
THE EVOLUTION OF CREDIBILITY: A CRITICAL ANALYSIS OF JUDICIAL ATTITUDES TOWARDS VICTIM'S TESTIMONY IN INDIAN RAPE CASES (1970S–PRESENT)

Arpita Joshi, Faculty of Law, PES University

ABSTRACT

This paper explores the development of judicial thinking regarding victim testimony in Indian rape trials since the 1970s. Based on a critical reading of seminal judgments, legislative reforms, and modern legal scholarship, this research maps the shift from a corroboration-based model to one that increasingly accords primacy to victim testimony. The study uses a doctrinal and socio-legal approach, examining landmark cases such as Mathura (1979), State of Punjab v. Gurmit Singh (1996), and Patan Jamal Vali (2021), in addition to the Criminal Law Amendment Acts of 1983 and 2013. The research discovers a gradual but uneven movement towards victim-centred jurisprudence, but cites ongoing problems, such as medical jurisprudence biases, intersectional discrimination, and loopholes in legislation. The research shows that while statutory law has moved towards safeguarding victim dignity and introducing presumptions of non-consent, the real-world implementation is marred by systemic prejudices and deficient institutional mechanisms. This article makes a case for wide-ranging reforms, such as compulsory gender sensitisation, eradication of retrograde medical practices, acknowledgement of marital rape, and more effective victim protection mechanisms to fill the gap between progressive legal principles and courtroom practice.

Introduction

The reliability of a victim's evidence in rape is perhaps the most controversial and dynamic element of Indian criminal law. Between the 1970s and the current times, Indian courts have struggled with essential questions regarding consent, corroboration, and the importance to be given to a victim's uncorroborated testimony. This shift reflects wider social changes in conceptualising gender, sexuality, and power relations, even as it shows the continued impact of patriarchal presumptions in the Legal system.

The role of victim testimony in rape law cannot be overstated. Unlike the majority of crimes, sexual offences are most often committed in private environments with few witnesses, meaning that the testimony of the victim is usually the main source of evidence. How the courts consider such testimony has very real implications for the outcome of cases and sends strong signals about the attitudes in society towards sexual violence and women's autonomy.

This study analytically explores the judicial handling of victim testimony over five decades, exploring how Indian courts have shifted from requiring ample corroboration to increasingly accepting the adequacy of credible victim testimony. The path has been characterised by milestone cases that have radically transformed the legal landscape, starting with the contentious Mathura rape case of 1979, which revealed the ingrained prejudices within the system and spurred radical legislative reforms.

Objectives

1. To study the evolution of rape jurisprudence in India.
2. To analyse the impact of legal reforms post-1983 and 2013.
3. To assess how courts address cases involving marginalised women.

Research Problem

1. The persistence of rape incidents in India highlights a gap between strong legal provisions and their effective implementation.
2. Judicial interpretation of consent has historically been inconsistent, with gradual progress from *Mathura* (1979) to *Patan Jamal Vali* (2021).

3. Deep-rooted social and cultural biases continue to shape investigations, prosecutions, and judicial outcomes in rape cases.

Research Questions

1. How have Indian courts' attitudes towards victim testimony in rape cases evolved from the 1970s to the present?
2. What role have legislative reforms played in transforming judicial approaches to victim credibility?
3. How do intersectional identities of victims influence judicial assessment of their testimony?
4. What are the persistent challenges that continue to undermine victim testimony despite progressive legal reforms?
5. What comprehensive reforms are necessary to ensure consistent protection of victim dignity and rights?

Hypothesis

1. Courts have shifted towards a more victim-centric approach post-2013. Rape culture and bias still hinder justice delivery. Landmark cases drive legal and judicial reforms in India.
2. Courts have shifted towards a more victim-centric approach post-2013. Rape culture and bias still hinder justice delivery. Landmark cases drive legal and judicial reforms in India.

Methodology

This research employs a combined doctrinal and socio-legal methodology to examine the evolution of judicial attitudes towards victim testimony in Indian rape cases. The approach integrates traditional legal analysis with broader social science perspectives to provide a comprehensive understanding of how law operates within its social context.

Literature Review

Violence against Women in Democratic India: Let's Talk Misogyny¹

Jean Chapman's paper, *Violence against Women in Democratic India: Let's Talk Misogyny* (2014), in *Social Scientist*, analyses the deep-rooted phenomenon of violence against women in India under the prism of misogyny and brahmanical patriarchy. Chapman places the debate in the context of feminist theoretical debates, engaging with scholars like Uma Chakravarti, Sharmila Rege, and Kumkum Roy. The main argument is that violence against women in modern India is not random or episodic but a highly structured occurrence based on patriarchal traditions and legitimised by caste orders. The article brings together scattered fields of investigation, such as domestic violence, violence against dowry, honour killings, rape, and institutionalised discrimination against widows, to offer misogyny as a ubiquitous cultural, social, and political issue. This review presents a descriptive summary of Chapman's arguments, structure, and evidence, and sets out the main contributions of the book to feminist scholarship and gender violence debates in India.

Chapman sets out by noting how violence against women (VAW) is increasingly recognised around the world, not only in feminist scholarship but also in public policy, human rights, and social activism. She highlights the number of terms by which it has been defined – from "wife abuse" and "intimate partner violence" to "sexual assault" and "honour killings." The very ubiquity of such violence, she points out, has made it common in public culture, whereby misogynistic jokes and scornful attitudes normalise and reproduce gender inequality (Chapman 2014, 50).

Misogyny is defined by the article as not just individual animosity towards women but as an institutional practice of bias and violence that appears in several forms – sexual discrimination, objectification, mental and physical abuse, and commodification. By demarcating misogyny from misandry, Chapman makes clear that although men can be subject to violence, it does not structurally erode men as a collective, while violence against women supports institutional subordination of women (ibid., 51).

¹ Jean Chapman, *Violence against Women in Democratic India: Let's Talk Misogyny*, 42 *Social Scientist* 49 (2014).

Chapman comprehensively discusses both physical and mental abuse of women in Indian society. Mental abuse constitutes withholding food, water, and medical attention, belittling, isolation, demands for dowry, and trolling on social media. Physical violence covers from battering and female genital mutilation to dowry-related killings and sex-selective abortions. Significantly, Chapman connects dowry with a series of gendered violence – infanticide, forced marriage, honour killings, and domestic abuse. The list also chronicles the list of sexual violence during conflicts, citing the 2002 Gujarat riots when mass rape of Muslim women was weaponised as hunting weapons for fear (ibid., 52). Chapman asserts that rape is not indiscriminate in hunting but organised, deeply rooted in misogynist cultural logic that demarcates between the acceptable and forbidden. The continuity of rape culture can be seen in increased crime rates, low conviction rates, and social stigmatisation that victim-blames instead of blaming the perpetrator.

