

**VIEW ON LAWS RELATED TO STATUTORY RAPE : A COMPARATIVE
ANALYSIS IN THE STUDY OF STATUTORY RAPE LAWS IN
MALAYSIA AND REPUBLIC OF INDIA**

By

MUHAMAD DAZILA IBRAHIM

**Thesis Submitted to the Ghazali Shafie Graduate School of
Law, Government and International Studies, Universiti Utara Malaysia,
in Fulfillment of the Requirement for The Master of Commercial Law**

PERMISSION TO USE

The presentation of this thesis for the partial fulfillment of the postgraduate degree from Universiti Utara Malaysia, I hereby agree that the Universiti library may make this thesis available for inspection to students for reference, I hereby agree that this thesis may be used, copied as a whole or part of it for scholarly purpose may be granted by my supervisor or in their absence, by the Dean of the Ghazali Shafie Graduate School of Government. It is understood that any copying or publication or use of these thesis or parts thereof for financial gain will not be allowed without my written consent. It is also understood that due recognition shall be given to me and to Universiti Utara Malaysia for any scholarly use which may be made of any material from my thesis.

Request for permission to copy or to make other use of material in this thesis, in
whole

Or in part, should be addressed to:

Dean of Ghazali Shafie Graduate School of Government,

UUM College of Law, Government and International Studies

Universiti Utara Malaysia

06010 UUM Sintok

Kedah Darul Aman

Abstrak

Adalah merupakan satu tanggungan jenayah bagi seseorang lelaki yang melakukan hubungan seksual dengan gadis bawah umur. Kanun Kesiksaan adalah merupakan satu-satunya undang-undang tunggal untuk kesalahan jenayah berkenaan. Peruntukan di bawah seksyen 375 (g) Kanun Kesiksaan di Malaysia menetapkan bahawa seseorang lelaki adalah melakukan jenayah rogol apabila hubungan seksual dilakukan dengan seorang wanita di bawah umur 16 tahun. Adalah tidak material jika hubungan seks dilakukan samada dengan kerelaan atau tanpa kerelaan wanita itu. Undang-undang meletakkan rogol statutori sebagai satu jenayah tanggungan tegas. Perbuatan merogol itu sendiri mencukupi untuk menunjukkan niat tertuduh. Dalam bahasa perundangan, hubungan seksual oleh seorang lelaki dengan wanita di bawah umur diistilahkan sebagai rogol statutori. Kajian ini dilakukan untuk melihat sejauhmana peruntukan undang-undang sedia ada digunakan untuk menangani jenayah rogol statutori di Malaysia. Dalam pada itu, perbandingan dilakukan dengan Negara India untuk menilai kedudukan pentafsiran undang-undang rogol statutori di Negara tersebut. Analisis perbandingan bagi kedua-dua Negara ini bakal menunjukkan tahap aplikasi Common Law Inggeris dan setakat mana kedua-dua Negara masih bergantung terhadap prinsip-prinsip common law dalam undang-undang mereka. Kajian dilakukan berdasarkan penyelidikan doctrinal. Ini merangkumi penggunaan statut, keputusan kes mahkamah dan juga artikel journal. Analisis perbandingan ke atas undang-undang rogol statutori di Malaysia dan India bakal mewujudkan penambahbaikan ke atas kedudukan undang-undang sedia ada. Ianya juga akan mendatangkan keberkesanan terhadap kaedah yang digunakan. Kajian ini juga bertujuan untuk meningkatkan tahap kefahaman dalam undang-undang rogol statutori.

Abstract

It is a criminal liability for a man who had sexual intercourse with the underage girl. Penal Code is the only single law for the criminal offense. Provisions under section 375 (g) of the Penal Code in Malaysia has codified that a man is guilty of the crime of rape through sexual intercourse with a woman under the age of 16. It is immaterial if the sex is done either by consent or without the consent of the woman. The law puts a statutory rape as a strict liability crime. The act of rape itself is able to indicate the intention of the accused. In legal, sexual intercourse by a man with a female under the age of 16 termed as statutory rape. This study was done to see the extent of the existing law used to overcome the crime of statutory rape in Malaysia. In addition, comparisons were made with the Indian to assess the legal interpretation of statutory rape in their country. A comparative analysis of the two countries is at once will show the application of English common law and the extent of which the two countries still rely on common law principles. The study was based on doctrinal research. This includes the use of the statute, the case laws and journal articles. A comparative analysis of the statutory rape laws in Malaysia and India will create an improvement over the existing law. It will also cause the effectiveness on the methods used. This study aims to improve the efficiency of statutory rape laws.

