

# INTERNATIONAL JOURNAL OF RESEARCH IN COMPUTER APPLICATION & MANAGEMENT

I  
J  
R  
C  
M



A Monthly Double-Blind Peer Reviewed (Refereed/Juried) Open Access International e-Journal - Included in the International Serial Directories

*Indexed & Listed at:*

Ulrich's Periodicals Directory ©, ProQuest, U.S.A., EBSCO Publishing, U.S.A., Cabell's Directories of Publishing Opportunities, U.S.A., Google Scholar,

Open J-Gate, India [link of the same is duly available at Inlibnet of University Grants Commission (U.G.C.)],

Index Copernicus Publishers Panel, Poland with IC Value of 5.09 & number of libraries all around the world.

Circulated all over the world & Google has verified that scholars of more than 4767 Cities in 180 countries/territories are visiting our journal on regular basis.

Ground Floor, Building No. 1041-C-1, Devi Bhawan Bazar, JAGADHRI – 135 003, Yamunanagar, Haryana, INDIA

<http://ijrcm.org.in/>

# CONTENTS

Sr. No.	TITLE & NAME OF THE AUTHOR (S)	Page No.
1.	<b>WORKERS PARTICIPATION IN MANAGEMENT</b> <i>DR. CHANDRA SEKSHAR GOTLAGUNTA, G. KIRTHY, DR. KESHAMONI SRINIVAS &amp; GURMEET KAUR</i>	1
2.	<b>KNOWLEDGE MANAGEMENT STRATEGIES FOR ACHIEVING QUALITY STANDARDS IN EDUCATIONAL INSTITUTIONS</b> <i>DR. A. V. NAGESWARA RAO</i>	5
3.	<b>COST MANAGEMENT IN SERVICE INDUSTRY</b> <i>HEMANT R. DUDHE &amp; DR. SANJAYKUMAR M. GAIKWAD</i>	9
4.	<b>KNOWLEDGE MANAGEMENT THROUGH TRANSFORMATIONAL LEADERSHIP IN ARMED FORCES: AN IAF PERCEPTIVE</b> <i>DR. ANIL KOTHARI &amp; DR. NIDHI PANDEY</i>	13
5.	<b>A STUDY ON RETURNS AND VOLATILITY OF FMCG AND IT SECTORS OF NIFTY</b> <i>T. PEDDANNA &amp; S. V. SATYANARAYANA</i>	17
6.	<b>MEASURE OF OCTAPACE CULTURE ON JUNIOR LEADERS IN THE ARMY: A STATISTICAL PERSPECTIVE</b> <i>DR. ASHA NAGENDRA &amp; BRIGADIER M SRINIVASAN</i>	26
7.	<b>DIVIDEND POLICY AND DIVIDEND THEORIES: THE WAY AHEAD</b> <i>CHAITRA K. S. &amp; DR. B. BAKKAPPA</i>	30
8.	<b>A STUDY ON FINANCIAL PERFORMANCE OF NEW GENERATION PRIVATE SECTORS COMMERCIAL BANKS IN INDIA</b> <i>D. KALPANA &amp; R. CHANDRASEKARAN</i>	34
9.	<b>OFFENCES AGAINST WOMEN UNDER INDIAN PENAL CODE</b> <i>DR. MADHUMITA DHAR SARKAR &amp; BIBHABASU MISRA</i>	38
10.	<b>CUSTOMER RELATIONSHIP MANAGEMENT STRATEGY OF BHARTI AIRTEL LIMITED IN COIMBATORE CITY</b> <i>A. S. DHIVIYA, V. SUGANTHI &amp; DR. S. KUMAR</i>	40
11.	<b>VITALITY OF COMPETENT HR PRACTICES FOR SUSTAINABLE GROWTH POTENTIALITY IN SERVICE INDUSTRY</b> <i>T. MYDHILI &amp; B. SATYAVANI</i>	45
12.	<b>BIOMETRICS AND RFID BASED E-PASSPORT: BRINGING SECURITY TO THE WORLD</b> <i>JAPNEET KAUR &amp; MANEET KAUR</i>	49
13.	<b>PERCEPTUAL DIFFERENCES BETWEEN THE USERS AND NON USERS OF INTERNET BANKING</b> <i>DR. DEEPA PAUL</i>	55
14.	<b>STRESS OF RETAIL SECTOR EMPLOYEES: A STUDY</b> <i>SABARI GHOSH</i>	59
15.	<b>IMPROVING ASSESSMENT IN HIGHER EDUCATION THROUGH STUDENT INVOLVEMENT</b> <i>RUCHI BAJAJ</i>	66
16.	<b>RELIABILITY ANALYSIS OF INVESTMENT BEHAVIOR OF INDIVIDUAL INVESTORS AMONG DIFFERENT RELIGIOUS GROUPS IN NCR</b> <i>SHWETA GOEL &amp; DR. RAKESH KUMAR SRIVASTAVA</i>	69
17.	<b>A STUDY ON DISSATISFIED CONSUMERS OF SMARTPHONE OVER ONLINE PURCHASE IN MADURAI DISTRICT</b> <i>DR. R. RADHIKA DEVI &amp; VINODH KUMAR. S.</i>	74
18.	<b>BANIYA OR LOCALBANYA: A STUDY ON INDIAN 'GROCERY AND STAPLES' BUYING BEHAVIOUR</b> <i>SWAPNA TAMHANKAR</i>	78
19.	<b>THE ENTREPRENEURSHIP'S CAPITAL ASSISTANCE IN ENHANCING THE MOTIVATION OF COLLEGE STUDENT TO BE AN ENTREPRENEUR</b> <i>MARISKHA. Z, S.E., M.M. &amp; HANIFATI INTAN, S.E., M.M.</i>	83
20.	<b>PROBLEMS AND PROSPECTS OF HANDLOOM WEAVERS: A STUDY OF KARIMNAGAR DISTRICT</b> <i>ANKAM SREENIVAS &amp; KANDAGATLA SRAVAN KUMAR</i>	89
	<b>REQUEST FOR FEEDBACK &amp; DISCLAIMER</b>	97

