Introduction
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Violence against women is not a new phenomenon. It is a primitive practice that has always been treated as a part and participle of socio-cultural milieu. Despite centuries old history the exploitation of fair sex has not been acknowledged as a crime in its totality until now. Many forms of degradation, indignity and oppression are still socially accepted. This form of exploitation has always been socially and culturally justified with the ultimate purpose of sustaining a patriarchal social order.

Women are historically one of the most subjugated classes. History is full of violence against women. Dobash and Dobash rightly developed the patriarchy theory in 1979 which maintains,

“Throughout history violence has been systematically directed towards women. Economic and social processes operate directly and indirectly to support a patriarchal social order and family structure”.¹

History stands witness to the fact that women have always been recognized as a second class citizen throughout the world and their victimization was accepted and socialized as very natural. It was assumed in most of the western countries that,

“Men had the right to beat and chastise their wives, women ‘belonged’ to men first to their fathers, then to their husbands, and men could do as they pleased with their ‘property’”.²

Similarly,

“The subordination of women to men was one of the supreme principles of Confucius government.”³

According to Aristotle,

“Women may be said to be an inferior man”.⁴
The German philosopher Nietzsche said,

“When you go to meet a woman take your whip along”.

Under the common law, women were treated as chattels.

Napoleonic code also shows the universality of the violence against women. As according to the code,

“Women are like walnut trees must be beaten every day”.

Even in Europe it was a common view that,

“A man had the right to beat his wife with a stick not thicker than his thumb”.

Similarly, Indian culture follow the quotation of Tulsidas that,

“Drums donkey and women need to be beaten”.

Thus, one may conclude that, such male egoistic views against women also played a major role to keep women subjugated and tolerate all kinds of violence and atrocities. Women’s Rights Convention very well defines all these atrocities in brief, as,

“The history of mankind is a history of repeated injuries and usurpation on the part of man towards woman, having indirect object the establishment of tyranny over her”.

Violence against women is not only a historical fact but also a grave problem. The data given below reflect the pathetic state of women and also state of violence against them.

- Women have not achieved equality with men in any country.
- Of the world’s 1.3 billion poor, it is estimated that nearly 70% are women.
- Between 75% and 80% of the world's 27 million refugees are women and children.
- Of the world's nearly one billion illiterate adults, two thirds are women.
- Two thirds of the 130 million children worldwide who are not in school are girls.
- The majority of women earn an average about three-fourths of the pay of males for the same work in both developed and developing countries.
- In most of the countries, women work approximately twice the unpaid time men do.
- Women are becoming increasingly affected by HIV. Today about 42% of estimated cases are women.
- As estimated 20 million unsafe abortions are performed worldwide every year, resulting in the deaths of 70,000 women.
- Approximately 585,000 women die every year, over 1,600 every day from causes related to pregnancy and child birth.
- In sub-Saharan Africa 1 in 3 women will die of pregnancy or childbirth related causes compared to 1 in 3,300 women in the United States.
- Globally 43% of all women and 51% of pregnant women suffer from iron-deficiency anemia.
- Each year an estimated two million girls suffer the practice of female genital mutilation.
- Worldwide 20 to 50% of women experience same degree of domestic violence during marriage.
• The primary victims of today’s armed conflicts are civilian women and their children not soldiers.
• The use of rape as a weapon of war has become more evident. In Rwanda from April 1994 to April 1995 estimates of the number of women and girls raped range from 15,700 to over 250,000.

The data given above is sufficient to prove the poor and vulnerable condition of women all over the globe. Similarly the condition of Indian women is not different. In India also the worst kind of violence against women exists in different forms like female-foeticide, infanticide, bride-burning, sati etc. These forms of violence range from simple suppression to abuse, aggression and heinous crime against them.

It is highly unfortunate that violence against women threatens and endangers the very existence of women. It is a great misfortune of women that their exploitation takes place not only in the field, the factory, the street and the police stations but also within the home – ‘Home’ which is described as a ‘poor man’s castle’ and where one is supposed to enjoy a sense of security, women are not safe even there. The gravity of the problem strikes further when the perpetrators are known and related to women. Those who are supposed to be their protectors are in fact the biggest violators of women’s rights and securities. Violation of human rights within the private space (home and family) are much serious and difficult to be challenged as there is no witness to such crimes and the perpetrators are the family members, member of nuptial family as well as the natal family. Such type of violence that takes place within the home committed by the family member is called ‘Domestic violence’.
‘Domestic violence’ is a serious problem for women throughout the world. Domestic violence does not mean harassment and cruelty at the hands of husband and in-laws only but it also includes offences like incest, mutilation of private organs, rape, abortion of female foetus, molestation, unnatural sex, female infanticide, torture, bride-burning, sati etc.

Similar to other forms of violence, the problem of ‘Domestic violence against women’ is global and universal, rather much easier to perpetrate than the other forms of crime. In much of the Asia, Africa and Latin America wife beating is still considered acceptable. Despite a strong legal system, even women in western world are also not totally free from domestic violence, as data shows

- One million women are still abused every year.
- In Middle East a number of women are killed by their husbands in the name of honour killing.
- In Jordan it is estimated one third of all murders are honour killing.
- In Russia 12,000 women are killed every year as a result of domestic violence by husband and boy friends.
- Three quarters of the women are killed annually in Canada by their living partners.
- Indian women also face all the kinds of violence and atrocities within the four walls of the houses. Following statistics are indicative of the intensity and extent of domestic violence in India.
Similarly, according to the report of ‘National Crime Report Bureau Analysis’ in India:

- One woman becomes victim of rape in every 54 minutes.
- One outraging modesty in every 29 minutes,
- One dowry death in every 42 minutes
- One kidnapping in every 43 minutes,
- One eve-teasing in every 51 minutes, and
- One torture to women in every 33 minutes

Concluding, in every seven minutes, one women is victimized by crime in India.

Domestic violence against women has always been in practice for long. The victimization of women, however, was never recognized as some thing wrong (neither as a crime nor as a violation of basic rights of a human being) at least not as a crime. It was rather socially and culturally justified. Therefore, domestic violence against women was not treated as something abnormal, wrong and unusual for a long period of time. In this sense the term ‘domestic violence’ is of recent origin, because earlier it was treated as
some thing very true, justified and right to keep the society and culture in order.