Acknowledgement

The completion of this study would have not been possible without the help and support of the kind people, especially my supervisor, Dr Aspalela bt Abd Rahman for her continuous support and impartation of knowledge on this area of law. Of course, not forgetting her good advice, understanding and constructive comments, which have been invaluable to fulfill and complete this study.

I am most grateful to my wife, daughter and friends for their personal support and utmost patience throughout this challenging journey. I also extend my gratitude to Saudara Cikgu Ayu for his pure kindness and unequivocal support at all times by helping me whenever needed. A mere gratitude is never enough for his help.

TABLE OF CONTENT

	Page
Abstrak.....	iii
Abstract.....	iv
Acknowledgements.....	v
List of abbreviation.....	viii
List of cases.....	ix
List of statutes.....	x
1.0 Introduction.....	1
1.1 Background of Study.....	1
1.2 Problem Statement.....	2
1.3 Objective of the Study.....	4
1.4 Significance of the Study.....	4
1.5 Research Methodology	6
1.5.1 Research Design	6
1.5.2 Scope of the Study.....	8
1.5.3 Types of Data.....	8
1.5.4 Data Collection Method.....	9
1.5.5 Analysis on Data	10
1.5.6 Limitation of the Study.....	11

1.6	Literature Review.....	12
1.6.1	Statutory Rape and the Law.....	12
1.6.2	The Statutory Rape in Malaysian Penal Code.....	16
1.6.3	Statutory Rape in Indian Penal Code.....	18
1.6.4	Conclusion.....	19
2.0	Historical Review Of Statutory Rape.....	21
2.1	Introduction.....	21
2.2	The Reception of English Common Law in India and Malaysia.....	21
2.3	The Historical Background of Statutory Rape in English Common Law.....	23
2.4	Federated Malay States Penal Code (1936) and the Penal Code Act 574.....	26
2.5	The Deviations of Common Law Principles by the Indian Court.....	27
2.6	Malaysia Recent Development by the Appellate Court Judgment in Statutory Rape.....	28
2.7	The Used of Forensic Evidence in Rape Cases.....	30
2.8	Conclusion.....	33
3.0	Statutory Rape In Malaysia.....	34
3.1	Introduction.....	34
3.2	Attorney General and its Obligation.....	35
3.3	Mens Reus (guilty mind) and Actus Reus (guilty act) in the Crime of Rape.....	37

3.4 Medical Jurisprudence Reference to Penetration in Malaysia.....	39
3.5 The Rules on Corroborative Evidence in Statutory Rape in Malaysia.....	41
3.6 The Concept of <i>Stare Decisis</i> (Let the Decision Stand).....	43
3.7 The Application of Section 294(1) CPC in Statutory Rape.....	47
3.8 Application of Sworn and Unsworn Testimony of Section 133A under Malaysia Evidence Act 1950.....	53
3.9 Possibility to Act on Consensual Sexual Intercourse Which Amount to Statutory Rape for Muslim.....	57
3.10 Conclusion.....	65
4.0 Statutory Rape in India.....	67
4.1 Introduction.....	67
4.2 Historical Background of Statutory Rape Law in India.....	68
4.3 Application of Bond of Good Behavior by The Provision in Section 360 Indian CPC.....	76
4.4 Delays in Lodging a Report on Crime of Rape.....	78
4.5 The Constitutional Argument in Indian Statutory Rape Law in India.....	79
4.6 The Indian Court Ruling towards Law on Corroboration.....	81
4.7 Evidence on Child Witness in India.....	84
4.8 Physical Injuries Related to Statutory Rape.....	87
4.9 Evidence on Sole Testimony of the Prosecutrix in Statutory Rape.....	90
4.10 Unchaste Woman in Statutory Rape.....	92
4.11 Judicial Suo Moto Cognizance in India Related to Statutory Rape.....	94
4.12 Conclusion.....	96

5.0 Comparative Analysis In Malaysian And Indian Statutory Rape Law.....	97
5.1 Introduction.....	97
5.2 Law Perspective in Evidence of Child Witness between Two Countries.....	98
5.3 Rules on Corroboration.....	100
5.4 Evidence on Physical Injuries in Statutory Rape.....	102
5.5 Evidence by sole testimony of the prosecutrix.....	104
5.6 A Review in “ <i>Suo Moto</i> ” Cognizance.....	104
5.7 Conclusion.....	107
 6.0 Conclusion And Recommendation.....	 108
 Bibliography	 111

