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## **Amnesty International submission to the Justice Verma Committee 4 January 2013**

Amnesty International welcomes the opportunity to make a submission to the Justice Verma Committee on the reform of laws and criminal justice practices relating to crimes of sexual violence, including rape, in India.

Amnesty International notes that the Committee has invited submissions on:

“Possible amendments in the criminal laws and other relevant laws to provide for quicker investigation, prosecution and trial as also enhanced punishment for criminals accused of committing sexual assault of extreme nature against women, and connected areas such as gender justice, respect towards womanhood, and ancillary matters.”<sup>1</sup>

The recommendations and comments made in this submission mostly focus on areas of legal reform needed to address impunity for sexual violence against women in line with the Committee’s terms of reference. However, Amnesty International reminds the Committee that, although women and girls are disproportionately subjected to rape and other forms of sexual violence, men and boys and members of the transgendered community are also subjected to these crimes and are entitled, as a fundamental human right, to equal protection of the law.

This briefing, although not exhaustive, contains a general overview of India’s obligations under international human rights law (A), a list of general principles to keep in mind before drafting legislation on violence against women (B), suggested amendments to specific Indian laws (C), and some suggestions on the broader question of implementation (D).

In addition to recommendations for law reform, the briefing also highlights some other administrative, bureaucratic and societal changes that are necessary for India to effectively prevent and respond to rape and other sexual and gender-based crimes. However, in the short time available for comment, it was not possible to provide a detailed analysis of each of these areas, or to set out a comprehensive list of all areas requiring legal reform.

Amnesty International would therefore welcome the chance to provide more detailed input in the future to assist the Committee in its task.

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<sup>1</sup> See <http://pib.nic.in/newsite/erelease.aspx?relid=91148> (initial mandate); and <http://pib.nic.in/newsite/erelease.aspx?relid=91179> (expansion of the mandate).

## **A. India's obligations under international human rights law**

Sexual and other gender-based acts of violence violate the fundamental right to be free from discrimination and to physical and mental integrity. Such acts should be criminal offences, whether the victims are female or male.

India has ratified a range of international human rights instruments including the *International Covenant on Civil and Political rights* (ICCPR), which provides *inter alia* for the right to life (Article 6), equal rights of men and women (Article 3), the right to be free from torture or cruel, inhuman or degrading treatment or punishment (Article 7), the right to legal remedy (Article 2) and the right to equal protection of the law (Article 26).

India has also ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The Committee on the Elimination of All Forms of Discrimination Against Women has asked state parties to the CEDAW to ensure that laws against family violence and abuse, rape, sexual assault and other gender-based violence give adequate protection to all women, and respect their integrity and dignity, as gender-based violence is a form of discrimination.<sup>2</sup> Even when such acts are committed by non-state actors, the state bears responsibility and its officials can be held criminally liable if they knew or had reasonable grounds to believe that such acts are being committed by non-state actors and they failed to exercise due diligence to prevent, investigate and prosecute them.<sup>3</sup>

India is also signatory to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, although it has yet to ratify this treaty. The Committee against Torture has found that where rape and other forms of sexual violence are committed by state actors, such as the police or armed forces, or in custodial settings, these crimes constitute torture.

Furthermore, where the perpetrators hold a position of trust, such as teachers, religious leaders, hospital workers or doctors, sexual violence is also a breach of a duty of care.

## **B. General Principles Relevant to Drafting Legislation on Violence against Women**

1. *Criminalize all forms of sexual & gender-based violence against all people, regardless of gender*
  - 1.1 A full range of sexual violence acts should be expressly criminalised under Indian law and not subsumed under general crimes. These should include sexual intercourse without consent (generally referred to as 'rape'), aggravated sexual assault, indecent assault and acts of indecency (offences that generally involve inappropriate touching, including of genitals or other intimate areas or forcing a person to touch the genitals or intimate areas of another person).
  - 1.2 Domestic law should also criminalise rape and other crimes of sexual violence as crimes under international law. Sexual and gender-based violence committed in the context of an armed conflict can amount to war crimes. If committed as part of a widespread or systematic attack against civilians, they can also be crimes against humanity whether in the context of armed conflict or not.

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<sup>2</sup>General Recommendation 19, (11th session, 1992) available at <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm> (last accessed 4 January 2012).

<sup>3</sup>CAT GC No 2, UN Doc CAT/C/GC/2 (2008).

