



## PATRIARCHY AND TRANSGRESSION: A STUDY OF SILENCE! THE COURT IS IN SESSION

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### Abstract

Vijay Tendulkar aims to highlight the middle class morality and attitudes of men towards sex and gender in his *Silence! The Court is in Session*. He questions the farcical moral code of the male dominated patriarchal society. The play is about a woman, Leela Benare, who does not openly challenge the patriarchal norms but does not conform to them, and through transgression, she claims a right to bodily pleasure that the patriarchy denies to her. So, she is put on trial for her misdemeanor. Here, Benare implicitly accepts the notion that sex is only for procreation, not pleasure. In making his protagonist subscribe to this notion, Tendulkar reveals a crucial flaw in his critique of male dominance. It is neither middle-class morality nor its petty hypocrisies that is under attack. What *Silence!* Points out, irrespective of what its author intended, is the way women's sexual desire is subject to the control of men. Thus, Benare's submission to patriarchal authority is not a sign of failure, instead, it is her desire to provide a father to her unborn child, a desire that clearly conforms to the norm of legitimate motherhood.

**Keywords:** Morality, Sex, Gender, Patriarchal, Norms, Transgression, Authority and Legitimate.

### Introduction

The control of women's sexual desire is a key characteristic in all patriarchal societies, though the specific form of control differs. In Hindu society, as we have seen, women's sexual desire was controlled through the contrary notions of *Striswabhava* and *Stridharma*. *Striswabhava*, which refers to the innate nature of women, was held to be naturally perverse, deceitful and lascivious. It could only be in check by strict obedience of *Stridharma*, the duty of women. The notion of chastity in *Stridharma* implied disavowal of all forms of sensual desire. The unmarried woman had to jealously guard her virginity, and to help her she had to be kept under the custody of her father and brothers. For married

women, *Stridharma* meant devotion to their husbands, *Pativrata*, and the use of sex only for procreation. Since the woman's duty was to reproduce legitimate offspring, the death of her husband meant sexual and social death for her. There were stringent laws to punish widows who had sexual affairs, especially if these led to the birth of an illegitimate child.

The maintenance of norms of gender requires a disciplining that includes not only the prescribed conduct but instances of transgression as well. The transgressive acts, by providing negative instances, also reinforce the norms. Regulation of sexual behavior, therefore, necessitates stories of fallen women who have failed to achieve the ideal,

as complementary to women like Sita and Savitri .Femininity, writes Judith Butler, is the “forcible citation of a norm, one whose complex historicity is indissociable from relations of discipline, regulation, punishment” (In conventional narratives, the transgression is critical or not depends on the way the story is resolved 993:232).However, transgressive acts are also potentially destabilizing, for the transgression can call into question the norms’s justifiability. Whether a particular representation of transgression is critical or not depends on the way the story is resolved: in conventional narratives, the the transgressor is punished and the norms restored to their position of authority. Radical narratives, end without such a closure, opening out instead the contradiction underlying the norms that makes their transgression possible. Vijay Tendulkar’s *Silence ! The Court is in Session* is an apt instance of such a text.

#### **Review of Literature**

Stories of women’s transgression frequently set up binarism of modernity versus tradition. Women transgress not because their desires are suppressed by patriarchal norms, but because they have been corrupted by ‘modern’ ‘western’ modes of thinking. In Deepa Mehta’s *Fire*, Sita’s sin of lesbianism appears the more heinous because she is, as Mundu says, “a modern woman.” One of the charges levelled by the RSS against Mehta was that she was a “westernised” woman and therefore had no respect for Indian tradition. In Girish Karnad’s *Gendehimma*, Maranki’s sexual sin is compounded by her desires to be “modern.” Indian society’s negotiation of what is perceived as “Western” modernity, argues partha chatterjee in *The Nation and its Fragments* (1995), has perforce been troubled one. On the one hand, modernity is crucial for it to constitute a ‘rational’ society; on the other, it destroys its ‘Indianness’. Anti colonial nationalism resolved this dilemma by assigning men to a public domain where modern institute exist, and assigning women to a private domain ruled by tradition. Post-colonial nationalism, as the controversy over *Fire* shows, continues this tenuous resolution.