Controlling Women's Sexuality: Rape Law in India²

Geetanjali Gangoli's chapter, *Controlling Women's Sexuality: Rape Law in India*, appears in the edited volume *International Approaches to Rape* (2011). It examines the historical and legal treatment of rape in India and its intersections with feminist movements, cultural constructions of honour, and the state's legislative frameworks. Gangoli's central thesis is that rape law in India has historically functioned less as a mechanism for protecting women's bodily integrity and more as a tool for regulating women's sexuality within patriarchal and community frameworks. The chapter situates rape within broader debates on gender oppression, caste, class, communal violence, and the failures of the criminal justice system.

National Context of Rape in India

GaNgoli locates the issue of rape in India within disturbing crime statistics. She quotes the National Crime Records Bureau (NCRB), which recorded a 678% surge in rape cases between 1971 and 2007. Other violent crimes declined, but rape cases rose spectacularly, pointing towards the centrality of sexual violence in the gendered subordination of women (Gangoli 2011, 102). The rates of conviction were low, ranging around 26%, pointing towards systemic access barriers to justice.

² Geetanjali Gangoli, *Controlling Women's Sexuality: Rape Law in India*, in *International Approaches to Rape* 101 (Nicole Westmarland & Geetanjali Gangoli eds., 2011).

Despite constitutional promises of equality (Articles 14–16, Indian Constitution) and protective legislation like the Dowry Prohibition Act (1961) and the Equal Remuneration Act (1976), women's rights are practically eroded by structural inequalities of caste, class, and religion. Women belonging to Dalit, tribal, and working-class communities, along with Muslim minorities, are disproportionately victimised in rape cases, frequently by upper-caste men or state players like the police (*ibid.*, 103).

Gangoli observes that although feminist movements from the 1970s onward have identified rape as an instrument of male dominance, the Indian legal system still locates rape as a question of honour, both of the subject woman and of her community. This patriarchal locution transforms sexual violence into a symbolic affront to collective morality, reaffirming women's bodies as sites of communal honour. In the 2002 Gujarat riots, Muslim women were raped, mutilated, and killed in acts that aimed to symbolically eliminate the reproductive capabilities of a community (*ibid.*, 104).

Citing Susan Brownmiller (1975), Gangoli notes that the threat of rape paralyses women's engagement with public life. But in India, the threat is compounded by constructs of "ideal womanhood" that require women's sexuality to be restricted within marriage. Rape is therefore doubly stigmatising – violence not merely, but also a felt transgression of cultural chastity norms. A large portion of Gangoli's chapter is devoted to the evolution of rape law in India. Rape was initially criminalised in the Indian Penal Code of 1860 through penile penetration of the vagina, and this definition remained unaltered until 2013. According to Section 375 IPC, rape was defined as sexual intercourse without consent in specific circumstances, but it specifically excluded marital rape except when the wife was below the age of 15. The law also allowed for questioning the woman's sexual history under Section 155 of the Evidence Act, 1872, whereas similar interrogation of the accused was prohibited (Gangoli 2011, 105).

This juridical asymmetry testifies to a patriarchal interest in controlling women's chastity rather than protecting bodily autonomy. The location of marital rape outside the law indicated the entrenched dominance of patriarchal control over wives' sex lives.

The Indian feminist movement of the 1980s and late 1970s politicised rape as a primary concern, calling for acknowledgement of custodial rape, reformation of rules of evidence, and broadening the definition of rape to include penetrations other than penile. Organisations such

as the Forum Against Rape in Bombay, student movements, and civil liberties groups established nationwide campaigns that reconstituted public discourse.

The Mathura case became particularly significant, as the “Open Letter” argued that the absence of resistance should not be equated with consent, especially when victims were young, poor, or vulnerable before authority figures. The campaign exposed how the law reinforced patriarchal morality and demanded a shift towards recognising women’s bodily integrity as the primary concern (ibid., 107).

Gangoli’s chapter is a major contribution to feminist legal scholarship for three reasons. First, it documents the intersection of law and culture in shaping the experience of rape in India, showing how legal definitions reflected patriarchal anxieties over women’s chastity. Second, it provides a descriptive account of feminist campaigns that reshaped the discourse on sexual violence. Third, by placing rape in structural inequalities of caste, class, and religion, it transcends the abstractions of legal arguments to locate the problem in everyday life.

In *Controlling Women's Sexuality: Rape Law in India*, Gangoli illustrates how rape law has traditionally legitimised patriarchal and communal control over women's bodies. The chapter discloses the deficiency of legal systems that are premised on chastity and honour instead of consent and autonomy. Simultaneously, it also emphasises the important role played by feminist mobilisation in contesting these frameworks and seeking reform. By locating rape within larger systems of power and inequality, Gangoli places the importance of further feminist engagement with law and society on the agenda.

Law Commission Reports on Rape³

Rukmini Sen's article, *Law Commission Reports on Rape* (2010), in *Economic and Political Weekly*, is a critical assessment of the contribution of India's Law Commission to changing rape law from 1956 to 2009. According to Sen, although the Commission sometimes made progressive suggestions, it tended instead to underpin colonial and patriarchal ideals. The article uses feminist legal theory to demonstrate how the law constitutes gendered subjects, formalises unequal power relations, and does not integrate women's lived experiences into formal legal reform.

³ Rukmini Sen, *Law Commission Reports on Rape*, 45 *Economic & Political Weekly* 81 (2010).

Sen gives a historical perspective on the Law Commission of India, which was set up in 1955 as a temporary organisation with the mandate of making proposals for legal reforms. By 2009, it had published 234 reports, of which eight were directly against violence against women. Although its recommendations were powerful, their implementation was often left to political will. Sen points out that feminist academics such as Lotika Sarkar criticised the Commission for not being autonomous, dominated by judges who were male and retired, and neglecting women's voices (Sen 2010, 82).

Feminist Legal Theory as Framework

The article takes up the feminist legal theory, which critiques the gender-neutral legal subject. Law creates categories like the "real rape victim" or the "bad mother," compelling women to naturalise patriarchal norms. Sen points out that reports of the Law Commission have tended to essentialise women or overlook their agency, not acknowledging the structural nature of gender oppression (ibid., 81).

42nd Report (1971) – looked at lacunae in the definition of consent under Section 375 IPC and Section 90 IPC. The Commission refused to modify Section 375, showing hesitation in broadening the meaning of consent.