List of Abbreviations

MPC	Malaysian Penal Code
CPC	Criminal Procedure Code
PC	Penal Code
IPC	Indian Penal Code
EA	Evidence Act
IEA	Indian Evidence Act
BEIC	British East India Company
CRC	Convention on the Rights of the Child
CLA	Civil Law Act
SOA	Sexual Offences (Amendment)
SOA	Sexual Offences Act
COA	Court of Appeal
(DNA)	Deoxyribonucleic acid

IA	Identification Act
PA	Police Act
FC	Federal Constitution
FC	Federal Court
SCJ	Sessions Court judge
CLJ	Current Law Jurnal
MLJ	Malayan Law Jurnal
SCO	Syariah Criminal Offences
SEA	Syariah Evidence Act
SPC	Syariah Procedure Code
CA	Child Act

List of Cases

M.C Mehta v Union of India [1987] SCR 1 819

¹ State of Himyar Pradesh v Sri Kant Shekari [2004] 8 SCC 153

¹ Trilochan Singh Johar v State [2002] Cr LJ 528 Delhi

¹ Ryland v Fletcher [1868] UKHL 1 LR 3 HL 330

¹ PP v Mohamed Malek Ridzuan B Che Hassan [2014] COA 1 MLJ 363

Kwan Peng Hong v PP [2000] 4 SLR 96 HC

¹ PP v Cheong You Hoi [1999] 5 MLJ 518

¹ Ahmad Najib B Aris v PP [2007] 2 MLJ 505

¹ Prithi Chand v. State of Himachal Pradesh, (1989) Cr LJ 841: AIR 1989 SC

¹ Taneezuddin v State (NCT) Delhi [2009] 15 SCC 556

¹ Raju v State of Madhyar Pradesh [2009] AIR SCC 858

¹ Pawan v State of Uttranchal [2009] 3 All LJ SC 637

¹ Mohd Salleh B Nik Mohd Yusof v PP [2005] 3 AMR 107

¹ Jamaluddin B Hasyim v PP [1999] 3 CLJ 640

¹ Johnson Tan Hang Seng v PP [1977] 2 MLJ 66 (FC)

¹ R v Pigg [1982] 2 All ER 591 CA

¹ DPP v Morgan [1975] 2 WLR 913 [1976] AC 182

¹ Aziz b Muhamad Din v PP [1996] HC 5 MLJ 473

¹ Attan b Abdul Gani v PP [1970] 2 MLJ 143

¹ PP v Ewe Peng Lip [2013] COA (unreported), accused sentenced to 20 years jailed in Penang Session Court, acquitted by Penang High Court on appeal and COA uphold the High Court judgment

¹ Mirehouse v Rennell (1833) 1 Cl & F 527, 546

¹ Conway v Rimmer [1968] UK 2 House Of The Lord

¹ Young v Bristol Aeroplane Company Limited¹, [1944] 1 KB 718 COA

¹ Nor Afizal Azizan v PP [2012] COA 4 MLRA 1

¹ Tukiran b Taib v PP [1955] 1 MLJ 24

¹ PP v Chuah Guan Jiu [2012] HC

¹ PP v Mohd Musa b Ahmad [2013] 8 MLJR 466 HC

¹ PP v Yeo Tian Su¹ [2008] Criminal Case No 62-21-2008 Sessions Court (unreported)

¹ Abdul Karim v Regina¹ [1954] 1 LNS 3

¹ Mohamad Arfah Jasmi v PP¹ [2008] 7 CLJ 836 HC

¹ Gan Heng Kwang v PP Muar High Court of Criminal Appeal No: 42A -C- 7-2010 in Johor (unreported case)

¹PP v Muhammad Irwan Bin Zakariah Malacca High Court, Criminal Appeal No: 42H, 91-2010(unreported case)

¹ PP v Yeong Yin Choy [1976] 2 MLJ 267

¹ PP v Noorhafizi b Mohd Sakri High Court Criminal Appeal No 42-24-2004 in Muar, Johor (unreported case)

¹ PP v Azman B Misnan Criminal Appeal 42-6-2005(unreported case)

¹ Tan Bok Yeng v PP [1972] 1 MLJ 214

¹ Bremer Vulkan Schiffbau und Maschinenfabrik v. South India Shipping Corporation Ltd [1981] HL