History stands witness to the fact that when violence, exploitation and atrocities crossed its limits, movements and revolutions took place to save and protect the human rights of masses for examples of Magna Carta 1215, the Petition of Rights 1627 and the Glorious Revolution 1688. The English Bill of rights 1689, The American Bill of Rights 1791, the French Revolution and The Declaration of Rights of Man and Citizen 1789, and Bolshevik Revolution and Social Dimension of Rights 1917, similar to this, when it was acknowledged though very late during the decade of that domestic violence against women is not the natural and birth right of men rather a crime and violation of human rights of half of the population de-legitimize such practices of the world.

To highlight the pathetic condition of more than three billion people all over the globe, the feminist movement played a significant role in challenging the old age practice of domestic violence against women. When exploitation of the weaker sex touched the peak, feminist all over the globe started to raise their voices by different ways. The old age tendency of silence was broken and women issues became worldwide phenomenon during the eighteenth and nineteenth centuries. The feminist movement got momentum in almost all the civilized countries after the world wars, particularly the growth of feminism in the third world. Countries of Asia, Africa first started this movement in the late nineteenth and twentieth centuries. During the decade of 1970, women's issue got special attention and became an area of debate and discussion in India too.
One of the significant contributions of feminism and feminist movement was to bring about consciousness related to the issues and problems of women. Efforts are being made at regional, national and international level by the world level agencies to protect the women from exploitation and crime. Feminist movement also greatly influenced the policies of global as well as state institutions. Therefore, the positive result brought by this revolution is the inclusion of women as equal partners in various human rights conventions/treaties/drafts etc. and emphasise on practical implementation of various rights pertaining to women as citizens as well as human beings. Efforts were also made by various state and non-state actors towards minimizing the gap between theory and practice.

The contribution of United Nations can never be denied for drafting number of conventions, treaties and making declaration not only to ensure equal rights but also to protect women against violence and atrocities against women since the time immemorial which is not natural rather a heinous crime against women. All over the globe U.N. created a kind of awareness that violence against women within the four walls of the houses cannot be a private matter or a part of culture and tradition rather it must be taken as a crime. The various U.N. Drafts/Treaties/Declarations have been drafted this way into signatories and thus played an important role in altering the patriarchal character of the state.

To sensitize the masses regarding prevailing discrimination against women, United Nations began its effort 50 years ago, with its founding in 1945 in its charter. The introductory part of the charter along with four separate articles very effectively made linkage between women’s rights and
human rights. The ‘equal rights of men and women’ clause that maintains,

"Faith in fundamental human rights... in the equal rights of men and women".19

The above clause has established a legal basis for the international struggle to affirm women’s human rights. Under the great influence of U.N. Charter, the member's states of the U.N. also declared their faith in fundamental human rights and in the equal rights of men and women.

United Nations charter also maintains separate clauses for directing the nations to follow the principle of equality and non-discrimination for women clause (30) of Article (1) pronounces,

“One of its purposes is to promote and encourage respect for human rights and fundamental freedom for all, without distinction on account of sex or other ground".20

Article (8) of the same charter also rejected the idea of discrimination by stating that,

“The United Nation’s shall place no restriction on the eligibility of men and women to participate in any capacity and under condition of equality in its principal and subsidiary organs”.21

Therefore, the establishment of Untied Nations in 1945 with the signing of U.N. Charter can be taken as a boon for women that is marked the first agreement among nations to promote human rights and fundamental freedoms for all without any sex or gender based discrimination.

To achieve the goal of universal respect for human rights which also includes the rights of women, United Nation General Assembly on 10 December 1948 adopted and proclaimed resolution 217A (III) ‘The
Universal Declaration of Human Rights\textsuperscript{22} which has now acquired the status of ‘Magna Carta’ of human rights focused on almost all the basic rights of individual without any gender discrimination. As its preamble proclaims,

"A common standard of achievement for all peoples and nations".\textsuperscript{23}

Article 1 of UDHR which states,

"All human beings are born free and equal in dignity and rights".\textsuperscript{24}

Which clearly mentions the equality and dignity of women, similarly article 2 of the Declaration discarded the policy of exclusion and restrictions on grounds of sex as it maintains,

"Every one is entitled to all the rights and freedoms set forth in this declaration without distinction of any kind such as race, colour, sex, language religion, political or other opinion, national and social origin, property, birth or other status..."\textsuperscript{25}

So, UDHR, which has attained the status of customary international law, played an important role for removing discrimination among human beings, which is the root cause of all kinds of violence and atrocities committed against women.

The two most important human rights covenant International Covenant on Civil and Political Rights (ICCPR) 1966 and International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966 also adopted non-discrimination as a norm among human beings. The first one guarantees equal protection of law to both the sexes, later promises women’s equality of the status, calls for equal participation of women in
public life, equal pay for equal work, and the right to promotion without
gender discriminations.\textsuperscript{26}

A series of instruments has also been passed by United Nations for the
emancipation and development of women with the ultimate purpose to save
them from violence and atrocities which is highly helpful to define and
promote women's human rights. These legal instrument inclsude\textsuperscript{27},

- **The convention for the suppression of the Traffic in persons and of
the Exploitation of the prostitution of others, 1949** calls for the
punishment of those procuring other for prostitution.

- **The ILO Convention for Equal Remuneration 1951** established the
principle and practice of equal pay for work of equal value.

- **The Convention on the political Rights of women 1952**, commits
member states to allow women to vote and hold public office on equal
terms with men.

- **The U.N. General Assembly recognized that women are 'subject to
ancient laws, customs and practices 1954** and calls on government to
abolish them.

- **The International Labour Organisation issued a Convention on
Maternity Protection 1955.**

- **The Convention on the Nationality of Married Women 1957**
standards for the protection of the rights of married women to retain
her nationality.

- **The Convention on Consent to Marriage Minimum Age, for
Marriage and Registration of Marriages 1962** declares that no
marriage can occur without the consent of both parties.
• The UNESCO Convention against Discrimination in Education 1960 provides equal educational opportunities for girls and women.

• The UN General Assembly recognizes the dimensions of violations of women’s rights and calls for a ‘Declaration on the Elimination of All Forms of Discriminations against Women 1963.

