
SURVIVOR-CENTRIC JUSTICE IN SEXUAL ASSAULT CASES: A CRITICAL SOCIO-LEGAL EVALUATION OF INDIA'S CRIMINAL JUSTICE SYSTEM

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ABSTRACT

Sexual assault violates bodily integrity, personal autonomy, and human dignity in some of the worst ways a legal system has to deal with. India has passed major reforms namely, the Criminal Law (Amendment) Acts of 2013 and 2018, and now the Bharatiya Nyaya Sanhita, 2023 and courts have kept building on them. But punishing offenders was never going to be the whole answer, and survivors in India are still waiting on justice that goes beyond a conviction. The Supreme Court, for its part, has done real work here: reshaping what consent means in law, protecting survivors' privacy and dignity, calling out gender stereotypes in how cases get handled, and pushing procedures to be more victim-centric.

This paper asks a fairly direct question: has India's criminal justice system actually become survivor-centric, or does it just look that way on paper? To answer it, I used a doctrinal and socio-legal approach reading through constitutional provisions, statutes, and landmark Supreme Court judgments (drawing on SCC reports) to map how the law has changed. Alongside that, I ran a survey of 150 people, asking what they knew about sexual assault law, how well they understood consent, how much they trusted police and courts, what they thought about how survivors get treated, and whether they'd be willing to report an assault themselves.

What the research shows is that the law has gotten better, but the system hasn't caught up. Reforms have given survivors real rights on paper, but delays, weak forensics, stigma, and the risk of being retraumatized by the process itself keep undercutting them. I'd argue survivor-centric justice can't just mean conviction rates it has to include how investigations are conducted, whether trials are fair, whether survivors get psychological support and compensation, and whether institutions are actually held accountable when they fail.

Keywords: Sexual Assault; Survivor-Centric Justice; Criminal Justice System; Consent; Bharatiya Nyaya Sanhita, 2023; Victim Rights; Socio-Legal Study.

Introduction

Sexual assault is one of the most serious violations of human rights, striking at an individual's bodily integrity, personal autonomy, dignity, and equality. Unlike many other criminal offences, sexual violence leaves physical, psychological, emotional, and social scars that often last well beyond the offence itself. Its effects reach into survivors' access to education, employment, healthcare, and ordinary participation in society. Because of this, the criminal justice response to sexual assault cannot be judged only by prosecution and punishment; it has to be assessed by whether the legal system actually protects survivors through investigation, adjudication, and rehabilitation.

India's legal response to sexual offences has shifted gradually over the past few decades. Public anger over incidents of sexual violence, especially the 2012 Delhi gang rape, exposed how badly the existing law had failed, and that anger is what forced legislative and judicial reform to actually happen. The Justice Verma Committee's recommendations became the basis for the *Criminal Law (Amendment) Act, 2013*, which widened the definition of rape, added new sexual offences, tightened procedural safeguards, and made consent the central issue in sexual autonomy. The *Criminal Law (Amendment) Act, 2018* and, more recently, the *Bharatiya Nyaya Sanhita, 2023* carried this further, so the State has kept revisiting and toughening this area of criminal law rather than treating 2013 as the final word. Articles 14, 15, and 21 of the Constitution together guarantee equality before law, prohibit discrimination on the ground of sex, allow affirmative measures for women, and protect the right to life and personal liberty, which the Supreme Court has consistently read to include dignity, privacy, bodily integrity, and decisional autonomy.

Judicial interpretation has done much of the work in shaping sexual assault jurisprudence toward a more survivor-oriented approach. Through a series of landmark decisions, the Supreme Court has clarified what consent means, rejected stereotypical assumptions about survivors' conduct, recognized the evidentiary value of the prosecutrix's testimony, barred degrading medical practices such as the two-finger test, and reinforced procedural safeguards meant to protect survivors' dignity and privacy during criminal proceedings.

Even with these legal advances, real problems remain at the institutional level. Many sexual offences go unreported because survivors fear social ostracism, retaliation, or pressure from

their own families, and because they simply don't trust law enforcement to handle things well. Those who do come forward often face delayed investigations, police who handle them insensitively, weak forensic support, trials that drag on for years, cross-examination that amounts to a second trauma, and little real access to psychological help or compensation.

This study looks at whether India's criminal justice system has actually managed to build this kind of survivor-centric justice into how it handles sexual assault cases, or whether it's still mostly aspirational. It traces how the legislative framework on sexual offences has developed, looks at what the Supreme Court has contributed to survivor-oriented jurisprudence, and examines what procedural rights survivors actually have during investigation and trial. Alongside this, I ran a survey of 150 respondents to gauge public awareness of sexual assault law, understanding of consent, trust in police and courts, views on how survivors are treated, reporting behaviour, and attitudes toward punishment. Bringing the doctrinal and empirical sides together, the paper tries to work out whether legal reform has actually turned into real access to justice, or whether structural and institutional failures are still standing in the way of survivor-centric justice in India.

