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Reassessing the Evidentiary Standards in Sexual Offence Trials in India with a Focus on Survivor Centric Justice and Judicial Accountability

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ABSTRACT

The adjudication of sexual offence trials in India presents a persistent conflict between survivor-centric justice and traditional evidentiary standards. Despite statutory reforms such as Sec. 36 of the BSA 2023 and evolving jurisprudence recognising the evidentiary value of a survivor's sole testimony, courts often remain tethered to outdated notions of corroboration and character assessment. This paper re-examines the evidentiary structure underpinning sexual offence trials, critically assessing its ability to uphold constitutional values of dignity, equality, and non-discrimination. It argues that while the Indian judiciary has delivered landmark rulings affirming that the testimony of a rape survivor need not be treated with suspicion, in practice, judicial reasoning often relies on moralistic assumptions and stereotypes, particularly in the absence of physical injuries or prompt reporting. A central focus of this research is the application and limitations of Sec. 36, which presumes absence of consent in custodial rape cases. The narrow scope of this presumption and its inapplicability to all forms of rape under Sec. 63 IPC creates a jurisprudential gap. This study also critiques the uneven application of evidentiary standards and their reinforcement of patriarchal expectations from survivors. Drawing on Indian and comparative legal scholarship, the paper highlights how reform efforts must include not only statutory amendments but also doctrinal clarity, judicial training, and victim-sensitive adjudicatory norms. Through an integrated analysis of case law, statutory interpretation, and scholarly work, this paper calls for a recalibrated evidentiary framework that promotes both judicial accountability and survivor trust. The conclusion advocates harmonisation of evidentiary rules with constitutional values, creating a

more humane, equitable, and effective trial process for sexual offence cases.

KEYWORDS

Evidentiary Standards, Survivor-Centric Justice, Judicial Accountability, Sexual Offence Trials

INTRODUCTION

The sexual offence trials in India continue to grapple with complex evidentiary burdens that disproportionately impact the survivor rather than the accused. Despite progressive legislative reforms, including the 2013 Criminal Law (Amendment) Act, the lived reality in courtrooms often reflects a persistence of archaic assumptions about victim behaviour, sexual history, and notions of consent. The reliance on corroborative evidence, character scrutiny, and the idea that physical resistance is a prerequisite for proving non-consent betray an institutionalised distrust of survivor narratives¹. Such entrenched evidentiary expectations often lead to acquittals, not for want of truth, but due to judicial discomfort in engaging with evolving social and legal conceptions of sexual violence.

A pivotal statutory development in this context is Sec. 36 of the BSA 2023, which mandates that once sexual intercourse is established and the victim states absence of consent, the burden shifts to the accused to prove otherwise. While this provision reflects a rare survivor-centric presumption, courts have shown inconsistent commitment in its application. In *Gurcharan Singh v State of Haryana* (2022)², the Supreme Court diluted the utility of Sec. 36 by demanding overly specific and detailed testimony from the survivor, thereby reverting to sceptical judicial attitudes towards female credibility. The failure to standardise the interpretative application of such provisions reveals the gaps between legislative intent and courtroom reality.

Another contested evidentiary terrain is the continued reference to a survivor's sexual history despite the statutory prohibition under Sec. 48 of the BSA 2023. This sec., introduced via the 2013 amendment, disallows using past sexual conduct to cast doubt on the victim's credibility or suggest consent. However, in lower courts, especially at the trial level, implicit biases often override these protections. Judges sometimes entertain questions or arguments veiled in moralistic undertones, reinforcing the

¹ R. Kapur, 'Gender, Sovereignty and the Rise of a Sexual Security Regime in International Law and Postcolonial India' (2013) 14(1) Melbourne Journal of International Law 317.

² *Gurcharan Singh v State of Haryana* (2022) SCC OnLine SC 186.

discredited 'promiscuity equals consent' myth³. The judicial training and appellate scrutiny of such deviations remain insufficient, leading to systemic erosion of the protective scope envisioned by the statute.

The survivor's testimony, long recognised as substantive evidence in Indian jurisprudence, is frequently subjected to unreasonable scrutiny in sexual offence cases. In *State of Himachal Pradesh v Raghubir Singh*⁴, the Supreme Court held that a conviction can rest solely on the survivor's statement, provided it inspires confidence. Yet, in practice, the credibility of survivors is often questioned unless the testimony is corroborated by medical evidence, forensic reports, or eyewitnesses which are frequently unavailable in such crimes. This divergence between judicial precedent and lower court practice underlines the inadequacy of evidentiary standards to reflect a trauma-informed and survivor-centric approach.