84th Report (1980) – in the aftermath of protests after the Mathura rape case, it addressed consent, proof, and second victimisation during trials. While recognising that silence cannot be equated with consent, the report continued to define rape as loss of chastity as opposed to violation of dignity (ibid., 83).

172nd Report (2000) – recommended changing the term “rape” to “sexual assault” and broadening its scope beyond penile penetration. It also suggested recognising marital rape, but these recommendations were not implemented.

185th Report (2003) – revisited sexual offences but again diluted progressive elements, reflecting political compromise.

Sen notes that the Ministry of Law resisted adopting many of the progressive recommendations, partly due to patriarchal political culture. Sen criticises the reports for not breaking out of colonial and patriarchal paradigms. The 84th report, for example, referred to rape as "ultimate violation of the self" that shattered a woman's chastity, upholding patriarchal

conceptions of purity. While the reports were willing to acknowledge secondary victimisation in courts, they failed to deploy fully the feminist conceptualisation of power and autonomy.

Sen also points out the failure to involve women's lived experiences. Feminist scholarship's consciousness-raising practices, based on shared stories, were missing from the Commission's deliberations. This failure was tantamount to silencing women, especially those who belonged to marginalised groups. Sen's essay adds to feminist legal scholarship by establishing how state institutions selectively appropriate reforms that are progressive and cement patriarchal values. It exposes the conflict between feminist movements that call for recognition of consent and autonomy, on one hand, and a legal system that holds on to colonial notions of chastity and penetration, on the other hand. The article also highlights the need to connect legal reform to social movements, since, without activism, Commission reports tend to remain on paper.

Law Commission Reports on Rape demonstrates that, despite years of controversy, India's rape law has seen minimal substantive reform. By critically examining the Commission's reports, Sen exposes how law is still a contested terrain where feminist struggles continue to be necessary. The article highlights the constraints of legal change without deeper structural change.

The Culture of Rape: Understanding Delhi Rape Horror and Underlying Perspectives

Introduction⁴

Adfer Shah's article, *The Culture of Rape: Understanding Delhi Rape Horror and Underlying Perspectives* (2013), from *The Tibet Journal*, examines the cultural and social aspects of the December 16, 2012, Delhi gang rape. Shah places the episode in the context of a pervasive "rape culture" within India that is characterised by misogyny, moral deterioration, commercialisation of women, and the failure of law and government. The paper utilises sociological, political, and cultural lenses to contend that Indian rape is not a singular event but a manifestation of severe structural and ethical crises.

The Delhi Rape Horror and Public Response

The gruesome gang rape and killing of a young medical student in Delhi – referred to as

⁴ Adfer Rashid Shah, *The Culture of Rape: Understanding Delhi Rape Horror and Underlying Perspectives*, *Tibet J.*, Spring–Summer 2013, at 43, 43–53

"Amanat" or "Nirbhaya" – outraged the country and prompted unprecedented public demonstrations. Shah observes that the victim was hailed as a national hero who rallied a passive public into outrage (Shah 2013, 44). Demonstrations were likened to the Arab Spring and typified as an "Indian Spring" against gender violence.

The popular outrage was reinforced by nationwide media coverage and the symbolism of the event taking place in the national capital. However, Shah underlines that activism has long been selective, and that outrage was stronger in high-profile urban cases, whereas millions of rural or marginalised victims are invisible (ibid., 45).

Shah introduces the concept of "rape culture" as prevalent in Indian society. He contends that even abuse in words, which often resorts to rape and sexualised put-downs, normalises a degradation culture (ibid., 46). This abusiveness gets normalised from street slang to mainstream cinema, where women get reduced to commodities through item numbers and hyper-sexualised projections. The prevalence of these practices socialises even children into normalising abuse and misogyny inter-generationally.

The article emphasises that rape is not the result of women's attire or demeanour, but rather of structural weaknesses and opportunities taken by violators. Rape cases involving aged women, children, and incestuous cases prove that the problem is within misogyny, not within women's behaviour.

Shah also takes into account international perceptions of the Delhi rape. For instance, Chinese media utilised the event to accentuate India's democratic "shortcomings" and validate authoritarian control, comparing India's street protests to China's crackdown on dissent (ibid., 47). Shah states that India's democracy, despite its flaws, granted room for mass protests and legal reform, which authoritarian regimes such as China quash. Shah criticises the state's reaction, which focused on tighter laws and policing. He believes that these are inadequate since rape is not just a crime but a social pathology based on misogyny and structural inequality. The attention needs to move away from security measures to restoring women's dignity. This includes the alteration of patterns of socialisation, deobjectification, and reconstruction of cultural and moral systems (ibid., 48). Shah's article adds to feminist and sociological discussions by theorising rape as a part of a more extensive cultural system instead of discrete acts of deviance. Through connecting normal-day verbal abuse, media depiction, and structural imbalance, the article demonstrates how rape culture is reproduced in India. It

also underscores the limitations of single-minded legal reform without attending to socio-cultural origins.

In *The Culture of Rape*, Shah provides a general sociological analysis of the Delhi rape case, situating it as a symptom and catalyst. The case demonstrated the deep-set rape culture within Indian society, based on misogyny, socio-economic disparity, and cultural objectification of women. Even though the case initiated significant debates and reforms, Shah points out that substantial change needs to be made by addressing the underlying structural and cultural causes.

India's Winter of Discontent: Some Feminist Dilemmas in the Aftermath of a Rape

Introduction⁵

Anindita Dutta's article, *India's Winter of Discontent: Some Feminist Dilemmas in the Wake of a Rape* (2013), in *Economic and Political Weekly* explores the political, social, and feminist reactions to the December 2012 Delhi gang rape. The article places the incident in the context of wider feminist discussions about sexual violence, law reform, and the challenges of mobilising public anger. Dutta contends that the "Nirbhaya movement" brought into focus both the revolutionary possibilities of mass protest against gender violence and also the contradictions of feminist strategies in working with law, state, and society.

The article provides a descriptive and reflective analysis of India's women's movement, uncovering the difficulties of engaging with sexual violence in a situation influenced by patriarchal culture, neoliberal state, and democratic contestation.

Dutta sets the scene by situating the December 2012 gang rape, which involved a 23-year-old medical student who was brutally raped and who eventually died. The case ignited never-before-seen public protests in Delhi and India, with thousands calling for justice, legal change, and security for women. The media constructed the victim as "Nirbhaya" (fearless), and the case symbolised women's vulnerability on the streets. Following Dutta, the protests were a representation of India's "winter of discontent," in which mass discontent with corruption, governance shortcomings, and social injustice converged around gender violence. Notably, the

⁵ Debolina Dutta & Oishik Sircar, *India's Winter of Discontent: Some Feminist Dilemmas in the Wake of a Rape*, 39 FEMINIST STUDIES 293 (2013).

protests were spearheaded by not just formal women's organisations but also by students, youth, and civil society representatives, which imparted to them a spontaneous and mass nature (Dutta 2013, 34).

