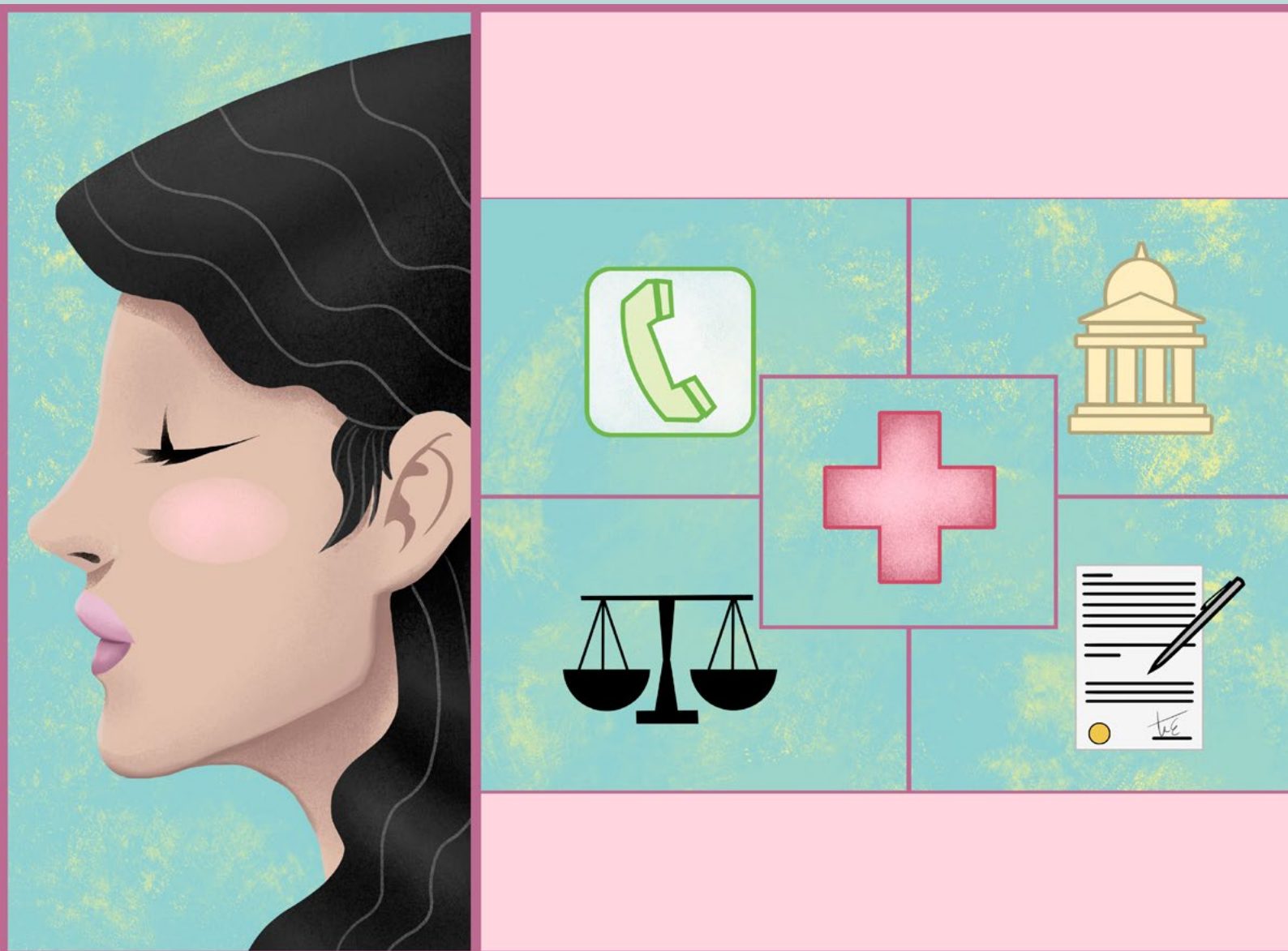


The Sayfty Survivors' Toolkit



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For a list of any errors or omissions found subsequent to printing please visit our website <https://sayfty.com/survivorstoolkit/>

The Sayfty Survivors' Toolkit



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LIST OF ACRONYMS AND ABBREVIATIONS

AIDS	Acquired Immunodeficiency Virus
CBT	Cognitive Behavioural Therapy
CEHAT	Centre for Enquiry Into Health and Allied Themes
DCP	Deputy Commissioner of Police
EMDR	Eye Movement Desensitisation and Reprocessing
FIR	First Information Report
GBV	Gender-Based Violence
HIV	Human Immunodeficiency Virus
HBV	Hepatitis B Virus
INR	Indian Rupee
IPC	Indian Penal Code
LGBTQ	Lesbian, gay, bisexual, transgender and queer
MLC	Medico-legal Case
MoHFW	Ministry of Health and Family Welfare
MSM	Men who have sex with men
NALSA	National Legal Services Authority of India
NCW	National Commission for Women
NC	Non-Cognisable Complaint Record
PE	Prolonged Exposure
POCSO	Protection of Children from Sexual Offences
PTSD	Post Traumatic Stress Disorder
PV	Per-Vaginal
SE	Somatic Experiencing
SHO	Station House Officer
SP	Superintendent of Police
STIs	Sexual Transmitted Infections
TG	Transgender
UTI	Urinary Tract Infection
VAW	Violence Against Women
VAWG	Violence Against Women and Girls

The Sayfty Survivors' Toolkit

INTRODUCTION



ABOUT THE TOOLKIT

Disclaimer: This guide is not intended to replace professional support, guidance, advice, or diagnosis.

