governments are fundamental for environmental planning and management of economic development. Environmental decisions have always presented difficult choices between public welfare and private needs, on the one hand, and between the preferences of the present generation and the uncertain needs and desires of future generations, on the other. A basic requirement of any environmental protection system is that it should enter the planning process as early as possible so that its role becomes more one of developing alternatives than of resisting a particular course of action. Therefore, the input is needed by all administrators. Further several of the environmental laws are difficult to enforce, and whatever enforcement has been undertaken is generally very poor. In most cases, environmental impact assessment has yet to be instituted as an enforceable regulation, and there is no overall view of how other comprehensive environmental legislations can be applied.

For the most part environmental law is made in a piecemeal fashion, not in accordance with policy but in response to immediate requirements. For environmental law, to be effective, public awareness and public opinion must be mobilised which can be done very easily by the academic institutions like schools, colleges, university research foundation through their emphasis on tailor-made syllabi, their proper implementation, research findings, ultimately the dissemination of knowledge and moral policing to inculcate the conducive culture in the minds of the students from their childhood

wherein their teachers, mothers can play very effective role to contribute to the cause of mankind. The article concludes with the observation that people are very much concerned about personal health but are negligent in maintaining healthy environment, which is corollary of health. The panacea lies not in creating public awareness about environmental protection but in uplifting practice of environmental protection from individual level. When every person assures himself or herself a pollution free environment the problem of its protection will be solved. The model of transformation of this idea into practice should be from individual to national level. The individual should get in association with the like-minded people, i.e. self-help (SHG) and the SHG at large could invoke national commitment in making health and healthy environment as the basic human rights. Therefore, it could be safely concluded that the laws of environment should be framed, amended and implemented in consonance with the basic human rights of the individuals irrespective of all national and international boundaries and barriers keeping in view the safety of human life and liberty.

Women can also play a very vital role in this context. They can be good educator for their children and family shaping up the mindset of the children and family members, self-help group of women for the communities at their low strata levels in slums, hutment and teachers in their school, colleges and universities through incorporation and teaching of various aspects for maintaining the environment concerns, women in governance as an administrators and policy-makers. As a role model women can create not only awareness but sensitivity in the minds of those immediate concerned and contribute substantially to the cause of environment. The country of more than 1,21,01,934,22 population having 46.7 per cent women can channelize and utilise their potentials in this direction as they have a greater impact on the society as whole.

RECOVERY OF DEBT ADVANCE BY BANKING & FINANCIAL INSTITUTIONS WITH REFERENCE TO SARFAESI ACT, 2002 VIS-À-VIS FAST RECOVERY OF DEBT.

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Abstract:

Recovery of debt advanced by banking and financial Institution an Analysis of SARFAESI Act, 2002 vis-à-vis judgment of Hon'ble Supreme Court in the case of Mardia Chemicals Ltd. Vs. Union of India and effect of the Act in faster recovery of dues from borrower in India. How the bank after this Act recover the amount

Keywords:

NPA,	Borrower,	Recovery,	Dues,	Hinderence
Private,	Government,	Debt,	Advance,	Effect,

Introduction:

In India dealing with NPA has been an issue for the banking sector because of the hindrances caused due to various social, political and legal reasons in enforcement of lender rights to recover their dues from the borrower. These hindrances have put the financial institutions of our country into huge losses in terms of the production of capital.

History:

After nationalization of private banks by Government India in 1969, number of private lenders were reduced since the banks started achieving phenomenal geographic growth and interest of borrowers was taken care of. Even though it was impressive achievement, the bank started suffering financial losses year after year due to low efficiency and low productivity. The public sector bank faced several constraints for its survival because of various factors including liberal banking laws were in force.

Research Design:

The SARFAESI Act is the Securitization and Reconstruction of Financial Assets and Enforcement of the Security Interest Act, 2002. This Act provides power to banks/ financial institutions to realize the outstanding dues without approaching the Court of law including that of Tribunal which is treated as one of the most effective tools for the recovery of the NPAs under the existing law. Whether the Act or any provision is onerous, arbitrary and unconstitutional?