The overall theme of the article is the feminist conundrum of accessing law as both a place of hope and a place of limitation. Dutta maps how feminists have historically critiqued the patriarchal character of the law, pointing to its use of narrow definitions of rape, erasure of marital rape, and emphasis on women's chastity. But, after the Delhi rape, feminists were forced to call for tougher legislation and severe punishments such as the death penalty and chemical castration – calls that are at odds with feminist criticisms of carceral justice (ibid., 35).

This ambivalence is symptomatic of a dilemma between short-term mobilisation and long-term feminist vision. While the mass protests generated unprecedented political pressure that led to the Justice Verma Committee recommendations (2013), which widened the definition of rape, identified sexual harassment, and discarded marital immunity, the state selectively incorporated punitive measures such as provisions for the death penalty while neglecting structural changes such as police accountability or gender sensitisation.

Dutta emphasises yet another feminist conundrum: selective victim visibility. Outrage over the Delhi case was fueled because the victim was middle-class, educated, and represented "modern womanhood." There had been scores of rapes of Dalit, tribal, and working-class women throughout history that were overlooked. Feminist activists cautioned that making a big deal about the Delhi case would be to risk increasing the class bias of public outcry and hiding the structural nature of sexual violence (ibid., 36). The media representation of "Nirbhaya" as a heroic, innocent, middle-class daughter juxtaposed with the silence regarding marginalised victims, criminalised or otherwise discarded, tells us how gender crosses class, caste, and media presence in reproducing feminist agendas

Dutta places the protests in the larger debates on democracy and governance. The state reacted first with repression – police brutality, water cannons, and lathi charges – before instituting the Justice Verma Committee. The state's ambivalence was reflective of the difficulty of responding to spontaneous, leaderless protests. For feminists, this presented a dilemma of how to deal with the state. Should they call for tougher sentences to direct public outrage, or structural change at the cost of alienating the people? The conundrum is a reproduction of what Dutta terms "movement pragmatism versus feminist principles" (ibid., 37).

One of the major contributions of the article is its critique of carceral politics. While some protesters were calling for the death penalty for rapists, feminists have traditionally opposed capital punishment as patriarchal, retaliatory, and irrelevant to structural causes of violence. The Justice Verma Committee itself had rejected the death penalty, instead advocating for prevention, gender sensitisation, and accountability. Dutta posits that the feminist conundrum is that of how to align popular outrage with principled criticism of penal justice. The Delhi demonstrations put pressure on feminists to appeal to a broader constituency, but in the process, they could endanger their own radical critique of the criminal justice system.

In India's Winter of Discontent, Dutta gives a reflective account of the contradictions and dilemmas of feminist reactions to the Delhi rape. The piece illustrates how mass mobilisation opened up new avenues for legal change but also revealed fault lines in feminist critique and popular demands for retribution. By placing the protests in the context of class, caste, governance, and rape culture, Dutta captures both the possibilities and challenges of feminist politics in India today.

ANALYSIS

The Criminal Law Amendment Act of 1983 was the initial significant legislative action taken following the criticisms levelled by the Mathura case. The amendment brought several important modifications: the inclusion of Section 114A in the Indian Evidence Act, enacting a presumption of lack of consent in some rape cases; increased penalty for custodial rape; and in-camera trials provisions to safeguard victim privacy.

Section 114A was a drastic change in the onus of proof, which stated that where sexual intercourse is established and the woman makes it clear that she did not consent, the court shall presume lack of consent. This subsection largely solved the issue of placing the onus on victims to establish a lack of consent, but its implementation has been spasmodic across courts.

The Criminal Law Amendment Act of 2013, enacted in reaction to the Nirbhaya case, ushered in more far-reaching changes. The amendment broadened the definition of rape to encompass other types of penetrations, added new offences like stalking and voyeurism, and beefed up procedural safeguards for victims. Section 53A of the Indian Evidence Act was modified to specifically rule out evidence of the victim's past sexual history, relieving the age-old issue of character assassination of the victim in rape trials.

Academic Scholars and Feminist Critique

Scholarship in academe has been instrumental in critiquing and influencing the development of rape law in India. Feminist legal scholars have been the driving force in critiquing the patriarchal presumptions inherent in judicial logic and pushing for victim-centred sexual violence law approaches.

The research of academics such as Flavia Agnes, Ratna Kapur, and Vrinda Grover has played a crucial role in laying bare the gender biases of the legal system and suggesting alternative paradigms for making sense of sexual violence. The critiques of these scholars have been aimed at various central issues: the issue with the distinction between "consent" and "submission"; the sexual history of the victim is irrelevant; the importance of intersectional analysis; and the value of seeing rape as a crime of power, not sexual desire.

Even with the large body of research on rape law in India, several gaps exist in the literature. In the first place, there is relatively little empirical work on the implementation of the principles laid down by higher courts by trial court judges, establishing a divide between appellate jurisprudence and ground-level practice. Second, there has not been enough attention focused on the intersectionality shaping the victim experience, as well as the responses of judges. Third, how medical jurisprudence contributes to judicial decision-making needs further systematic inquiry. Lastly, comparative studies comparing the Indian experience with other jurisdictions would be informative for change.

Early Judicial Attitudes (1970s-1980s):

The Corroboration Paradigm

The 1970s and 1980s saw a time marked by strongly entrenched patriarchal attitudes in the Indian judiciary's response to rape cases. In these years, courts invariably insisted on substantial corroboration of victims' evidence, considered women's sexual past to be pertinent to their credibility, and enforced strict stereotypes regarding "ideal" victim conduct.

The Primacy of Corroboration

The judicial response during this time was primarily influenced by scepticism of women's evidence in sexual offence trials. Courts habitually demanded independent corroboration of the

victim's evidence, which demonstrated an inherent presumption that women were inherently untrustworthy witnesses in cases involving sexual violence. This judicial attitude was demonstrated in many cases where consistent and clear victim evidence was overlooked because of a failure to produce corroborative evidence.

The focus on corroboration expressed itself in a number of ways. Initially, the courts demanded medical proof of the victim's story, typically demanding evidence of bodily harm to prove non-consent. Second, they required independent witness evidence, notwithstanding the private nature of the sexual offences. Third, they looked critically at the victim's post-assault behaviour and demanded particular forms of reaction consistent with judicial expectations as to the responses of rape victims

This corroboration-based approach laid an impossible burden on victims, who had to not just establish that sexual intercourse had taken place but also to show through outside evidence that it was involuntary. The practical impact was to establish a legal system that automatically benefited accused individuals while undermining the inherent tenet that victims were to be believed unless there were good reasons to disbelieve them.