- 1.3 All persons should be equally protected by the law from violence with no discrimination on the basis of age, sex, race, ethnicity, religion, marital status, social status, caste or descent, migration status, employment (including sex work), sexual orientation or gender identity, or for appearance (for example, the way a woman is dressed).<sup>4</sup>
  - 1.4 Criminal law should identify rape and other sexual violence as crimes against the physical and mental integrity of the victim, not as a crime against modesty, morality or honour.
  - 1.5 Rape and other forms of sexual violence should be defined as sexual conduct in which the victim involved was coerced, by violent or non-violent means, and therefore the victim's agreement to engage in sexual acts was not truly and freely given.
  - 1.6 There should be no assumption in law or in practice that a survivor has given their consent because they have not physically resisted the unwanted sexual conduct regardless of whether or not the perpetrator threatened to use or used physical violence.
  - 1.7 Criminal law should enable the effective prosecution of any person suspected for acts of sexual violence, and there should be no exemptions for certain perpetrators (such as in 'marital rape').
  - 1.8 There should be no discriminatory defences for perpetrators available on the grounds of "honour", "passion" or "provocation" that can be used to limit criminal liability for sexual violence.
  - 1.9 Criminal laws should provide that rape and some other forms of sexual violence in custody amount to torture.<sup>5</sup> They should also include provisions about rape and other crimes of sexual violence which may lead to deaths, and include sentences commensurate to these crimes.
  - 1.10 There should be no immunity from prosecution for sexual and gender-based crimes, for example for members of the police force or armed services, or high-ranking officials or heads of state.
2. *Amend criminal procedure to remove all gender (and other) discriminatory rules and practice*
    - 2.1 Gender discriminatory criminal procedure rules and rules of evidence applicable to cases involving sexual violence, should be amended.
    - 2.2 Other rules relating to evidence, such as any need for corroboration of a rape victim's testimony, or allowing evidence of the victim's previous sexual conduct should also be reviewed and amended. Such rules are inherently discriminatory, wrongly focus on the actions of the victim rather than the perpetrator, blame the

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<sup>4</sup> See Article 26 of the International Covenant on Civil and Political Rights.

<sup>5</sup> ECHR in *Aydiv. Turkey*, Judgment of 27 September 1997, Application No. 57/1996/676/866; UN CAT in *C.T. and K.M v. Sweden*, Communication No. 279/2005, 17 November 2006, UN Doc. CAT/C/37/D/279/2005 (2007). UN CAT in *V.L. v. Switzerland*, Communication No. 262/2005, 20 November 2006, UN Doc. CAT/C/37/D/262/2005 (2007).

victim for the rape and perpetuate gender stereotypes. They deter survivors from reporting rapes and thus contribute to impunity for such crimes.

- 2.3 There must be no legal provisions or practices that undermine or devalue the testimony of women or girls so long as it is clear that they are competent to testify. In particular, there must be no requirement that the victim's evidence be corroborated by other evidence; no inference that a woman or girl who was under the influence of alcohol or drugs (even minimally) at the time of the offence against her is responsible for the violence; no inference that a woman or girl is to blame because of how she was dressed, no inference that a woman or girl is to blame because of where she was.
  - 2.4 Sex workers should not be subjected to disparate treatment because of their employment.
  - 2.5 There should be a strong presumption against admission of evidence of sexual history to avoid discriminatory inferences being made about a complainant's credibility, character or predisposition to sexual availability.
3. *Ensure that the collection of forensic evidence and provision of medical care are appropriate and adequate*
- 3.1 Collection and processing of forensic evidence must be effective, must not exclude survivors on grounds of cost or location and must not further traumatize the person.
  - 3.2 Medical professionals should be trained in, and should follow all aspects of the World Health Organization (WHO) protocol on the collection of forensic evidence in cases of sexual and gender-based violence, including taking notes and samples in a way that ensures that the evidence can be used in criminal trials, for example, protecting the chain of custody of evidence and referring survivors to appropriate support services.
  - 3.3 Separate forensic medical examinations for the purpose of evidence collection should not be required and raises serious ethical issues. However, if a separate forensic medical examination is required, the medico-legal examiners should be trained in the above-mentioned WHO protocol.
  - 3.4 Survivors should not be charged for collection of samples (such as the cost of "rape kits") or for documenting the results of the testing in a medical report.
  - 3.5 Relevant codes of conduct, protocols or professional guidelines should be reviewed to ensure they do not contain any gender discriminatory requirements and assumptions as they contribute to impunity for crimes of sexual violence.

