

The students of IIT Kanpur submit the following suggestions in response to the call for same by the Justice Verma Committee constituted by the Government to give recommendations on amending laws to provide speedier justice and enhanced punishment in sexual assault cases:

1. We feel that the present definition of rape as provided by the Section 375 of the Indian Penal Code needs to be revised and must be on similar lines as the recently revised definition of rape which has been adopted by the Federal Bureau of Investigation of the United States of America as quoted below- "Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim." [1]
2. We believe that the quantum of punishment should be increased from that existing now. The use of life imprisonment and chemical castration as additional means of punishment should be incorporated in cases of extreme brutality to the victim. In the "rarest of rare" cases capital punishment must be imposed and if deemed "unpardonable" by the Supreme Court of India, the President of India may not have the right to commute it to life sentence on the basis of mercy. We also recommend stricter punishment in cases of molestation.
3. We strongly recommend the setting up of fast track courts for sexual assault cases. These courts should have a permanent structure and not be created for a case by case ad-hoc basis. These courts must dispense justice in some pre fixed time frame. High technological support should be provided to these courts so that the whole process is less time consuming.
4. The Supreme Court of India had directed the separation of investigative and law and order functions of the police but this has not been effectively implemented in most states though there are signs from the Union Ministry of Home Affairs has recently been trying to make some efforts [3]. The splitting of the two is considered crucial for the administration of justice especially in cases of sexual assault. The law and order wing can provide every possible logistical support to the investigation team. We recommend for a push for an immediate implementation of this separation. We also recommend that at least one female officer be a part of such an investigation team. To cause less trauma to the victim the team must make sure that her statement be taken only once unless the victim expresses her desire to change or modify it. The performance of the investigation team must be monitored and can be assessed on the basis of conviction rate.
5. The doctors should not be authority to give a woman a character certificate. Hence, the per vagina test or the "two finger test" used to determine if a rape survivor is "habitual to sex" must be abolished and replaced by more scientific medical examination techniques which exist. If required the Government can take support from well reputed private hospitals and NGOs working in this field. The same has also been suggested in the report on "Dignity of Trial" by Human Rights Watch.[4]
6. To ensure that the victim is not traumatized any further we recommend the following:
 - a. FIR desks of every police station in the country must have a round the clock video recording.
 - b. The court sessions in such cases must be closed door sessions unless the victim opts otherwise.