Character Assassination and Sexual History

Perhaps the most troublesome aspect of early judicial mentality was the habitual consideration of the victim's sexual past and character as issues pertinent to assessing credibility. Courts openly inquired into women's moral character, prior sexual contacts, and way of life as matters concerning their ability to be raped and the credibility of their testimony.

The Mathura case⁶ best highlighted this strategy. The Supreme Court's ruling categorically took into account the victim's affair with her boyfriend as proof that she was an "easily virtuous" woman who could not possibly be raped. Justice Koshal's argument that Mathura was "accustomed to sexual intercourse" and so could not have been raped demonstrated a basic ignorance of consent and an aggravating stereotype of women's sexuality.

This trend was repeated in many cases over this period. Courts regularly made comments regarding victims' dress, conduct, alcohol use, or walking around at night as being of significance to their credibility. Such rationalising not only offended fundamental principles of

⁶ AIR 1979 SC 185.

human dignity but also effectively established a victim hierarchy, in which only those who fit into the stereotypical idea of feminine virtue could hope for legal protection.

Medical Jurisprudence and the Two-Finger Test

The time was also marked by overreliance on medico-legal evidence, especially the notorious two-finger test, under which the victim's vagina was probed to ascertain whether or not she was "habituated to sexual intercourse." The practice, having its roots in colonial medical jurisprudence, rested on the scientifically unsubstantiated belief that a woman's sexual history was possible to ascertain through the process of physical examination.

Courts of this time period often used medical testimony stating that the victim's hymen was not intact or that her vagina measured two fingers as proof against her credibility. The reasoning was that non-virgin women could not have been raped, or that their testimonies were less credible. This method totally disregarded the medical fact that hymenal status is irrelevant to whether rape was done or not, and that numerous other factors besides sexual intercourse may impact hymenal integrity.

The two-finger test was the site of intersection between patriarchal sentiment and pseudo-medical practice. It reduced women to their sexual history while giving a covering of medical objectivity to what were really moral judgments regarding women's virtue. The practice was not only scientifically unsound but was also a form of secondary victimisation, humiliating and invasive practices inflicted on rape survivors.

The Resistance Requirement

Another characteristic feature of early judicial attitudes was the emphasis on physical resistance as evidence of non-consent. Courts consistently looked for evidence that victims had physically fought their attackers, suffered injuries in the process, or immediately reported the incident to authorities. The absence of such evidence was often interpreted as indicating consent or fabrication.

This approach fundamentally misunderstood the dynamics of sexual violence and the various ways in which victims might respond to assault. It failed to recognise that victims might be paralysed by fear, might choose not to resist to avoid further harm, or might be in situations where resistance was impossible. The requirement effectively created a legal standard that only

the most violent rapes, where victims suffered significant physical injuries, could be successfully prosecuted.

The Mathura⁷ case again provided a stark example of this reasoning. The Supreme Court's conclusion that the absence of injuries indicated "peaceful" intercourse completely ignored the power dynamics inherent in custodial situations and how authority and intimidation could secure compliance without physical force.

The Turning Point (1990s-2000s): Recognizing Victim Testimony

Another typical hallmark of the early judicial approach was the centrality given to physical resistance as proof of non-consent. Courts repeatedly searched for evidence that victims had resisted their attackers physically, received injuries in the process, or had reported the crime straight away to the authorities. Lack of such proof was frequently taken as proof of consent or fabrication.

This strategy significantly misinterpreted the mechanisms of sexual violence and the different ways that victims may react to violation. It did not take into account the fact that victims could be frozen with fear, may not resist to minimise further damage, or may be in situations where they could not physically resist. The requirement de facto established a legal standard by which only the most brutal rapes, those in which victims incurred serious bodily injuries, could be prosecuted successfully.

The Mathura case again provided a stark example of this reasoning. The Supreme Court's conclusion that the absence of injuries indicated "peaceful" intercourse completely ignored the power dynamics inherent in custodial situations and how authority and intimidation could secure compliance without physical force.

The Turning Point (1990s-2000s): Recognizing Victim Testimony

The 1990s and early 2000s saw a transformative stage in Indian rape law, marked by increasing acknowledgement of victim evidence and gradual departure from the worst excesses of pre-existing judicial tendencies. This shift was catalysed by repeated feminist pressures, scholarly critique, and an emerging cohort of judges who were more attuned to gender concerns.

⁷ AIR 1979 SC 185.

State of Punjab v. Gurmit Singh: A Watershed Moment

The Supreme Court ruling in *State of Punjab v. Gurmit Singh* (1996)⁸ was arguably the most dramatic change in judicial perceptions throughout this period. The case concerned the rape of an underage girl by three men, and the Court's reasoning reflected a decidedly new attitude to victim testimony and the handling of rape victims.

Judgment of Justice A.S. Anand in *Gurmit Singh* laid down some important principles that basically reformed the scene of rape jurisprudence. To begin with, the Court clearly acknowledged that "the evidence of the victim in such cases is crucial and unless there are strong reasons why there should be a search for corroboration of her version, the courts would find no difficulty to act upon the evidence of a victim of sexual assault alone to convict an accused where her testimony evokes confidence and is found to be credible."

This announcement was a clear turn away from the corroboration-based method that had prevailed in previous decades. The Court moved the burden from expecting victims to present independent corroboration to expecting courts to discover substantial grounds before insisting upon such corroboration. This was a drastic reequilibration of the evidentiary system in favour of victim testimony.

Second, the Court criticized the insensitive handling of rape victims by the legal establishment, noting that "the Courts must, while assessing evidence, be aware of the fact that in a case of rape, no respectable woman would go to a court merely to make a degrading declaration against her honour like being raped, unless the act has occurred."

This pronouncement registered a developing judicial appreciation of the social shame of rape and the bravery involved in victims presenting. It also evidenced awareness that the legal process itself can be an aspect of secondary victimisation, so much so that courts needed to become more considerate in their handling.

Challenging Medical Orthodoxy

The *Gurmit Singh* case also represented a radical shift away from previous reliance on dubious medical evidence. The Court categorically said that "hymenal tears are not necessarily the

⁸ (1996) 2 SCC 384.

result of penetration or rape" and that "the absence of injuries on the person of the prosecutrix or absence of any sign of struggle does not affect the prosecution's case."

This declaration openly defied medical orthodoxy, which up to that time controlled rape trials. The Court recognised the fact that the presence or absence of bodily injuries was not conclusive of whether rape had been committed, and that consent could never be implied from the fact of lack of resistance or injury.