4. *Victim and witness support and protection*

Good victim and witness support and protection programmes are key to encouraging victims of sexual violence to come forward and report the crimes committed against them and to ensuring that criminal prosecutions can proceed.

*5. Penalties that reflect the gravity of the crime, but without recourse to the death penalty, or any other punishment which violates the absolute prohibition of torture and other ill-treatment*

Penalties for rape and other sexual offences must reflect the gravity of the crime, but without recourse to the death penalty or any other punishment which violates the absolute prohibition of torture and other ill-treatment, such as physical castration or non-consensual 'chemical castration'. Hormonal treatment to control sexual impulse in persons with a history of violence may be used only as a treatment option if discussed by patient and doctor; if assessed as an approach which may be effective and appropriate; if consented to by the person getting the treatment; and if subject to review.

*6. Training and gender-sensitization*

- 6.1 Police, prosecutors, defence counsels, judges and all others working in the criminal justice system should be required to undertake formal gender sensitization training to understand the nature and causes of crimes of sexual violence, their seriousness and the harm that they cause. They should also receive training in dealing with victims of sexual violence, including those suffering trauma, to avoid their re-traumatization and ensure investigations and prosecutions are conducted properly.
- 6.2 Police officers should also be trained in best practice methods of interviewing and supporting victims who have been subjected to sexual violence.

**C. Recommendations to amend specific provisions in Indian Law**

Amnesty International is concerned that there are a number of provisions under the Indian Penal Code, as well as provisions in some other relevant laws, which fall short of these principles. **However, given the limited consultation period, this briefing has focussed only on a small number of provisions requiring urgent amendment:**

ON THE CRIME OF RAPE

1. The ***scope of the crime of rape*** under section 375 of the Penal Code should be amended, at a minimum:
  - 1.1. to broaden the circumstances in which rape can be committed beyond the arbitrary limitations set out in current section 375 to include any non-consensual sexual conduct involving penetration, however slight;
  - 1.2. to broaden the scope of the crime beyond penetration of a vagina by a penis to better reflect the reality that rape is committed in different ways;
  - 1.3. to criminalise rape committed against any person, regardless of gender;
  - 1.4. to remove the exception for rape in marriage from section 375;
  - 1.5. to criminalise rape in the context of any intimate partner relationship, whether between family members or spouses; and

- 1.6. to provide that rape by officials of people under their care, custody or control, will always amount to torture.<sup>6</sup>
2. The ***definition of the crime of rape*** under section 375 of the Penal Code should be amended:
  - 2.1. to bring it into line with the highest standards under international law, to remove gender discriminatory elements and minimise the potential for re-traumatization of the victim.<sup>7</sup>

For example, the Committee for the *Convention on the Elimination of All Forms of Discrimination Against Women* has recommended that legislative definitions of rape place “‘the lack of consent at [the] centre’ and remove requirements that sexual assault be committed by force or violence and that penetration be proved. Further, to minimize secondary victimization of the survivors a definition of sexual assault should require either:

The existence of ‘unequivocal and voluntary agreement’ and requiring proof by the accused of steps taken to ascertain whether the complainant was consenting; or

... that the act take[s] place in coercive circumstances’ and includes a broad range of coercive circumstances.”<sup>8</sup>

- 2.2. The definition should require consent to be genuine.

For instance, as section 375 only partially provides, the victim may be incapable of giving genuine consent because of natural, induced or age-related incapacity. However, the section fails to provide for other circumstances in which genuine consent will not be possible, such as if the act is committed by force, or by threat of force or coercion, including by fear of violence, duress, detention, psychological oppression or abuse of power, or by taking advantage of a coercive environment (such as detention).

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<sup>6</sup> This applies to the criminal conduct proscribed under sections 376B-D of the Penal Code.

<sup>7</sup> Amnesty International notes that *The Criminal Law (Amendment) Bill 2012*, No 130 of 2012, contains amendments *inter alia* to the definition of rape. A thorough analysis of this bill is beyond the scope of this submission. However, in many respects it fails seriously to meet the fundamental principles set out above, including by excluding marital rape, defining sexual assault *vis a vis* penetration (even though it is gender neutral) and maintaining the restrictive definition of consent.