¹ Yusaini bin Mat Adam v Public Prosecutor [1999] 3 MLJ 582 HC

¹ Mohamad Yusof Rahmat v. Pendakwaraya [2009] 2 CLJ 673 COA

¹ Sidek bin Ludan v PP [1995] 3 MLJ 178

¹ PP v Mohammad Terang Bin Amit [1999] 1 MLJ 154

¹ Mohd Yusrahairee b Md Yusup v PP Case No: SBW 42A-2/10-2011

¹ Tajuddin Salleh v PP (2008) 2 CLJ 745

¹ PP v Mohd Musa b Ahmad[2013] 8 MLJ 466

¹ PP v Mohd Malek Ridzhuan b Che Hassan[2014] 1 MLJ 363

¹ PP v. Mohammad Arfah Jasmi [2008] 7 CLJ 836

¹ Sukma Darmawan v Director of Prison [1999] FC 2 MLJ 241

¹ PP v Kok Wah Kuan [2007] FC 5 MLJ 174

¹ Jones v Randall (1774) 1 Cowp 17, p 39

¹ Rafiq v State of Uttar Pradesh [1980] Cr LJ 1344 AIR 1981 SC 96

¹ Tukaram v State of Maharashtra, 1978 Cr LJ 1864, AIR 1979 SC 185

¹ Mohd. Habib v State of Delhi (1989) CrLJ 137 Delhi

¹ In State of Punjab v Gurmit Singh [1996] 2 SCC 384

¹ Rao Harnarain Sheoji Singh Singh vs. The State of Punjab AIR [1958] PH 123 563 1958 Cri
LJ

¹ Rajan v State of Rajasthan [2002] Cr LJ 3152 (Raj)

¹ Naresh v. State of Haryana, (1997) 2 Crimes 587 (P & H)

¹ State of Punjab v Gurmit Singh [1996] AIR 1393 SCC 384

¹ Millind Ambadas Mhaske v State of Bombay [1998] Cr LJ 357

¹ Delhi Domestic Working Women's Forum vs. UOI 1995 SCC (1) 14, JT 1994 (7) 183

¹ Railway Board of India v Mrs Chandrima Das AIR [2000] SC 988

¹ State of Madhyar Pradesh v Babulal 2008 AIR 2008 SCC 582

¹ Satto v State of U.P (1979) 2 SCC 628 : 1979 SCC (Cri) 534

¹ Jito v State of Himyar Pradesh [1990] Cr LJ 1434

¹ Sri Narayan Saha v State of Tripura [2004] 7 SCC 775

¹ Bodhisattwa Gautam vs. Subhra Chakraborty reported in [1996] 1 SCC 490

¹ Sakshi v Union Of India¹ [1999] Cr LJ 5025 SC

¹ State of H.P v Sri Kant Shekari [2004] 9 SCC 153

¹ Apparel Export Promotion Council v. A.K. Chopra, (1999) 1 S.C.C. 759

¹ R v Baskerville[1916] 2 KB 658 CCA

¹ State Of Maharastha v C.K Jain [1990] 1 SCC 550

¹ Bharwada Bhoginbhai Hirjibhai v State Of Gujarat [1983] Cr LJ 1096

¹ Wahid Khan v. State of M.P [2010] 1 SCC Cri 1208

¹ Bharwada Bhoginbhai Hirjibhai [1983] AIR 1983 SC 753 Cr LJ 1096

¹ Jito v State of Himyar Pradesh [1990] Cr LJ 1434

¹ Rameshwar v The State Of Rajasthan [1952] AIR 54, 1952 SC 377

¹ In Mangoo & Anor. v. State of Madhya Pradesh, AIR [1995] SC 959

¹ Panchhi & Ors. v. State of U.P, AIR [1998] SC 2726

¹ State of M.P v Ramesh & Anor, Criminal Appeal 1289 of 2005 (unreported case by Supreme Court)

¹ In State of U.P v Krishna Master & Ors., AIR[2010] SC 3071

¹ Dastagir Sab v State of Kartanaka [2004] 3 SCC 106 3 MPLJ 154

¹ State of Punjab v Ram Dev Singh [2004] 1 SCC 421 AIR

¹ Jai Singh v State of Madhya Pradesh [2001] Cr LJ 2278

¹ Mahesh Kumar v State of Rajasthan [1998] Cr LJ 1597

¹ Wahid Khan v State of MP [2010] Cr LJ 517 AIR 2010 SC 1

¹ Madan Gopal Kakkad vs. Naval Dubey & ors 1992 SCR (2) 921

¹ B.C Deva v State of Karnataka [2007] 12 SCC 122

¹ State of Himachal Pradesh v Raghubir Singh [1993] 2 SCC 622

¹ Aman Kumar v State of Haryana [2004] 4 SCC 379

¹ Madan Lal v. State of Madhya Pradesh, (1997) 2 Crimes 210 (MP)