Most importantly, the Court deplored the two-finger test, calling it "having no scientific basis" and "founded on an incorrect premise that a sexually active woman cannot be raped." This was the start of consistent judicial disapproval of this practice, although it would be a number of years more before it was eventually outlawed.

Evolving Understanding of Consent

Throughout this era, the courts started to come to a more elaborate understanding of coercion and consent. Instead of demanding proof of physical force or resistance, judges began more and more to realise that consent must be given freely and that different types of coercion might destroy consent without physical violence.

Cases from this period illustrated increased judicial sensitivity to power relationships and how authority, economic reliance, or social coercion could be deployed to gain compliance. Courts started recognising that the mere lack of physical resistance failed to suggest consent, especially in cases involving unsymmetric power relations.

This development was especially significant in custodial rape cases, where the courts increasingly accepted that the very nature of the power dynamic between police officers and citizens rendered free consent practically impossible. The law started to accept that consent by way of exploitation of authority was not consent at all.

Procedural Reforms and Victim Protection

The period also saw important developments in procedural protections for rape victims. Courts increasingly emphasised the importance of in-camera trials, recognising that public proceedings could further traumatise victims and discourage them from testifying freely.

The Supreme Court's decisions during this era also began to address issues of victim privacy and dignity. Courts started to recognise that the legal process should not compound the trauma of sexual violence and that special measures were needed to protect victims during trial proceedings.

These developments reflected a growing understanding that effective prosecution of rape cases required not just appropriate substantive law but also sensitive procedural frameworks that encouraged victims to participate in the legal process without fear of further victimisation.

Judicial Precedents: Foundational Cases

Indian rape law has been influenced considerably by a series of landmark cases that have redefined the terms of victim testimony and judicial approaches to sexual violence. The trajectory starts with the contentious *Tukaram v. State of Maharashtra* (1979), popularly referred to as the Mathura rape case, which unveiled the deeply ingrained prejudices in the Indian criminal justice system.

The Mathura case, which involved the custodial rape of a young tribal woman by two policemen, saw the Supreme Court acquit the accused on the grounds of the lack of physical injuries and the victim's supposed "habituation to sexual intercourse," resulting in a nationwide outcry and fundamentally changing the language of rape law in India. Justice Koshal's ruling was an expression of the then-dominant judicial attitude that equated the absence of physical resistance with consent, holding that because there were no injuries, "the story of stiff resistance having been put up by the girl is all false" and the alleged sex was a "peaceful affair."

This ruling reflected some flawed assumptions: one, that a woman's past sexual history defined her ability to be raped; two, that there being no physical injury excluded the possibility of rape; and three, that victims had to prove "stiff resistance" to establish non-consent. The ruling essentially asked victims to prove their virtue and resistance, putting an impossible burden upon victims in their quest for justice.

The social and legal consequences of the Mathura case were long-lasting and extensive. Four law teachers - Upendra Baxi, Lotika Sarkar, Vasudha Dhagamwar, and Raghunath Kelkar - drafted an influential open letter to the Chief Justice of India, characterising the judgment as "an extraordinary decision sacrificing human rights of women under the law and the

constitution." It spurred a country-wide movement for rape law reform and illustrated the potential of academic criticism to influence legal discussion.

Taking this base criticism into account, the Supreme Court started developing its strategy in later cases. While in the case of *Rameshwar v. State of Rajasthan*⁹, the Court had set a positive principle under which a rape victim's sole testimony, if credible, would be enough to convict without corroborative proof, this principle was differentially enforced, as seen in the case of *Mathura*.

The *State of Punjab v. Gurmit Singh* was a significant turning point in judicial sentiments. In this rape case of a minor girl by three men, the Supreme Court formally acknowledged the supremacy of the testimony of the victim and castigated the insensitive handling of rape victims by lower courts. The Court noted that "the courts must, in considering evidence, be sensitive to the fact that in a case of rape, no woman of self-respect would venture into a court merely to make a degrading statement against her honour such as being raped, unless the event has occurred."

The *Gurmit Singh* ruling laid down several significant principles: one, that the over-interrogation of rape victims could be harmful and humiliating; two, that physical injury evidence about consent was not conclusive; and three, that the two-finger test was irrelevant and unseemly. This was a major development in the direction of victim-centred jurisprudence and showed the Court's increasing awareness of the trauma caused by both the crime and the process of law.

The development continued with judgments such as *Suman Rani (Premchand v. State of Haryana, 1989)*, which established that judicial attitudes towards victim credibility were still being shaped by moral assessments of the sexuality of women. Though there had been some improvement, the approach of the Supreme Court towards custodial rape cases exhibited inconsistency, where judges would cut down sentences based on judgments regarding the victim's "character."

Contemporary Developments and Intersectional Jurisprudence

The major recent development in this field is the Supreme Court's ruling in *Patan Jamal Vali*

⁹ AIR 1952 SC 54.

v. State of Andhra Pradesh (2021)¹⁰, which was a turning point in identifying intersectional oppression in rape cases. It was a case of rape of a visually impaired woman who belonged to a Scheduled Caste, and the Court's reasoning showed an advanced comprehension of how intersecting forms of marginalisation mount vulnerability to sexual violence.

Justice D.Y. Chandrachud's ruling in Patan Jamal Vali placed a strong emphasis on the fact that "when the identity of a woman intersects with, inter alia, her caste, class, religion, disability and sexual orientation, she may be subjected to violence and discrimination on two or more grounds." The Court acknowledged that "it becomes imperative to apply an intersectional lens to assess the way multiple sources of oppression work cumulatively to create a particular experience of subordination for a blind Scheduled Caste woman."

This ruling marks an important development in Indian jurisprudence's understanding of intersectionality, transcending a flat understanding of gender violence towards a deeper recognition of the multifaceted manner in which different methods of marginalisation intersect to produce unique experiences of oppression and vulnerability.

Legislative Support: The Amendments of 1983 and 2013

The Criminal Law Amendment Act of 1983

The Criminal Law Amendment Act of 1983 was the legislative reaction to the national outrage caused by the Mathura case and the start of organised legal reform to address the deficiencies in rape law. It brought in several key alterations that effectively changed the legal framework for dealing with sexual offences.

The most important innovation was the addition of Section 114A to the Indian Evidence Act, which instituted a statutory presumption of lack of consent in specific prosecutions of rape. The section provided for the situations where sexual intercourse by the accused is established, and the woman testifies in her evidence that she did not agree. The court shall then presume she did not consent.