The Sayfty Survivors' Toolkit is designed for survivors of sexual assault in India.

Sexual assault is a gendered sexual crime that induces self-blame and anticipatory stigma among survivors due to the cultural stigma. This stigma can severely impact survivors' feelings and behaviours during recovery, including their willingness to access critical support such as medical, legal, and mental health interventions. Further, it perpetuates gaps in knowledge and increases survivors' risk for revictimization by formal and informal social structures.

Sexual violence can also build feelings of powerlessness due to the associated patriarchal and gender-shaming connotations in the Indian culture.

Our methodology

The Survivors' Toolkit aims to identify and reduce critical information gaps for survivors and reiterate that no form of sexual violence is their fault.

The toolkit incorporates a human rights-based approach with a focus on survivors and their well-being. It provides step-by-step guidelines, resources and information on medical, legal, mental health, and support networks. Simultaneously, it speaks about disclosure of trauma and focuses on the challenges associated with disclosure, reporting the crime, and seeking justice.

The resource accounts for lived experiences of survivors, social workers, and professionals (doctors, lawyers, police personnel, and others) working on the ground, and experts responsible for policy execution. In-depth interviews, site visits, and informational sessions were conducted for primary research. We used secondary research to understand existing material on medical and criminal justice procedures.

Purpose

This is a self-help and care guide created for individuals who have experienced sexual assault.

Scope

The toolkit was developed with and is limited to the information obtained from interviews with experts, site visits, secondary research, and a survey for survivors. It is not intended to replace professional diagnosis, support, or advice. The scope of the toolkit is limited to the provision of information for survivors of sexual assault. It currently does not cover procedures and barriers for victims or adult survivors of child sexual abuse.

Navigating the Toolkit

Read this toolkit in a place that you are comfortable and familiar with. A safe place could be a physical space (like your bedroom) where you feel safe or an emotional space where you feel calm. If possible, avoid reading the toolkit in a crowded, public space (like your office or a cafe) or around people you do not know. Take your time reading the toolkit. Certain parts of this toolkit might make you feel uncomfortable or stressed. If you want, ask someone you trust to be there with you, like a close friend. The toolkit is here to give you information so that you can get the help you need. Sometimes taking help from others can be empowering as well, so do whatever you need to help you feel safe.

Trigger warning: A trigger is a word or an event that can cause an action to take place. In this toolkit, certain words can be triggering for survivors. This means that reading those words or sentences can cause a survivor to either feel uncomfortable or anxious and might even take them back to an unpleasant memory.

If while reading you do experience this, you can do a grounding exercise - Close your eyes and breathe in and out, focusing on your breathing. Tell yourself that you are safe and you are OK. Use your breathing as an anchor to help bring you to the present moment. Do this as many times as you want to or at regular intervals. You don't need to go through this toolkit by yourself! Sit with someone you trust and ask them to go through it with you.

Language Used in the Toolkit

Sexual Assault/Sexual Violence

Throughout the toolkit these two terms have the same meaning and will be used interchangeably. We use these terms in their broadest meanings, inclusive of all identities and all forms of sexual violence.

Survivor/Victim

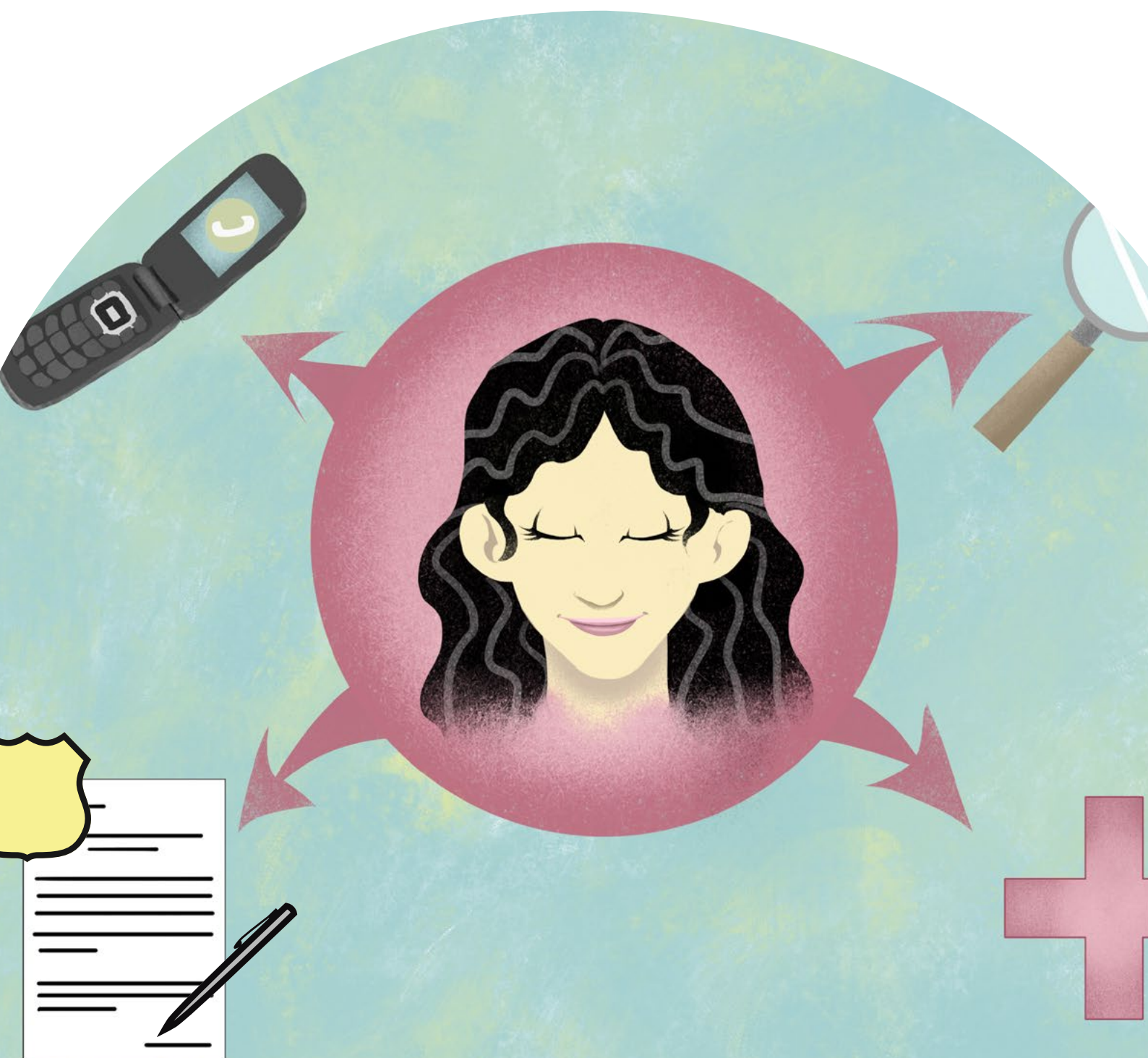
Most of the time, this toolkit will use the term “survivor”. However, both terms are applicable.