• The commission on the status of women submitted the first draft of the Anti-discrimination Declaration, 1966.

• The General Assembly adopts the Declaration on the Elimination of All Forms of Discrimination against Women, 1967 to ensure the universal recognition in law and in fact of the principle of equality for both the sexes.

• The Economic and Social Council of the United Nations 1968 initiates a reporting system on implementation of the provisions for the declaration by government.

• The general Assembly adopts its first resolution urging equal employment opportunities for women in the United Nations Secretariat, 1970.

• United Nations Declared International Women’s year since 1975.

• The United Nations Voluntary Fund for Women 1976 established to provide financial resources available for further development project for women’s emancipation in developing countries.

• The establishment of “International Research and Training Institute for the advancement of women” (INSTRAW) was also an effort of United Nations to provide full support to women in economic, social and political spheres.
• U.N. General Assembly adopted 'The convention on the elimination of All forms of Discrimination against Women 1979' which defines that discrimination on the ground of sex is a great obstacle in the enjoyment of women’s equal fundamental rights.

• The Second World Conference on women in 1980 held at Copenhagen to review progress made in the first half of the decade on women. It also adopted a programme of action.

• The Third World Conference on women 1985, held in Nairobi, Kenya at the end of United Nations Decade for Women which emphasized women’s equal participation in all political, social and economic fields including education and training.

• The Declaration on the Elimination of Violence against Women 1993 adopted by the general assembly, which defines violence against women.

• The Commission on Human Rights decided to appoint a special rapporteur on violence against women in 1994, with the assign duty to seek and receive information on violence against women.

• The Fourth World Conference on women held in Beijing in 1994, which also adopted a platform for action.

• Special system with Medium-Term Plan 1996-2000 the plan was made to outline further ways of strengthening the work of the U.N. for women’s equality including its own hiring, practices, policies and programmes.

The most important achievement in advancing the rights of women was the establishment of an international body on 21 June 1946 named
The purpose of the full commission was to promote women's rights in all fields of human endeavour. The object was to elevate the status of women by guaranteeing them equal rights, irrespective of nationality, race, language, or religion in order to achieve equality in all fields of human enterprise and to eliminate all discrimination against women in statutory law, legal maxima or rules, or in interpretations of customary law.\(^\text{28}\)

To achieve this goal, commission specifically addressed the problems of gender discrimination. Commission also took up the task to protect and promote women's rights in societies all around the world. Bringing the women related issues before the U.N., specialized agencies also come under commission purview. Women's participation in political life, in decision making, women's role and contribution in development, women's rights of employment and education are the most important issues for which commission is working.\(^\text{29}\)

It was due to the great efforts of this body that so many world conferences on women have been organized at international level for women's emancipation and to protect them from violence and atrocities inside or outside the home. These conferences played an important role in bringing consciousness among the masses for gender equality.

The first U.N. World Conference on women held in Mexico in 1975 was the start of an international effort to right the wrong of history.\(^\text{30}\) The conference realized that women's roles are closely related with social, economic, political and cultural conditions, denial of such rights results into economic exploitation, marginalization oppression, inequalities and
injustices at all level. For enhancing the status of women it also proclaimed 1976-1985 as the U.N. Decade for women, with the objective of ‘equality, development and peace’. The first conference on women highlighted the issues of women’s rights and role of women in development at international level, inspired the states globally for promotion and advancement of women.

The Second World Conference was held in Copenhagen in 1980. The Conference declared in clear words that equality doesn’t mean only legal equality, elimination of discrimination, but also includes equal opportunities for the participation of women in development. Conference also adopted an action plan for second half of the decade.

Similarly, for removing gender biasness at global level, Third World Conference on women occurred in 1985 at the end of U.N. Decade for women. The ‘birth of global feminism’ is also the result of Nairobi Women’s Conference which raised the issues of women’s basic survival, poverty and education. Nairobi conference also adopted ‘forward looking strategies’ for the year 2000, with the goal to achieve women’s equal participation with men in all fields of work along with women’s equal opportunity for education and training protection of women at work. Nairobi conference also emphasized to recognize women’s participation in political, economic and social affairs. Strategies also outlined the measure to prevent violence and provided a framework for action at regional, national and international level.

The Fourth World Conference on women which was held in Beijing, China, in 1995 also made great efforts to achieve the goals of all
the world conferences on women. Denial of economic, political and social resources to women along with decision making power was recognized in the conference as a major cause for their exploitations and subjugation. Issues of power and the lower status given to a woman in the family and society were also regarded as a root cause for violence. Conference acknowledged ignorance, lack of laws to prohibit violence, inadequate efforts by public authorities to enforce existing laws and denial of right to education, being responsible for women's victimization. Right to sexuality and women's unpaid work in the home was also acknowledged by the conference. The positive result of the Beijing conference was the adoption of 'five year global action plan' with the aim for enhancing development and peace among women, along with equality in education and health.37

U.N. Second World Conference on human rights also played an important role in bringing consciousness for women's equal rights. The Conference which held in June 1993 in Vienna, Austria acknowledged and reaffirmed that "women's rights are human rights and the violation is committed against them is a violation of their human rights". It strongly emphasized the need for elimination of violence against women in public and private life.38 The appointment of special rapporteur on violence against women was a positive result of this conference.39

To carry the same task for the advancement and protection of women, U.N. again adopted the 'Declaration on the Elimination of Violence against women in 1993' which defined violence against women for the first time that what constitutes an act of violence against women and what are the root causes of gender discrimination. Declaration also maintained a
list of abuses like physical, sexual, psychological violence occurring in the family and in the community including battering, sexual abuse of female children, dowry related violence, marital rape, female genital mutilation and other traditional practices harmful to women. It also identified systematic rape, sexual slavery and forced pregnancy of women in situation of armed conflict as a worst abuse of women’s human rights. Perpetration of violence against women by state was also a cause of concern for the conference.

Issues of violence against women got strength in March 1994 when U.N. commission on Human Rights condemned all act of violence against women and appointed a special rapporteur on violence against women with the great task of elimination of violence at the international, national and regional level. It also outlined action for government and communities to remove the curse of such practices.