## CHIEF PATRON

**PROF. K. K. AGGARWAL**

Chairman, Malaviya National Institute of Technology, Jaipur  
(An institute of National Importance & fully funded by Ministry of Human Resource Development, Government of India)  
Chancellor, K. R. Mangalam University, Gurgaon  
Chancellor, Lingaya's University, Faridabad  
Founder Vice-Chancellor (1998-2008), Guru Gobind Singh Indraprastha University, Delhi  
Ex. Pro Vice-Chancellor, Guru Jambheshwar University, Hisar

## FOUNDER PATRON

**LATE SH. RAM BHAJAN AGGARWAL**

Former State Minister for Home & Tourism, Government of Haryana  
Former Vice-President, Dadri Education Society, Charkhi Dadri  
Former President, Chinar Syntex Ltd. (Textile Mills), Bhiwani

## FORMER CO-ORDINATOR

**DR. S. GARG**

Faculty, Shree Ram Institute of Business & Management, Urjani

## ADVISORS

**PROF. M. S. SENAM RAJU**

Director A. C. D., School of Management Studies, I.G.N.O.U., New Delhi

**PROF. S. L. MAHANDRU**

Principal (Retd.), Maharaja Agrasen College, Jagadhri

## EDITOR

**PROF. R. K. SHARMA**

Professor, Bharti Vidyapeeth University Institute of Management & Research, New Delhi

## EDITORIAL ADVISORY BOARD

**DR. RAJESH MODI**

Faculty, Yanbu Industrial College, Kingdom of Saudi Arabia

**PROF. PARVEEN KUMAR**

Director, M.C.A., Meerut Institute of Engineering & Technology, Meerut, U. P.

**PROF. H. R. SHARMA**

Director, Chhatrapati Shivaji Institute of Technology, Durg, C.G.

**PROF. MANOHAR LAL**

Director & Chairman, School of Information & Computer Sciences, I.G.N.O.U., New Delhi

**PROF. ANIL K. SAINI**

Chairperson (CRC), Guru Gobind Singh I. P. University, Delhi

**PROF. R. K. CHOUDHARY**

Director, Asia Pacific Institute of Information Technology, Panipat

**DR. ASHWANI KUSH**

Head, Computer Science, University College, Kurukshetra University, Kurukshetra

**DR. BHARAT BHUSHAN**

Head, Department of Computer Science & Applications, Guru Nanak Khalsa College, Yamunanagar

**DR. VIJAYPAL SINGH DHAKA**

Dean (Academics), Rajasthan Institute of Engineering & Technology, Jaipur

**DR. SAMBHAVNA**

Faculty, I.I.T.M., Delhi

**DR. MOHINDER CHAND**

Associate Professor, Kurukshetra University, Kurukshetra

**DR. MOHENDER KUMAR GUPTA**

Associate Professor, P. J. L. N. Government College, Faridabad

**DR. SHIVAKUMAR DEENE**

Asst. Professor, Dept. of Commerce, School of Business Studies, Central University of Karnataka, Gulbarga

**DR. BHAVET**

Faculty, Shree Ram Institute of Engineering & Technology, Urjani

***ASSOCIATE EDITORS***

**PROF. ABHAY BANSAL**

Head, Department of Information Technology, Amity School of Engineering & Technology, Amity University, Noida

**PROF. NAWAB ALI KHAN**

Department of Commerce, Aligarh Muslim University, Aligarh, U.P.