¹ Narayan v State of Rajashtan [2007] 6 SCC 465

¹ Ramdas v State of Maharastra [2007] 2 SCC 170

¹ S Ramakrishna v State [2009] 1 SCC 133

¹ Raju v State of M.P [2008] 15 SCC 132

¹ Moti Lal v State of Madhyar Pradesh [2008] 11 SCC 122

¹State of Maharashtra Vs. Madhukar N. Mardikar [1991] 1 SCC 57

¹ Maroti .U Wankhede¹ v State of Maharashtra [2003] Cr LJ 778 (Bombay)

¹ In State of Punjab vs. Gurmit Singh [1996] 2 SCC 384

¹ State of Punjab v Ramdev Singh, AIR [2004] SC 1290

¹ State of Chhatisgarh v Derha¹ [2004] 9 SCC 699

¹ Banti v State of Madhya Pradesh [1992] Cr LJ 715

¹ Mohan v State of Madhya Pradesh [2001] Cr LJ 3046

¹ State of Uthar Pradesh v Pappu [2005] Cr LJ 331

¹ State of Delhi v Ashish Kumar¹ SCJ 34/13 (unreported case on rape by a session court judge in Delhi)

¹ The Secretary of State v Tameside [1977] AC 1014 HOL

¹ Mohamad Yusof Rahmat v. Pendakwaraya [2009] 2 CLJ 673 COA

¹ PP v Yeo Tian Su¹ [2008] Criminal Case No 62-21-2008 Sessions Court (unreported)

¹ The Secretary of State v Tameside [1977] AC 1014 HOL

¹ Aparā v Sathiah [1997] 2 CLJ Supp 393

¹ Din v PP [1964] 1 MLJ 300 FC

List of Statutes

Malaysian Penal Code (Act 574)

Indian Penal Code 1860

Criminal Procedure Code 1976

Evidence Act 1950

Indian Evidence Act 1872

Malaysian Evidence Act 1950

Civil Law Act 1956

Offences against the Person Act 1828

Substitution of Punishments for Death Act 1841

Penal Servitude Act 1857

Offences Against the Person Act 1861

Criminal Justice Act 1948

Sexual Offences Act 1956

Criminal Law Act 1967

Sexual Offences (Amendment) Act 1976

Sexual Offences Act 2003

Penal Code of the Straits Settlements in 1884

Federated Malay States Penal Code 1948

Penal Code Amendment and Extended Application 1948 (1952)

Police Act 1967

Syariah Criminal Offense (Federal Territories) 1997

Syariah Procedure Code 1997

Syariah Evidence Act 1997

Malaysian Criminal Procedure Code(Act 593)

Oaths (Children) Amendment Act 1985

Child Act 2001

Indian Criminal Procedure Code 1973

CHAPTER ONE

INTRODUCTION

1.1 Background of the Study

In Malaysia, rape is one of the capital crimes whenever violence is involved in order to assault women for the purpose of having unlawful sex intercourse with force. Statutory rape is the crime similar in nature, but specifically, statutory rape is involved when the age of the victim is less than sixteen years old. Malaysian Penal Code (Act 574) (hereinafter PC) is the only single statute which codified offence of statutory rape in Malaysia.

PC provides provision to sexual relations with women under sixteen years old whether it is committed with the consent of the woman or not is an offence. No matter what the excuses are, if the woman is under sixteen years of age when sex is committed, then it is a statutory rape. This provision is designed for the purpose of protecting those especially the children. Rape offence is defined in section 375(g) of PC when man is said to commit “rape” when having a sexual intercourse with a woman who is less than sixteen years old. Even if it is done with consent, that consent is immaterial and it is not valid under the law. Penetration is sufficient enough to constitute the sexual intercourse related to the offence of rape. Whoever commits the offence in particular, will be punished under section 376(1) of the PC. In reference, section 376(1) PC provide *“Whoever commits rape shall be punished with imprisonment for a term of not less than five years and not more than twenty years, and shall also be liable to whipping”*.