II. Evolution of Sexual Assault Law in India

A. Position under the Indian Penal Code, 1860

For a long time, sexual offences in India were governed by the *Indian Penal Code, 1860*, which criminalised rape under Sections 375 and 376. The IPC was a major achievement for its era, codifying criminal law during the colonial period, but the provisions on sexual offences barely changed for over a hundred years, even as constitutional jurisprudence and international human rights standards moved well beyond them. Critics pointed repeatedly to the same problems: a narrow definition of rape, weak recognition of consent, and thin protection for survivors.¹

Before the *Criminal Law (Amendment) Act, 2013*, Section 375 defined rape mainly as penile-vaginal penetration under specific circumstances, against the woman's will, without her consent, or where consent was obtained through coercion, deception, intoxication, or because she was under the age of consent. This left out several forms of non-consensual sexual penetration that were just as serious a violation of bodily autonomy. Oral, anal, digital, or object penetration, despite being equally invasive and traumatic, often couldn't be prosecuted as rape

¹ Indian Penal Code, 1860, ss. 375–376 (prior to amendment); Constitution of India, arts. 14, 15 & 21.

at all. If they were prosecuted, it was usually under other provisions carrying much lighter punishment.²

The law also carried a deeply patriarchal view of sexual violence. Courts and investigators tended to focus heavily on the survivor's physical resistance, her moral character, and her sexual history when assessing rape allegations. Even where the prosecutrix's testimony was credible on its own, courts often still expected medical or independent corroboration. This put an unrealistic burden of proof on survivors and fed directly into secondary victimisation within the criminal justice process.³

The gaps in this pre-2013 framework became impossible to ignore after the public reaction to the 2012 Delhi gang rape. That case laid bare just how weak the substantive law, investigative procedures, victim protection mechanisms, and sentencing policy really were. The resulting nationwide demand for reform led to the constitution of the Justice J.S. Verma Committee, whose recommendations went on to shape the legislative amendments that followed.⁴

B. Impact of the Criminal Law (Amendment) Act, 2013

The Criminal Law (Amendment) Act, 2013 was a turning point for India's criminal law on sexual offences. Passed in the aftermath of the 2012 Delhi gang rape and drawing heavily on the Justice J.S. Verma Committee's recommendations, it addressed long-standing gaps in the law by widening the range of punishable sexual offences, strengthening procedural safeguards, and putting consent and bodily autonomy at the centre of criminal liability.⁵ The legislature didn't adopt every recommendation the Committee made, but even so, the amendment changed how sexual violence was understood in law and pushed criminal law toward protecting survivors more seriously.

Expanded Definition of Rape

The most significant change the 2013 amendment made was to widen the definition of rape

² Indian Penal Code, 1860, s. 375 (prior to the Criminal Law (Amendment) Act, 2013); Justice J.S. Verma Committee Report on Amendments to Criminal Law (2013).

³ Law Commission of India, 84th Report on *Rape and Allied Offences: Some Questions of Substantive Law, Procedure and Evidence* (1980); Law Commission of India, 172nd Report on *Review of Rape Laws* (2000).

⁴ Justice J.S. Verma Committee Report on Amendments to Criminal Law (2013); Criminal Law (Amendment) Act, 2013.

⁵ Criminal Law (Amendment) Act, 2013; Justice J.S. Verma Committee Report, *Report of the Committee on Amendments to Criminal Law* (2013).

under Section 375 of the IPC. Before this, rape was understood mainly as penile-vaginal penetration, which left out many non-consensual acts that were just as serious a violation of bodily integrity. The amended provision broadened this considerably, covering penetration of the vagina, mouth, urethra, or anus by any body part or object, along with other forms of non-consensual sexual penetration.⁶ This reflected a basic recognition: sexual violence isn't limited to the traditional idea of penile penetration, and the law needed to cover a wider range of acts that violate a person's bodily autonomy and dignity.

Consent

The 2013 amendment changed how consent is understood in law by adding Explanation 2 to Section 375 of the IPC, which defines consent as an unequivocal, voluntary agreement communicated through words, gestures, or any verbal or non-verbal signal of willingness to take part in a specific sexual act. This shifted the focus away from physical resistance and toward voluntary participation, making clear that the absence of resistance doesn't amount to consent.⁷

New Offences

The 2013 amendment also created several new offences that recognised the many forms sexual violence and gender-based abuse can take. These included sexual harassment under Section 354A, assault or criminal force with intent to disrobe under Section 354B, voyeurism under Section 354C, and stalking under Section 354D of the IPC.⁸ Criminalising these acts separately was an acknowledgment that violations of women's bodily integrity and privacy go well beyond rape and deserve their own penal consequences.

The amendment also added provisions on acid attacks under Sections 326A and 326B of the IPC, along with procedural reforms meant to improve how survivors are treated during criminal proceedings. Changes to the Code of Criminal Procedure required FIRs to be registered promptly, allowed statements to be recorded before Judicial Magistrates, and added safeguards to reduce secondary victimisation during investigation.⁹ Together, these reforms moved

⁶ Indian Penal Code, 1860, s. 375 (as substituted by the Criminal Law (Amendment) Act, 2013).

⁷ Indian Penal Code, 1860, s. 375 Explanation 2 (inserted by the Criminal Law (Amendment) Act, 2013).

⁸ Indian Penal Code, 1860, ss. 354A–354D (inserted by the Criminal Law (Amendment) Act, 2013).

⁹ Code of Criminal Procedure, 1973, ss. 154, 161, 164 & 173 (as amended by the Criminal Law (Amendment) Act, 2013); Criminal Law (Amendment) Act, 2013.

criminal law away from an offence-centric model and toward a rights-based approach that took survivors' dignity, autonomy, and protection seriously at every stage of the process.