In this guide, we use the word “victim” when referring to a particular crime, the criminal justice system, or to someone who has recently been affected by sexual violence. If one word does not feel right to you, please mentally substitute with the other word.

He/She/They

This toolkit is for all genders. We have tried to be as inclusive as possible. Instead of using he/she for survivors, we have used “they” wherever possible.

1 SECTION URGENT SUPPORT



IMMEDIATE SUPPORT

Here are few important numbers to use when you are in immediate need of support or protection.

Dial

100	:	Police
1091	:	Women's helpline number
181	:	Women's helpline number
112	:	Single emergency helpline number for immediate assistance to services such as the police and women's helpline ¹
1800-2000-113	:	Helpline number for Transgender (TG) and men who have sex with men (MSM) community

¹ Himachal Pradesh, Andhra Pradesh, Uttarakhand, Punjab, Kerala, Madhya Pradesh, Rajasthan, Uttar Pradesh, Telangana, Tamil Nadu, Gujarat, Puducherry, Lakshadweep, Andaman and Nicobar Islands, Dadar and Nagar Haveli, Daman and Diu, Jammu and Kashmir and Nagaland

2 SECTION UNDERSTANDING EMOTIONS AND RESPONSES



This section will help you understand your emotional and behavioural responses. If you need to take a break, please take your time and return to the guide when you feel more comfortable.

SECTION 2: UNDERSTANDING YOUR EMOTIONS AND RESPONSES

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Sexual violence can lead to physical, psychological, and emotional effects for a survivor.

People may experience:

BEHAVIOURAL CHANGES	PSYCHOLOGICAL CHANGES	CHANGES IN MOOD	SLEEP	ALSO COMMON
Agitation Irritability Hostility Hypervigilance Self-Destructive Behaviours Social Isolation	Flashback Fear Severe anxiety Mistrust	Loss of interest in activities Guilt Loneliness	Insomnia (Unable to sleep) Nightmares	Emotional detachment Unwanted thoughts

There are a few common psychological and emotional responses to the trauma or shock: fear, anger, or anxiety. While reading this section, it is important to note that every survivor might respond in a unique and different way. It is normal to feel confused about your thoughts and feelings.

Some common feelings or experiences include:

- Feeling sad
- Feeling overwhelmed, like there is too much on your mind
- Finding it hard to cope with daily tasks such as commuting or going to work
- Feeling uneasy or uncomfortable
- Feeling angry, worried and sad, or wanting to cry easily
- Feeling increased self-doubt
- Anxiety
- Panic attacks
- Feeling unsafe even when in spaces previously considered safe
- Nightmares or flashbacks
- Hypervigilance (extremely careful of everyone around you)
- Being easily startled
- Sleep disturbances like night terrors, insomnia, or not feeling rested upon awakening
- Appetite disturbances
- Lacking motivation or interest to engage in activities
- Experiencing Agoraphobia
- Spending extended periods (hours, days, or weeks) in your room or home
- Confusion or uncertainty
- A loss of control over your life or your thoughts
- Feelings of guilt
- Feelings of shame
- Feelings of self-blame
- Loss of interest in sex
- Loss of interest in self-hygiene, e.g., showering/bathing, brushing teeth, cleaning hair
- Memory loss or blackouts
- Inability to remember or clearly recall details of the sexual assault

Emotional and psychological abuse can make us doubt our own opinions and affect our sense of self. There are ways to cope with these feelings. You can learn more about this in our mental health care section.

COMMON FEELINGS AND RESPONSES

Fear

Fear is one of the most common responses to sexual assault. When an incident of assault happens, survivors may experience an intense fear of being physically harmed or losing their life.

These responses could include:

- A fear of being alone or feeling scared when alone
- A fear of being around other people or in groups
- A fear of the person who attacked you
- More general fears about your safety and well-being
- A sense of doom, as if something bad is going to happen

The survivor can continue to feel fearful of smells, sights, sounds, or thoughts associated with the assault - even weeks, months, years, or decades after it happened. We call these “triggers”.