One significant addition in the list for bringing awareness among the masses related to the problem of women was the adoption of historic convention CEDAW, the most conceptual advance, one of the great milestones in the promotion and protection of rights of women adopted by U.N. General assembly in 1979 ‘Convention on the Elimination of All Forms of Discrimination Against women’, which further got the status of ‘International Bill of Rights for women’ Convention maintains,

“Any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women irrespective of their marital status on a basis of equality of men and women of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”
CEDAW categorically, addressed the issue of discrimination, which states.

“Women be given rights equal to those of men on equal terms”. 45

Preamble of CEDAW also presents the same notion, which maintains,

“The full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields”. 46

The most important advantage is that CEDAW has gained importance of ‘an International Bill of Rights for women”. It was the first international human rights treaty which defined discrimination against women in such a broad manner. It also reaffirmed the reproductive rights of women and target culture and traditions for discrimination.

The positive impact of CEDAW is that, state parties agreed to take all appropriate measures including legislation and temporary special measure so that women can enjoy all their human rights and fundamental freedom. The positive result of CEDAW was, state parties also agreed to take appropriate measures against violence and all forms of their exploitation. They also agreed to change laws, customs and practices which are harmful for women’s emancipation. Countries that have ratified the convention also committed to submit national reports at least once every four years on measures they have taken for women’s development.

In brief it can be said that all the efforts made by U.N. through adoption of various treaties, declarations, conventions and conferences or by other means regarding prevailing discrimination against women, resulted in
sensitizing the masses and make them aware of the problems of women. Efforts are also made for bringing consciousness among the masses globally, that exploitation of women is a crime against them whether it is occurring outside or within the four walls of the houses. One such a way for sensitization is declaring 8th March of every year as ‘International Women’s day’ to combat violence and social evil against women. 25th November is adopted as ‘International day against violence against women’. Similarly, the historic year of 1975 is declared ‘International year for women. 1975 to 1985 was declared international decade for gaining more strength for the rights of women’. So they all are the instruments for creating awareness about women’s issues.

Thus, one may conclude that U.N. played an indispensable role in articulating the idea of sex based equality and human rights of women. Though, domestic violence was acknowledged as a violation of human rights and a serious threat to the well-being women only in 1993, nevertheless, idea of security, equal rights and freedom from violence with regard to women were always accepted, acknowledged and articulated globally by U.N.

A series of United Nations effort also influenced India. The framers of Indian constitution also accepted its impact.

At national level the Preamble of Indian Constitution refers to the promise of Justice at social, economic and political level, equality of status and opportunity and to promote among them all. This promise of social justice is to promote the concept of equality, liberty and justice for all without any discrimination based on sex.
Right to equality has been enshrined as a fundamental right under the Chapter III of the constitution for providing social, economic, political justice and opportunities to both the sexes. All the fundamental rights 12 to 35 are applicable to all the citizens irrespective of sex. Some fundamental rights contain positive provisions to protect the rights of women. Article 14 of the Constitution guaranteed ‘Right to Equality’ as it states

“The state shall not deny to any person equality before the law or the equal protection of the law within the territory of India”.

Article 15 prohibits discrimination on grounds of religion, race, caste, sex or place of birth as clause (1) of this article maintains

“The state shall not discriminate against any citizens on grounds only of religion, race, caste, sex, place of birth or any of them”.

Article 15(3) of the Constitution has its great importance as it states,

“Nothing in this article shall prevent state from making any special provisions for women....”

This clause permits the state to positively discriminate in favour of women to make special provisions, if their social, economic and political justice and equality are in danger. This particular advantage has been provided for women because of their continuous exploitation in all spheres of life. Article 16 of the Constitution provides equality of opportunity in matters of public employment as its clause (1) maintains,

“There shall be equality of opportunity for all citizens in matter relating to employment or appointment to any office under the state”.

Not only the fundamental rights of the constitution made efforts to protect the rights, equality and dignity of women, but also the directive
principles of state policy. Chapter IV of the Constitution stands for the same. Article 39(a) of directive principles lays down that the state shall direct its policy towards securing all citizens, men and women equally the right to means of livelihood, Article 39(d) ensures ‘equal pay for equal work’. Article 42 directs the state to make provision for ensuring “just and humane condition of work, and maternity relief”. Above all through article 51A(e) imposes a fundamental duty on every citizen ‘to renounce the practices derogatory to the dignity of women’.

In tune with the various provisions of the Constitution the state has also enacted many women specific legislation to protect them against discrimination, violence and atrocities. State also took legal initiative to prevent social evils like child marriages, dowry, sati etc. Some acts which have special provisions to safeguard women’s interest are:

- **The Equal Remuneration Act 1976** provides for equal pay to men and women for equal work.

- **The Hindu Marriage Act 1955** amended in 1976, provides the right for a girl to repudiate a child marriage before attaining maturity whether the marriage has been consummated or not.


- To protect the women from the curse of dowry, **Dowry prohibition Act of 1961** was amended in 1984 to make it more stringent.

Therefore, the number of legislations, drafts, conventions and treaties at both national as well as international level like UDHR, CEDAW,
women conferences, Constitutional guarantees, fundamental Rights as equal citizens have its great importance to save the women against domestic violence and still aspiring to achieve the goal of 'equality' and equal accessibility for women. In terms of goal achievement they are still defined as 'soft law' or paper rights but in fact these instruments are always instrumental in creating awareness towards the problems of women. The various national and international laws have been catalyst in sensitizing the people at large especially the victims – the women.

The age old subversion is no more perceived as part and participle of socio-cultural milieu rather as a violation of basic human rights of an individual and as a 'crime against half of humanity'.

The irony however is that today despite legal and constitutional (national and international) criminalization of domestic violence the practice is still prevalent. Women despite the legal and constitutional status of equality are still treated as second rate citizens to be subordinate and subversive to their male counterparts for all the practical purpose as far as enjoyment of right to equality, liberty and security is concerned. Though, the problem was always there but it was not as visible as it is today, or it was not acknowledged as a crime earlier.

The work is a comprehensive study of the phenomenon of domestic violence both as a crime and violence against women and also as a serious Human Rights violation. Though the work will try to make a generalized study of the phenomenon of domestic violence, its dimensions, causes and solutions but special emphasis will be on Indian women.
RESEARCH METHODOLOGY

The researcher has employed historical and comparative methods of study. Since one of the purposes of this research work is to analyze the status of women (India) in the overall perspective of 'Human Rights' as established by various National and International human rights documents/conventions/treaties, therefore a historical evaluation of the rights of women will be an important strategy for this research.