Body of Article:

The Rules also provide for exercising the right of the secured creditors under the Act through the authorized officer. The Authorized officer means an officer not less than a chief manager of a public sector bank as specified by the Board of Directors to exercise the rights of secured creditors. The right to exercise the power to invoke and implement the provisions of the Act

as secured creditor is vested only with the authorized officer of the bank. At the time when the account is classified as a Non Performing Asset, the bank would issue demand notice to the defrauding borrower and guarantors under Section 13(2)⁸. The notice gives the details of dues and calls upon them to discharge their dues to the bank within 60 days from the date of notice. If the borrower submits objection; on receipt of the notice, the bank should communicate its reply within 15 days. The communication shall convey the reason for the non acceptance of the objection or representation. The secured creditors can take recourse of various measures under Section 13(4)⁹ in case the borrower fails to discharge the liability of the bank demanded under Section 13(2) of the Act.

The bank can take possession of the secured assets of the borrower including the right to transfer by way of lease assignment of the assets, possession of which has been taken under Section 13(4) of the Act.

Under Section 13(4) of the Act, even the bank can take over the management of the secured asset provided a subsequent part of business is held as security and the business is severable, whole in part of such business which is related to the security for the debt.

Under section 13(4)(c) appoint any person to manage the secured asset, the possession of which has been taken over by the secured creditors.

Under section 13(4) (d), he or she may require at any time by notice in writing, any person who has acquired any of the secured assets from the borrower and from whom any money is due or may become due to the borrower, to pay the secured creditor, so much of the money as is sufficient to pay the secured debt.

This Act prescribes the following procedure of sale:

1. The sale notice shall be published in two leading newspapers; one in the vernacular language having sufficient circulation in the locality by setting out the terms of sale
2. Every notice shall be affixed on a conspicuous part of immovable property and may if the authorized officer deem fit, put on the website of the secured creditor on internet.

Certain points are relevant while giving Demand Notice, Possession notice and sale notice under SARFAESI Act:

1. Date of commencement of the demand notice period total 60 days' notice commence to run only from the date of the service of notice/ paper publication as the case may be;
2. Service of demand notice when the party is dead and the notice sent to the dead person is not good, the officer shall ascertain the detail of all legal heir and send notice to them
3. Effect of service of possession notice properly by delivering the notice to the parties affixing the possession notice on the outer outdoor or such conspicuous place of the property and also publish in the two leading newspaper one in vernacular language having sufficient circulation in the locality within 7 days from the date of taking possession, Possession notice shall mention the correct dues.

Precautions which are required to be taken while taking the possession

1. Take possession and execute panchnama;
2. Take inventory;
3. Keep safe custody of movables by him directing or through agent under rule 4(3);
4. The Authorized officer can immediate sell the movables taken into possession if it is subject to the speedy nature decay or exceed value under Rule 4(4)

Relevant observations in the judgment in the case of **Maradia Chemicals Ltd. and others Vs Union of India reported in (2004)4 SCC 311.**

1. A specific enactment for the recovery of NPA was much needed;
2. Whether there was the need of specific enactment (When there is already Recovery of Debts Due to Bank and Financial Institution Act, 1993) for the recovery of NPA is questioned, the Supreme Court answered it in affirmative.
3. Pointing out the recommendation of Narshiman Committee, the Supreme Court emphasized the need for the faster recovery process to recover the NPA to ensure the healthy and the growth oriented economy;
4. Also the Supreme Court highlighted that SARFAESI Act is much needed even there was existence of DRT Act 1993 and pointed out the failures on the part of Debt Recovery Tribunal in bringing desired result in this regard;

Safeguard available to the borrowers:

1. Section 13(2) mandates that a notice shall be served upon the borrower in this regard and a reply may be submitted by the borrower explaining the reason as to why measures may not be taken under Section 13(4) in case of non compliance of notice within 60 days;
2. Object of considering the reply submitted by borrower pursuant to notice under Section 13(2) is given, is that the creditor must apply its mind to the objection raised in reply to such notice and an internal mechanism must be particularly evolved to consider such objection raised in the reply to the notice;
3. Once the same is done, this is sufficient for ensuring principles of fairness on the part of the bank and financial institution in dealing with their borrowers;

4. Communication of reason not to accept the objection of the borrower would certainly be for the purpose of his knowledge which would be step forward towards his right to know why his objection have not been accepted by the secured creditors who intend to resort to harsh step of taking over the management / business;
5. The next safeguard available to secured borrower within the framework of the Act is to approach the Debt Recovery Tribunal under Section 17 of the Act¹⁰. Such a right accrues only after measures are taken under sub section (1) of Section 13 of the Act;

On the precondition to deposit 75% of the claim while filing appeal against action under Section 13(4) of the Act.:

When the Act came into force in 2002, there was a condition to deposit 75% of the total outstanding amount after possession of the assets has been taken over by the bank.