If the tradition/modernity binarism is one of frame through which Benare’s transgression is

understood, society versus the individual is the order.Tendulkar, of course, does not agree with the Kashikars, that the root of all evil is Benare’s modernity. In fact, he seems to be suggesting the opposite: that it is tradition that causes women to suffer. Mrs. Kashikar and men represent a traditional outlook, and by presenting them as the antagonists . Tendulkar clearly opposes tradition. In this sense, actually rein escribes the tradition/modernity binarism , by making modernity the valued term. The society/individual binarism is thus an extension of modernity versus tradition, for the society that the play attacks is tradition while Benare’s bold individuality is a modern trait. But it is not the traditional society in any sense that Tendulkar sets up for attack: as many of his critics argue, his target is the urban middle-class. N.S Dharan contends that the play is “a satire on the conventions and hypocrisy of the middle-class , male dominated society” and that it “ lay[s] bare the dormant ills of discontent in the psyche of these urban hypocrites” (1999:40, 52-53). According to ready And devi , “Tendulkar has criticized the middle-class morality that throttles the tender desire of Benare , a middle-class woman , to mother a child” (1994:42). By confining the issue to a specific class, these critics limit the scope of the critique and thereby reduce its subversive impact. Tendulkar , too seems to assume that it is a ‘problem’ that can be solved through concerted action on the part of enlightened individuals: “ when the members of my audience go home and chew on the situation , they might be able to see their daughter or sister in the woman’s position , and come up with a way of changing the situation to her advantage” (1984:37 , quoted in Renuka 1995:56). It follows, therefore that the play must set up Leela Benare and her tormentors is presented so starkly that the play seems to reproduce the melodramatic struggle of good versus evil instead of transcending it. Hence one of the debates that has followed the play: should Benare eventually scumb or should she carry on her running fight with the logic of her characterization? (Renuka 1995; Pathak and Desai 2003). Such questions clearly miss the point of the critique , which is concerned less with Benare’s resistance than with the Nature of patriarchal regulation.

There is a tendency is political criticism , especially of the feminist variety , to see resistance as value. If a woman oppressed by patriarchy does not resist her oppression , she can only be a passive ' victim' and her life can thereby be dismissed as insignificant , she can only be a passive 'victim' and her life can thereby be dismissed as insignificant. Such a privileging of resistance comes out of a theory of revolution that is built on a romanticised model of a revolutionary proletariat in some versions of 'vulgar' Marxism. But the resistance/ victimization model fails o account , as Rajeshwari Sunder Rajan (1993) has cogently argued , for the many ways in which women negotiate power relations in patriarchy. First , submission to patriarchal authority at some levels can occasion privileges at others. Secondly – and this is the more important argument – the ideal of heroic resistance is based on a masculine model of power that feminism must disavow , if it is to transcend the logic of dominance that is central to patriarchal authority. Heroic resistance becomes meaningful within a paradigm of power that feminism can only adopt to its peril , for that will only invert the hierarchy of male/female and not dissolve it

**Analysis:**

A critical analysis of the text reveals that Silence! is about a group of amateur actors who have gathered in a village to stage a mock trial concerning atomic weapons among them is Leela Benare, a school teacher. An attractive spinster, Benare is a modern woman who believes in leading her own life and does not conform to the norms of her society. She flirts with the men in the group, taunting them all the while. The men find her seductive and are attracted, but they also fear her boldness. They are also jealous of her, for she is very successful in her profession and is liked and respected by her students. Their friendly banter as they wait for everyone to come hides beneath intensions that emerge later. Two members of their group, Prof Damle and Rawde, fail to turn up and they decide to take instead Samant, a local man who has come to help them arrange the hall .They decide to train him in acting, and perform a mock trial in which Benare is the accused. What begins as a game gradually turns serious, as Benare is the accused.

What begins as a game gradually turns serious, as Benare's friends force out details of her private life that she tries to conceal. It comes out that she is pregnant with Prof. Damle's child and her school authorities have conducted an inquiry against her. Asked to speak in her defence, Benare delivers an impassioned speech about her tormented life and the way she has been deceived by the men she loved. The mock court pounces its verdict: she has been abort the child the child in her womb. It is not the message of the play that is original or remarkable: the theme of men's sexual hypocrisy is age old. Rather, it is the manner in which the theme unfolds, how, an apparently ordinary gathering of friends turns into an unexpectedly vicious attack on Benare.