<sup>8</sup> M. Freeman, C. Chinkin, B. Rudolf (eds), *The UN Convention on the Elimination of All Forms of Discrimination Against Women, A Commentary*, (Oxford University Press) 2012, p. 547. Quoting the Committee in Communication No 18/2008 (2010) CEDAW/C/46/18/2008 para 8.8.

One example of a definition of rape the Commission may wish to consider<sup>9</sup> is found in the Council of Europe *Convention on Preventing and Combating Violence Against Women and Domestic Violence* (2011). It defines rape as:

“...non-consensual vaginal, anal or oral penetration of a sexual nature of the body of another person with any bodily part or object”

The Convention requires that “consent be given voluntarily as the result of the person’s free will assessed in the context of the surrounding circumstances.”<sup>10</sup>

#### IN RELATION TO RAPE AND SEXUAL VIOLENCE AS TORTURE

3. Indian criminal law should be amended to explicitly recognize rape by an official as torture, in accordance with findings of international and regional human rights bodies. Amnesty International notes that *The Prevention of Torture Bill 2010*, which is currently pending before Parliament, fails to address this.

#### IN RELATION TO RAPE AND SEXUAL VIOLENCE AS AN INTERNATIONAL CRIME

4. Criminalise rape and other crimes of sexual violence as crimes under international law. In each case, these crimes should be investigated and prosecuted. Superior orders are not a defence to these crimes, and commanders and superiors may be held individually criminally responsible for the acts of those under their command under the principle of command responsibility

#### OTHER FORMS OF SEXUAL VIOLENCE

5. Amnesty International recommends that the Penal Code be amended to criminalise other forms of sexual and indecent assaults, such as inappropriate touching, against any person, regardless of gender.<sup>11</sup> In particular, section 354 provides very weak protection based on gender stereotypes about women, their conduct and their behaviour. It should be amended to correctly identify this form of assault as sexual violence and a crime against the physical and mental integrity of the victim, not a crime against modesty,

<sup>9</sup> See also the definition used by the International Criminal Court (ICC):

The perpetrator invaded the body of a person by conduct resulting in penetration, however slight, of any part of the body of the victim or perpetrator with a sexual organ, or of the anal or genital opening of the victim with any object or any other part of the body by force, threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or another person, or by taking advantage of a coercive environment, or the invasion was committed against a person incapable of giving genuine consent.

Although the ICC has jurisdiction over crimes under international law, the definition in the Elements of Crimes is applicable to the domestic crime as well. This definition was adopted by consensus of the vast majority of UN member states and has been incorporated by a number of states into their national law.

Elements of Crimes for crime against humanity and war crime of rape (Art. 7 (1) (g)-1 and Art 8 (2) (b) (xxii)-1 respectively), ICC-ASP/1/3(part II-B), available at: [http://www.icc-cpi.int/en\\_menus/icc/legal%2otexts%2oand%2ootools/official%2ojournal/Pages/elements%2oof%2ocrimes.aspx](http://www.icc-cpi.int/en_menus/icc/legal%2otexts%2oand%2ootools/official%2ojournal/Pages/elements%2oof%2ocrimes.aspx)

<sup>10</sup> Article 36(2)(a) and (2) respectively.

<sup>11</sup> A bill addressing Sexual Harassment in the Workplace is currently pending before the Indian parliament. While Amnesty International is not making detailed comments on the content of that Bill, the organization notes that the Bill is not adequate to address the range of sexual assaults that are currently not criminalized under Indian law.

morality or honour. It should also be amended so that it applies to any person, regardless of gender. Indian case law on this provision reveals just how flawed this approach to serious sexual violence against women and girls is.<sup>12</sup>