The tension between survivor-centric justice and judicial accountability becomes especially stark when examining the role of judicial discretion. Many acquittals stem not from factual innocence, but from narrow judicial interpretation of consent and cautious application of legal presumptions. Judges have wide latitude in appreciating evidence, but in the absence of structured accountability mechanisms or gender-sensitisation protocols, this discretion can result in decisions reflecting patriarchal moral frameworks rather than legal principles. Recent scholarship, both Indian and global, calls for reorienting evidentiary rules to reflect trauma-informed practices, especially recognising the neurobiological and behavioural responses of survivors under coercion or threat.

EVIDENTIARY STANDARDS IN SEXUAL OFFENCE TRIALS

The evidentiary standards in sexual offence trials in India are primarily governed by the BSA 2023 and the BNSS 2023. At the heart of the debate is the treatment of the survivor's testimony whether it can stand alone or requires corroboration. Traditionally, Indian courts followed the "*rule of prudence*," expecting corroborative evidence in rape trials. However, this approach was gradually diluted with Supreme Court judgments affirming that the sole testimony of a survivor, if credible and trustworthy, can form the basis of conviction. The decision in *State of Punjab v Gurmit Singh*⁵ was particularly crucial in

³ Usha Tandon and Sidharth Luthra, 'Adjudication of Rape Cases in India: A Study of District Court Verdicts' (2020) 3(2) Indian Law Review 155.

⁴ *State of Himachal Pradesh v Raghubir Singh* AIR 1993 SC 974.

⁵ *State of Punjab v Gurmit Singh* (1996) 2 SCC 384.

asserting that unnecessary insistence on corroboration amounts to adding insult to injury.

Despite this precedent, trial courts often continue to expect medical corroboration, which remains problematic given that many sexual offences do not leave physical injuries, particularly in cases involving delayed reporting. Medical findings such as the controversial "two-finger test"—have historically been misused to discredit survivors, despite being banned by the Supreme Court in *Lillu v State of Haryana*⁶. The decision held that such tests are not only unscientific but also violative of the right to dignity under Article 21 of the Constitution. Nevertheless, the persistence of such outdated practices in medico-legal examinations reflects a gap between legal reform and ground-level implementation.

According to Sec. 36 of the BSA 2023, introduced after the 2023 amendment, provides a crucial legal presumption in favour of the prosecutrix in rape cases under custodial or authoritative contexts. If the prosecutrix states that she did not consent and intercourse is proved, the court shall presume lack of consent. This provision, reaffirmed in *Deepak Gulati v State of Haryana* (2013)⁷, shifts the evidentiary burden onto the accused. However, judicial application of this presumption remains inconsistent, with many courts demanding overly detailed and precise survivor narratives before applying Sec. 36, thereby defeating its protective intent.

Indian law also formally prohibits using the survivor's past sexual history to discredit her, under Sec. 34 of the BSA 2023, as amended by the Criminal Law (Amendment) Act, 2013. Yet courts sometimes entertain implicit references to a survivor's "*moral character*", particularly in cases where the survivor was in a consensual relationship before the alleged assault⁸. Academic research shows that judges' implicit moral judgments can still influence outcomes, especially when survivors deviate from stereotypical "*ideal victim*" behaviour.

However, globally, there is increasing recognition that evidentiary standards in sexual offence trials must align with trauma-informed perspectives. The neurobiology of trauma explains why survivors may delay reporting or give fragmented accounts. Indian courts, however, rarely consider such scientific evidence. Comparative jurisdictions like Canada and South Africa have begun integrating such insights into judicial reasoning. Indian jurisprudence must similarly evolve by acknowledging that

⁶ *Lillu v State of Haryana* (2013) 14 SCC 643.

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

⁸ S. Atrey, 'Sexual Harassment Law in India: Consent, Conformity and Context' (2015) 78(1) *Modern Law Review* 100.

procedural fairness must not be used as a cloak to justify structural disbelief and survivor-blaming.