**ASHISH CHOPRA**

Sr. Lecturer, Doon Valley Institute of Engineering & Technology, Karnal

***FORMER TECHNICAL ADVISOR***

**AMITA**

Faculty, Government M. S., Mohali

***FINANCIAL ADVISORS***

**DICKIN GOYAL**

Advocate & Tax Adviser, Panchkula

**NEENA**

Investment Consultant, Chambaghat, Solan, Himachal Pradesh

***LEGAL ADVISORS***

**JITENDER S. CHAHAL**

Advocate, Punjab & Haryana High Court, Chandigarh U.T.

**CHANDER BHUSHAN SHARMA**

Advocate & Consultant, District Courts, Yamunanagar at Jagadhri

***SUPERINTENDENT***

**SURENDER KUMAR POONIA**

## CALL FOR MANUSCRIPTS

We invite unpublished novel, original, empirical and high quality research work pertaining to recent developments & practices in the areas of Computer Science & Applications; Commerce; Business; Finance; Marketing; Human Resource Management; General Management; Banking; Economics; Tourism Administration & Management; Education; Law; Library & Information Science; Defence & Strategic Studies; Electronic Science; Corporate Governance; Industrial Relations; and emerging paradigms in allied subjects like Accounting; Accounting Information Systems; Accounting Theory & Practice; Auditing; Behavioral Accounting; Behavioral Economics; Corporate Finance; Cost Accounting; Econometrics; Economic Development; Economic History; Financial Institutions & Markets; Financial Services; Fiscal Policy; Government & Non Profit Accounting; Industrial Organization; International Economics & Trade; International Finance; Macro Economics; Micro Economics; Rural Economics; Co-operation; Demography; Development Planning; Development Studies; Applied Economics; Development Economics; Business Economics; Monetary Policy; Public Policy Economics; Real Estate; Regional Economics; Political Science; Continuing Education; Labour Welfare; Philosophy; Psychology; Sociology; Tax Accounting; Advertising & Promotion Management; Management Information Systems (MIS); Business Law; Public Responsibility & Ethics; Communication; Direct Marketing; E-Commerce; Global Business; Health Care Administration; Labour Relations & Human Resource Management; Marketing Research; Marketing Theory & Applications; Non-Profit Organizations; Office Administration/Management; Operations Research/Statistics; Organizational Behavior & Theory; Organizational Development; Production/Operations; International Relations; Human Rights & Duties; Public Administration; Population Studies; Purchasing/Materials Management; Retailing; Sales/Selling; Services; Small Business Entrepreneurship; Strategic Management Policy; Technology/Innovation; Tourism & Hospitality; Transportation Distribution; Algorithms; Artificial Intelligence; Compilers & Translation; Computer Aided Design (CAD); Computer Aided Manufacturing; Computer Graphics; Computer Organization & Architecture; Database Structures & Systems; Discrete Structures; Internet; Management Information Systems; Modeling & Simulation; Neural Systems/Neural Networks; Numerical Analysis/Scientific Computing; Object Oriented Programming; Operating Systems; Programming Languages; Robotics; Symbolic & Formal Logic; Web Design and emerging paradigms in allied subjects.

Anybody can submit the **soft copy** of unpublished novel; original; empirical and high quality **research work/manuscript** **anytime** in **M.S. Word format** after preparing the same as per our **GUIDELINES FOR SUBMISSION**; at our email address i.e. [infoijrcm@gmail.com](mailto:infoijrcm@gmail.com) or online by clicking the link **online submission** as given on our website ([FOR ONLINE SUBMISSION, CLICK HERE](#)).

## GUIDELINES FOR SUBMISSION OF MANUSCRIPT

### 1. **COVERING LETTER FOR SUBMISSION:**

DATED: \_\_\_\_\_

**THE EDITOR**

IJRCM

**Subject: SUBMISSION OF MANUSCRIPT IN THE AREA OF .**

**(e.g. Finance/Mkt./HRM/General Mgt./Engineering/Economics/Computer/IT/ Education/Psychology/Law/Math/other, please specify)**

**DEAR SIR/MADAM**

Please find my submission of manuscript entitled ' \_\_\_\_\_ ' for possible publication in one of your journals.

I hereby affirm that the contents of this manuscript are original. Furthermore, it has neither been published elsewhere in any language fully or partly, nor is it under review for publication elsewhere.