Even if you do not explicitly remember the sexual assault, you may find yourself avoiding these triggers by staying away from certain situations, people, or places that remind you of the incident, speaking about the incident, or using coping mechanisms such as overwork, too much exercise, too much food, alcohol, or drugs. This is called “avoidance”. It is a way of avoiding or escaping certain thoughts and feelings that are painful or uncomfortable.

Loss of control

Some people experience a sense of loss of control over their body, life, as well as thoughts and feelings after surviving a physical or sexual trauma. They may see life as unpredictable and full of danger.

Anger

Your feelings of anger are an appropriate and healthy response to the incident. These feelings can come up as a response to situations that occur after the assault as well. Insensitive responses from family or friends, a lack of freedom, the frustration at the difficulty or impossibility of changing something, or the lack of justice with regards to the criminal or abusive incident, can make you feel angry.

Intense feelings or lack of any feelings (feeling nothing or feeling numb)

You may feel

- Easily overwhelmed (like there is too much in your mind) or confused
- Not sure about your feelings
- Denial about the incident/Not accepting that it happened to you
- Emotionally detached (feeling nothing)
- Drained/tired

Feeling disconnected from our feelings can sometimes lead us to experience strong emotions unexpectedly, such as tearfulness and irritability. It may lead us to feel isolated/alone or keep ourselves away from others.

Anxiety

Anxiety can also be a common experience for some people. Feeling nervous or worried may be accompanied by other physical (your body) and cognitive (your brain understanding emotions and information) difficulties such as

- Feeling afraid or scared
- Feeling restless or tense
- Rapid heart rate
- Breathing rapidly or feeling as if you cannot get enough air
- Experiencing sweating, trembling, or weakness
- Having trouble focusing or concentrating
- Having trouble sleeping
- Experiencing gastrointestinal issues (tummy ache, tummy pain, loose motions)
- Avoiding situations that could trigger the anxiety

These symptoms can come up shortly after the incident and continue for weeks, months, or years, even decades.

Guilt, self-blame, and shame

It is common to feel as if the crime was your fault or that you could have done something to prevent being hurt. It is also common to feel shame, even if you did not tell anyone else about what happened. Remember that it is never your fault.

Sexual concerns

It is common for people not to feel interested in having sex or sexual activity after experiencing sexual trauma. If you are in a sexual relationship, it is okay to define your boundaries. You can return to your boundaries from time to time, and change them, depending on your comfort and healing. It is totally fine to make your own rules.

You may think about whether you will ever enjoy or want to have sexual relations. You might feel like you do not want to have sexual relationships. This is OK. Alternatively, you may find yourself compulsively engaging in behaviours that involve risky decision making.

COMMONLY ASKED QUESTIONS

Why did it happen to me? Is it my fault?

Sexual violence is NEVER the survivor's fault. There is nothing you may have done, worn, or said to have brought the violence upon yourself. Do not feel guilty or ashamed, and do not blame yourself for the act of violence. Sexual violence is not a consequence of what you wear, where you go, what you eat or drink, what time it is, or who you are with. The perpetrator or person committing the violence is solely to blame.

I want to end my suffering. I don't think I can go on living. Is it normal to have these thoughts?

It is normal to experience feelings of extreme sadness, anxiety, despair, and distress. You may feel hopeless about things getting better. If you are experiencing difficulty with your thoughts or emotions, or if you seem to feel preoccupied with what you have experienced, find someone you trust (family member, a friend, or someone in your community) to talk to and seek professional help, if needed. If you are having suicidal thoughts, it may mean that you need to seek professional support. Remember, you are not alone. There are resources available to help you.

Can I experience love and sustain relationships?

It is possible to move on and find love in a relationship. But it's also important to focus on yourself and give yourself time to heal and recover. Learn to have a relationship with yourself that is supportive, nurturing and kind. Learn to surround yourself with people who do the same. Intimacy and trust go hand in hand, so take the time to get to know someone and trust them before allowing yourself to go deeper into the relationship.

I am in an abusive relationship, and I do not know what to do.

Anyone can find themselves in a physically, emotionally or sexually abusive relationship. It is important to recognise that it is not your fault. It is imperative to recognise that your safety always comes first. This is especially important if there are children at home.

Recognise that the cycle of abuse is not easily broken and often you may need to leave a bad relationship. Whether you are ready for this or not, tell someone you trust and seek professional help. While it may be extremely difficult to confront an abuser or end a marriage or relationship, it is important for you to take the step for your own safety and well-being.

I feel like I am not the same person anymore.

Feeling that you are not the same person as you were before the sexual assault is a common and very reasonable feeling. As a survivor, you may find that your life has stopped and you cannot move forward or that life is continuing as always but without you. You may be struggling to cope with the traumatic experience and recover from its effects. You may find yourself feeling like you have lost yourself. You may see life as two separate, distinctive time periods - life before and life after the traumatic experience. This is a completely normal reaction to trauma, whether it is caused by a natural disaster or by a crime committed against someone. You may also find that the trauma has become a part of who you are, how you are defined, or how you are seen by society even if you haven't told many people what happened.

Remember that while the trauma is a life-altering experience, you exist beyond it. Talking to professionals or to fellow survivors can help us learn to see ourselves as not just a victim of sexual violence but as a survivor who is responsible for their own healing and who is on the road to recovery.