6. Other forms of sexual violence in the context of any intimate partner relationship, whether between family members or spouses, should be criminalised.
7. Section 377 of the Indian Penal Code, which punishes anyone who, even consensually, has “carnal intercourse against the order of nature”, effectively criminalizes homosexuality in India. Amnesty International understands that a petition challenging the constitutionality of section 377 is currently pending before the Indian Supreme Court<sup>13</sup> and urges the Government to repeal the section, which is vague and does not satisfy the test of legality for criminal statutes. It also violates the right to equality and discriminates against people on the basis of their sexual orientation and gender identity. Non consensual sexual conduct and violence should be the subject of specific and precise legislative prohibitions.
8. *The Immoral Trafficking Prevention Act (ITPA)* allegedly seeks to address the problem of trafficking for sex work in India. However, section 8 of the Act criminalizes ‘seducing or soliciting for purpose of prostitution’. A 2003-2004 study by UNIFEM and the Government of India found that the process of law enforcement and access to justice further violated the victims’ rights.<sup>14</sup> It was common practice to arrest, prosecute and convict the trafficked victims under section 8. *The Immoral Traffic (Prevention) Amendment Bill 2006* has been pending in Parliament. It aims to strengthen provisions of the ITPA which punish people involved in trafficking, clients of sex workers, and people who run brothels. But again, not much attention is paid to the rehabilitation of victims.
9. Some laws in India make it mandatory to obtain the permission of the government before any members of the armed forces or police can be prosecuted for ‘civilian’ offences, including rape and sexual violence. Section 6 of the *Armed Forces Special Powers Act 1958*, is one example of such a provision. Similar provisions exist in other laws as well.<sup>15</sup> These provisions provide *de facto* immunity as sanctions for prosecution are only very rarely granted.<sup>16</sup> This has particular implications for survivors of crimes of

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<sup>12</sup> For example, in 1974, the Supreme Court used this provision to prosecute a man who had penetrated the vagina of the seven-month-old child with his finger. There was some discussion about whether the seven-month-old child possessed ‘modesty’ that could be outraged. While the man was found guilty, one judge dissented saying “no reasonable man would say that a female child of that age was possessed of womanly modesty”. *State of Punjab vs Major Singh*, AIR 1967 SC 63.

<sup>13</sup> The constitutionality of this section was challenged before the Delhi High Court in 2009. The Court did not strike down the entire section, but held that: “We declare that Section 377 IPC, insofar it criminalises consensual sexual acts of adults in private, is violative of Articles 21, 14 and 15 of the Constitution. The provisions of Section 377 IPC will continue to govern non-consensual penile non-vaginal sex and penile non-vaginal sex involving minors”. An appeal is currently pending before the Supreme Court. See *Naz Foundation v Government of NCT of Delhi*, 160 Delhi Law Times 277.

<sup>14</sup> *National Human Rights Commission (India), UNIFEM, ISIS, “A Report on Trafficking in Women and Children in India” 2002 – 2003* <http://nhrc.nic.in/Documents/ReportonTrafficking.pdf> (last accessed 17 December 2012).

<sup>15</sup> See for example section 22 of *The Jammu and Kashmir Public Safety Act, 1978*; section 197 of the *Code of Criminal Procedure, 1973*; and section 6, *Jammu And Kashmir Disturbed Areas Act, 1992*.

<sup>16</sup> See Amnesty International briefing on the Armed Forces Special Powers Act, 1958, AI No: ASA 20/025/2005.



sexual violence committed by members of India's security forces in Jammu and Kashmir and the North East of India, and their ability to access justice.

10. Amnesty International's 2005 report titled *Justice, the victim* found that violence against women was a key feature in the 2002 communal violence in the western state of Gujarat.<sup>17</sup> This report contained detailed recommendations regarding the rehabilitation and support for victims and survivors, but none of these measures have been taken to date. The *Communal violence (Prevention, Control and Rehabilitation) Bill 2011*, currently pending before the Indian Parliament, fails to adequately protect and provide rehabilitation for the women and children who have been victims of sexual violence in the context of communal violence.

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<sup>17</sup> Amnesty International, *Justice, the victim: Gujarat state fails to protect women from violence*, ASA 20/001/2005. <http://www.amnesty.org/en/library/info/ASA20/001/2005/en>

## D. Implementation of laws and accountability

There are many gaps in the implementation of current laws and any law reform will not be effective unless mechanisms are adopted to ensure the proper implementation of the existing, and any amended laws on crimes of sexual violence. Numerous failures in implementation of existing laws result in denial of justice to survivors of sexual violence at the very first stage of the process. These include police refusal to register a First Information Report (FIR) (which records the initial information/ complaint of offences reported to be committed), police registering the case under incorrect (usually lesser) sections of the IPC, delays to registration of the FIR and failure to conduct an effective, impartial investigation. The police force and the criminal justice system in general must be held accountable for the administration of the law, including the proper registration and prompt investigation of all reported rapes and other crimes of sexual violence. There must be an effective independent complaints mechanism for holding officials to account for failing in their duties.