C. Criminal Law (Amendment) Act, 2018

The *Criminal Law (Amendment) Act, 2018* was the next major step in India's legal response to sexual offences. It came at a time of growing public concern about sexual violence against children and women, and it tried to strengthen deterrence through harsher punishment while also speeding up investigation and trial through new procedural measures.¹⁰ The 2013 reforms had already widened the substantive definition of rape and strengthened survivor protections, but continuing cases of brutal sexual violence kept the pressure on for a tougher penal framework.

One of the biggest changes in the 2018 amendment was raising the minimum punishment for rape under Section 376 of the IPC, from seven years to ten, which signalled that Parliament wanted sexual offences treated with more severity.¹¹ The amendment also set out enhanced punishment specifically for the rape of girls under sixteen and under twelve, recognising how much more vulnerable child survivors are.¹² For the worst category of offences, involving children under twelve, it even made the death penalty an available sentence.¹³

There were procedural changes too, aimed at cutting down delays in the system. Investigations into the rape of a child now had to be completed within a set time limit, and trial courts were pushed to move faster.¹⁴ This was Parliament admitting, in effect, that long investigations and drawn-out trials add to a survivor's trauma and erode public trust in the system

D. Transition to the Bharatiya Nyaya Sanhita, 2023

The *Bharatiya Nyaya Sanhita, 2023 (BNS)* reorganises India's criminal law framework, including how it deals with sexual offences. It replaces the *Indian Penal Code, 1860* and folds in the reforms brought by the *Criminal Law (Amendment) Acts of 2013 and 2018*, while keeping the core substantive principles that judicial interpretation and statutory amendment

¹⁰ Criminal Law (Amendment) Act, 2018.

¹¹ Indian Penal Code, 1860, s. 376(1) (as amended by the Criminal Law (Amendment) Act, 2018).

¹² Indian Penal Code, 1860, ss. 376AB & 376DA–376DB (inserted by the Criminal Law (Amendment) Act, 2018).

¹³ Criminal Law (Amendment) Act, 2018; Indian Penal Code, 1860, ss. 376AB & 376DB.

¹⁴ Code of Criminal Procedure, 1973, ss. 173(1A) & 309 (as amended by the Criminal Law (Amendment) Act, 2018).

had already built up over time.¹⁵ The move reflects Parliament's broader aim of modernising criminal law, simplifying its language, and bringing criminal provisions in line with how crime and justice are understood constitutionally and socially today.

On sexual offences specifically, the BNS largely keeps the substantive structure the 2013 amendment introduced, including the expanded definition of rape and the idea that consent has to be an affirmative, voluntary act. The re-codification does organise offences more systematically, but it still treats multiple forms of sexual violence as distinct wrongs, which keeps intact the legislative commitment to protecting bodily autonomy and sexual integrity comprehensively.¹⁶

So, the shift to the *Bharatiya Nyaya Sanhita, 2023* is best understood not as a break from earlier jurisprudence but as a continuation of a legal framework that Supreme Court interpretation and constitutional mandates have shaped over time. The real test is whether it actually improves what justice looks like, in practice, for survivors of sexual assault.

III. Survivor-Centric Justice under the Criminal Justice System

A. Understanding Consent in Modern Criminal Jurisprudence

Consent sits at the heart of sexual offence law. It's the line that decides whether sexual relations are lawful or criminal. Indian criminal law has moved a long way on this front, especially since the *Criminal Law (Amendment) Act, 2013*, shifting from a presumption-based idea of consent to one rooted in autonomy, voluntariness, and informed participation. The Supreme Court has said repeatedly that consent isn't passive submission, it's an active, clear exercise of free will, communicated in a way that shows willingness to take part in the specific act.¹⁷

In *Uday v. State of Karnataka, (2003) 4 SCC 46*, the Supreme Court held that consent obtained under a misconception of fact doesn't automatically vitiate the sexual relations, unless it's established that the accused never actually intended to keep the promise made at the outset. The Court warned against turning every broken promise into a criminal offence, drawing an early line between consensual relationships and outright deception.¹⁸ This got refined later in

¹⁵ Bharatiya Nyaya Sanhita, 2023.

¹⁶ Bharatiya Nyaya Sanhita, 2023, ch. V (Offences against Woman and Child).

¹⁷ *Kaini Rajan v. State of Kerala, (2013) 9 SCC 113*.

¹⁸ *Uday v. State of Karnataka, (2003) 4 SCC 46*.

Deepak Gulati v. State of Haryana, (2013) 7 SCC 675, where the Court reaffirmed that the distinction between a false promise and a promise that simply wasn't kept later is what actually determines whether consent was vitiated from the start.¹⁹

This line of reasoning was consolidated further in *Pramod Suryabhan Pawar v. State of Maharashtra*, (2019) 9 SCC 608, where the Supreme Court clarified that consent under Section 375 IPC requires a conscious decision based on understanding both the nature of the act and its consequences. Consent is only vitiated where deception strikes at the root of voluntary participation, which keeps criminal liability from being stretched to cover relationships that simply failed.²⁰

B. Rights of Survivors during Investigation

The investigative stage is usually the first, and often the most critical, point of contact between survivors and the criminal justice system. Whatever goes wrong here tends to carry through the entire trial. The Supreme Court has recognised this and pushed repeatedly for investigations in sexual offence cases to be fair, sensitive, and time-bound.