Domestic violence is a universal practice found in all the countries of the world and comparative study of socio-legal dimensions of the problem will be an important way to view the problem in holistic manner.

REVIEW OF LITERATURE

Domestic violence is not a virgin field of research. A lot of academic work has been done nationally and internationally. Nonetheless to say there is no dearth of good literature on the subject. But the problem is due to its rising incidence (as the data and statistics all over the world shows) and serious impact, the issue needs re-orientation and re-interpretation.

During the survey of literature researcher has come across, some very important work focusing directly or indirectly upon the problem of domestic violence against women which are as follows:

Mishra^58 (1967) in her book 'Women in Mughal India: 1526-1748 AD' has made an attempt to depict the position of women chiefly of aristocratic class of Mughal period. In a society where women live in seclusion, the scope of the work has been limited mainly to the aristocratic women under the Mughal especially in Northern India, but some prominent women of that age
belonging to the families of the nobles and others connected with the Mughal have also been taken into account. An attempt has also been made to include briefly the life of ordinary women of Hindu and Muslim communities of that time.

Lalita Devi (1982) in her study which was conducted in Trivandrum city, attempts to examine the impact of female employment on her status within the family, office and society. The findings of the study indicate that employment has decidedly enhanced the status of women in the family. The employed women enjoyed great social and familial status than their unemployed counterparts. The study tries to examine the status of women viz. their participation in the decision-making process, extent of freedom in speaking etc. Respondents of the study accepted that they found their male members in the office quite cooperative. All of them were highly satisfied with their jobs. Employment helped them to realize their potential and gave them necessary confidence and assurance. It also gave them a chance to prove themselves in the male dominated society. Thus the study concludes that employment plays an instrumental role in raising the status of women in the home.

Jeffrey (1993) in his book entitled ‘Politics, Women and Well Being’ argues that the disintegration of the matrilineal social structure as well as rigid system of caste generated widespread politicization. In this process women have lost and gained, yet they have retained a position of autonomy unique in India. This book explains how the combination of politics and the autonomy of women have produced the supposed ‘well-being’ associated with the ‘Kerala model’.
The editors of this book ‘Women, Society and Christianity’ (1995) has observed that Indian studies on women by and large suffer from a crucial lacuna such as lack of an integrated approach. After realizing the problems faced by Indian women it is desirable that greater emphasis should be given for their overall development by imparting education and providing employment. This book comprising of nine chapters is an attempt to provide an overall view on issues and problems related to women, society and the influence of Christianity upon economic conditions of women.

Agarwal (1994) in her study has made an investigation about economic condition of women and occurrence of violence against them. She draws a clear cut relation between women’s vulnerability to violence and her economic status. Economically, independent women (in terms of assets like home and land) are less vulnerable to violence.

According to Agrawal women’s access to immovable property such as housing and land is important not only for the well recognized reasons of enhancing women’s livelihood options and overall empowerment, but also for notably reducing their risk of marital violence. Therefore, the analysis made by Agarwal in her book indicates that women’s property status could play a crucial preventive role. So clearly this factor cannot be ignored in any effective strategy for dealing with spousal violence and making families more women friendly. Thus, Agarwal’s work on gender and land right articulating the need for land rights for women in terms of the welfare, efficiency and empowerment arguments, has further supported the demand for women’s land rights in the national discourse.
Kelkar (1995) in her book entitled ‘Subordination of women: A new perspective’ examines the various explanatory theories given by many anthropologists and sociologists to trace the origin of the subordinate position of women. Some theories have tried to trace the origin of subordination of women in the biological traits of human nature. Some argue that the subordinate status of women is the result of social dynamics. After the examination of all these theories, the author suggests an alternative way of looking at subordination of women. This theory tries to explore the beliefs and presuppositions that lie behind the evaluation that a woman is an inferior being or a subordinate being.

The second part examines Manusmriti to depict the precise formulation of the theory for subordination of women. The last part namely ‘Beyond the Traditions’ attempts to evolve a possible perspective towards various theoretical and practical problems related to women’s life.

Bose (2000) in her edited work ‘Faces of Feminine in Ancient, Medieval and Modern India’ explores the status of Indian women for a long time back. The main objective of this work is to provide a path to many untapped primary sources of information about women’s lives, to examine India’s three thousand years old cultures, including vast bodies of literature spanning every area of public and personal life, which is really a difficult task. The writers of this collection are women who have made special studies in the history, literature and culture of India. Some of the essays attempt feminist critical analyses, some concentrate on textual and historical evidence and some are historical surveys, such attempt by writers are made to enable readers to recognize some of the central issues of women’s lives and their cultural roots, to become aware of the resources for studying them and to find ways to approach them.
'Law of Domestic Violence' has something in it for everyone interested in studying domestic violence. Lawyers and law students will find relevant case law and suggestions to understand and analyze the strategies to deal with the problems of women. Law of Domestic Violence edited by Indira Jai Singh is a guide to the legal remedies available to women facing violence at home. It provides a clear and simple introduction to the laws relating to domestic violence, and draws upon the practical experience to the lawyers collectively to suggest creative ways in which they may be used. This book talks about the legal rights and the effective use of it for the victim of domestic violence. The book includes:

- Overview of the judicial system and guide to the legal procedure
- Comprehensive coverage of issues in civil law, including divorce, maintenance, property rights and guardianship.
- Comprehensive coverage of the issues in criminal law including dowry death, cruelty and injunctions.
- Detailed treatment of different personal laws.
- Discussion of men-legal remedies for domestic violence and a list of NGOs dealing with the issue.

Anand (2003) in his study 'Justice for Women' chief Justice A.S. Anand has shown his great concern over the problem of crime against women which also includes domestic violence against women. Cultural bias and prejudice towards women are considered as the main reason for poor status of women by this study. This study appreciates the radical changes which have been introduced in the laws pertaining to women to protect them against exploitation.
and to recognize their rights. But at the same time according to Anand’s views, in spite of all these efforts due to lack of understanding about the realities being faced by women at home, at place of work or in court, often leads to inequality or injustice to women. This work has also recognized the fact that national and international conferences, education and media exposure have contributed a lot in making Indian people aware regarding the rights and position of women but collective consciousness is highly required. This book also suggests the masses to bring a change at their hearts and attitudes which can only protect women from crime and violence.