Such a condition to deposit of 75% for filing appeal not only was declared as onerous and oppressive but also was held as unreasonable and arbitrary. Therefore, the provision of Section 17(2) of the Act relating to the pre-deposit of claim money was declared as violative of Article 14 of the Constitution of India and same was struck down. It is relevant to mention that any action on the part of the secured creditor, in taking possession of secured asset, if was not in accordance with the Act or the Rules framed thereunder, such measures are deemed to be taken under Sub-section (4) of Section 13. One can challenge such action or measures taken by filing a petition/ appeal under Section 17 of the SARFAESI Act. But, even if the action is found to be illegal, it will not render Section 14 of the Act as bad in law. We, therefore, upheld Section 14 of the Securitisation Act being the procedure prescribed to take possession, which is followed only after notice under Sub-section (2) to

Section 13 and deciding the objections, if any, preferred by the borrower under Sub-section (3A) to Section 13 and when action is taken under Sub-section (4) to Section 13.

In Maradia Chemicals Limited, etc., etc. v. Union of India etc. (supra), the contention before the Supreme Court was with regard to the validity of the Act regarding non-availability of the provisions to the borrower to ventilate the grievances of a borrower by an independent adjudicatory authority in an appeal against the action of the bank. The contention before the Supreme Court was that access to the justice is hallmark of our system. It was also pointed out that Section 34 of the Act bars the jurisdiction of the Civil Courts to entertain a suit in the matters of recovery of dues. It was also pointed out that the remedy of appeal available under the Act as contained in Section 17 of the Act could be availed only after measures have already been taken by the secured creditor under Section 13(4) of the Act, which includes sale of the secured assets, taking over its management and by all transferable rights thereto. It was also contended that virtually it has no remedy at all in view of the onerous condition of depositing of 75% of the claim of the secured creditor. It was also contended that before filing an appeal under Section 17 of the Act, the decision has to be taken in respect of matters by the Bank or the financial institution itself which can hardly be said to be an independent agency rather they are a party to a transaction having unilateral power to initiate action under Section 13(4) of the Act. It was also contention that so far remedy under Section 226 of the Constitution of India is concerned, may not always be available since the dispute may be between two private parties, the Banking Companies, Corporate Banks or Financial Institutions, Foreign Banks, some of them may not be authorities within the meaning of Article 12 of the Constitution of India, against whom a writ petition could be maintainable. Lastly, it

was contended that a borrower is virtually left with no remedy and as access to the Court is prohibited and no proper adjudicatory mechanism is provided, the Act is unconstitutional and cannot survive.

37. The Supreme Court negated most of the contentions and observed in para 80, 81 and 82 of the judgment in the case of *Mardia Chemicals (supra)* as under:

Under the Act in consideration, we find that before taking action a notice of 60 days is required to be given and after the measures under Section 13(4) of the Act have been taken, a mechanism has been provided under Section 17 of the Act to approach the Debts Recovery Tribunal. The abovenoted provisions are for the purpose of giving some reasonable protection to the borrower. Viewing the matter in the above perspective, we find what emerges from different provisions of the Act, is as follows:

1. Under sub-section (2) of Section 13 it is incumbent upon the secured creditor to serve 60 days' notice before proceeding to take any of the measures as provided under sub-section (4) of Section 13 of the Act. After service of notice, if the borrower raises any objection or places facts for consideration of the secured creditor, such reply to the notice must be considered with due application of mind and the reasons for not accepting the objections, howsoever brief they may be, must be communicated to the borrower. In connection with this conclusion we have already held a discussion in the earlier part of the judgment. The reasons so communicated shall only be for the purposes of the information/knowledge of the

borrower without giving rise to any right to approach the Debts Recovery Tribunal under Section 17 of the Act, at that stage.

2. As already discussed earlier, on measures having been taken under sub-section (4) of Section 13 and before the date of sale/auction of the property it would be open for the borrower to file an appeal (petition) under Section 17 of the Act before the Debts Recovery Tribunal.
3. That the Tribunal in exercise of its ancillary powers shall have jurisdiction to pass any stay/interim order subject to the condition as it may deem fit and proper to impose.
4. In view of the discussion already held in this behalf, we find that the requirement of deposit of 75% of the amount claimed before entertaining an appeal (petition) under Section 17 of the Act is an oppressive, onerous and arbitrary condition against all the canons of reasonableness. Such a condition is invalid and it is liable to be struck down.
5. As discussed earlier in this judgment, we find that it will be open to maintain a civil suit in civil court, within the narrow scope and on the limited grounds on which they are permissible, in the matters relating to an English mortgage enforceable without intervention of the court.
81. In view of the discussion held in the judgment and the findings and directions contained in the preceding paragraphs, we hold that the borrowers would get a reasonably fair deal and opportunity to get the matter adjudicated upon before the Debts