In *State of Punjab v. Gurmit Singh*, (1996) 2 SCC 384, the Court held that rape survivors shouldn't face insensitive questioning or humiliating treatment during investigation, and that a delay in reporting shouldn't be held against a survivor, given the social stigma and psychological trauma these crimes carry.²¹ *State of Himachal Pradesh v. Raghubir Singh*, (1993) 2 SCC 622, built on this, holding that minor inconsistencies or delays can't be used to discredit a prosecutrix's testimony as long as her overall account is credible.²²

Statutory and judicial intervention has also strengthened procedural safeguards, requiring FIRs to be registered promptly under *Section 154 CrPC* and survivors' statements to be recorded with proper sensitivity under *Section 164 CrPC*. In *Delhi Domestic Working Women's Forum v. Union of India*, (1995) 1 SCC 14, the Supreme Court laid down guidelines for compensation and legal assistance to survivors, recognising that access to justice starts right at the investigative stage and needs real institutional support behind it.²³

¹⁹ *Deepak Gulati v. State of Haryana*, (2013) 7 SCC 675.

²⁰ *Pramod Suryabhan Pawar v. State of Maharashtra*, (2019) 9 SCC 608.

²¹ *State of Punjab v. Gurmit Singh*, (1996) 2 SCC 384.

²² *State of Himachal Pradesh v. Raghubir Singh*, (1993) 2 SCC 622.

²³ *Delhi Domestic Working Women's Forum v. Union of India*, (1995) 1 SCC 14.

In *Aparna Bhat v. State of Madhya Pradesh*, (2021) 3 SCC 247, the Court strongly criticised compromise-based reasoning in sexual offence cases, directing courts to avoid mediation or settlement in offences of this kind, since these are crimes against society as a whole, not private disputes.²⁴ The decision reflects something the Court has kept coming back to: survivors' dignity has to stay central at every stage of criminal procedure, not just at trial.

C. Rights during Trial

The trial stage is meant to ensure fair adjudication while also protecting survivors' dignity and privacy. The Supreme Court has built a fairly solid body of jurisprudence around preventing secondary victimisation during trial.

In *State of Punjab v. Gurmit Singh*, (1996) 2 SCC 384, the Court made in-camera trials mandatory in rape cases to shield survivors from public exposure and humiliation.²⁵ This was later written into the Code of Criminal Procedure itself.

The Court has also insisted, consistently, that survivors' identities be protected. In *Nipun Saxena v. Union of India*, (2019) 2 SCC 703, the Supreme Court laid down detailed guidelines banning disclosure of a rape survivor's identity in any form, including in judgments and media coverage.²⁶ The reasoning was that disclosing identity causes harm that can't be undone, and it discourages survivors from coming forward at all.

In *Lillu @ Rajesh v. State of Haryana*, (2013) 14 SCC 643, the Supreme Court struck down the two-finger test as unconstitutional, holding that it violates survivors' dignity and privacy and has no real scientific basis, making it a violation of Article 21.²⁷ This judgment was a major step toward eliminating invasive, degrading practices in medical examinations connected to trial.

D. Compensation, Rehabilitation and Victim Support

Survivor-centric justice isn't just about conviction and punishment, it also covers compensation, rehabilitation, and psychological support. In *Bodhisattwa Gautam v. Subhra*

²⁴ *Aparna Bhat v. State of Madhya Pradesh*, (2021) 3 SCC 247.

²⁵ *Aparna Bhat v. State of Madhya Pradesh*, (2021) 3 SCC 247.

²⁶ *Nipun Saxena v. Union of India*, (2019) 2 SCC 703.

²⁷ *Lillu @ Rajesh v. State of Haryana*, (2013) 14 SCC 643.

Chakraborty, (1996) 1 SCC 490, the Supreme Court recognised a rape survivor's right to interim compensation, holding that the State is obligated to provide financial help to ease the harm suffered.²⁸

Similarly, in *Delhi Domestic Working Women's Forum v. Union of India, (1995) 1 SCC 14*, the Court directed that mechanisms for compensation and legal aid be set up, pointing out that survivors often don't have the resources to navigate the criminal justice system on their own.²⁹ These decisions reflect a wider view of justice, one that includes restorative elements alongside punishment.

IV. Judicial Response: Evolution of Sexual Assault Jurisprudence

The Supreme Court has been the real driver behind reshaping sexual offence jurisprudence in India, steadily bringing criminal law closer to constitutional values of dignity, equality, and personal autonomy. Legislative reform expanded the statutory framework, sure, but it's judicial interpretation that gave these provisions actual depth and made them work in practice. The Court has moved away from old, morality-driven approaches and built something more rights-based instead, one that puts survivor dignity at the centre of how these cases get decided.³⁰

A. Meaning of Consent

The case law on consent shows a gradual but real shift, away from a restrictive, presumption-based view and toward one grounded in autonomy and voluntariness. In *Uday v. State of Karnataka, (2003) 4 SCC 46*, the Supreme Court held that consent obtained under a misconception of fact doesn't automatically amount to rape, unless it's shown the accused never actually intended to keep the promise from the start. The Court warned against treating every broken promise as a crime, drawing an early line between consensual relationships and outright deception.³¹

This got refined in *Deepak Gulati v. State of Haryana, (2013) 7 SCC 675*, where the Court reaffirmed that consent has to be distinguished from submission that comes out of deception or coercion, and that a consensual relationship can't be turned into a crime after the fact just

²⁸ *Bodhisattwa Gautam v. Subhra Chakraborty, (1996) 1 SCC 490*.