Eagleton\(^6^7\) (2003) in her edited book ‘A Concise Companion to Feminist Theory’ introduces readers to the broad scope of feminist theory over the past thirty five years. Comparison of twelve original chapters, written by authors with extensive experience of both the theory and practice of feminism, treats feminism as both a political project and an intellectual discourse.

The companion represents an exceptionally broad range of disciplines, discourses and feminist positions, particularly showcasing those on the cutting edge of feminist scholarship. It provides not only a concise survey of the relevant fields and their histories, but also an insight into the unresolved issues that form feminism’s future.

Bhattacharya\(^6^8\) (2004) in her edited volume, “Behind closed door” highlights the pathetic condition of Indian women within four walls of the houses. According to her, women inside the home face the most degrading experience of being assaulted, abused and raped by their husband or lover, but such kind of violence is never recognized by the society as ‘real’ violence. Behind closed doors of family customs, values and crimes committed against
women are always taken for granted and neither questioned nor do they attract the attention of law makers or redress agents. This book is edited by a renowned women’s right activist and a former victim of domestic violence, puts together the life stories of seventeen women from diverse cultural, class, education and religious backgrounds in India who were victims of domestic violence. This book can also be taken as a tribute to the courage and determination of women who decided to break there silence, which can also inspire other victims of this ‘hidden crime’ to speak out, share their plight and change their fate.

Ritu Menon and Zoya Hasan\textsuperscript{69} (eds) in their work ‘A study of Muslim women in India’ study the position of Muslim women in India based on ‘the first ever national survey’, on Muslim women across twelve states of India. The authors exhorts that Muslim women in India should not be seen as a homogenous and monolithic community, but as divided along lines of caste, class and region. They also challenge the common stereotypes about Muslim women that portray their own subjectivity. Their work reveals that the socio-economic rights given to Muslim women under Islam are denied to them. They also highlighted the fact that Islam is never responsible for their deprived status in the society rather it is custom, tradition and the narrow mind set of the people that is highly responsible for their backwardness and deprivation. The authors suggest a radical change after the total suppression of patriarchy. This is the way to provide women social justice and empowerment.

Veer\textsuperscript{70} (2004) in his book tries to make the masses aware about the atrocities committed against women. According to him women are a ‘soft target’ for the society at large and particularly for the perpetrators of violence
and crime. In his views women have been at the receiving end from the very beginning. This book covers almost all the dimensions of crime and violence against women. The author studies the ‘political economy’ of various crimes against women like molestation, sexual abuse, forced labour, victimization, physical and mental torture and all sorts of exploitation. One can say that it is an excellent source of information and references on the related issue.

The work of Mohanty (2005) is the result of interaction with the victims of atrocities. The economic and social aspects of the people involved in the crime have been analyzed to find out the possible causes and offer suggestions for elimination of such crimes from the society. The author also collected the case studies about dowry and sexual violence, interact with victims, analyse their problems and draw conclusions from their experience. In this book the role of redressal mechanism is mainly discussed from the victim’s perspective.

Agnes (2005) in his work entitled ‘Women and law in India’ brings together three significant works on gender equality which comprehensively analyzed key issues including women’s rights, social justice and empowerment. He also explains about legal changes in India over two centuries when women’s rights were negotiated, rewritten and coded. This work also provides a comprehensive and significant understanding of why progressive laws, one passed, continue to be implemented in such a limited manner. She delves with the fact that legislations in the past fifty years have not brought gender equality in any real sense. Law and gender inequality maps the issue of gender and law reforms upon a canvas of history and politics, and explores strategies which could safeguard women’s rights within India’s sphere of complex social and political boundaries.
Giri (2006), the book "deprived devis: women’s unequal status in society" is the collection of selected speeches and articles written by Dr. Mohini Giri over the past few years with focus on patriarchy and the evils of the traditional caste system, which hampers women empowerment and gender equality. Discussing the challenging role of women Dr. Giri strongly advocates the 'Millennium Development Goals' put forward by the United Nations as way to empower women economically, socially and politically through education, health care, legal and social provisions and through advocacy of 33% reservation in parliament by changing the mindset of men. This book has also tackled the issues of care for the elderly, death penalty, torture, domestic violence and human rights. Dr. Giri also discusses the role of women in peace building with particular emphasis on relations with neighbouring Pakistan and Bangladesh through peace initiatives and cause of rehabilitation of war widows.

Mishra (2006) in her study wants to make the people aware with the fact that domestic violence against women is an age old phenomenon. Women were always considered weak, vulnerable and in a position to be exploited. Violence has long been accepted as something that happens to women family which was perceived as an arena of love, affection, gentleness and centre of solidarity. It has now become a centre of exploitation, assault and violence ranging from slapping emitting, homicidal assault by one member of the family on the other to husbands and in-laws harassment for dowry and or for any other reason. This book also included dowry deaths, wife battering, female child abuse, and abuse of elderly female in the family as a form of domestic violence against women.
According to this study among the many manifestations of the fundamental rights of women domestic violence is one of the most vicious, because it takes place behind closed doors, the very doors which are known to protect women from the hazards of the outside world. This book considers domestic violence against women as a form of custodial violence which must come out of the closet and be addressed.

Bjorkert\(^{75}\) (2006) in his work ‘Women in the Indian National Movement’ significantly focuses on the nationalist participation of ordinary middle class women in India’s freedom movement especially U.P. while capturing nationalist expressions of women in the public and domestic spheres, the author investigates how women are engaged with nationalist politics despite constraints like the *purdah* system, social backwardness and high rate of female illiteracy in the region. It also identifies two parallel processes that were at work (a) the domestication of the public sphere how women participated in the streets without compromising on their domestic values. (b) The politicization of the domestic sphere how women handled situations in the family when the nationalism entered households through the activities of their husbands and sons; drawing upon field studies in northern India’s Hindi speaking heart and the author also sheds light on the domestic lives of middle class women caught in the swirling vortex of political emotions. She discusses issues of contestation and subordination within patriarchal structures, and the context within which women’s political consciousness is shaped.