Discriminatory attitudes on the part of police and other officials contribute to denial of justice for survivors of sexual violence. Gender-based discrimination combined with discrimination on the basis of caste, ethnicity or religion increases the likelihood that women and girls from Dalit or Adivasi communities or religious minorities will be denied justice.<sup>18</sup>

For example, despite the existence of the *Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act 1989*, to punish crimes committed on the basis of caste and Tribal origin, Dalit women who attempt to report gender-based violence sometimes face police refusing them entry to police stations because they are Dalit. Other barriers include police failing to register their cases under the correct IPC provisions and/or failing to register the case under the SC/ST (PoA) Act thereby ignoring the caste dimension of the case. The mechanisms specified under the SC/ST (PoA) Act and the 1995 'rules' for improving access to justice such as establishment of state and district level 'vigilance committees' are frequently not implemented either. Political will is needed to ensure effective implementation.

### RECOMMENDATIONS

The following is an illustrative, and non-exhaustive, list of recommendations on the implementation of laws in India:

1. Evidence suggests that the 'two-finger' test is still used in India during medical exams following a report of rape to establish whether a woman is "habituated to sexual intercourse".<sup>19</sup> While the Evidence Act does not make this test a requirement, a 2010 study found that hospital protocols still require that this test be conducted.<sup>20</sup> There is no credible medical or forensic evidence to show that this test can assist in determining if a woman has been vaginally raped. It is based on gender discriminatory stereotypes

<sup>18</sup>See for example, National Campaign on Dalit and Human Rights, A report of 20 Years-Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act - <http://ncdhr.org.in/latestinterventions/Report%20Card%20Eng.pdf/view>

<sup>19</sup>Human Rights Watch, "Dignity on Trial" <http://www.hrw.org/reports/2010/09/06/dignity-trial-o>

<sup>20</sup>Human Rights Watch, "Dignity on Trial" <http://www.hrw.org/reports/2010/09/06/dignity-trial-o>

and assumptions. All relevant authorities should be notified as a matter of urgency that such tests are not required and must not be carried out under any circumstances.

2. The police force and all parts of the criminal justice system must be subject to independent and enforceable accountability measures to ensure they properly administer Indian law, including the prompt and proper investigation of all reported rapes and other crimes of sexual violence and for pursuing prosecutions when there is sufficient admissible evidence.
3. Accountability mechanisms are necessary to ensure the proper handling of rape and sexual violence cases, including ensuring that all cases are registered immediately and that police officers work professionally with victims of sexual or gender-based violence, without discrimination on any ground. Codes of conduct should include provisions for holding officers accountable in cases where survivors have not been treated appropriately.
4. The Standard Operating Procedures for police should be reviewed, in consultation with women's rights organisations and other civil society groups, to ensure that they do not perpetuate gender stereotypes, fully respect fundamental human rights, are not open to abuse and are sensitive to survivors of sexual and gender-based violence and their families.

Police should be required to adhere to them, and their adherence should be monitored by superior officers regularly. Personnel not adhering to the procedures should be held accountable.

5. There is a crucial need for gender sensitization in schools, education systems, families and state machinery. In 2006 the National Council for Education, Research and Training (NCERT) published its national focus group report on Gender education which mentioned the need for sensitising children to issues to violence against women. However state and national curriculums fail to reflect Gender sensitization and education. Teaching age-appropriate sex education in school continues to be optional, depending on the teacher's decision.
6. Optimising the use of technology by the state to strengthen reporting mechanisms is essential. In particular, the helpline services (Number: 1091) should be strengthened. The potential for other forms of technology, such as mobile phone applications, to be used for example for reporting an offence or in other ways, should be researched. Research should also be conducted on any security or other risks to users, as well as on the ways in which the use of technology might allow a more efficient method of recording, tracking and monitoring cases reported.
7. It is imperative that trials are completed in a swift, sensitive and efficient manner. This ensures that the survivor does not suffer from unnecessary emotional trauma and harassment due to lengthy court procedures.
8. The majority of rape cases remain unreported in India. Actual statistics of rape are therefore likely to be much higher than those provided by the National Crime Records Bureau (NCRB) which are currently being used as a point of reference. It is essential to introduce other forms of surveys and research which can capture the extent of rape and other crimes of gender based violence in the country to ensure that appropriate policies and strategies are developed to tackle this problem. One such example is the

The National Crime Victimization Survey (NCVS) series, previously called the National Crime Survey (NCS), which has been collecting data on personal and household victimization since 1973 in the United States of America.