The next section will help you learn more about the medical procedures that follow a sexual assault. If you need to take a break, please take your time and return to the guide when you feel comfortable.

3 SECTION MEDICAL SUPPORT AND EXAMINATIONS



SECTION 3: MEDICAL SUPPORT AND EXAMINATIONS

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Sexual violence can lead to physical, psychological, and emotional harm for a survivor. If you are a survivor of sexual violence(s), we recommend you access medical treatment whether or not there are visible signs of injuries. Medical examinations can help you access tests and treatments/medical procedures (free of cost) for Sexually Transmitted Infections (STIs), pregnancy, and more. The doctor will also examine and treat any physical injuries on your body (free of cost).

If the sexual assault happened in your childhood, or if it happened another time in the past, when you were unable to seek medical attention, you may be relatively healed physically. You should still consult professionals so that you can continue to heal emotionally and psychologically.

If you are thinking about reporting the assault, the doctor can help you preserve evidence that could be used for pursuing a legal case. Most health facilities will preserve the specimens (evidence that they will take from you) for a small period of time, and you can arrive at a decision about filing a police case within this time period.

If you are an adult (18 years old or older), it is not mandatory to report the incident after a medical examination. Remember, you can refuse to give consent for any part of the examination. You do not have to do any part of the examination if you do not want to.

If you are a minor (less than 18 years of age), the doctor or any other person you seek help from has to, by law, report the incident to the police. If you or your parents or guardians do not wish to pursue the case, there are procedures that could be followed by the police.

To help you understand the medical examination better, here is a list of frequently asked questions.

FREQUENTLY ASKED QUESTIONS

Where can I access medical help?

You can access medical help at any government or private hospital. All government hospitals are required to treat survivors free of charge. However, the private hospital may recommend you to go to a public hospital that is better equipped to assist you. You can, however, insist that they conduct the examination. If the hospital refuses to conduct a medical examination or provide treatment to you, they can be punished by the law.

Why is a medical examination important? How will it help me?

Some important reasons to undergo a medical examination are:

- Your health and well-being are of utmost importance.
- The doctor can help treat any physical injuries (cuts or bruises).
- The doctor can conduct tests or provide prophylaxis (a medication or a treatment designed and used to prevent a disease from occurring) for STIs, pregnancy, HIV, and Hepatitis B.
- Helps in accessing services such as counselling and referrals for appropriate agencies for shelter, legal help, and more.
- The doctor can preserve medical evidence and create documentation that can be useful in an investigation procedure or trial.

Do I need to get a medical examination done if I want to report the crime?

Although it is not mandatory to get a medical examination done in order to report a crime, the exam will help preserve any possible DNA evidence or any physical evidence from your body, clothes, or personal belongings. Such an examination can also detect the possibility of an unwanted pregnancy or any other infection, so you can get treatment or take emergency contraception to end the pregnancy if needed.

If I get a medical examination done, do I have to report the crime? What if I only want to seek treatment?

If you are above 18, you do not have to report the crime if you do not want to.

Keeping evidence: Having an examination done is beneficial as, with your consent, the doctor will safely store any evidence. This evidence, like DNA etc., can be used if you choose to report the crime to the police at a later time. Most health facilities store the evidence samples for a specific number of days. If you are an adult, you could let the doctor know whether or not you want to report the crime to the police. If you have not made up your mind about it at the time of the examination, please ask the doctor how many days they will keep the samples. Then you can let the health facility know of your decision.

No one can force you to report a crime without your consent. Even if you choose not to pursue a legal case, you have the right to get treatment. If the hospital authorities contact the police, you can inform the police that you do not wish to file a complaint.

If you are under 18 years old, the doctor is legally required to report the crime to the police under POCSO. But in the absence of the police, the doctor cannot deny treatment. Treatment may start, and the police could be informed at the same time.

While getting a medical examination is advisable, if the examination is done 72 hours (3 days) after penetrative assault (assault where the attacker forcefully inserts the penis or an object into the body of the victim), the genital (private parts) evidence, such as bodily fluids, is lost. Similarly, if the medical examination is done after a gap since the incident (more than 72 hours), physical evidence may be lost.

Are there any steps that I should take to preserve evidence before I get a medical examination?

The DNA evidence will need to be collected within 72 hours (3 days) of the sexual assault in order to be effectively analysed. However, you can get an examination done after 72 hours too; the examination can help document any other physical evidence that can be collected from you.

Some activities to avoid before getting an examination done are:

- Bathing or showering
- Using the washroom
- Changing your clothes (If you do change your clothes, keep the clothes you were wearing safely in a bag to preserve evidence)
- Brushing or combing your hair
- Cleaning up any genitals areas (private parts) where there might be evidence present

However, if you have done any of the above activities after the incident, before going for a medical examination, it is important to tell the doctor about it.

I have already had a shower, and it has been more than 72 hours. Can I still get an examination done?

Yes, you can. It is completely understandable that you may not have been in a position to get an examination done within 72 hours. You can go for an examination after 72 hours or after performing any of the activities listed above. A medical examination will help doctors provide you with the treatment you might need.

I have my period. Will this affect the examination?

If you are menstruating (on your period) at the time of the examination, a second examination will be required on a later date when your period is over in order to record the injuries clearly. Some amount of evidence may be lost because of menstrual blood. It is important to inform the doctor if you were menstruating at the time of the assault or the examination.

What do I need for a medical examination?

You do not need anything to get an examination done. It would be useful to bring a spare change of clothes in case it is required to collect the clothes you are wearing as evidence. While you can go for a medical examination on your own, we recommend going to the hospital with someone you trust. Sometimes having a trusted friend might make you feel comfortable and help you go through the hospital procedures.