The characters in the play, all except the simple villager Samanta, belong to an amateur theatre company called Sonar Moti Tenement (Bombay) Progressive Association, with social worker, Mr. Kashikar as its chairman. The Association performs plays with "a social significance," as the chairman puts it; or, as Benare mimics him, "spreading enlightenment is also one of the Prime Objective behind our Programme" (Tendulkar 1974:22,6.) The members of this troupe are Kashikar and his wife; Benare Balu Rokde, a ward of Kashikars; Shukhatme the lawyer, Ponshe, a clerk in the Central Telegraph Office, Karnilk, "the experimental theatre actor", Prof. Damle, an intellectual and Rawte. All of them belong to the urban middle class of Bombay. Many of them have frustrations arising out of their personal or professional failures.. Sukhatme is a briefless lawyer, "swatting flies with his legal precedents" or sitting at home "killing flies." He's such an authority on the subject" of law, Benare tells Samanta, "even a desperate client won't go anywhere near him !" Damle "prides himself on his book learning," but "when there's a real life problem, away he runs!" Ponshe dreams of being a great scientist, but has failed Intermediate Science examinations twice. The Kashikars are childless, which is why they throw themselves so energetically into social work. They have adopted Rokde and made a slave out of him. Benare herself, though herself successful professionally, has had a bitter life and is on the

verge of being thrown out of her school. There are, therefore, tensions surging beneath the apparently calm and friendly surface of action, which Tendulkar exploits brilliantly for effect.

The troupe has come to the village to perform a mock-trial in which President Johnson is accused of producing atomic weapons. Since there is still in which President Johnson is accused of producing atomic weapons. Since there is still a lot of time for the evening performance to begin, they decide to rehearse their parts with Samanta as the “forth witness,” so as to pass the time and to teach Samanta the ropes. But Benare suggests that they should take up another theme as they have done the atomic weapons trial many times, and all agree. In her absence, when she has gone into another room to freshen up, they decide to make her the accused, as they all know some scandalous things about her. She returns to find that she has been ‘charged’ with the crime of infanticide, and the mock trial is about to begin with Kashikar as the judge and Sukhatme as the counsel for both the prosecution and the defence. The situation is deeply ironic, since it borders on a half truth that Benare is desperately trying to conceal.

Leela Benare is a passionate woman who has led a life that is socially disapproved. While still in her teens, she had fallen in love with her maternal uncle and had had sex with him. Her family did not allow her to marry him, so she had tried to commit suicide by jumping off a parapet (74). Later she falls in love with prof. Damle, whose intellect she admires, and is made pregnant by him. Damle, who is already married and has children, deserts her and refuses to take responsibility. Not willing to destroy the child in her womb, Benare desperately turns to anyone she can find to marry her and give legitimacy to the child. She appeals to Rokde and Ponkshe, but is turned down and even tries to seduce Samant. Meanwhile, her school authorities have found out about her pregnancy and have decided to remove her from her job: “ ‘It is a sin to be pregnant before marriage. It would be still more immoral to let such a woman teach, in such a condition! ’ ” (69). In sheer frustration, Benare carries with her a bottle of rat

poison, but she cannot take her life because “when you can’t lose it, you realize the value of it. You see what happiness means” (72). Having attempted suicide once, she now appreciates the value of living:

How new, how wonderful every moment is! Even you seem new to yourself. The sky, birds, clouds, the branch of a dried-up tree that gently bends in, the curtain moving at the window, the silence all around – all sorts of distant, little noises, even the strong smell of medicines in a hospital, even that seems full to bursting with life. Life seems to sing for you! There’s great joy in a suicide that’s failed. It’s a greater even than the pain of living . . . Throw your life away- and you realize the luck of having it. Guard it dearer than life – and it only seems fit to throw away. (72-73)

She now has another purpose in life, to bring up the child in her womb: “I want my body now for him – for him alone . . . He must have another . . . a father to call his own – a house – to be looked after – he must have a good name!” (75). In this, however, she reveals how she too is bound by conventions, despite her unconventional ways. The “good name” can only be given by a father, the illegitimate child can only be given legitimacy within the sanctity of wedlock. It reveals a contradiction in the heart of Tendulkar’s critique .

