

FOGSI URGES ITS MEMBERS TO FOLLOW MoH&FW , Govt of India GUIDELINES IN EXAMINATION OF SEXUAL VIOLENCE VICTIMS and ADVISES STRICTLY NOT TO PERFORM TWO FINGER TEST

In a judgement passed on October 31 2022, a division bench of the Supreme Court of Justices DY Chandrachud and Hima Kohli , the Supreme court attached punitive action to **“any person who conducts the 2 finger test or per vaginum examination ,while examining a person alleged to have been subjected to a sexual assault in contravention of the directions of this court shall be guilty of misconduct.”**<https://timesofindia.indiatimes.com/india/erase-2-finger-sex-assault-test-from-curriculum-supreme-court/articleshow/95215462.cms>

The Supreme court had banned the two finger test in April 2013 (commonly referred to as virginity test) stating that this test has no scientific basis and neither proves nor disproves allegations of rape , It instead retraumatizes women who may have been sexually assaulted and is an affront to their dignity. **The 2013 SC judgement called the test as cruel, inhuman, degrading and stated that victims’ health both mental and physical should be of paramount consideration while dealing with gender-based violence.**

Ministry of Health and Family Welfare Government of India have issued detailed comprehensive guidelines for MEDICOLEGAL CARE FOR SURVIVORS /VICTIMS OF SEXUAL VIOLENCE 2014. In the Segment on MEDICAL EXAMINATION AND REPORTING FOR SEXUAL VIOLENCE, the MoHFW guidelines <https://main.mohfw.gov.in/sites/default/files/953522324.pdf> , clearly state in bold that

// Per-Vaginum examination commonly referred to by lay persons as” two finger test “must not be conducted for establishing rape/sexual violence and the size of the vaginal introitus has no bearing on a case of sexual violence. Per vaginal examination can be done only in adult women when medically indicated

The status of hymen is irrelevant because the hymen can be torn due to several reasons such as cycling, riding or masturbation among other things. An intact hymen does not rule out sexual violence, and a torn hymen does not prove previous sexual intercourse. Only those that are relevant to the episode of assault (findings such as fresh tears, bleeding, edema etc.) are to be documented

The FOGSI UNICEF -DHEERA OBGYN MODULE is A CERTIFICATE COURSE for training OBGYNS on how to approach a woman facing Violence and examine a victim of sexual violence. It has an entire presentation dealing with step-by-step examination of sexual assault victims as per MoH&FW guidelines. Many societies had taken the advantage of this module and made their members aware. The training is still available and interested societies can mail to dheera.vaw@gmail.com or mail to FOGSI.

FOGSI had been proactive in disseminating the guidelines time and again in academic meets, webinars, discussions. FOGSI has a No to VAW Violence against women cell and published [Manual & Examination forms prepared by Cehat regarding examination of survivor of sexual assault](#) available on website

WE URGE ALL FOGSIANS TO STRICTLY FOLLOW GUIDELINES GIVEN BY MINISTRY The link to MoH&FW guidelines <https://main.mohfw.gov.in/sites/default/files/953522324.pdf>

Never conduct two finger test or comment on intactness of hymen to prove or disprove rape-you are liable for punitive action and guilty of misconduct. Two finger test is unscientific, archaic traumatic and further violates the dignity of the victim of sexual violence.

Dr Hrishikesh Pai, President FOGSI- 2022-2023

Dr Madhuri Patel Secretary General

Note prepared by

Dr Kiranmai Devineni, Chairperson, NO TO VAW Committee