How long is the examination?

Please remember that sexual violence of any kind is a medico-legal emergency and so a doctor must immediately attend to you. The procedure involves seeking consent, history taking (related to the incident(s) of sexual violence), physical examination, collection of samples and documentation by the doctor. The procedure may take about 1.5 hours, but if additional tests are required, it may take more time. You should tell a doctor if you need a short break during the course of the entire procedure. It is OK for you to take a break if you need one.

Do I have to be alone during the examination?

If you request for it, a relative may be present while the examination is done (preferably of the same sex as the survivor). If you are 12 years and above, you can decide if you want a parent or a guardian inside the examination room. However, the police personnel must not be allowed in the examination room during the examination.

There are three ways that you can get an examination done:

1. If you voluntarily approach a hospital
2. If you go to the police and they request a medical examination
3. If the court requests a medical examination

Neither the court nor the police can force you to undergo a medical examination. It has to be with your informed consent (if you are an adult) or your parents' or guardian's consent (if you are less than 18 years of age).

* If the person brought for the medical examination is less than 18 years old, then the medical practitioner is legally obliged to report the case.²

Note:

- As per the law, the doctor is bound to inform the police about the incident. If you are an adult, you have the right to refuse to file an FIR. The informed refusal is documented in this case.
- If you wish to lodge a police complaint later or have come with a police requisition (after

² Model Guidelines under Section 39 of The Protection of Children from Sexual Offences Act, 2012 | Guide to mandatory reporting, <https://wcd.nic.in/sites/default/files/POCSO-ModelGuidelines.pdf>

filing a police complaint), the details about the Medico-Legal Case (MLC) number and the concerned police station will be recorded by the examiner.

If you are less than 18 years old, it is legally mandated (compulsory) for the doctor to report the incident. However, the doctor cannot ask that a police complaint be filed before the medical examination and treatment are provided.

I do not identify with the binary gender, can I still get a medical examination done?

You can definitely get a medical examination done! In the case of a transgender or a gender non-conforming person, you have a choice whether you want to be examined by a female doctor or a male doctor. In case a female doctor is not available, a male doctor may conduct the examination in the presence of a female nurse.

Will the doctor ask about my sexual history?

A doctor should ask about your consensual sexual history within the past 72 hours only. This is to make sure that they can correctly interpret observations regarding the detection of sperm or semen during the exam. Your sexual history is also important to carry out the medical examination scientifically. This means, in case you have only experienced non-penetrative violence, sample collection will not be scientific. So your sexual history will help the doctor to avoid any unscientific procedure. The doctor should explain to you the purpose of each step during the examination, and you can always ask the doctor questions about what is being done.

Who will be conducting the exam?

The medical examination will be conducted by a registered doctor at a government hospital, but you can also approach a registered private doctor if you do not have access to a government hospital/doctor. Any registered medical practitioner from a government or private hospital can conduct the examination, and it is not mandatory for a gynaecologist (women's health doctor) to examine you. If you are female, the hospital must make every possible effort to assign a female doctor to the examination. In case a female doctor is not available, a male doctor may conduct the examination in the presence of a female nurse.

Do I need to sign any papers or make any statements in order to get an examination done?

Before the examination, you will need to sign a consent form stating that you have agreed to the examination. The consent form has to be signed:

- By you, the survivor (if over 12 years of age)
- By a guardian or parent if the survivor is under the age of 12 years or if the survivor is unable to give consent by reason of mental disability

The consent form must be signed by the survivor (if able), a witness (e.g. a nurse or a hospital employee), as well as the examining doctor (the police or a relative cannot be considered a witness). You will also get a copy of the medico-legal examination report free of cost. It is your right.

Can I ask the doctor to stop the examination or not conduct some tests?

Yes, you (or a guardian) can refuse to give consent for any part of the examination at any stage. The doctor may explain the importance of that particular test so that you understand how it is used to collect evidence (which may be useful if you intend to file a report with the police). It may also be useful for your treatment. However, if you refuse a test, you will still be treated at the hospital.

Do I need to pay for this medical examination?

No, you do not need to pay at a government or private hospital. As per the rape law (refer to Appendix [4A]), treatment for survivors of sexual assault is to be free of cost at all health facilities.

Do I need to take anything to verify my identity for the medical examination?

No, you do not. As long as you are an adult, the hospital will provide care to you. If you are under 18 or look younger, it would be wise to carry some government identity (PAN card, Aadhaar card), as the hospital staff may need the identity proof to verify your age to be put in the proforma or medical examination report.

Will I receive an acknowledgement or proof that the medical examination has been conducted?

Yes, you will receive a copy of a document called the “proforma”. This is the entire medical report documenting the examination and the observations made by the doctor. This document will be signed by the examining doctor and a witness.

What are some consequences of sexual assault that I should be aware of?