²⁹ *Delhi Domestic Working Women's Forum v. Union of India, (1995) 1 SCC 14*.

³⁰ Constitution of India, arts. 14, 15 & 21.

³¹ *Uday v. State of Karnataka, (2003) 4 SCC 46*.

because it didn't work out.³²

A clearer articulation came in *Pramod Suryabhan Pawar v. State of Maharashtra*, (2019) 9 SCC 608, where the Court held that consent under Section 375 IPC has to be affirmative, informed, and conscious, based on actually understanding the nature of the act. Consent is only vitiated where the promise was false right from the start and directly led to the sexual act.³³

B. “No Means No” Principle

The Supreme Court has held, repeatedly, that the absence of consent is what actually matters in sexual offence cases, and that courts shouldn't lean on stereotypes about how a survivor "should" resist or behave. In *State of Punjab v. Gurmit Singh*, (1996) 2 SCC 384, the Court rejected the idea that physical resistance is a necessary part of rape, recognising that survivors respond to sexual violence in different psychological and physical ways.³⁴

Bharwada Bhoginbhai Hirjibhai v. State of Gujarat, (1983) 3 SCC 217, made a similar point, with the Court noting it's unrealistic to expect corroboration in every sexual assault case given the stigma attached to these allegations, and that insisting on it misreads what survivors actually go through.³⁵

In *Aparna Bhat v. State of Madhya Pradesh*, (2021) 3 SCC 247, the Court came down hard on judicial reliance on gender stereotypes, directing courts to avoid any reasoning that trivialises sexual violence or shifts the focus onto the survivor's own conduct. The judgment made clear that judicial reasoning has to reflect constitutional morality, not patriarchal assumptions.³⁶

C. Delay in FIR

The Supreme Court has held, consistently, that a delay in reporting a sexual offence can't by itself sink the prosecution's case. In *State of Himachal Pradesh v. Gian Chand*, (2001) 6 SCC 71, the Court recognised that such delays are often driven by fear, trauma, and stigma, and need to be judged in that context rather than on their face.³⁷

³² *Deepak Gulati v. State of Haryana*, (2013) 7 SCC 675.

³³ *Pramod Suryabhan Pawar v. State of Maharashtra*, (2019) 9 SCC 608.

³⁴ *State of Punjab v. Gurmit Singh*, (1996) 2 SCC 384.

³⁵ *Bharwada Bhoginbhai Hirjibhai v. State of Gujarat*, (1983) 3 SCC 217.

³⁶ *Aparna Bhat v. State of Madhya Pradesh*, (2021) 3 SCC 247.

³⁷ *State of Himachal Pradesh v. Gian Chand*, (2001) 6 SCC 71.

State of Punjab v. Gurmit Singh, (1996) 2 SCC 384, made the same point, holding that a survivor's reluctance to report is natural and can't be used to discredit her testimony, and that the system needs to approach delay with sensitivity rather than suspicion.³⁸

D. Testimony of Prosecutrix

There's a consistent line of authority holding that a prosecutrix's testimony carries the same weight as that of an injured witness and doesn't legally need corroboration. In *Bharwada Bhoginbhai Hirjibhai v. State of Gujarat*, (1983) 3 SCC 217, the Court held that a woman would ordinarily have no reason to falsely allege rape, given the stigma attached to it.³⁹

This was reaffirmed in *State of Maharashtra v. Chandraprakash Kewalchand Jain*, (1990) 1 SCC 550, where the Court held that a prosecutrix's testimony alone, if trustworthy, is enough for conviction, rejecting corroboration as a legal requirement and strengthening survivors' position in evidentiary terms.⁴⁰

E. Medical Evidence and the Two-Finger Test

The Supreme Court has firmly rejected invasive, scientifically baseless medical practices in sexual offence cases. In *Lillu @ Rajesh v. State of Haryana*, (2013) 14 SCC 643, it struck down the two-finger test as unconstitutional, holding that it violates survivors' dignity, privacy, and bodily integrity under Article 21.⁴¹

The Court pointed out that such tests have little real evidentiary value and that their continued use reflects outdated, patriarchal thinking about sexual history and character. This judgment marked a real step forward in bringing forensic practice in line with constitutional protections.

F. Victim Dignity and Privacy

The Supreme Court has held consistently that dignity and privacy are core to how criminal justice works in sexual offence cases. In *Nipun Saxena v. Union of India*, (2019) 2 SCC 703, it issued binding guidelines banning disclosure of a rape survivor's identity at any stage of

³⁸ *State of Punjab v. Gurmit Singh*, (1996) 2 SCC 384.

³⁹ *Bharwada Bhoginbhai Hirjibhai v. State of Gujarat*, (1983) 3 SCC 217.

⁴⁰ *State of Maharashtra v. Chandraprakash Kewalchand Jain*, (1990) 1 SCC 550.