This study is undertaken with a firm belief that domestic violence against women in India is an issue which has been unaddressed in the law. It is an attempt to recognize the existence of domestic violence and pay homage to
its many victims. This work believes, in India, till the advent of Turks. Indian women enjoyed great freedom and prestige but due to certain social, economic and political exigencies and the unhappy impact of alien ideologies, inhuman restrictions resulted in several taboos and restrictions. Gradually the custom and tradition made Indian women worst victim of all kinds of domestic violence which is continued till today.

Contents of this book include position of women in Indian society, concept of violence against women, magnitude and forms of domestic violence, causes of domestic violence theoretical explanations, administration of justice and domestic violence, domestic violence against women in India. Data analysis and interpretations as well as suggestions.

Kaushik (2007) made an attempt to portray the status of women in India, especially with regard to women rights violation and access to justice. Extensive field interviews with women groups, civil society, organizations were carried out in Karnataka and Rajasthan to have a better understanding of the condition/status of women.

Krishna (2007) in her edited work ‘Women’s livelihood Rights: Recasting Citizenship for development’ looks at women’s natural resource based livelihood in the wider context of development viewed through the lens of citizenship rights. Unraveling the patriarchal social fabric and policy structure in India, she argues that the concept of citizenship needs to be extended to include recognition of ways of life and livelihood, so that women take their legitimate space as productive human beings, entitled to dignity as a political right and not merely to protection and welfare. The editor waves together a historical perspective on varied dimension of livelihood,
development and citizenship. Drawing upon rich field based researches in 13 states across India, the author deals with complex and inter-related themes like, the need to recognize women’s rights to resources and their livelihood and employment strategies, the challenge of democratic governance and of restructuring institutional system to make them responsive, and the role of women’s collective agency in development. Reflecting upon and critically analyzing context specific issues in several less studied locations, the book shows that there is much to be learnt from action and dialogue on the ground. Further this book suggests that feminist politics has to network strategically with other struggles to counter the resistance of traditional and contemporary patriarchal structures, and to work towards recasting citizenship for a gender just development that ensures women’s livelihood rights.

Patel\textsuperscript{(2007)} in her work addresses the issue of Hindu peasant women’s ability to effectuate the statutory rights to succession and assert ownership of law with economic analysis into allocation of resources within the family as a means of addressing gender relations and explaining resulting gender inequalities. In engaging with but going beyond the prevalent critical literature on bargaining within household, this book makes an original and valuable contribution to our understanding of the complex ways in which law and culture interact to construct the value of women’s labour in agricultural economics and societies.

Sambodh\textsuperscript{(2007)}, in his book explores the origin, causes and the prevalence of the two social evil ‘female-infanticide’ and ‘child marriage’ in various caste and regions of Rajasthan. It also highlights the efforts of various castes (social organizations who worked incessantly for the upliftment of
women's position and the abolition of these two nefarious practices in Rajasthan. This book also explores startling facts which earlier were hidden and neglected. An attempt has also been made to understand the causes and the role of various socio-economic psychological and political forces, which forced the people to commit this heinous crime. This study has made an attempt to understand the origin of the custom of child marriage and the various factors which are responsible for this practice in India particularly in Rajasthan. In carrying out this research work, historical methodology has been adopted and archival records interviews and census reports of different years have been used coupled with other literary sources.

Radhika Coomaraswamy and Nimanthi Perera Rajasingham in their edited work Constellations of violence: Feminist Interventions in South Asia (2008) gathers together some reflections on the complex and shifting dynamics of violence and gender in South Asia. It analyses how international catalytic efforts actually function in the matrix of South Asian Societies, and critiques their silence and erasures. This work has also raised some questions related to the exploitation of women like the international movement, in its conceptualization, resulted in privileging one body of experience over another and erased the reality of many women subjected to different kinds of violence? These essays raise important concerns of difference and plurality in understanding and confronting violence against women, and interrogate accepted truths on development and agency, to flesh out nuances previously ignored.

The International Violence against Women Survey (IVAWS) has interviewed over 23,000 women in eleven countries (including Australia, Costa
Rica, the Czech Republic, Denmark, Greece, Hong Kong, Italy, Mozambique, the Philippines, Poland and Switzerland) about their experiences with gender based violence. Holly Johnson, Natalia Ollus and Saini Nevala in their edited work ‘Violence against women: An International Perspective’ (2008) presents the comparative results for nine of these countries, testing current theories about male violence against women, and offering both global context and implications for other areas of the world. Their findings are included on,

- Prevalence and severity.
- Risk factors and correlates
- Physical and psychological consequences.
- Percentage of violent incidents reported to police and other agencies.
- Criminal justice system response and women’s assessment of these.
- Plus charts, tablets and the IVAWS questionnaire.

These data are vital to researchers, advocates, and policy makers working to assist survivors and eliminate gender based violence worldwide. In addition to the authors offer immediate and long run proposals, from promoting gender equality and improving service delivery to victims to improve prevention, monitoring and evaluation.

Agnes in her article, ‘Protecting women against violence? Review of a Decade of Legislation, 1980-89’, extremely criticized the law implement agencies for the poor implementation of laws related to women. According to her such attitude of law enforcing agencies plays a major role for worsening the condition of Indian women. In her article she has presented a review of a decade 1980, when so many pro-women legislation was passed. In her views
this decade can be considered a golden period for Indian women when almost every single campaign against violence on women resulted in new legislations aimed at protecting women. But it is highly unfortunate that they have had little impact. She admits so long as the attitudes of the establishment remain anti-poor, anti-minority and anti-women, law never can bring social justice. This article reviews laws enacted during the 1980s and their impact on women against the backdrop of changing perspectives within the women’s movement.

In this paper entitled “Gender Equality, land Rights and Household Food Security: Discussion of Rice Farming systems” seeks to examine the issue of land rights, and its links with household food security as well as gender equality and questions some of the assumptions being made therein. After a brief analysis of shifts in policy discourse and practice, both nationally and internationally in terms of agricultural production and land management as vital for food security, it seeks to analyze the implications of some of these measures on gender relations. In this paper some questions have also been raised. Does the increasing attention to women reflect growing gender equality, or does it lead to an enhancement of the work burden and responsibilities, without much change in terms of status, or decision making authority?