Recovery Tribunal. The effect of some of the provisions may be a bit harsh for some of the borrowers but on that ground the impugned provisions of the Act cannot be said to be unconstitutional in view of the fact that the object of the Act is to achieve speedier recovery of the dues declared as NPAs and better availability of capital liquidity and resources to help in growth of the economy of the country and welfare of the people in general which would subserve the public interest.

82. We, therefore, subject to what is provided in para 80 above, uphold the validity of the Act and its provisions except that of sub-section (2) of Section 17 of the Act, which is declared ultra vires Article 14 of the Constitution of India.

Conclusion:

After enactment of the Act, it has become easy for banks and financial institutions to recover the debt from borrower provided the account has become NPA. After the Judgment of the Maradia Chemical (supra), the condition precedent of deposit of 75% of dues for filing the appeal by borrower is also removed with a view to give opportunity to borrower to file the appeal before Debt Recovery Tribunal. Thus, an aggrieved person can file an appeal only by paying Court fees and there is no requirement of deposit of the amount outstanding against the borrower. Nevertheless, the Tribunal is left with discretion in facts of each case to direct to deposit some amount by the appellant to strike a balance between interest of financial institution and hardship faced by borrower.

No-doubt, that after implementation of the Act and after pronouncement of the judgment in Mardia Chemicals (supra), the dues is being recovered by banks and financial institutions at a

faster speed. However, the corporate houses who take huge amount of loan from banks and financial institutions are still able to escape and make recovery impossible. Therefore, some amendments are still needed in the Act as recently, we have found that Kingfisher Airlines and various companies of Vijay Mallya have not paid huge outstanding and fled away from India.

Similar situation has arisen in case of one Mr. Nirav Modi whose company has also take huge amount of loan from public sector banks and fled away from India making recovery impossible because they had probably transferred their substantial part of the assets to foreign country. There are several other corporate sectors who are able to escape from recovery. Therefore, I make suggestion for incorporating the amendments in the Act.

Suggestions:

- (1) Passports of borrowers whose amount of loan is more than Rs.20 to 25 crore are required to be retained by banks so that borrowers can only travel outside India within the knowledge of the bank as banks can release the passport if the travel is for genuine purpose.
- (2) If the borrower is transferring huge amount from his account, he may inform the bank that why such huge amount was being transferred so that the bank authorities may have knowledge whether the transfer is genuine or not.
- (3) Financial institution may be authorized to take value of the assets every year and if value of the asset is less than the outstanding amount, action under Section 13(2) of the Act should be initiated even though installments of loan are being paid by borrower.

Works Cited

Securitisation, Asset Reconstruction and Enforcement of Security Interests Hardcover by

Vinod Kothari

SARFAESI ACT, 2002 BARE ACT

SCC ONLINE

Debt recovery by Garnishee Notice

Guide to SARFAESI Act 2002 & Recovery of Debts and Bankruptcy Act 1993 (September 2016 Edition)

Action under the SARFAESI Act – A Short Commentary

Handbook on Debt Recovery (2nd Edition 2017)

CONCEPTUAL ANALYSIS OF INVESTORS AND INVESTMENT

Ms. Ruchi Shukla

Abstract:

The meaning of investor and investment are among the key components deciding the extent of use of rights and commitments under international investment understandings. A venture assention applies just to financial specialists and speculations made by those speculators who fit the bill for scope under the pertinent procurements. Just such investment and investor may advantage from the assurance and be qualified to take a case to question settlement.

Keywords:

Nation	Fundamental	Settlement	Rights	Investment
Investor	Area	Diplomatic	Protection	Agreement

Why is the meaning of investor and investment so vital? From the point of view of a capital trading nation, the definition recognizes the gathering of investor who's outside venture the nation is trying to secure through the understanding, including, specifically, its framework for nonpartisan and depoliticized question settlement. From the capital importing nation viewpoint, it recognizes the investor and the investing the nation wishes to draw in; from the investor viewpoint, it recognizes the route in which the venture may be organized keeping in mind the end goal to profit by the understandings' protection

This definition might likewise be key to the locale of the arbitral tribunals set up as per venture assentions since the extent of application rationale personae may depend straight forwardly on what "speculator" implies, i.e. being a speculator of a state gathering to the settlement is a fundamental state of qualification to bring a case. Also, the extent of utilization rationale material relies on upon the meaning of venture and specifically with admiration to the locale of the International Centre for the Settlement of international Disputes (ICSID), as it stretches out to "any debate emerging out of a

venture".