Health consequences of sexual assault are different for everyone. As per the guidelines for medico-legal care for victims of sexual violence³ survivors of sexual assault may suffer from the following:

Physical Health Consequences	Non Genital Injuries ³	Psychological Health Consequences ³	Long-term consequences ³
<ul style="list-style-type: none"> - unwanted pregnancy - unsafe abortion - STIs, including HIV/AIDS - sexual dysfunction (issues in having sexual intercourse) - infertility - pelvic pain and pelvic inflammatory disease - Urinary Tract Infections (UTIs) - Genital (private parts such as vagina) injuries (most likely to be seen in the posterior fourchette, the labia minora, the hymen and/or the fossa navicularis in women) include³ - - tears - ecchymosis (bruising) - abrasions (bruises or cuts) - redness and swelling 	<ul style="list-style-type: none"> - bruises and contusions - lacerations (cuts) - ligature marks to ankles, wrists and neck (bruises from being tied or held tightly) - pattern injuries (hand prints, finger marks, belt marks, bite marks) - anal, rectal, and/or other forms of trauma on the body 	<ul style="list-style-type: none"> - rape trauma syndrome - Posttraumatic Stress Disorder (PTSD) - depression - social phobias/fear of people - anxiety - increased substance (drugs or alcohol) use or abuse - suicidal behaviour 	<ul style="list-style-type: none"> - chronic or continuing headaches - fatigue/tiredness - sleep disturbances (nightmares and/or flashbacks) - recurrent nausea (feeling sick or wanting to vomit) - eating disorders (not eating, eating too much, eating too little) - menstrual/period pain - sexual difficulties

³ Guidelines for medico-legal care for victims of sexual violence. World Health Organization Geneva, ISBN 924154628 X. Retrieved from <https://apps.who.int/iris/bitstream/handle/10665/42788/924154628X.pdf?sequence=1>

What happens during the medical exam?

This section helps you understand the different parts of a medical examination.

1. Collection of general information, informed consent for examination, evidence collection and police procedures -
 - a. The doctor will start by recording the date, time, place, name, age, sex (male, female, or transgender), address and contact number.
 - b. The doctor may ask for information about the police case registered and about who you have brought with you and your relationship with them.
 - c. The doctor will also identify any marks of identification (two in number), such as moles, scars, tattoos. These are preferably marks that can be seen from the exposed parts of the body, like your hands or face.
 - d. Only in life-threatening situations, the doctor may initiate treatment without consent as per section 92 of IPC⁴. In case you have refused to consent to police intimation, it is documented by the examiner while sending the Medico-legal Case report to the police with a note stating “informed refusal for police intimation”.
 - e. The doctor will ensure that you are given first aid care. Under Section 357 (C), all hospitals (private or public) operated by the central or state government have to provide medical treatment or first aid.
2. Medical history is noted down.
 - a. Depending on your gender, the doctor will then record your obstetric (women’s health) history including menstruation (periods), past history of pregnancy, abortions, etc. This information is not relevant from an evidence point of view, so the doctor will only ask this if it is required for the purpose of treatment.
 - b. The doctor will also ask about relevant medical history in relation to STIs (gonorrhoea, HIV, HBV, etc.). The doctor will also ask if you have had any surgeries/operations at the affected areas, in addition to vaccinations received.

This is important in order to understand whether you will have any health problems related to the assault. The doctor will refer you to further medical care if this is the case. This information should also be kept in mind during the examination and interpretation of findings.

If you are a minor (less than 18 years of age) or a young adult and look younger than your age, and do not have a proof of age, then the doctors may carry out a test for estimation of age. This is necessary as legal provisions for sexual offences against minor and adult persons are different. For guidelines on age estimation, please refer to the manual provided in the Endnotes section.

⁴ Indian Penal Code 1860. Retrieved from <https://www.ncib.in/pdf/indian-penal-code.pdf>

3. Collection of incident details -
 - a. The doctor may ask about the history of the incident. This will be held as evidence in a court of law as it is “recorded by a neutral and unbiased doctor.”⁵
 - b. You must try to be as specific as possible about the details of the place of the assault, time, nature of force used, and areas of contact on your body.
 - c. If you are able to, you should tell the doctor about any activities you may have carried out - like bathing, washing genitals (in all cases), rinsing mouth, drinking, and eating (in oral sexual assault) as this will affect the evidence collected. The details will be used for your testimony in case you choose to pursue legal action.
 - d. If at any point you feel uncomfortable or unsure, ask the doctor for the reason behind the questions asked. The doctor must explain it to you.
4. Evidence collection and examination of injuries -
 - a. Based on the description of the incident you give, the doctor will only examine whatever is required and relevant.
 - b. At any time if you are uncomfortable with the examination, you can ask the doctor to stop.
 - c. The evidence on the body surface and materials like clothing can be (in certain circumstances) collected even after 96 hours.⁴
 - d. While collecting the evidence, the doctor may ask you to stand on a large sheet of paper so as to collect any foreign materials that may be left on you.
 - e. Genetic evidence from the body cavities (oral, vaginal, anal) can be collected within 72 hours of the incident.
 - f. The doctor will examine all physical injuries and collect the clothes you were wearing at the time of the incident.
5. Documentation - The doctor then documents the examination, and makes four copies of the examination proforma. These copies are kept with the hospital, police and you. If you choose to report the incident, then this proforma is sent for evidence processing.

Whether you want to proceed with a case or not, it is important to keep the copy handed over to you safely. This will help if in the future you wish to take legal action against the abuser.
6. Specialised treatment - Specialised treatment is given after the examination has taken place. This can include treatment for STIs, HIV, Hepatitis B, and pregnancy, in addition to any other psychological support, like therapy or counselling, that you may need.

⁴ Indian Penal Code 1860. Retrieved from <https://www.ncib.in/pdf/indian-penal-code.pdf>

⁵ Manual for Medical Examination of Sexual Assault.

Retrieved from <http://www.cehat.org/go/uploads/Publications/R83Manual.pdf>

4 SECTION LEGAL PROCEDURES



SECTION 4 : LEGAL PROCEDURES

Disclaimer: This guide is not intended to replace professional support, guidance, advice, or diagnosis.