This assumption constituted a basic reversal of the burden of proof, from needing victims to establish a lack of consent to establishing a legal environment where non-consent would

¹⁰ AIR 2021 SC 2190

automatically be assumed once the victim testified to that. The law was especially important because it highlighted one of the most flawed elements of previous rape cases - the impossible burden laid on victims to establish a negative (that they did not consent).

The 1983 amendment also brought in aggravated punishment for custodial rape, acknowledging that sexual assault by individuals in authority was a more serious kind of assault. Section 376(2) was amended to mandate a minimum sentence of ten years imprisonment for different types of aggravated rape, such as custodial rape committed by police officers, public servants, and hospital staff.

The amendment also added Section 228A to the Indian Penal Code, which made publication of rape victims' names or identifying details an offence. This provision acknowledged the necessity of protecting privacy for victims and preventing secondary victimisation that normally arises out of media reporting of rape cases.

The Criminal Law Amendment Act of 2013

The Criminal Law Amendment Act of 2013, which was enacted after the country-wide protests following the Nirbhaya case, introduced more extensive overhauls to the legal code regulating sexual offences. This amendment registered a more advanced comprehension of sexual violence and merged much of the lessons learned from decades of feminist legal scholarship and activism.

The most important change was the broadening of the definition of rape in Section 375 of the Indian Penal Code. The new definition went beyond the restrictive penile-vaginal penetration to cover other types of sexual assault that include penetration into the vagina, urethra, or anus with any organ or object and oral sex.

This enlargement overcame a long-standing criticism of Indian rape law - that the limited definition didn't cover the entire spectrum of sexual violence and created hierarchies between different types of assault, which were artificial. The new definition acknowledged that sexual violence could arise in numerous ways and that all expressions of non-consensual sexual penetration should be considered equally serious.

The 2013 amendment also established several new offences, such as voyeurism, stalking, and sexual harassment, acknowledging that sexual violence was on a continuum and the law had to respond to the entire spectrum of gender-based violence.

Most significantly, perhaps, the amendment added Section 53A to the Indian Evidence Act, which specifically banned the admission of evidence on the victim's past sexual history with any other individual except the accused. This clause comprehensively tackled the age-old issue of character assassination during rape trials and asserted that a woman's sexual history had no bearing on determining if she had been raped.

Impact and Implementation Challenges

Although these legislative changes marked positive development in substantive law, their enforcement has been subject to manifold difficulties. Application of Section 114A has been patchy, with some judges demonstrating ignorance of its impact or seeking loopholes to sidestep its use.

The ban on presenting evidence of sexual history, though clear in theory, has occasionally been circumvented by oblique questioning or comment from the judiciary, effectively doing the same character assassination the law attempted to prohibit. Likewise, the broadened definition of rape, though progressive in theory, has not always been consistently applied between different courts

Such implementation problems reveal the distance between legal formal reform and the actual transformation of the judicial mindset. Though legislative reforms gave valuable weapons to safeguard victims and pursue sexual crimes, they will only be effective with the willingness and capability of legal actors to adhere to the basic principles.

Intersectional Discrimination: Caste, Class, and Disability

One of the most enduring and concerning aspects of rape jurisprudence in India has been how victims' social identities still shape judicial evaluation of their credibility. Despite formal affirmations of equality, courts have repeatedly shown varying levels of scepticism towards victims along the lines of caste, class, religion, sexuality, or disability.

Marginalised community victims, in this case Dalits and Adivasis, have often encountered

further obstacles to obtaining justice. Their evidence has at times been treated with more suspicion, and their accounts of violence downplayed or ignored. This is done both explicitly, in the form of judicial observations invoking caste or class standing, and implicitly, in the form of unequal treatment that derives from more entrenched social biases.

The situation of disabled victims poses specific challenges. As is illustrated from the Patan Jamal Vali case, women with disabilities are subjected to several forms of discrimination and vulnerability. They can be discredited based on their disability, with the courts often making assumptions that intellectual or communication impairments can undermine their ability to provide good evidence.

Likewise, victims of religious minorities, LGBTI+ individuals, and sex workers have regularly seen their credibility challenged on the grounds of their alleged moral character or sexual choices. These biases are a manifestation of wider social prejudices that hold certain groups to be inherently less worthy of protection or less likely to tell the truth.

The Patan Jamal Vali Breakthrough

The Supreme Court's 2021 ruling in *Patan Jamal Vali v. State of Andhra Pradesh*¹¹ is a landmark moment in Indian rape law, the first time an apex court ruling verbally acknowledged and applied intersectionality theory to interpret sexual violence. This was a rape case of a 22-year-old visually impaired woman of a Scheduled Caste, and the Court's reasoning showed a nuanced appreciation of the way various modes of marginalisation synergistically increase vulnerability to sexual violence.

Justice D.Y. Chandrachud's judgment on behalf of the bench made several pathbreaking observations. To begin with, the Court acknowledged that "when the identity of a woman intersects with, inter alia, her caste, class, religion, disability and sexual orientation, she may face violence and discrimination due to two or more grounds." This observation of intersecting identities was a departure from the traditional judicial practices that isolated gender as a discrete entity apart from other types of identity and oppression.

Second, the Court was keen to highlight that these various sites of marginalisation were not add-ons to gender oppression but gave rise to qualitatively distinct experiences of vulnerability

¹¹ AIR 2021 SC 2190

and discrimination. The ruling was that "it becomes imperative to use an intersectional lens to evaluate how multiple sources of oppression operate cumulatively to produce a specific experience of subordination for a blind Scheduled Caste woman."

This analysis was a paradigmatic shift in judicial comprehension of sexual violence beyond one-dimensional gender preoccupation to acknowledge the sophisticated manner in which differing dimensions of social hierarchy converge to establish unique patterns of discrimination and vulnerability. The Court's acknowledgement that the victim in this instance encountered a "distinct individualised experience" due to the intersection of her gender, caste, and disability status reflected a degree of analytical acuity previously lacking in Indian jurisprudence.

Modern Victim-Centric Approach

Recent Supreme Court rulings have repeatedly reaffirmed the principle that only the victim's credible testimony is enough to convict a person of rape. A ruling made in 2025 noted that "a rape survivor's sole testimony, if found credible, would be enough to record a conviction of the accused. No corroborative evidence would be required."

This method is the end of a decades-long process of judicial evolution, shifting from the corroboration-driven model of the 1970s and 1980s to one that positions the testimony of the victim at the heart of rape trials. Modern courts have always held that applying the rule of seeking corroboration would "literally amount to adding insult to injury" and that "the victim of rape is not an accomplice and her evidence can be acted upon without corroboration."

Recent decisions have also shown more sensitivity to the trauma of rape and secondary victimisation that may be experienced through legal proceedings. Courts have consistently highlighted that trials of rape ought to be carried out in ways that uphold the dignity of the victim and do not involve intrusive or humiliating questioning that is not strictly necessary.