SURVIVOR TESTIMONY AND THE PRESUMPTION OF TRUTH

The credibility of a survivor's testimony in sexual offence trials is central to the outcome of criminal prosecution. Indian law recognises the evidentiary weight of the survivor's statement, and the Supreme Court has consistently held that a conviction can rest solely on the survivor's credible testimony. In *State of Maharashtra v Chandraprakash Kewalchand Jain*⁹, the Court held that the victim of a sexual assault is not an accomplice, and thus her testimony does not require corroboration as a matter of law. This recognition places trust in the survivor's account and reflects a judicial shift from an accusatorial to a more survivor-focused adjudication.

However, in practice, courts especially at the trial level often demand corroborative evidence, reflecting an ingrained scepticism towards women's claims of sexual assault. This undermines the protective ethos of such judicial pronouncements. In *Rai Sandeep v State (NCT of Delhi)* (2012)¹⁰, the Supreme Court introduced the problematic category of a "sterling witness," implying that only testimonies which are impeccable and beyond reproach can sustain conviction without corroboration. Such framing places unrealistic burdens on survivors to deliver near-perfect narratives, which is inconsistent with how trauma affects memory, speech, and recall.

According to Sec. 36 of the BSA 2023¹¹ provides for a statutory presumption of absence of consent in specific rape cases (such as custodial rape), once the prosecutrix states in her evidence that she did not consent. This was a significant legislative attempt to strengthen the testimonial weight of the survivor and reverse the traditional burden on the complainant. However, the application of this presumption remains limited and often diluted¹². The courts hesitate to apply it in letter and spirit unless the circumstances are extraordinary or the survivor's conduct aligns with judicially imagined notions of victimhood.

However, the judicial attitudes towards survivor testimony continue to be influenced by stereotypes, particularly about women's sexual behaviour and the idea of 'false' rape complaints. Empirical studies of Indian trial court judgments show that courts

⁹ *State of Maharashtra v Chandraprakash Kewalchand Jain* AIR 1990 SC 658.

¹⁰ *Rai Sandeep v State (NCT of Delhi)* (2012) 8 SCC 21.

¹¹ BSA 2023, s 36.

¹² *Vikram Johar v State of UP* (2019) 14 SCC 207.

often attribute inconsistencies in survivor testimony to fabrication, rather than trauma. Internationally, courts in Canada and the UK have moved toward integrating trauma-informed practices to assess testimonial reliability. Indian jurisprudence, despite some progress, still lacks systemic methods to interpret such testimony through psychological and contextual lenses¹³.

There is a compelling case for reimagining the evidentiary approach to survivor testimony by embedding it within constitutional values of dignity and non-discrimination. The jurisprudence of Article 21 of the Indian Constitution, as extended in *K.S. Puttaswamy v Union of India* (2017)¹⁴, provides fertile ground to argue that survivors have a right to be believed unless strong contrary evidence is shown. A rights-based framework would shift the focus from suspicion to trust, and from procedural ritualism to substantive justice—restoring faith in the criminal justice process for sexual violence survivors.

THE ROLE OF JUDICIAL DISCRETION AND BIAS IN EVALUATING EVIDENCE

The exercise of judicial discretion in evaluating evidence is a cornerstone of the criminal justice system. However, in sexual offence trials, this discretion is often influenced by implicit biases, gender stereotypes, and subjective interpretations of victim behaviour. While judges are empowered to assess the credibility of testimony and apply legal presumptions, this power is not neutral. In the context of sexual violence, discretion frequently manifests in scepticism toward the survivor's narrative unless it conforms to rigid notions of an “*ideal victim*”—docile, modest, and physically resistant¹⁵. This interpretative lens undermines legislative reforms aimed at enhancing survivor-centric justice.

One of the most debated examples of judicial discretion is the inconsistent application of Sec. 36 of the BSA 2023. This provision mandates a presumption of non-consent where intercourse is proved and the woman affirms lack of consent, particularly in custodial rape and related offences. In *Tukaram v State of Maharashtra* (1979)¹⁶, the Supreme Court notoriously failed to apply such a presumption, relying instead on the supposed “passivity” of the survivor to conclude implied consent. Though later overruled legislatively, this precedent reveals how judicial

¹³ D. Halder, 'Sexual Violence and the Law in India: Consent, Age, and Marriage' (2018) 6(2) IJCCJ 87.

¹⁴ *K.S. Puttaswamy v Union of India* (2017) 10 SCC 1.

¹⁵ Jyoti Belur et al, 'The Role of Procedural Justice and Legitimacy in Shaping the Experiences of Victims of Sexual Violence in India' (2021) 61(4) British Journal of Criminology 1041.