I affirm that all the co-authors of this manuscript have seen the submitted version of the manuscript and have agreed to their inclusion of names as co-authors.

Also, if my/our manuscript is accepted, I agree to comply with the formalities as given on the website of the journal. The Journal has discretion to publish our contribution in any of its journals.

<b>NAME OF CORRESPONDING AUTHOR</b>	:	
Designation	:	
Institution/College/University with full address & Pin Code	:	
Residential address with Pin Code	:	
Mobile Number (s) with country ISD code	:	
Is WhatsApp or Viber active on your above noted Mobile Number (Yes/No)	:	
Landline Number (s) with country ISD code	:	
E-mail Address	:	
Alternate E-mail Address	:	
Nationality	:	

**NOTES:**

- a) The whole manuscript has to be in **ONE MS WORD FILE** only, which will start from the covering letter, inside the manuscript. **pdf. version is liable to be rejected without any consideration.**
  - b) The sender is required to mention the following in the **SUBJECT COLUMN of the mail:**  
**New Manuscript for Review in the area of** (e.g. Finance/Marketing/HRM/General Mgt./Engineering/Economics/Computer/IT/ Education/Psychology/Law/Math/other, please specify)
  - c) There is no need to give any text in the body of mail, except the cases where the author wishes to give any **specific message** w.r.t. to the manuscript.
  - d) The total size of the file containing the manuscript is expected to be below **1000 KB**.
  - e) **Abstract alone will not be considered for review** and the author is required to submit the **complete manuscript** in the first instance.
  - f) **The journal gives acknowledgement w.r.t. the receipt of every email within twenty four hours** and in case of non-receipt of acknowledgement from the journal, w.r.t. the submission of manuscript, within two days of submission, the corresponding author is required to demand for the same by sending a separate mail to the journal.
  - g) The author (s) name or details should not appear anywhere on the body of the manuscript, except the covering letter and the cover page of the manuscript, in the manner as mentioned in the guidelines.
2. **MANUSCRIPT TITLE:** The title of the paper should be **bold typed, centered and fully capitalised**.
  3. **AUTHOR NAME (S) & AFFILIATIONS:** Author (s) **name, designation, affiliation (s), address, mobile/landline number (s), and email/alternate email address** should be given underneath the title.
  4. **ACKNOWLEDGMENTS:** Acknowledgements can be given to reviewers, guides, funding institutions, etc., if any.
  5. **ABSTRACT:** Abstract should be in **fully italicized text**, ranging between **150 to 300 words**. The abstract must be informative and explain the background, aims, methods, results & conclusion in a **SINGLE PARA. Abbreviations must be mentioned in full.**
  6. **KEYWORDS:** Abstract must be followed by a list of keywords, subject to the maximum of **five**. These should be arranged in alphabetic order separated by commas and full stop at the end. All words of the keywords, including the first one should be in small letters, except special words e.g. name of the Countries, abbreviations.
  7. **JEL CODE:** Provide the appropriate Journal of Economic Literature Classification System code (s). JEL codes are available at [www.aeaweb.org/econlit/jelCodes.php](http://www.aeaweb.org/econlit/jelCodes.php), however, mentioning JEL Code is not mandatory.
  8. **MANUSCRIPT:** Manuscript must be in **BRITISH ENGLISH** prepared on a standard A4 size **PORTRAIT SETTING PAPER. It should be free from any errors i.e. grammatical, spelling or punctuation. It must be thoroughly edited at your end.**
  9. **HEADINGS:** All the headings must be bold-faced, aligned left and fully capitalised. Leave a blank line before each heading.
  10. **SUB-HEADINGS:** All the sub-headings must be bold-faced, aligned left and fully capitalised.
  11. **MAIN TEXT:**

**THE MAIN TEXT SHOULD FOLLOW THE FOLLOWING SEQUENCE:****INTRODUCTION****REVIEW OF LITERATURE****NEED/IMPORTANCE OF THE STUDY****STATEMENT OF THE PROBLEM****OBJECTIVES****HYPOTHESIS (ES)****RESEARCH METHODOLOGY****RESULTS & DISCUSSION****FINDINGS****RECOMMENDATIONS/SUGGESTIONS****CONCLUSIONS****LIMITATIONS****SCOPE FOR FURTHER RESEARCH****REFERENCES****APPENDIX/ANNEXURE****The manuscript should preferably range from 2000 to 5000 WORDS.**