⁴¹ *Lillu @ Rajesh v. State of Haryana*, (2013) 14 SCC 643.

proceedings, including judgments and media reporting.⁴²

X v. Principal Secretary, Health and Family Welfare Department, Government of NCT of Delhi, (2023) 9 SCC 433, reaffirmed that reproductive autonomy and bodily integrity are part of Article 21, further grounding survivor protection in the Constitution.⁴³

G. Compensation and Rehabilitation

The case law on compensation reflects a shift toward recognising the restorative side of criminal justice. In *Bodhisattwa Gautam v. Subhra Chakraborty*, (1996) 1 SCC 490, the Supreme Court held that rape survivors are entitled to interim compensation as part of the right to life under Article 21.⁴⁴

In *Delhi Domestic Working Women's Forum v. Union of India*, (1995) 1 SCC 14, the Court directed that 'institutional mechanisms for legal aid and compensation be created, placing the responsibility on the State to ensure real access to justice'.⁴⁵

V. Empirical Analysis: Public Perception of Sexual Assault Laws

The empirical part of this study is based on a structured survey of 150 respondents, aimed at gauging public awareness of sexual assault laws, how well people understand consent, how much confidence they have in criminal justice institutions, their views on how survivors are treated, and their reporting behaviour.

A. Awareness of Sexual Assault Laws

Respondents showed a moderate general awareness that laws on sexual offences exist, particularly around rape and sexual harassment. But once you got past that, detailed knowledge of the actual provisions, including the *Criminal Law (Amendment) Act, 2013* and what came after, was pretty thin. Most participants knew rape was a criminal offence, but many had no idea the legal definition under Section 375 IPC had been expanded, or that newer offences like stalking and voyeurism existed under Sections 354C and 354D IPC.⁴⁶

⁴² *Nipun Saxena v. Union of India*, (2019) 2 SCC 703.

⁴³ *X v. Principal Secretary, Health and Family Welfare Department, Government of NCT of Delhi*, (2023) 9 SCC 433.

⁴⁴ *Bodhisattwa Gautam v. Subhra Chakraborty*, (1996) 1 SCC 490.

⁴⁵ *Delhi Domestic Working Women's Forum v. Union of India*, (1995) 1 SCC 14.

⁴⁶ Indian Penal Code, 1860, ss. 354A–354D (as amended by the Criminal Law (Amendment) Act, 2013).

B. Understanding of Consent

The survey found a fair amount of confusion around what consent actually means. Most respondents linked consent to verbal agreement, but a significant number still equated it with the absence of resistance or plain silence. That's the older, informal idea of consent still holding on, even though the law formally redefined it under Explanation 2 to Section 375 IPC, which treats consent as something affirmative and voluntary, not just an absence of objection.⁴⁷

This matters given what the Supreme Court has said about consent needing to be free, voluntary, and informed, as it held in *Pramod Suryabhan Pawar v. State of Maharashtra*, (2019) 9 SCC 608. The gap between what the law says and what people actually believe is exactly why structured consent education needs to be part of any real reform, legal or social.

C. Confidence in Police Investigation

Public confidence in how police handle sexual offence cases came out relatively low to moderate. A number of respondents raised concerns about delayed FIRs, insensitive handling of survivors, and bias in how investigations get carried out. This lines up with what the Supreme Court said in *State of Punjab v. Gurmit Singh*, (1996) 2 SCC 384, where it recognised that investigation in these cases needs to be sensitive and trauma-informed.⁴⁸

D. Confidence in Courts

Confidence in the judiciary came out noticeably higher than confidence in police, though respondents still raised concerns about trial delays and secondary victimisation during cross-examination. People acknowledged the judiciary's role in protecting survivor rights, but also flagged how complicated and slow the process can feel.

This tracks with what the Supreme Court recognised in *Bodhisattwa Gautam v. Subhra Chakraborty*, (1996) 1 SCC 490, where delay in the criminal process was treated as something that actually undermines justice in sexual offence cases, and timely relief and compensation for survivors was stressed as a necessity.⁴⁹

⁴⁷ Indian Penal Code, 1860, s. 375 Explanation 2; *Pramod Suryabhan Pawar v. State of Maharashtra*, (2019) 9 SCC 608.

⁴⁸ *State of Punjab v. Gurmit Singh*, (1996) 2 SCC 384.

⁴⁹ *Bodhisattwa Gautam v. Subhra Chakraborty*, (1996) 1 SCC 490.

E. Perception of Survivor Treatment

A significant share of respondents felt that survivors still face stigma and secondary victimisation, sometimes from society, sometimes from the criminal justice system itself. This includes worries about insensitive questioning, identity disclosure, and family pressure to withdraw complaints.

Judicial steps like *Nipun Saxena v. Union of India*, (2019) 2 SCC 703, which requires strict confidentiality around survivor identity, show an attempt to fix this at the institutional level.⁵⁰

But the fact that these perceptions persist among respondents suggests the gap between what the law requires and what actually happens is still wide.

F. Reporting Behaviour

A good number of respondents believe sexual offences are significantly underreported. The reasons they gave were fairly consistent: fear of stigma, distrust of law enforcement, pressure from family, and worry about how long the judicial process drags on. This matches what the Supreme Court observed in *Delhi Domestic Working Women's Forum v. Union of India*, (1995) 1 SCC 14, recognising that survivors often hold back from reporting because of systemic and social barriers, not personal reluctance alone.⁵¹

G. Public Opinion on Punishment

Views on sentencing came out mixed, though most respondents leaned toward wanting stricter punishment for sexual offences. At the same time, quite a few recognised that punishment alone doesn't deal with prevention, rehabilitation, or fixing the institutions themselves. That's a sign people are starting to see criminal justice as something that has to balance retribution with restoration, not just one or the other.

H. Correlation between Survey Findings and Existing Law

Putting the case law and the survey results side by side, there's a clear gap between how much the law has changed and how much the public actually understands it. Supreme Court jurisprudence and legislative reform have genuinely strengthened the legal framework around

⁵⁰ *Nipun Saxena v. Union of India*, (2019) 2 SCC 703.