International protection is restricted to foreign investments. The foreignness of investment is determined by the investor's nationality. The investor's nationality determines from which treaties it may benefit.

Definition of Investors:

1. Natural Persons:

It is a firmly established principle in International trade law that the nationality of the investor as a natural person is determined by the national law of the state whose nationality is claimed. Some investment agreements include alternative criteria such as domicile or residency.

Investors may be individual but are, more often, companies. An individual's nationality is primarily determined by the law of the country whose nationality is claimed. The nationality of a corporation is determined by the place of its incorporation or by the main seats of its business.

The jurisprudence as to the nationality of natural persons is so far limited in cases by dual nationals.

- **Customary international law:**

The right to grant and withdraw

nationality of natural persons remains part of the sovereign domain. The question before tribunals has been whether and to what extent a state can refuse to recognise the nationality of a claimant.

In the *Nottebohm* case the ICJ held that even though a state may decide on its own accord and in terms of its own legislation whether to grant nationality to a specific person, there must be a real connection between the state and the national.

Report on Diplomatic Protection recognised the limitations presented by the *Nottebohm* ruling in the context of modern economic relations: “[...] it is necessary to be mindful of the fact that if the genuine link requirement proposed by *Nottebohm* was strictly applied it would exclude millions of persons from the benefit of diplomatic protection as in today's world of economic globalisation and migration there are millions of persons who have moved away from their State of nationality and made their lives in States whose nationality they never acquire or have acquired nationality by birth or descent from States with which they have a tenuous connection. However, the *Nottebohm* principles are still useful in cases of dual or multiple nationality when the nationality of the claimant in order to be accepted has to be “predominant”. In the case of dual nationality, Article 7 of the ILC Draft Articles on Diplomatic Protection states: “A State of nationality may not exercise diplomatic protection in respect of a person against a State of which that person is also a national unless the nationality of the former State is predominant, both at the time of the injury and the date of the official presentation of the claim.

- **Investment agreements:**

Some bilateral investment treaties (BIT'S) include a single definition of “national” which applies to both the parties. Other BITs offer two definitions, one relating to contracting party and the other to the second contracting party.

Some investment agreements require some link beyond nationality.

2. Legal Persons:

The issues identified with the nationality of lawful persons can be significantly more confused than for common persons. Organizations today work in ways that can make it exceptionally hard to focus nationality. Layers of shareholders, both characteristic and lawful persons themselves, working from and in diverse nations make the conventional photo of an organization built up under the laws of a specific nation and having its focal point of operations in the same nation, to a greater degree an irregularity than a typical circumstance. It is very basic that a organization can be built up under the laws of nation A, have its focal point of control in nation B and do its principle business in nation C. Tribunals have typically ceased from participating in substantive examinations of an organization's control and they have typically embraced the test of joining or seat rather than control when deciding the nationality of a juridical person. In like manner, it is the general practice in venture settlements to explicitly characterize the target criteria which make a lawful individual a national, or financial specialist, of a Party, for purposes of the assertions, as opposed to just depend on the term "nationality" and worldwide law. Since the target criteria utilized may incorporate speculators to whom a Party would not wish to augment the bargain security, a few bargains themselves incorporate "foreswearing of advantage conditions" permitting prohibition of financial specialists in specific classes. OECD governments are regularly defied with solicitations by their financial specialists to advocate for their benefit in their relations with the host state, before any arbitral cases are displayed. It appears that in such circumstances government determinations on the nationality of a financial specialist are not construct only with

respect to BITs procurements, however frequently utilize distinctive, more adaptable tests. The ICSID Tradition which restrains the Centre's ward to debate between one contracting state and a national of another contracting state, gives particular standards on the nationality of cases in its Article 25 and speculation arrangements indicate some other or extra prerequisites that the contracting states wish to see apply to focus the remaining of petitioners. A related issue is the degree's topic to which shareholders can bring cases for harm supported by the enterprise, an issue that has developed essentially since the ICJ choice of Barcelona Traction.