The contents of
the thesis is for
internal user
only

BIBLIOGRAPHY

Eade, L. (2003). Legal incapacity, autonomy, and children's rights. *Newcastle Law Review*, 5(2), 157-168

Barbaree, H. E., & Marshall, W. L. (2006). An introduction to the juvenile sex offender

Ryan, G. (1997). Perpetration prevention. In G. Ryan & S. Lane (Eds.), *Juvenile sexual offending*

Source: <http://econ.upm.edu.my/researchbulletin/artikel/Vol%204%20March%202009/19-24%20Adilah.pdf>

http://dictionary.lawyerment.com/topic/statutory_rape/

Indian Criminal Law Amendment in 2013

Rationale of statutory rape laws http://dictionary.lawyerment.com/topic/statutory_rape/

www.unicef.org/malaysia/childrights_crc.html

Nadesan K. Management of rape survivors. *Ceylon Med J* 1999; 44(3): 109-13

See Ratanlal,Dhirajlal ,The Indian Penal Code pg 754

Lisa Fuentes, The 14th Amendment and Sexual Consent: Statutory Rape and Judiciary Progeny”, Women’s Rights Law Reporter, Rutgers Law School Publications, Vol. 16, no. 2, Winter 1994

Rape - Overview; Act and Mental State, Wayne R. La Fave Professor of Law, University of Illinois, "Substantive Criminal Law" 752-756 (3d ed. 2000)

(1907) 97 Southwestern Reporter 668 [1], (1907) 79 Arkansas Reports 303 [2], 9 Annotated Cases, American and English 412 [3]

Statutory Rape Law in Historical Context at <http://sunypress.edu>

Bell, Patricia (January 14, 1982). "Negligence And A Fine For Rape". *The Glasgow Herald*. Retrieved October 27, 2013

Reception of English Law in Malay States by Priya Shan at Academia.edusharerresearch.

<http://www.legalservicesindia.com/article/article/legislation-&-common-law-indian-legal-system-587-1.html>

<http://www.legalserviceindia.com/articles/medooo.htm>

Articles 121 to 131A of the Federal Constitution are referring to the source of power in the federal judiciary.

Article 145 of the Constitution refers to the jurisdiction and duties of the Attorney General of Malaysia.

The Star On Line is one of the Online Newspapers in Malaysia.

Gordon Hewart, 1st Viscount Hewart, PC (7 January 1870 – 5 May 1943) was a politician and judge in the United Kingdom.

Medical Jurisprudence and Toxicology 21st edition , Dr Jaising P Modi.

<http://www.themalaysianinsider.com/malaysia/article/zaki-courts-should-decide-punishment-for-statutory-rape>

Article 160(2) of Federal Constitution “law” includes written law, the common law in so far as it is in operation in the Federation or any part thereof, and any custom or usage having the force of law in the Federation or any part thereof;

"Age of Confusion". *India Today*. 1 April 2013. Retrieved 23 February 2014

"Age of consent to be fixed at 18 yrs". *Hindustan Times*. 9 June 2012. Retrieved 23 February 2014

"Govt relents, keeps age of consent for sex at 18". *Zee News*. 19 March 2013. Retrieved 23 February 2014

Ratanlal & Dhirajlal's The Indian Penal Code pg 752.

Kumar, Radha (1993). *The History of Doing: An Account of Women's Rights and Feminism in India*

Basu, Moni (8 November 2013). "The Girl Whose Rape Changed A Country". *CNN*. Retrieved 7 December 2013.

"In memoriam: Lotika Sarkar 1923 – 2013". *feministsindia.com*. Retrieved 4 June 2013

Asst. Professor, University College of Law, Osmania University, Hyderabad

Bharwada Bhoginbhai Hirjibhai [1983] AIR 1983 SC 753 Cr LJ 1096.

Ratanlal , Dhirajlal The Indian Penal Code 1860 ed 33 pg 774

www.jhatkaa.org/suspend-sexist-judge

Alfred Venn Dicey . The Law of Constitution pg 202.

<http://timesofindia.indiatimes.com/india/West-Bengal-gang-rape-case-SC-takes-suo-motu-cognizance-notice-to-govt>

PLAYING GOD: A CRITICAL LOOK AT SUA SPONTE DECISIONS BY APPELLATE COURTS, ADAM A. MILANI, AND MICHAEL R. SMITH. , Assistant Professor, Mercer University School of Law; J.D., Duke University; B.A., University of Notre Dame.. Associate Professor, Mercer University School of Law; J.D., University of Florida.

Child Witnesses: Evidentiary Reforms Kate Warner Lecturer Faculty of Law University of Tasmania Hobart pg 171