Tendulkar presents Benare as a very lively woman, sharp-witted and zestful, but beneath this surface is a deep sorrow that she barely manages to conceal. Her distrust of adults, which she expresses while chatting with samant, clearly refers to the way she has been treated by her uncle and Damle. Children, she declares, are so much better than adults . At least they don’t have that blind pride of thinking they know everything. There’s no nonsense stuffed in their heads. They don’t scratch you till you bleed, then run away like cowards.(4) . A little later, she tells Samant that there is an enquiry against her, because of “one bit of slander”:

But is that any kind of reason for throwing me out? Who are these people, to say what I can or can’t die? My life is my own- I haven’t sold it to anyone for a job! My will is my own. My wishes are my own. No one can kill those – no one! I’ll do what I like with myself and my life! (5). Her tough exterior – her

getting the upper hand over the men, her ability to fight them barb for barb – only hides beneath it a deeply wounded soul, desperately seeking love but getting it nowhere. Tendulkar's greatness as a playwright lies in giving this mawkish, melodramatic plot a twist that exposes, without sentimentality, the violence that lies beneath ordinary lives.

Benare's trial begins with the framing of the charge, which she bravely tries to counter with light-hearted banter: "Infanticide ... infanticide! Why don't you accuse me instead of – um – snatching public property? That has a nice sound about it, don't you think? Sounds like 'snatching'!" (29). But as Rokde, Samant, Ponshe, Karnik and Kashikar give evidence against her, her self-composure rapidly disappears. Rokde testifies that on one occasion he saw Benare alone with Damle in his house, and the two were behaving in a "suspicious" manner (39).

Later, he adds that she had tried to seduce him after a performance, when the others had left, and that he had slapped her instead (57). Samant's testimony is deeply ironic, for he makes it all up out of a book he holds. Thinking this all is a game, he reads out a conversation from the book that has a woman desperately pleading with her lover not to abandon her in her pregnancy, and says that he heard Benare saying these words to Damle. Samant's innocent playacting unwittingly hits the mark, for the was precisely what had transpired between Benare and Damle (44-45), Ponshe reveals that she had once approached him to marry her because she was pregnant, and that he had refused. That was when he saw the bottle of rat poison in her back (59-64). Karnik testifies that he had over heard Benare's conversation with Rokde in the incident the latter had referred to, and that she had implored him to marry her but he had refused because he was afraid of Mrs.Kashikar. He also supplies evidence about her teenage affair with her uncle and her subsequent attempt at suicide. Finally, Kashikar adds that he had over heard the chairman of the Education Society asking someone over the phone to prepare the order for her dismissal from school.

The testimony against Benare, therefore, is a mixture of half-truth, insinuations and imaginings that uncannily points to her guilt.

But what is Benare guilty of? Certainly not the crime of infanticide, for which she is accused "under Section No.302 of the Indian Penal Code"(23-24). If anything, it is for the sake of her unborn child that she approaches Rokde and Ponshe, whose testimony against her is most damning. She takes her reputation for the future of the child, there by sacrificing the carefree life that she so values. Benare is therefore not guilty of any act that could be punished under the Penal Code: hence the effectiveness of the 'mock' court. Kashikar's court is a parody of the real court, and what it produces is a parody of the law that is comic as well as deeply insightful. By parodying the law, - and the norms on which it is based – is. The play within the play, with its device of the mock court, therefore serves a subversive function here with regard to a law that one would otherwise take as sacrosanct.