12. **FIGURES & TABLES:** These should be simple, crystal **CLEAR, centered, separately numbered** & self explained, and **titles must be above the table/figure. Sources of data should be mentioned below the table/figure. It should be ensured that the tables/figures are referred to from the main text.**
13. **EQUATIONS/FORMULAE:** These should be consecutively numbered in parenthesis, horizontally centered with equation/formulae number placed at the right. The equation editor provided with standard versions of Microsoft Word should be utilised. If any other equation editor is utilised, author must confirm that these equations may be viewed and edited in versions of Microsoft Office that does not have the editor.
14. **ACRONYMS:** These should not be used in the abstract. The use of acronyms is elsewhere is acceptable. Acronyms should be defined on its first use in each section: Reserve Bank of India (RBI). Acronyms should be redefined on first use in subsequent sections.
15. **REFERENCES:** The list of all references should be alphabetically arranged. **The author (s) should mention only the actually utilised references in the preparation of manuscript** and they are supposed to follow Harvard Style of Referencing. **Also check to make sure that everything that you are including in the reference section is duly cited in the paper.** The author (s) are supposed to follow the references as per the following:
  - All works cited in the text (including sources for tables and figures) should be listed alphabetically.
  - Use **(ed.)** for one editor, and **(ed.s)** for multiple editors.
  - When listing two or more works by one author, use --- (20xx), such as after Kohl (1997), use --- (2001), etc, in chronologically ascending order.
  - Indicate (opening and closing) page numbers for articles in journals and for chapters in books.
  - The title of books and journals should be in italics. Double quotation marks are used for titles of journal articles, book chapters, dissertations, reports, working papers, unpublished material, etc.
  - For titles in a language other than English, provide an English translation in parenthesis.
  - **Headers, footers, endnotes and footnotes should not be used in the document. However, you can mention short notes to elucidate some specific point, which may be placed in number orders after the references.**

**PLEASE USE THE FOLLOWING FOR STYLE AND PUNCTUATION IN REFERENCES:**

**BOOKS**

- Bowersox, Donald J., Closs, David J., (1996), "Logistical Management." Tata McGraw, Hill, New Delhi.
- Hunker, H.L. and A.J. Wright (1963), "Factors of Industrial Location in Ohio" Ohio State University, Nigeria.

**CONTRIBUTIONS TO BOOKS**

- Sharma T., Kwatra, G. (2008) Effectiveness of Social Advertising: A Study of Selected Campaigns, Corporate Social Responsibility, Edited by David Crowther & Nicholas Capaldi, Ashgate Research Companion to Corporate Social Responsibility, Chapter 15, pp 287-303.

**JOURNAL AND OTHER ARTICLES**

- Schemenner, R.W., Huber, J.C. and Cook, R.L. (1987), "Geographic Differences and the Location of New Manufacturing Facilities," Journal of Urban Economics, Vol. 21, No. 1, pp. 83-104.

**CONFERENCE PAPERS**

- Garg, Sambhav (2011): "Business Ethics" Paper presented at the Annual International Conference for the All India Management Association, New Delhi, India, 19–23

**UNPUBLISHED DISSERTATIONS**

- Kumar S. (2011): "Customer Value: A Comparative Study of Rural and Urban Customers," Thesis, Kurukshetra University, Kurukshetra.

**ONLINE RESOURCES**

- Always indicate the date that the source was accessed, as online resources are frequently updated or removed.

**WEBSITES**

- Garg, Bhavet (2011): Towards a New Gas Policy, Political Weekly, Viewed on January 01, 2012 <http://epw.in/user/viewabstract.jsp>



**OFFENCES AGAINST WOMEN UNDER INDIAN PENAL CODE****DR. MADHUMITA DHAR SARKAR****HEAD****DEPARTMENT OF LAW****ASSAM UNIVERSITY****SILCHAR****BIBHABASU MISRA****RESEARCH SCHOLAR, DEPARTMENT OF LAW, ASSAM UNIVERSITY, SILCHAR; &****FACULTY****DILS****DURGAPUR****ABSTRACT**

Article 6 of the Universal Declaration of Human Rights recognises personality before law. Unfortunately, though UDHR is a part of the Indian legal system still the 'personhood' to a woman in many cases is denied as discussed in various sections of the Indian Penal Code. Feminism is an alternative political movement which deconstruct male lore and myth of the society and reconstruct the legal system with their viewpoints, life experiences. Thus necessary ameliorative amendments, repealing are to be initiated to free the Indian Penal Code from bias of the mainstream views.

**KEYWORDS**

Women safety, feminism.