Bhattacharji in his article ‘Economic Rights of Ancient Indian Women’ has made an inquiry about the economic rights of ancient Indian women and explained how far these rights were available to them. After pursuing various ancient texts, he observes that there has never been a time when women’s labour at home, which was undoubtedly heavy, was regarded as productive women’s role worth lay in their productive role and even there she was seen as the ‘field’, the ‘harvest’ belonging to the seed owner.
This article also examines the literature of the Dharamsutra, including the two epics. Article has also briefly touched Buddhist and Jain literature to know the economic right of women belonging to those periods. A close look at the later Dharmasutras was also made for the same purpose. This article focuses on the economic rights of maiden, daughters’ women at marriage, women after marriage, wives, widows, unchaste women and prostitutes.

Usha Kiran Rai in her article ‘Freedom from Fear of Domestic Violence’ highlights the fact that the worldwide phenomenon of domestic violence against women is just disempowering women. Domestic violence against women is the violation of most fundamental human rights of women. In her views domestic violence includes the abuses like physical abuse, sexual abuse, social abuse, economic abuse and emotional abuse. She also highlighted the multiple effects of domestic violence on the victim which includes physical effect, social effect, emotional effects and psycho-pathological effects. Though laws are here, but according to her in the absence of true implementation women are not getting any kind of relief in the cases of domestic violence against them.

Joy Deshmukh Ranadive in his paper ‘Spaces, power and Empowerment: the Inter-linkage with domestic violence’ contextualizes domestic violence within a framework that measures power and empowerment. It argues that while violence is a manifestation of power over a person, processes of empowerment also give rise to violence. This study uses the concept of ‘spaces’ to analyze the inter-linkages between power, empowerment and domestic violence.
The paper of John entitled “Women’s Studies in India and Question of Asia: Some Reflections”\(^8^8\) reflects on the recent visibility of women’s and gender studies in Asia from an Indian perspective. It questions the idea of an ‘Asian women’s studies which frequently works with the assumption of a common identity in contrast to the west. The history of women’s studies in India beginning in the 1970s, becomes a vantage point to examine the specific conditions that enabled the birth of women’s studies in a few contexts, in contrast to the proliferation of women’s studies in recent years. The unprecedented power energizing the idea of ‘Asia’ is then discussed, especially in relation to the concept of the ‘Third World’ and its subsequence demise. The current moment, characterized by the widespread institutionalization of women’s issues, harbours definite dangers of depoliticisation.

Maliha Chisti\(^8^9\) in her article explores the potential for Muslim women’s political engagement in the international women’s movement. Irrespective of barriers that exist to deny and undermine the agency of Muslim women in the movement, this article calls for a more sustained praxis. By articulating a faith centered approach to social justice, Muslim women have important contributions to make in order to push forward a collective agenda against all forms of violence and oppressions affecting women, in both Muslim and non-Muslim societies. This article suggests that Muslim women implement a strategic integrative approach to one involvement based on creating their own independent and integrated analyses and political framer and engaging in solidarity and alliance building with women across their diversity and difference based on mutually defined goals.
This article entitled ‘Whose Mistake? Gender Roles and Physical Violence among Young Married Women’ is about young married women in India who experience physical violence at the hands of their husbands. This study based on a survey in Maharashtra, aims to provide contextual information on gender roles, household and family dynamics, and the occurrence of physical violence. Qualitative data from two low-income settings indicate two patterns of initiation of physical violence, young married women: within six months of marriage and after the birth of the first child. Varying gender role expectations by the in-laws determined whether the marital household was stringent and flexible.

Dhar (2005) in her paper ‘Violence and women’ wanted to make society aware about the pathetic condition of women all over the globe. According to her there is no society in the world where women enjoy the same rights, opportunities and prestige as men. After world war second when the United Nations came into being the focus was on development of the entire world. This was to be achieved through equity and equality, but these were unattainable because men and women are treated differently by the state. This inequality as Dhar maintains has been addressed at both national and international levels, but the scales have still not tilted in favour of women. So, the paper attempts a look at how societies perceive women after three decades of active interventions. Violence against women has been taken as an indicator of the status and empowerment of women. Data on domestic and sexual violence, trafficking of women and girls and violence against women during armed conflict, war and migration shows that despite policies and strategies adopted for empowerment of women, nothing much has changed for the
average woman the world over due to social structures cultural norms and religious practices.

A review of these studies on violence against women in general and domestic violence against women in particular reveals the fact that women are the worst victim of all kinds of violence and atrocities within four walls of the houses. A summary of the whole study reviewed by the researcher is that, women most of the time totally denied to their right to life and existence, freedom from fear, violence and atrocities.

The review of so many books, article and papers on the particular topic of domestic violence against women reveals the fact that great efforts have been made by the educated community to make the masses aware about the prevailing condition of women within four walls of the houses which is undoubtedly worst.

PURPOSE OF THE STUDY

Present work goes differently from the works which have been done earlier on the particular topic mention the topic and contents because the researcher presents the problem of domestic violence against women in its totality as it prevails universally as well as particularly in India. The researcher tried to find out the measures taken to curb and control this violence both nationally and internationally and examined the national and international norms relating to domestic violence against the women with a view to assess their effectiveness in controlling the incidence of domestic violence.

The researcher in the present work also investigated the answer of following burning questions related to the topic:
• Is domestic violence a crime or behavioural disorder?
• Is domestic violence a feature of a particular class or caste?
• Is domestic violence a universal problem or confined only to India?
• Is domestic violence a recent phenomenon?
• Is the growing literacy and awareness amongst women leading to growing assertion of rights by women a cause for the rising incidence of domestic violence?
• Does domestic violence opens a debate on the validity and structure of institutions of family and marriage respectively?
• Whether ‘homes’ be still viewed as a ‘poor man’s castle’ as far as protection of woman is concerned?
• Does our value system is pivotal to the violence against women?
• Does domestic violence create a vicious circle of related human right violations?
• Are the acts of violence against women product of aberrations in the minds of men or they are the symptoms of a much wider and deeper socio-political malaise.

Therefore, positively it can be expected that this present work can play a major role to make the people understand about the problem of domestic violence against women and to develop a soft corner for the victim of domestic violence. There is also a hope that this work may provide an effective remedy or solution to the victims of domestic violence against women in India as well as at global level.
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