Benare's transgression of norm of legitimate motherhood is serious because it threatens to disrupt the purity of descent that is crucial to a patriarchal order. In his summation of the argument for the prosecution, Sukhatme states:

The charge against the accused is one of the infanticide. But the accused has committed a far more serious crime. I mean unmarried motherhood. Motherhood without marriage has always been considered a very great sin by religion and our traditions. Moreover, if the accused's intention of bringing up the offspring of this unlawful maternity is carried to completion, I have a dreadful fear that the very existence of society will be in danger. There will be no such things as moral values left. Milord, infanticide is a dreadful act. But bringing up the child of an illegal union is certainly more horrifying. If it is encouraged, there will flourish. Before our eyes, our beautiful dream of a society governed by tradition will crumble into dust. The accused has plotted to dynamite the very roots of our tradition, our pride in ourselves, our culture and our religion. (71)

Sukhatme's argument actually turns the trial on its head: instead of being guilty of infanticide, Benare is now actually accused of wishing to give



birth to her child. The order of the court, therefore, is to get rid of the child- the very act that the court had held Benare guilty of: "no memento of your sin should remain for future generations" declares Kashikar the judge. "Therefore this court sentences that you shall live. But the child in your womb shall be destroyed" (76). It is in this overturning that silence! Most effectively parodies the authority of the law – and not, as E. Renuka points out, through a caricatural action in which the judge becomes a witness or the counsel for the prosecution doubles as the counsel for the defence (1995:55).

Tendulkar's critique of patriarchal norms works by exposing the pompous declarations of Benare's antagonists. These declarations centre on the concept of motherhood as pure and virtuous. As Sukhatme pontificates:

Motherhood is pure. Moreover, there is a great – er -a great nobility in our concept of motherhood. We have acknowledged woman as the mother of mankind. Our culture enjoins us to perpetual worship of her. 'Be thy mother as a god' is what we teach our children from infancy. There is a great responsibility devolving upon a mother. She waves a magic circle with her whole existence in order to protect and preserve her little one. (30)

The irony here lies in the fact that that is precisely what Benare is doing: in imploring Rokde or Ponshe to marry her despite the fact that she does not love either of them, she is trying to "protect and preserve" the child in her womb. The men sitting in judgement over Benare spout conventional wisdom about motherhood: " ' Janani janmabhumishcha svargadapi gariyasi. ' ... 'Great are thy favours, O mother. ' ... 'woman is a wife for a moment, but a mother forever' " (30-31). Benare has tarnished this ideal of pure motherhood by her illicit affairs and unwed pregnancy. If the sin of infanticide is "vile," (31) the sin of unmarried motherhood is worse because it threatens the "whole fabric of society" (47). The court typically does not hold Damle, a married man with five children, guilty of the 'crime' of seducing a lonely and hapless woman who errs. Interestingly, the explanation for Benare's misconduct is her modernity. As Mrs. Kashikar contends: "It is the sly new fashion of women

earning that makes everything go wrong. That's how promiscuity has spread throughout our society" (54). Kashikar confirms this when he states: "what I say is, our society should revive the old custom of child marriage. Marry off the girls before puberty. All this promiscuity will come to a fullstop" (52). Hence the need for the court to establish Benare's age and marital status before it proceeds to examine the charge against her.

Stories of women's transgression frequently set up such binarism of modernity versus tradition. Women transgress not because their desires are suppressed by patriarchal norms, but because they have been corrupted by 'modern' 'western' modes of thinking. In Deepa Mehta's *fire*, Sita's sin of lesbianism appears the more heinous because she is, as Mundu says, "a modern woman." One of the charges levelled by the RSS against Mehta was that she was a "westernised" woman and therefore had no respect for Indian tradition. In *Gendethimma*, Maranki's sexual sin is compounded by her desires to be "modern." Indian society's negotiation of what is perceived as "Western" modernity, argues Partha Chatterjee in *The Nation and its Fragments* (1995), has perforce been troubled one. On the one hand, modernity is crucial for it to constitute a 'rational' society; on the other, it destroys its 'Indianness'. Anticolonial nationalism resolved this dilemma by assigning men to a public domain where modern institutions exist, and assigning women to a private domain ruled by tradition. Post-colonial nationalism, as the controversy over *fire* shows, continues this tenuous resolution.