**INTRODUCTION**

Stephen the famous jurist defined crime as "A crime is a violation of a right, considered in reference to the evil tendency of such violation- as regards the community at large".<sup>1</sup> Women are surely part of the community yet they are the worst sufferer of crime perpetrated against them.<sup>2</sup> The most unfortunate fact is Criminal law especially Indian Penal Code as such reflect male solipsism and at the best totally insensitive to the typical female experiences of life. Indian Penal Code as a general Penal statute fails to incorporate the female life experiences and thus suffer from overdose of male mainstream (so called) reason based categorisations. Subjectivism is dismissed as emotional nonsense whereas view of the dominant are held to be normal, standard and reasonable. We may discuss the following illustrations to grasp about the one sided biased outlook of the Indian Penal Code.

**GENERAL PROVISIONS OF INDIAN PENAL CODE**

Section 10 of Indian penal Code defines "Man "as a male human being of any age. The word Woman denotes female human being of any age.

Section 8 of Indian Penal Code provides that, "he" and its derivative are used of any person, whether male or female.

Section 477 of Indian Penal Code punishes any person whoever fraudulently or dishonestly attempts or cancels, destroys defaces any will, things or an authority to adopt a son. However Indian Penal Code is strangely silent about the Crime of attempt and destroying will or an authority to adopt a daughter.

Section 40 of the Indian Penal Code provides the word offence denotes a thing punishable under this Code, or under any special or local law as hereinafter defined.

Section 27 of Indian Penal Code states that, property in possession of "wife" "clerk" or "servant" is deemed to be in the possession of the man. Thus property taken without permission of the man is an offence. However the reverse situation is not true. Strangely "wife" word is proximate to "clerk" and "servant".

**SEXUAL OFFENCES**

"Rape" is a grave sexual offence committed against women. It is violation of basic "Human rights" of women. To commit rape two basic elements are required (i) attempt to penetration and (ii) penetration. In Radhakrishna Nagesh (Appellant) vs State of A.P.<sup>3</sup> (Respondent); at paragraph 27, the Apex Court quotes Tarakeshwari Sahu vs State of Bihar (Now Jharkhand)<sup>4</sup>. The Court held as under, at paragraph 10 " under section 375 Indian Penal Code, six categories indicated above are the basic ingredients of the offence.----- No offence under section 376 Indian Penal Code can be made out unless there was penetration to some extent. In the absence of penetration to some extent, it would not bring the offence of the appellant within the four corners of section 375 of the Penal Code. Therefore, the basic ingredients for proving a charge of rape are the accomplishment of the act with force. The other important ingredient is penetration of the male organ within the labia majora or the vulva or pudenda with or without any emission of semen or even an attempt at penetration into the private part of the victim completely, partially or slightly would be enough for the purpose of sections 375 and 376 Indian Penal Code."

In State of U.P. vs Babulnath,<sup>5</sup> it is said by the Court " It may here be noticed that section 375 Indian Penal code defines rape and the explanation to section 375 reads as follows:

Explanation- Penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape.

From the explanation reproduced above it is distinctly clear that ingredients which are essential for proving a charge of rape are the accomplishment of the act with force and resistance".

Paragraph 26 of Radhakrishna Nagesh<sup>6</sup> provides that "The word "attempt" is not itself defined and must therefore be taken in its ordinary meaning. This is exactly what the provisions of section 511 (Indian Penal Code) require. An attempt to commit a crime is to be distinguished from an intention to commit it and from preparation made for its commission".

Now if we go through Criminal Amendment Act 2013, we find presence of two elements; the requirement of penetration or attempt to penetration in committing rape under section 375. We may notice Explanation 2 of the section 375. It provides that consent means an unequivocal voluntary agreement when the woman by words, gestures, or any form of verbal or non-verbal communication communicates willingness to participate in the specific act.

Provided that a woman who does not physically resist to the act of penetration shall not by the reason only of that fact, be regarded as consenting to the sexual activity.

In S. Pillai vs V.R. Pattabhiraman<sup>7</sup> it was held that an explanation added to a statutory provision is not a substantive provision in any sense of the term but has the plain meaning of the word and itself shows that it is merely meant to explain or clarify certain ambiguities which may have crept in a statutory provision.

One can note that explanation 2 is applicable for clause (a), (b), (c), (d) of section 375 of Criminal Amendment Act, 2013.