¹⁶ *Tukaram v State of Maharashtra* (1979) 2 SCC 143.

discretion untethered to survivor-sensitive standards can reinforce patriarchal constructs.

While the law has evolved, discretionary biases remain embedded in courtrooms. A 2017 study of district court judgments in Delhi found that in over 35% of acquittals in rape cases, judges drew adverse inferences based on the survivor's delay in filing the FIR or inconsistencies in testimony, without considering trauma or logistical barriers. In *Raju v State of Madhya Pradesh* (2008)¹⁷, the Supreme Court acquitted the accused by holding that it was "unsafe" to convict solely on the survivor's testimony, despite long-standing precedent allowing for such convictions. This exemplifies how evidentiary discretion becomes an entry point for discrediting survivors.

The judges also frequently invoke the concept of "normal behaviour" to discredit survivors, using personal and often patriarchal perceptions of how a "real" victim would react to sexual assault. In *Kaini Rajan v State of Kerala*¹⁸, the court doubted the prosecution's version because the survivor did not raise an alarm or physically resist. Such interpretations ignore the neuropsychological responses of trauma, including dissociation and freezing, well-documented in forensic psychology literature but yet to be meaningfully incorporated into Indian judicial training or judgments.

The continued use of the "sterling witness" doctrine, as articulated in *Rai Sandeep v State (NCT of Delhi)*¹⁹, imposes near-impossible standards of consistency and clarity on survivors. Under this doctrine, only witnesses whose testimony is "of such sterling quality that the court unhesitatingly accepts it" are deemed reliable without corroboration. This judicially constructed evidentiary bar disproportionately affects survivors of sexual violence, whose testimony may naturally be fragmented due to the nature of the trauma they endured.

The judicial discretion also plays a role in how past sexual conduct is indirectly introduced into trials, despite the legal bar under Sec. 48 of the BSA 2023. While this provision was meant to prohibit attacks on the character of the prosecutrix, judges sometimes allow cross-examination that hints at promiscuity or prior sexual activity under the guise of "context."²⁰ In that case such judicial latitude subverts the legislative intention of

¹⁷ *Raju v State of Madhya Pradesh* (2008) 15 SCC 133.

¹⁸ *Kaini Rajan v State of Kerala* (2013) 9 SCC 113.

¹⁹ *Rai Sandeep v State (NCT of Delhi)* (2012) 8 SCC 21.

²⁰ Mrinal Satish, *Discretion, Discrimination and the Rule of Law: Reforming Rape Sentencing in India* (Cambridge University Press 2017).

shielding survivors from moral scrutiny and permits re-victimisation in the courtroom.

However, the foreign jurisprudence offers a contrasting approach. In Canada, Sec. 276 of the BNSS 2023 strictly limits the admissibility of prior sexual history, and any such evidence must pass a rigorous judicial screening. Courts are explicitly trained to identify and prevent rape myths from influencing adjudication. Indian courts lack such statutory filters or binding training protocols for judges²¹. Without formal checks on evidentiary discretion, judicial reasoning continues to reflect patriarchal worldviews more than gender-sensitive legal standards.

The discretion is also evident in sentencing practices. Despite the 2013 Criminal Law Amendment prescribing minimum sentences for rape, courts have shown leniency on factors such as the “*future of the accused*,” “*lack of physical injury*,” or “*consensual relationship turned sour*.” In *State of Rajasthan v Vinod Kumar*²², the Supreme Court reduced the sentence on grounds that the accused had no prior criminal record and the survivor had a continuing relationship with him. Such considerations distort the seriousness of the crime and reflect discretionary bias under the cloak of judicial compassion.

Moreover, appellate courts often overturn rape convictions based on ‘minor’ inconsistencies in survivor testimony. In *Maheshwar Tigga v State of Jharkhand*²³, the Supreme Court gave the benefit of doubt due to inconsistencies between the FIR and the courtroom testimony, without adequately considering the possibility of recall-related trauma. This reveals a worrying trend where appellate discretion functions more as a gatekeeper of traditional evidentiary purity than as a mechanism to uphold constitutional justice.

Ultimately, unchecked judicial discretion in evidence evaluation has significant implications for institutional trust and access to justice. As the Justice Verma Committee observed in its 2013 report, the judiciary must abandon archaic attitudes and adopt a human rights-based framework when adjudicating sexual violence. Institutionalising gender-sensitisation training, trauma literacy, and written sentencing guidelines are essential steps to ensure that discretion functions within a constitutional

²¹ Elaine Craig, ‘The Ethical Obligations of Defence Counsel in Sexual Assault Cases’ (2014) 51(3) Osgoode Hall Law Journal 427.