If the tradition/modernity binarism is one of the frames through which Benare's transgression is understood, society versus the individual is the other. Tendulkar, of course, does not agree with the Kashikars, that the root of all evil is Benare's modernity. In fact, he seems to be suggesting the opposite: that it is tradition that causes women to suffer. Mrs. Kashikar and men represent a traditional outlook, and by presenting them as the antagonists. Tendulkar clearly opposes tradition. In this sense, he actually reinscribes the tradition/modernity binarism, by making modernity the valued term. The society/individual binarism is thus an extension of modernity versus tradition, for the society that the

play attacks is tradition while Benare's bold individuality is a modern trait. But it is not the traditional society in any sense that Tendulkar sets up for attack: as many of his critics argue, his target is the urban middle-class. N.S Dharan contends that the play is "a satire on the conventions and hypocrisy of the middle-class, male dominated society" and that it "lay[s] bare the dormant ills of discontent in the psyche of these urban hypocrites" (1999:40, 52-53). According to ready And devi, "Tendulkar has criticized the middle-class morality that throttles the tender desire of Benare, a middle-class woman, to mother a child" (1994:42). By confining the issue to a specific class, these critics limit the scope of the critique and thereby reduce its subversive impact. Tendulkar, too seems to assume that it is a 'problem' that can be solved through concerted action on the part of enlightened individuals: "when the members of my audience go home and chew on the situation, they might be able to see their daughter or sister in the woman's position, and come up with a way of changing the situation to her advantage" (1984:37, quoted in Renuka 1995:56). It follows, therefore that the play must set up Leela Benare and her tormentors is presented so starkly that the play seems to reproduce the melodramatic struggle of good versus evil instead of transcending it. Hence one of the debates that has followed the play: should Benare eventually scumb or should she carry on her running fight with the logic of her characterization? (Renuka 1995; Pathak and Desai 2003). Such questions clearly miss the point of the critique, which is concerned less with Benare's resistance than with the Nature of patriarchal regulation.

There is a tendency in political criticism, especially of the feminist variety, to see resistance as value. If a woman oppressed by patriarchy does not resist her oppression, she can only be a passive 'victim' and her life can thereby be dismissed as insignificant. Such a privileging of resistance comes out of a theory of revolution that is built on a romanticised model of a revolutionary proletariat in some versions of 'vulgar' Marxism. But the resistance/victimization model fails to account, as Rajeshwari Sunder Rajan (1993) has cogently argued, for the many ways in which women negotiate

power relations in patriarchy. First, submission to patriarchal authority at some levels can occasion privileges at others. Secondly – and this is the more important argument – the ideal of heroic resistance is based on a masculine model of power that feminism must disavow, if it is to transcend the logic of dominance that is central to patriarchal authority. Heroic resistance becomes meaningful within a paradigm of power that feminism can only adopt to its peril, for that will only invert the hierarchy of male/female and not dissolve it. By trying to provide her child a father and a family, Benare implicitly accepts the patriarchal norms.

Most critics have hailed *Silence! The Court is in Session* as a brilliant critique of middle-class morality and the hypocritical norms of a patriarchal society. The argument offered here is otherwise: it is neither middle-class morality nor its petty hypocrisies that is under attack. What *Silence!* Points out, irrespective of what its author intended, it is the way women's sexual desire is subject to the control of men. This is the meaning of Benare's transgression, through which she claims a right to bodily pleasure that the patriarchy denies to her.

### Conclusion

*Silence! The Court is in Session*, in conclusion, offers a powerful critique of Hindu patriarchy and its forms of control over women. The urban middle-class may be one of the sites where it is articulated, but it is not the only one, for Samant's village is as diligent in its persecution of pregnant widows as Kashikar's amateur theatre group is in its persecution of unwed mothers. Those who glorify 'tradition' in the name of power reside not only in the metropolis, they also inhabit less visible places. Rural or urban, 'modern' and 'traditional', patriarchal control takes many forms, just as resistance to it takes many forms too. In creating the character of Benare, Tendulkar seems to understand this many-sidedness and also its underlying central plank, the control of women's sexual desire. But his critique misses its radical thrust beyond a point, when it reduces Benare to a pathetic figure pleading with Rokde and Ponshe to marry her, so that she can contain a desire that had seen claimed to be free. Hegemonic ideologies have an immense

capacity to co-opt and absorb projects that begin to be transgressive and dissident. Silence! The Court is in Session is an apt instance of this.

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