Thus having established the ingredient of penetration or its attempt for rape one can question the necessity of these ingredients. Rape is recognised as seizure by force. Then why any assault on the female reproductive organ should not be recognised as rape? One can assume the male emphasizing of "penetration" is reflection of masculine ego of recognising sole ownership over the female genitalia by the husband and resultant child bearing. Further in section 375 (clause fourthly) of Criminal Amendment Act, 2013 it is said that a married woman shall be redressed by criminal law if she mistakenly believes somebody as her husband.<sup>8</sup>



Unfortunately the statute is silent about the unmarried and widow in same situation. Criminal Amendment Act, 2013 is silent about the concept of marital rape and under section 376B sexual intercourse with separated wife is bailable offence only. One can argue that if rape law is changed in favour of women then there is chance of abuse of law. Then one can cite *Sushil Kumar Sharma vs Union of India*<sup>9</sup> "It is well settled that, mere possibility of abuse of a provision of law does not per se invalidate a legislation. It must be presumed unless the contrary is proved, that administration and application of a particular law would be done "not with an evil eye and unequal hand."

In *State of Kerala vs Kundunkara Govindan*<sup>10</sup> it was held that the word insert means place, fit thrust<sup>11</sup>. Therefore if the male organ is inserted or thrust between the thighs there is penetration to constitute unnatural offence. If the situation is so flexible for unnatural offence, then why not for rape?<sup>12</sup> After all rape is not about gravity of physical injury. It is about a humiliating psychological intervention which tends to diminish the status of a woman in the society. Thus even a fully clothed woman can be raped by injuring (As for example violent fingering) her reproductive organ even though there is no penetration or attempt to penetration.

**Dowry Death**- (Section 304B of Indian Penal Code):-Section 304B of Indian Penal Code punishes dowry death. Some ingredients to constitute the offence are (i) death of a woman is caused by any burns or bodily injury or occurs otherwise than normal circumstances, (ii) within 7 years of marriage, (iii) soon before her death, she was subjected to cruelty or harassment by her husband or by any relative of her husband for or in connection with dowry.

Strangely, at first, woman must die to get a remedy under section 304B of Indian Penal Code. Second one cannot understand about the 7 years timeframe of healthy marriage. Legislature presumes that after 7 years there can be no demand of dowry. "Soon before her death" this provision gives the accused a great chance of escape, because penal laws are interpreted strictly.

**Cruelty**- Section 498A of Indian Penal Code punishes the husband or relative of husband of a woman for subjecting her to cruelty. Strangely, under section 198A of Criminal Procedure Code complaint can be lodged by person related to her by blood, marriage or adoption. Legislature assume in every situation either these three classes of people or the aggrieved shall be in position to lodge the complaint. No stranger how much public spirited he or she may be, is not able to interfere.

**Kidnapping**- Section 361 of Indian Penal Code punishes the offence of kidnapping from lawful guardianship. Male below the age of 16 and female below age of 18 cannot be taken away from lawful guardianship. Legislature presume a girl of 17 years old is not mature enough to understand her own good. Thus she cannot marry her lover until she gets permission from the parents. There can be any possibility of kidnapping charge lodged by her parents and the man under the age of 18 is strong enough to deal with his own modesty. Strangely child marriage till date is not void, merely prohibited under Prohibition of Child Marriage Act, 2006.

**Procreation**- section 312-318 of Indian Penal Code relate to miscarriage, injuries to unborn children and exposure of infants and concealment of birth. All offences except section 312 of Indian Penal Code are cognizable and non bailable. It reflects law framers perception of seriousness of gravity of the offences. These sections seem to be gender neutral and protective of women. But real fact in India is, male foeticide is rare and female foeticide is common. Thus female Infanticide Act, 1864 and Prenatal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 were required to be enacted to deal with this problem.

Impregnating a woman regardless of her wish or against the advice of the doctor is not an offence under Indian Penal Code neither it is a crime to deny the pregnant woman the required medical care and attention during child birth and after.

**Offences relating to marriage**- Section 497 of the Indian Penal Code punishes the offence of adultery and section 498 of the same Act creates an offence of enticing or taking away or detaining with criminal intent a married woman. However no person other than the husband of the married woman can file a complaint under section 198(2) of Criminal Procedure Code. Proviso of the section authorise any person in the care of the woman to lodge complaint with the leave of the Court but not herself. Section 198(1) of Criminal Procedure Code authorise near family relatives to lodge a complaint but not herself. She is equated with idiot or lunatic<sup>13</sup>. Section 498 of Indian Penal Code is bailable and non cognizable. Thus it reflects legislative attitude of the seriousness of the offence.

## CONCLUSION

Article 6 of the Universal Declaration of Human Rights<sup>14</sup> recognises personality before law. Unfortunately though UDHR<sup>15</sup> is a part of the Indian legal system still the 'personhood' to a woman in many cases is denied as discussed in various sections of the Indian Penal Code. Feminism is an alternative political movement which deconstruct male lore<sup>16</sup> and myth of the society and reconstruct the legal system with their viewpoints, life experiences. Thus necessary ameliorative amendments, repealing are to be initiated to free the Indian Penal Code from bias of the mainstream views.