²² *State of Rajasthan v Vinod Kumar* (2012) 6 SCC 770.

²³ *Maheshwar Tigga v State of Jharkhand* (2020) 10 SCC 108.

framework of equality and dignity, not beyond it²⁴.

REVISITING SEC. 114A: CHALLENGES IN APPLICATION AND ENFORCEMENT

According to Sec. 36 of the BSA 2023²⁵, introduced through the Criminal Law (Amendment) Act of 1983²⁶, created a statutory presumption of non-consent in rape trials involving custodial and aggravated forms of sexual assault under Sec.s 64(2)(a) to (o) BNS 2023. The provision states that if the prosecutrix affirms absence of consent and sexual intercourse is established, the court shall presume that she did not consent. It marked a doctrinal shift from burdening the survivor with proving non-consent to placing an evidentiary responsibility on the accused. However, this provision remains limited to certain categories of rape, leaving other contexts including intimate partner rape and acquaintance rape—outside its protective scope.

Despite the mandatory language of “*shall presume*,” courts have at times interpreted Sec. 36 as discretionary. In *Vikram Johar v State of Uttar Pradesh*²⁷, the Supreme Court failed to robustly apply the presumption even when statutory conditions were met, instead relying on subjective evaluations of the prosecutrix’s credibility. This reveals a deeper judicial hesitation to abandon traditional evidentiary scrutiny of survivor testimony, especially when the survivor does not conform to stereotypical expectations of victimhood. Such inconsistent application dilutes the legislative intent of strengthening the survivor’s narrative.

Another challenge in operationalising Sec. 36 is the expectation that the survivor must give an explicit, clear, and consistent denial of consent. Courts have interpreted even minor contradictions or emotional expressions as failure to satisfy this threshold. In *Ravichandran v State*²⁸, the Madras High Court refused to invoke Sec. 36 because the survivor, under pressure, could not repeatedly assert non-consent in the same words. This strict insistence on linguistic precision fails to consider the effects of trauma on memory and articulation, thereby unjustly excluding survivors from the benefit of the statutory presumption.

The provision also lacks clarity on whether it applies uniformly at the trial and appellate stages. While trial courts occasionally apply

²⁴ Government of India, *Report of the Committee on Amendments to Criminal Law* (Justice J S Verma Committee Report, January 2013).

²⁵ BSA 2023, s 36.

²⁶ Criminal Law (Amendment) Act 1983.

²⁷ *Vikram Johar v State of Uttar Pradesh* (2019) 14 SCC 207.

²⁸ *Ravichandran v State* (2010) Cri LJ 1236 (Madras HC).

the presumption, appellate courts tend to demand heightened scrutiny, undermining its utility. The presumption is often displaced without recorded reasons, despite the expectation that “*shall presume*” under Sec. 3, 4 and 2(1)(d) of the BSA 2023 creates a rebuttable but strong legal presumption²⁹. The judicial inconsistency on when and how the presumption can be rebutted has created doctrinal ambiguity, reducing its deterrent effect and rendering it procedurally fragile³⁰.

A comparative glance reveals that presumptions in sexual assault trials are better supported in jurisdictions with clearer evidentiary guidance. For instance, in the UK, while there is no direct equivalent of Sec. 36, judicial directions on consent and burden-shifting in the Sexual Offences Act 2003 are detailed and mandatory, backed by clear interpretative guidance from the Crown Court Bench Book³¹. Indian courts, in contrast, lack a uniform framework for applying evidentiary presumptions, leaving it open to the subjective lens of individual judges.

TOWARDS A SURVIVOR-CENTRIC AND ACCOUNTABLE ADJUDICATORY FRAMEWORK

The call for a survivor-centric adjudicatory framework in sexual offence trials stems from decades of critique around institutional apathy, procedural insensitivity, and evidentiary hurdles that disempower survivors. A truly survivor-centric approach must transcend token procedural reforms and place dignity, agency, and protection from secondary victimisation at its core. In *State of Punjab v Gurmit Singh*³², the Supreme Court recognised that the criminal trial process must be conducted in a manner that does not retraumatise the survivor. However, translating these principles into everyday trial practice remains elusive in many Indian courts.

