

SC calls for ban on two-finger test

The Supreme Court of India had recently called for the ban on the two-finger test in rape cases. It had provided similar judgement nearly a decade ago.

What did the SC Bench say?

A bench having Justice DY Chandrachud and Justice Hima Kohli recently made observations while overturning the acquittal of a rape accused in the Telangana High Court. It made several key observations during the judgement –

- It held that the practice of two-finger test in rape cases was “patriarchal” and “sexist” and called for its removal from the medical education syllabus.
- Anyone who conducts two-finger test would be guilty of misconduct.
- The practice re-traumatizes and re-victimizes women who were victims of rape.
- It is based on the misleading assumption that sexually active women cannot be raped.
- Evidence of victim’s sexual history is not related to the rape case.

What is two-finger test?

The two-finger test, known as per-vaginal examination in medical jargon, is the practice of inserting two fingers in the vagina to assess laxity of vaginal muscles and examine the hymen. This practice is used to gauge whether an individual is sexually active or a virgin.

According to experts, this practice is unscientific. This is because hymen and laxity of the vaginal orifice may occur for reasons that are not related to sex. It is used by doctors to assess the conditions of uterus.

Use of two-finger test in rape cases

After the 2012 Nirbhaya gang rape case, the Union Ministry of Health and Family Welfare updated the proforma for medical examination of rape victims to remove the two-finger test. The 2013 SC order had banned the test. However, its use is still prevalent in the society. Its presence in medical education syllabus has contributed to the continuation. Defence lawyers use an “affirmative” two-finger test question the victim’s character and refute allegations that the sex was non-consensual. This played a role in many victims losing cases.