## REFERENCES

1. Kenny's Outlines of Criminal Law, 19th ed., (1966) Editor JWC Turner, appendix, p.532
2. See (2003)1 SCC 217, at p 220. By DHARMADHIKAR, J "Frailty thy name is woman", that is how in one of his plays Shakespeare describes one of the female characters in his play. This description is more and more evidence particularly in rural Indian society where married women, who are unable to muster courage to fight against cruelty and harassment meted out to them by their spouses and family members, find no escape other than ending their own life.
3. Supreme Court of India. nic.in. Accessed on 22.8.2015.
4. (2006) 8 SCC 560.
5. (1994)6 SCC 29 at p 34 paragraph 8.
6. Supra Note 5.
7. AIR 1985 SC 582.
8. Section 375 of Criminal Amendment Act, 2013. Fourthly- With her consent, when the man knows that he is not her husband and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married.
9. (2005)6 SCC 28.
10. 1969 CrLJ 818(Ker) cited at paragraph 20 of (2014)1 SCC
11. See section 375 Clause(d) of Criminal Amendment Act, 2013.
12. Already section 375 of Criminal Law Amendment Act, 2013 has incorporated part of unnatural offence. As for example clause(d) of section 375 Criminal Law Amendment Act provides that "applies his mouth to the vagina, anus, urethra of a woman or make her to do so with him or any other person.
13. Section 198(3) Criminal procedure Code.
14. Article 6 of the Universal Declaration of Human Rights provides that, "Everyone has the right to recognition everywhere as a person before law."
15. See Suresh Kumar Koushal vs Naz Foundation (2014)1 SCC at p 37. Section 2 of Protection of Human Rights Act, 1993 has domesticated Universal Declaration Of Human Rights.
16. Oxford Advanced Learner's Dictionary 6th Edition (2000) at p.466 states that "the belief and aim that women should have the same rights and opportunities as men; the struggle to achieve this aim". But Radical and Postmodern feminism tell us that women are different and they have typical aspirations. Constitution through Article 15(3) reflects this attitude by making scope for special provision for women. Unfortunately she is appended with class of children.

## **REQUEST FOR FEEDBACK**

**Dear Readers**

At the very outset, International Journal of Research in Computer Application & Management (IJRCM) acknowledges & appreciates your efforts in showing interest in our present issue under your kind perusal.

I would like to request you to supply your critical comments and suggestions about the material published in this issue, as well as on the journal as a whole, on our e-mail [infoijrcm@gmail.com](mailto:infoijrcm@gmail.com) for further improvements in the interest of research.

If you have any queries, please feel free to contact us on our e-mail [infoijrcm@gmail.com](mailto:infoijrcm@gmail.com).

I am sure that your feedback and deliberations would make future issues better – a result of our joint effort.

Looking forward to an appropriate consideration.

With sincere regards

Thanking you profoundly

**Academically yours**

Sd/-

**Co-ordinator**

## **DISCLAIMER**

The information and opinions presented in the Journal reflect the views of the authors and not of the Journal or its Editorial Board or the Publishers/Editors. Publication does not constitute endorsement by the journal. Neither the Journal nor its publishers/Editors/Editorial Board nor anyone else involved in creating, producing or delivering the journal or the materials contained therein, assumes any liability or responsibility for the accuracy, completeness, or usefulness of any information provided in the journal, nor shall they be liable for any direct, indirect, incidental, special, consequential or punitive damages arising out of the use of information/material contained in the journal. The journal, neither its publishers/Editors/ Editorial Board, nor any other party involved in the preparation of material contained in the journal represents or warrants that the information contained herein is in every respect accurate or complete, and they are not responsible for any errors or omissions or for the results obtained from the use of such material. Readers are encouraged to confirm the information contained herein with other sources. The responsibility of the contents and the opinions expressed in this journal are exclusively of the author (s) concerned.

## ABOUT THE JOURNAL

In this age of Commerce, Economics, Computer, I.T. & Management and cut throat competition, a group of intellectuals felt the need to have some platform, where young and budding managers and academicians could express their views and discuss the problems among their peers. This journal was conceived with this noble intention in view. This journal has been introduced to give an opportunity for expressing refined and innovative ideas in this field. It is our humble endeavour to provide a springboard to the upcoming specialists and give a chance to know about the latest in the sphere of research and knowledge. We have taken a small step and we hope that with the active co-operation of like-minded scholars, we shall be able to serve the society with our humble efforts.

### *Our Other Journals*