According to legislative interventions like Sec. 368(2) of the BNSS 2023 mandate in-camera proceedings for rape trials, yet numerous studies reveal breaches in privacy, intimidation during cross-examination, and lack of psychological support³³. This procedural mandate often becomes a formality rather than a substantive guarantee. A survivor-centric model must include structured courtroom protocols, trauma-informed judicial practices, and robust witness protection mechanisms elements

²⁹ BSA 2023, s 3, 4 and 2(1)(d).

³⁰ K D Gaur, *Textbook on Indian Penal Code* (6th edn, Universal Law Publishing 2021) 769.

³¹ Temkin J and Ashworth A, ‘The Sexual Offences Act 2003: (1) Rape, Sexual Assault and the Problems of Consent’ (2004) 67(3) MLR 328.

³² *State of Punjab v Gurmit Singh* (1996) 2 SCC 384.

³³ Bharatiya Nagarik Suraksha Sanhita, 2023, s 368(2).

missing in the current system³⁴. The lack of uniform enforcement of these protections reveals a structural accountability vacuum.

However, the judicial accountability must also be central to any survivor-focused reform agenda. While judicial independence is a constitutional cornerstone, it cannot shield courts from scrutiny when they perpetuate stereotypes or fail to apply protective provisions such as Sec. 36 or 34 of the BSA, 2023. In *Mohd Iqbal v State of Jharkhand*³⁵, the Jharkhand High Court reduced the sentence of a rape convict on the ground that the survivor had earlier "eloped" with the accused, disregarding statutory presumptions and the nature of coercive control. Such decisions highlight how subjective morality often displaces legal reasoning, undermining faith in the system.

The comparative jurisdictions like the UK and Canada offer models of procedural safeguards that prioritise survivor welfare. In Canada, trauma-informed courtrooms are becoming standard in sexual assault trials, where judges receive specialised training and survivors are allowed to testify via screens or video links to reduce intimidation³⁶. These practices stem from a jurisprudential shift that sees the courtroom not just as a space of adjudication but also one of emotional safety and fairness. Indian legal reform efforts must learn from such models and institutionalise similar survivor-focused infrastructure and training.

Ultimately, a survivor-centric and accountable adjudicatory framework requires convergence between legislative clarity, judicial responsibility, and procedural innovation. According to the recommendations of the Justice Verma Committee (2013) called for time-bound trials, psychological support for survivors, and accountability mechanisms for judicial conduct in rape cases. More than a decade later, many of these remain unimplemented. Institutionalising these principles now requires a systemic overhaul of how courts view and treat survivors—not merely as witnesses, but as rights-bearing individuals entitled to dignity, credibility, and justice.

CONCLUSION

Despite progressive legal reforms, the evidentiary framework governing sexual offence trials in India continues to oscillate between formal neutrality and implicit scepticism toward

³⁴ S. Uma, 'Criminal Law Reform and Survivors of Sexual Violence in India' (2020) 11(1) JILS 22.

³⁵ *Mohd Iqbal v State of Jharkhand* 2021 SCC OnLine Jhar 975.

³⁶ J. Benedet, 'Adjudicating Sexual Assault: A View from the Bench' (2019) 31 CJWL 197.

survivors. While provisions like Sec. 36 of the BSA 2023 attempt to ease the evidentiary burden by presuming absence of consent in cases of custodial rape, courts often hesitate to apply such presumptions robustly beyond specific statutory contexts. The survivor's testimony, though legally deemed sufficient for conviction, is frequently subjected to intense scrutiny and corroborative expectations contrary to the spirit of multiple Supreme Court pronouncements. The judicial discretion remains a double-edged sword. On the one hand, it permits nuanced interpretation; on the other, it opens the door to subjective assessments coloured by gendered stereotypes. The continuation of moralistic reasoning in certain judgments, despite constitutional commitments to equality and dignity, reflects the deeper attitudinal inertia within adjudication. This not only undermines the principles of procedural fairness but also frustrates survivor access to justice.

The path forward demands recalibrating the evidentiary paradigm toward a survivor-centric approach grounded in dignity, trust, and institutional accountability. This includes sensitisation of judges, application of constitutional values in interpreting evidence law, and statutory amendments that harmonise Sec. 114A with general rape cases under Sec. 375 of the IPC. The legal system must reaffirm its commitment to procedural justice that neither presumes dishonesty nor compromises the accused's rights but strives for a balanced, transparent, and survivor-supportive framework.