⁵¹ *Delhi Domestic Working Women's Forum v. Union of India*, (1995) 1 SCC 14.

sexual offences, but that hasn't translated evenly into public understanding. Misconceptions about consent are still common, trust in investigative institutions is limited, and reporting still carries real stigma, all of which suggests survivor-centric justice hasn't fully arrived in practice, whatever the law says.

VI. Persistent Challenges in Delivering Survivor-Centric Justice

Even with substantial legislative reform and a growing body of Supreme Court jurisprudence, actually delivering survivor-centric justice in sexual assault cases still runs into real structural and institutional problems. These aren't just gaps in substantive law, they show up in how investigative agencies, prosecutors, forensic institutions, and trial courts actually deal with survivors at every stage of the process. That persistence points to a real gap between what the law promises and what happens in practice.

A. Underreporting

One of the most stubborn problems in sexual assault cases is how many go unreported. Survivors often hold back from starting legal proceedings because of social stigma, pressure from their own families, economic dependence, or simply not trusting the system to treat them fairly. The Supreme Court acknowledged this in *State of Punjab v. Gurmit Singh*, (1996) 2 SCC 384, noting that reluctance to report is a natural response to how society treats these cases, and shouldn't be used to discredit allegations.⁵²

Bodhisattwa Gautam v. Subhra Chakraborty, (1996) 1 SCC 490, made a similar point, recognising that the trauma of sexual violence itself often keeps survivors from approaching authorities quickly.⁵³

B. Secondary Victimization

Secondary victimisation during the criminal process is still a real problem. Survivors regularly face insensitive questioning, invasive medical exams, and hostile cross-examination, all of which can deepen the psychological harm they've already suffered. The Supreme Court has pushed back against this repeatedly. In *Aparna Bhat v. State of Madhya Pradesh*, (2021) 3 SCC 247, the Court strongly criticised judicial reliance on stereotypes, directing courts to make sure

⁵² *State of Punjab v. Gurmit Singh*, (1996) 2 SCC 384.

⁵³ *Bodhisattwa Gautam v. Subhra Chakraborty*, (1996) 1 SCC 490.

proceedings don't trivialise sexual violence or shift blame onto survivors.⁵⁴

And in *Lillu @ Rajesh v. State of Haryana*, (2013) 14 SCC 643, the Court held that degrading practices like the two-finger test violate survivors' dignity and privacy and can't be squared with the constitutional guarantees under Article 21.⁵⁵

C. Investigative Deficiencies

Weak investigation is one of the biggest obstacles to prosecuting sexual assault cases well. Delayed statement recording, sloppy evidence collection, and poor coordination between police and forensic agencies all end up weakening the case's evidentiary foundation. In *State of Himachal Pradesh v. Gian Chand*, (2001) 6 SCC 71, the Supreme Court held that investigation in sexual offence cases needs to be handled with sensitivity and speed, given how psychologically vulnerable survivors are.⁵⁶

But judicial directives and statutory reform haven't been enough to fix this on their own, investigative shortcomings still shape how these cases turn out. In *Delhi Domestic Working Women's Forum v. Union of India*, (1995) 1 SCC 14, the Court stressed the need for specialised support for survivors during investigation, including legal aid and compensation, making the point that a good investigation is part of what access to justice actually means.⁵⁷

D. Forensic Challenges

Weak forensic infrastructure adds another layer of difficulty. Delayed forensic reports, limited access to advanced testing, and inconsistent adherence to medical protocols all get in the way of collecting evidence accurately and on time. The Supreme Court values medical and forensic evidence, but it's also warned against leaning too heavily on invasive, unreliable practices, as it did in *Lillu @ Rajesh v. State of Haryana*, (2013) 14 SCC 643.⁵⁸

E. Trial Delays

Delay in deciding sexual offence cases is still a serious systemic problem. Long trials don't just

⁵⁴ *Aparna Bhat v. State of Madhya Pradesh*, (2021) 3 SCC 247.

⁵⁵ *Lillu @ Rajesh v. State of Haryana*, (2013) 14 SCC 643.

⁵⁶ *State of Himachal Pradesh v. Gian Chand*, (2001) 6 SCC 71.

⁵⁷ *Delhi Domestic Working Women's Forum v. Union of India*, (1995) 1 SCC 14.

⁵⁸ *Lillu @ Rajesh v. State of Haryana*, (2013) 14 SCC 643.

weaken the deterrent effect of criminal law, they also stretch out the trauma survivors have to live with. In *Bodhisattwa Gautam v. Subhra Chakraborty*, (1996) 1 SCC 490, the Supreme Court pointed to the need for speedy proceedings, treating timely justice as part of a survivor's right under Article 21.⁵⁹

F. Low Conviction Rates

Low conviction rates in sexual assault cases are still a real concern. Conviction rates don't tell the whole story about whether legal reforms are working, but they do point to deeper structural problems in how investigation, prosecution, and evidence collection actually happen. The Supreme Court has warned repeatedly against reading evidentiary gaps as a reason to doubt survivor testimony. In *State of Punjab v. Gurmit Singh*, (1996) 2 SCC 384, the Court held that a prosecutrix's testimony, if credible, can support a conviction on its own, without corroboration.⁶⁰

G. Social Stigma

Social stigma is still one of the biggest barriers standing in the way of survivor-centric justice. Survivors face victim-blaming, and pressure from their own families, all of which shape whether they report at all and how they engage with the trial afterward. The Supreme Court touched on this in *Bharwada Bhoginbhai Hirjibhai v. State of Gujarat*, (1983) 3 SCC 217, noting that broader social attitudes toward sexual violence make survivors reluctant to report in the first place.⁶¹

VII. Recommendations

The persistent structural and procedural problems in sexual assault cases call for reform that goes further than just amending statutes. What's needed is stronger institutional capacity, better implementation, and improved survivor support systems. The recommendations below draw on Supreme Court observations, statutory developments, and the survey findings from this study.