Concept of investment:

There is no single meaning of what constitutes foreign investment. As per Juillard and Carreau, the unlucky deficiency of a typical lawful definition is because of the way that the term's significance venture fluctuates as indicated by the item and reason for distinctive venture instruments which contain it. The augmentation of meanings of investment in this way comes about because of the multiplication of distinctive sources.

Standard universal law and prior worldwide assentions did not utilize the idea of venture but rather the one of "investment property managing in a comparable way with imported capital and property of long-occupant remote nationals. According to Juillard the static thought of property has been substituted by the more dynamic idea of investment which suggests a certain length of time and movement. Customarily, investment have been sorted as either direct or portfolio speculations. Amid the nineteenth and the early years of the twentieth century, the overwhelming type of outside investment was portfolio investment, for the most part as bonds issued by legislatures of creating nations glided in the money related markets. The main a large portion of the

twentieth century was checked by the compression of investment streams achieved by the two Wars, stagnation of direct speculation and virtual breakdown of portfolio interest in creating countries. The post-war period was portrayed by the developing extension of multinational partnerships setting up entirely or greater part claimed auxiliaries with the subsequent change as remote investment which turned out to be transcendently immediate in character. The expansion of direct interest in a few areas prompted the consistent development of new types of investment, when the financial specialist enters a nation and markets a item or administration however does not claim the asset. An extraordinary mixture of benefits is included today in the meaning of venture and wide definitions showed up in national venture codes and worldwide instruments.

RSLSA: A NEW TOOL TO ACHIEVE LITIGATION FREE INDIA (A BREF STUDY OF LOK ADALAT'S DURING 2012-2018)

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Abstract:

Article 39-A came to be inserted in the constitution by amendment Act 1976 with effect from 3.1.1977. Equal Justice to all and free legal aid hallmark of article 39-A. Lock Adalats that the operation of the legal system promotes justice on a basis of equal opportunity. Lok Adalat is a system of alternative dispute resolution developed in india. It may be called "People Court". The Lok Adalat has been given Statutory Status Under the legal Service Authorities Ac:1987. Mega and Nation Lok Adalat is Continuously approaching to organize Lok Adalat in revenue court also. Permanent Lok Adalat Organized under section 22-B of the Legal Services Authorities Act 1987. Permanent Lok Adalat is final and binding on all the parties. The jurisdiction of the Permanent Lok Adalat is upto Rs. One Crore. Here if the parties fail to reach to a settlement the Permanent Lok Adalat has the jurisdiction to decide the case.

Keywords:

Article 39,	Approach,	Justice,	System,	Authority,
Statutory,	Alternative,	Status,	Code,	Section,

Introduction

Status & Legal Support : Article 39-A came to be inserted in the constitution by amendment Act 1976 with effect from 3.1.1977. It enjoins upon the state to secure that the operation of legal System promotes justice on the basis of equal opportunity and in particular to provide free legal aid by suitable legislation or schemes or in any other way and to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities. Equal justice to all and free legal aid are hallmark of Article 39-A.

Pursuant to these objectives the Legal Services Authorities Act 1987 was enacted by the Parliament to constitute legal services

authorities to provide free and competent legal services to the weaker sections of the society to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities and to organize Lok Adalats to secure that the operation of the legal System promotes justice on a basis of equal opportunity.

Constitution of State Legal Services Authority: -

- (1) Every State Government shall constitute a body to be called the Legal Services Authority for the State to exercise the powers and perform the functions conferred on, or assigned to, a State Authority under this Act.
- (2) A State Authority shall consist of-
 - (a) The Chief Justice of the High Court

who shall be the Patron-in-Chief;

(b) A serving or retired Judge of the High Court, to be nominated by the Governor, in consultation with the Chief Justice of the High Court, who shall be the Executive Chairman; and

(c) Such number of other members, possessing such experience and qualifications as may be prescribed by the State Government, to be nominated by that Government in consultation with the Chief Justice of the High Court.

- (3) The State Government shall, in consultation with the Chief Justice of the High Court, appoint a person belonging to the State Higher Judicial Service, not lower in rank than that of a District Judge, as the Member-Secretary of the State Authority, to exercise such powers and perform such duties under the Executive Chairman of the State Authority as may be prescribed by that Government or as may be assigned to him by the Executive Chairman of that Authority:

Provided that a person functioning as Secretary of a State Legal Aid and Advice Board immediately before the date of constitution of the State Authority may be appointed as Member-Secretary of that Authority, even if he is not qualified to be appointed as such under this sub-section, for a period not exceeding five years.