The Last Prohibition of the Two-Finger Test

In October 2022, the Supreme Court finally put its stamp on a permanent ban on the two-finger test, declaring that any doctor who performed this "regressive and intrusive" test would be guilty of misconduct. This verdict brought an end to a long battle spanning decades to eradicate the practice from the Indian legal and medical systems.

The Court's ruling in this case was unambiguous in its denunciation of the practice, holding that "the so-called test is founded on the false premise that a sexually active woman can never be raped. Nothing could be further from the truth - a woman's sexual past is completely irrelevant in determining whether or not the accused raped her."

This prohibition was not only the abolition of a particular harmful practice but also a wider rejection of the medicalisation of rape trials and the simplification of complicated issues of consent to so-called scientific physical tests. The Court's decision that "there is no place for virginity (or 'two-finger') testing; it has no scientific validity" finally aligned Indian medical jurisprudence with modern scientific knowledge and human rights standards.

The Pattern of Change

An examination of five decades of Indian rape jurisprudence discloses a rough and uneven pattern of change in judicial perspectives on victim testimony. From the openly discriminatory and victim-blaming notions of the 1970s and 1980s to the subtle intersectional analysis becoming visible in the past few years, the development has been replete with great strides as well as continuing dilemmas.

The most radical change has been the transition from a corroboration-to-victim approach. The early years' requirement of independent corroboration of victim evidence has been replaced with a legal system that accepts the sufficiency of credible victim evidence standing alone. This development is not just a technical shift in evidentiary requirements but a profound shift in how the legal system comes to understand and respond to sexual violence.

As important, too, has been the increasing acceptance of victim dignity and trauma that is built into both sexual violence and the legal process. Modern courts are so much more sensitive to the secondary victimisation which may follow in their wake, and have established procedural safeguards to safeguard victim dignity and privacy. The journey from public trial with intrusive cross-examination to in-camera trial with limitations on irrelevant questioning is demonstrable proof of how much the humanisation of the legal process has progressed.

The legislative structure has also seen a revolution, with the Criminal Law Amendment Acts of 1983 and 2013 bringing in key safeguards, such as presumptions of lack of consent, widened definitions of sexual offences, and specific bans on character assassination. These pieces of

legislation have brought important legal mechanisms to safeguard victims and prosecute sexual offences, although the implementation has not been consistent.

Enduring Inconsistencies Between Law and Practice

Despite significant progress in formal law, substantial gaps persist between progressive legal principles and their practical implementation. This disconnect manifests in several key areas.

First, though the higher courts have repeatedly denounced the two-finger test and associated medical procedures, the latter continued in many cases into the 21st century. Even after the official prohibition in 2022, some medical practitioners and lower courts still use other types of problematic medical evidence to conclude consent or credibility.

Second, the use of Section 114A of the Indian Evidence Act, which provides for a presumption of non-consent, has been inconsistent in courts. Some judges have been unable to comprehend the implications of the provision, and others have discovered loopholes to avoid its use. Such inconsistency defeats the purpose of the provision to remove the burden of proof from victims.

Third, although Section 53A prohibits the production of evidence of a victim's prior sexual experience, the protection has sometimes been eroded by indirect questioning or judicial remarks that amount to de facto character assassination that the legislation intended to avert. Defence counsel have become adept at ways of bringing in extraneous facts about victims' moral character short of directly breaching the statutory prohibition.

Fourth, intersectional discrimination remains in play when judging victim credibility, even after making solemn vows about equality. Victims from historically marginalised groups, such as Dalits, Adivasis, religious minorities, LGBTI+ people, and persons with disabilities, still face a higher hurdle in accessing justice. Their evidence is more rigorously scrutinised, and their violence-related experiences are denied or downplayed.

The Role of Social Hierarchies

The research reveals that social hierarchies continue to profoundly influence judicial assessment of victim credibility, despite legal principles that should ensure equal treatment regardless of social identity. Caste remains a particularly significant factor, with Dalit and Adivasi victims often facing scepticism and discrimination that affects the outcome of their

cases.

Class dynamics are also significant, with victims from lower socio-economic backgrounds occasionally being considered less credible or to have different moral codes that make them less worthy of protection. Such attitudes are indicative of wider social prejudices that give primacy to certain types of victimhood while excluding others.

Religious identity can also impact judicial attitudes, with minority victims occasionally being subjected to further investigation or seeing their experiences distorted through communal myth. LGBTI+ victims also have a special problem, since their non-normative sexualities can be perceived as rendering them inherently less trustworthy or as having provoked the violence inflicted upon them.

The Incomplete Nature of Legal Reform

Perhaps most importantly, the study unveils the unfinished business of legal reform in India. Although great strides have been made in so many areas, the persistence of the exclusion of marital rape from the legal definition of rape is a glaring omission that touches the lives of millions of women. The marital rape exception in effect confers a two-tiered system of protection that denies married women the same access to legal protection available to unmarried women.

This exclusion is especially troubling because Indian marriage is frequently marked by extreme power disparities and by rates of domestic violence that are extremely high. The legal fiction that marriage entails irrevocable consent to sexual intercourse not only ignores fundamental human rights principles, but moreover ignores the real world of many women's experience within marriage.

The survival of this exception despite years of lobbying and legal reform is evidence of the ongoing presence of patriarchal thinking within the legal and political framework. It also reflects the boundaries of judicial activism in inducing social change, as the courts have been resistant to overruling the exception in the absence of clear legislative authorisation.

Conclusion

The half-century history of Indian rape jurisprudence investigated in this research demonstrates

a multifaceted evolution from a legal system marked by institutionalised victim-blaming and corroboration requirements to one that increasingly affirms the superiority of victim evidence and dignity. Incomplete and uneven as this evolution has been, it is among the most considerable sites of legal transformation in post-independence India.

The change started with the Mathura case's shock, revealing the entrenched prejudices of the Indian criminal justice system and inspiring a countrywide reform movement. The 1983 and 2013 legislative reactions, coupled with shifting judicial mindsets illustrated by the Gurmit Singh and Patan Jamal Vali cases, have produced a much more victim-focused legal environment.

Most significant are the recognition that other than credible victim testimony, there can be no support for sustaining a conviction, the ban against admitting irrelevant sexual history evidence, the establishment of presumptions of non-consent, the broadening of rape definitions to encompass other types of sexual assault, and the creation of procedural safeguards for victim privacy and dignity. The recent adoption of intersectionality theory and the ultimate prohibition on the two-finger test are significant moves toward a more refined and humane response to sexual violence.