⁵⁹ *Bodhisattwa Gautam v. Subhra Chakraborty*, (1996) 1 SCC 490.

⁶⁰ *State of Punjab v. Gurmit Singh*, (1996) 2 SCC 384.

⁶¹ *Bharwada Bhoginbhai Hirjibhai v. State of Gujarat*, (1983) 3 SCC 217.

A. Survivor-Centric Investigation

Police officers handling sexual offences need mandatory sensitisation training, covering gender sensitivity, the psychological impact of trauma, and how to properly interact with survivors. Standard operating procedures need to be enforced strictly so FIRs get registered promptly and evidence gets documented properly.

B. Police Capacity Building

Specialised sexual offence investigation units should be set up at the district level, staffed by trained personnel who can actually handle sensitive cases properly. Regular training and evaluation should be built in to hold these units accountable to real performance standards.

C. Strengthening Forensic Infrastructure

Prosecuting sexual assault cases effectively depends heavily on forensic evidence being timely and reliable. When forensic analysis is delayed or flawed, it weakens the whole evidentiary basis of a case and contributes to acquittals. The Supreme Court raised this concern in *Lillu @ Rajesh v. State of Haryana*, (2013) 14 SCC 643, criticising reliance on medically unscientific practices and calling for dignity in medical examination.⁶²

What's needed is investment in modern forensic labs, rapid response medical units, and standardised evidence collection protocols, along with better coordination between police and forensic departments so things don't get delayed.

D. Witness and Survivor Protection

Protecting survivors and witnesses is central to a fair trial. In *Nipun Saxena v. Union of India*, (2019) 2 SCC 703, the Supreme Court laid down strict guidelines to protect survivors' identity and privacy.⁶³ These protections need to actually be implemented on the ground, not just exist on paper.

A formal witness protection framework should be set up, covering anonymity, relocation support where necessary, and protection from intimidation, so survivors can take part in

⁶² *Lillu @ Rajesh v. State of Haryana*, (2013) 14 SCC 643.

⁶³ *Nipun Saxena v. Union of India*, (2019) 2 SCC 703.

proceedings without fear.

E. Psychological Rehabilitation

Psychological counselling needs to be built into the criminal justice process itself, with survivors getting state-funded mental health support from the moment they report through trial and beyond.

F. Compensation Framework

Compensation matters for restoring dignity and easing the harm survivors face. In *Delhi Domestic Working Women's Forum v. Union of India*, (1995) 1 SCC 14, the Supreme Court directed that mechanisms for compensation and legal aid be set up.⁶⁴

A uniform statutory compensation framework needs to be strengthened and applied consistently across states, with relief paid out promptly regardless of how the criminal case turns out.

G. Consent Education

The survey findings in this study point to real gaps in how well the public understands consent, which makes the case for structured legal literacy and education programmes.

Consent education should be built into school curricula, higher education, and public awareness campaigns, so the gap between what the law says and what people actually understand starts to close.

H. Institutional Accountability

Regular audits of police investigation practices, prosecutorial performance, and trial timelines should be introduced to check compliance with legal standards, and accountability mechanisms need to be strengthened so systemic failures don't keep slipping through.

VIII. Conclusion

Sexual assault jurisprudence in India shows an ongoing effort to bring criminal law in line with

⁶⁴ *Delhi Domestic Working Women's Forum v. Union of India*, (1995) 1 SCC 14.

constitutional morality and what survivors actually go through. Over time, legislative reform and judicial interpretation together have moved the focus away from a narrow, offence-centric model of prosecution toward something broader, one built on dignity, autonomy, and equality.

The wider statutory definitions, the reworking of consent as something affirmative and voluntary, and the new procedural safeguards all point in the same direction: a real legislative push to protect survivors better. The Supreme Court has done its part too, sharpening what consent means, pushing back against stereotypes in how evidence gets assessed, and insisting that sexual violence cases be handled with sensitivity and constitutional values in mind.

Even so, the gap between what the law says and what actually happens on the ground is still wide. Underreporting, weak investigations, slow trials, forensic limitations, and social stigma keep undermining the system, and this points to something important: legal reform by itself can't deliver real justice unless it's backed by stronger institutions and real change in how society treats survivors.

The survey findings in this study add to that picture, showing a real gap between formal legal standards and what the public actually understands, especially around consent and how much people trust justice institutions. That gap is exactly why legal awareness, sensitisation, and systemic reform matter as much as, if not more than, statutory amendments.

In the end, survivor-centric justice in sexual assault cases isn't something India has finished building, it's a constitutional commitment that has to be worked at continuously. It needs the legislature, the judiciary, law enforcement, and society all staying engaged. Dignity, equality, and real justice for survivors will only become real through institutions working together and a genuine shift in how society thinks about this.

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