- (4) The terms of office and other conditions relating thereto, of members and the Member-Secretary of the State Authority shall be such as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.
- (5) The State Authority may appoint such number of officers and other employees as may be prescribed by the State Government, in consultation with the Chief

Justice of the High Court, for the efficient discharge of its functions under this Act.

Lok Adalat

Lok Adalat is a system of alternative dispute resolution developed in India. It may be called "People's court". Lok Adalat is a forum where the disputes/cases pending in the court of law or at pre-litigation stage are settled/compromised amicably. The Lok Adalat has been given statutory status under the Legal Services Authorities Act, 1987. Under the said Act, the award made by the Lok Adalats is deemed to be the degree of a civil court and is final and binding on all parties and no appeal lies before any court against its award.

Nature of Cases to be Referred to Lok Adalat

1. Any case pending before any court.
2. Any dispute which has not been brought before any court and is likely to be filed before the court.

Provided that any matter relating to an offence not compoundable under the law shall not be settled in Lok Adalat.

How to Get The Case Referred to the Lok Adalat for Settlement

- a) Case pending before the Court, If the parties agree to settle the dispute in Lok Adalat or One of the parties makes an application to the court or, The Court is satisfied that he matter is an appropriate one for settlement in Lok Adalat.

- b) Any dispute at pre-litigative stage.

The State Legal Services Authority or District Legal Services Authority or Taluk Legal Services Committee as the case may be on receipt of an application from any one of the parties to any pre-litigation stage matter refer such matter to the Lok Adalat for amicable settlement.

Statement showing cases disposed of through Lok Adalats from the year 2012 to January 2018

Year	Total No. Cases disposed off	Total No. of MACT Cases Disposed Off.	Total Amount Awards in MACT Cases in (Rs.)
2012	305450	3104	436659035
2013	348696	7833	1190773755
2014	363486	9278	1694262933
2015	361083	6381	1498869580
2016	85677	2642	757935883
2017	98579	1250	509992289
Jan-Feb 2018	3256	289	174989179

Source : rlsa.gov.in/legal-aid.html

Mega and National Lok Adalat

This authority is continuously approaching to organize Lok Adalats in Revenue Courts also.

In this process under direction of Hon'ble Executive Chairman RLSA .Mega Lok Adalat was organized successfully in the month of June 2012 in Revenue Board Ajmer. In which---Cases were settled through Lok Adalat which is very much encouraging sign.

Revenue Cases may also be settled through Lok Adalat. Because Pending of Revenue Cases results in generating Crimes.

However, so far applications for Legal Aid have not been filled. This is one area in which more Legal Awareness is needed.

In the Districts also District Collectors were appraised about Lok Adalat and in some Distt. Lok Adalat were held during Ratri Chopals and cases settled through Lok Adalat which also need to be encouraged.

Year	No. of Cases Taken up	No. of Cases Disposed off	Amount Awarded in MACT Cases
2011	738833	297893	823429218
2012	525744	127687	358738425
2013	358300	88240	321101070
First National Lok Adalat Nov.2013	476214	254922	961506110
2014	281606	136486	543182030
IInd National Lok Adalat 2014	1079523	822780	947831176
Mega Lok Adalat Jan. 2015	80958	11591	43160681
National Lok Adalat for Bank & 138 N.I. Act cases Feb. 2015	81062	16387	350853079
Mega Lok Adalat March 2015	56685	9404	47025739
National Lok Adalat for Revenue, MNERGA, Land Acquisition cases March 2015	58067	49857	71354247
National Lok Adalat for labour and family cases - April 2015	14623	994	8510151
National Lok Adalat for MACT cases - May 2015	10636	1742	359301386
National Lok Adalat Public Utilities Services, July-2015	9504	1351	11719078
National Lok Adalat Banking Cases, August-2015	74002	14116	280460719

National Lok Adalat Criminal Cases, September , 2015	28794	2020	22585730
National Lok Adalat Cases relating to Traffice, Petty Matters and Municipal Matters October 2015	64043	56296	35661897
National Lok Adalat Cases relating all type December 2015	171720	79027	1374763171
Mega Lok Adalat pension cases & others Jan. 2016	4950	750	-
National Lok Adalat Cases relating Bank & 138 N.I. Act cases Feb. 2016	87743	17205	482208265/-
National Lok Adalat Cases relating Civil & Revenue Matters march 2016	58115	34350	74703820/-
National Lok Adalat Cases relating Labour & Family cases April 2016	15878	1969	15783663
National Lok Adalat Cases relating MACT, Insurance & Other cases May 2016	15635	4301	501061274
National Lok Adalat Cases relating Public Utilities Services July 2016	7222	1095	17841159
National Lok Adalat Cases relating Banking August-2016	68977	13660	351656852
National Lok Adalat Cases relating Criminal compoundable September-2016	33114	4618	77315499
National Lok Adalat Cases relating to Traffice, Petty Matters and Municipal Matters October 2016	45962	26095	85470879
National Lok Adalat Cases relating to All Type Cases, February, 2017	432229	131329	2360070431
National Lok Adalat Cases relating to All Type Cases, April, 2017	204740	27880	1096528422
National Lok Adalat Cases relating to All Type Cases, September, 2017	247706	28029	1900827606
National Lok Adalat Cases relating to All Type Cases, December, 2017	290381	35196	2077979683
National Lok Adalat Cases relating to All Type Cases, February, 2018	270146	32472	1957496774
Total	6285255	2398353	19808840638

Source : rlsa.gov.in/legal-aid.html

Parmanent Lok Adalat

The other type of Lok Adalat is the Permanent Lok Adalat. It is organized under Section 22-B of The Legal Services Authorities Act, 1987. Permanent Lok Adalats have been set up as permanent bodies with a Chairman and two members for providing compulsory pre-litigative mechanism for conciliation and settlement of cases relating to Public Utility Services like transport, postal, telegraph etc. Here, even if the parties fail to reach to a settlement, the Permanent Lok Adalat gets jurisdiction to decide the dispute, provided, the dispute does not relate to any offence. Further, the Award of the Permanent Lok Adalat is final and binding on all the parties.

The jurisdiction of the Permanent Lok Adalats is upto Rs. one Crore . Here if the parties fail to reach to a settlement, the Permanent Lok Adalat has the jurisdiction to decide the case.

The award of the Permanent Lok Adalat is final and binding upon the parties. The Lok Adalat may conduct the proceedings in such a manner as it considers appropriate, taking into account the circumstances of the case, wishes of the parties like requests to hear oral statements, speedy settlement of dispute etc.

Year	Total No. of Lok Adalats	Total No. of cases disposed off	Amount of Compensation Awarded (In Rs.)
2012	844	1139	4060248
2013	405	895	2906128
2014	04	66	----
2015	362	819	3240902
2016	1679	2135	67880282
2017	2664	3000	96956137
January to February 2018	642	695	29434314

SUGGESTIONS

There is a need of a mechanism for the betterment of Arbitration.

A mechanism of tri-layer Authority.

Level	Constitution
District	One Chairman Two Members + Law Researcher
Taluka	One Chairman Two Members
Village	One Chairman Two Members

Function

1. Look after the procedure of Lok Adalat.
2. List of Award and Mediation.
3. Try to resolve the matter with the help of society.

Works Cited

Rajasthan state legal services authority, Act 1987

Permanent Lok Adalat Rules, 2003

National Legal Services Authority (Lok Adalat) Regulations, 2009

www.rlsa.gov.in/lok-adalat.html.

Guidelines for Contributors to Perception

Papers should be submitted strictly as **MS Word 2003-2007 attachments**

Paper size: A4, Font size: Times New Roman 12, Spacing: single line, Margin 1 inch on all four sides.

- Title of the paper: bold, Sentence case (Capitalize each word), centered.
- Text of the paper: justified
- Reference: Please follow latest MLA style (Only Author- Date or Number System) strictly. In place of Foot Notes End Notes may be used.
- Title of books: Italics. Titles of articles from journals and books: “quoted”.
- The Paper should be 6-10 pages in length in single space.

The manuscript must be accompanied by

- i) A declaration that it is an original work and has not been published or sent for publication anywhere else.
- ii) Abstract of paper in about 100-200 words and key words (Maximum 10).
- iii) A short bio-note of the contributors(s) indicating name, institutional affiliation, brief career history, postal address, mobile number and e-mail, on a separate sheet in the same attachment at the end of the paper.
- iv) Furnish the information on a separate sheet along with your paper and submit as a single attachment. The papers submitted should reflect serious academic work offering new insights or innovative critical perspective on the subject explored.

Plagiarism Alert:

Contributors are advised to adhere to strict academic ethics with respect to acknowledgment of original ideas borrowed from others. The editor(s) / publisher will not be responsible for any lapse on the part of the contributor.

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