Trigger warning: A trigger is a word or an event that can cause an action to take place. In this toolkit, certain words can be triggering for survivors. This means that reading those words or sentences can cause a survivor to either feel uncomfortable or anxious and might even take them back to an unpleasant memory.

If while reading you do experience this, you can do a grounding exercise - Close your eyes and breathe in and out, focusing on your breathing. Tell yourself that you are safe and you are OK. Use your breathing as an anchor to help bring you to the present moment. Do this as many times as you want to or at regular intervals. You don't need to go through this toolkit by yourself! Sit with someone you trust and ask them to go through it with you.



Important Note on the Indian Penal Code:

It is important to remember that the victims of rape, and other forms of sexual assault, are not always women. However, the Indian Penal Code (IPC) specifically addresses rape as a crime against women. This section will present the law as is. In addition to rape, other forms of sexual assault are marked as crimes under the IPC.

PART 1: REPORTING THE CRIME

We understand that making the decision to report a sexual assault incident can be difficult and personal. Through this section, we will take you through the procedures and challenges in reporting to help you make an informed decision.

Step-by-step guide to taking legal action against the person who committed the assault

Step 1: File a First Information Report (FIR)

Step 1: File a First Information Report (FIR)
Step 2: Get a Medical Examination
Step 3: Accessing a Lawyer
Step 4: Court Process

The first and foremost step is to file an FIR at the nearest police station. An FIR is a detailed narrative of the incident that took place.

At the time of filing an FIR, in cases of women-related offences such as sexual harassment, sexual assault, or rape, it is mandatory that such information be registered by a woman police officer. Upon the filing of the FIR, the police investigates and sends the case to the relevant court.

- It is recommended that the FIR should be filed within 24 hours of the incident. It is also recommended to call the police as soon as possible after the incident.
- If the victim is unable to reach the police station, their family members can call the police to the house or the hospital, wherever the victim may be.
- The victim's family can also [file the FIR](#) on their behalf.⁶
- The FIR can be filed at a later time when the victim is ready and willing to report.
- In case there is a delay in filing of the FIR, the delay should be reasonably explained.⁷
- For example, if the victim has not been able to talk to people about the incident for a long period of time (months or even years after the incident), an FIR can still be registered.⁸ You can register an FIR at any time, even after waiting for a long time.

Keeping the FIR: The FIR should contain every bit of information related to the crime. The police officer is required to read out the contents of the FIR, and only then must the complainant (victim) sign the FIR. The officer should record the FIR's filing in a book maintained for this specific purpose. **A copy of this FIR will be given to you by the police free of charge.** Please remember to note the FIR number and date of registration of the FIR.

⁶ A comprehensive guide to Women's legal rights. Majlis Legal centre prepared for IIT Kanpur, Retrieved from [Rights, A Comprehensive Guide to Women's Rights](#)

⁷ Interview with Ms. Anuradha Shankar, Additional DG (Training), Madhya Pradesh Police and Dr. Vineet Kapoor, Deputy Director Madhya Pradesh Police Academy

⁸ Interview with Ms. Anuradha Shankar, Additional DG (Training), Madhya Pradesh Police and Dr. Vineet Kapoor, Deputy Director Madhya Pradesh Police Academy

Refusal To File FIR: If the police officer refuses to file the FIR, you can approach higher authorities like their supervisor and file a complaint against the officer-in-charge.

Transferring an FIR to a different police station: If an FIR is transferred to another police station on the grounds of jurisdiction (the first police station does not have the authority over the area where the crime occurred), it is declared cancelled in the first police station, and will be valid in the new police station where it was transferred to.

After filing a rape case and registering the FIR, its contents cannot be changed. Only the High Court can dismiss the FIR.

When the police records your complaint in the case of a Non-cognisable offence (a case in which a police officer has no authority to arrest without a warrant), the officer gives you what is called an “NC,” which is the Non-Cognisable Complaint Record.

After the FIR is filed, if there is enough evidence for the case to proceed, a challan is prepared. If there is not enough evidence, the FIR is declared as untraceable. If the FIR is found to be false, it may be cancelled altogether. A thorough investigation is needed to find out if an FIR is false.

Investigation

After filing a rape case and registering an FIR, the complainant (victim) or informant is likely to be called to the police station to give further statements, and potentially to identify the perpetrator, or to answer more questions. The investigation includes gathering evidence.

- Any evidence that can place the victim, witnesses, and perpetrators at the time and place of the crime is very important to the case and is collected.
- Further, the crime scene is investigated for any forensic or material evidence supporting the survivor’s account of what happened.

Arrest of the Accused

Once the police identifies the accused and is aware of their whereabouts and identity, they may make an arrest.

- Sometimes, a number of suspects are arrested – out of which the accused is identified through an official identification parade – after which the others are released.
- Accused persons are sent for a thorough medical check-up (provision under Section 53 of the CPC) to examine their body for signs that may validate and confirm the survivor’s statement. This examination is conducted by a registered medical practitioner at the order of the police.

Once again, the lack of evidence does not mean that rape has not occurred. At this point, the survivor and witnesses give detailed descriptions of the crime in their own records, in front of a magistrate.

In cases where the identity of the accused (the person who committed the assault) is known, the accused may also be arrested on the same day as the filing of the FIR or the very next day.

Note on the charge sheet: Once the investigation is complete, if it is found to be a genuine case with appropriate evidence, a charge sheet is filed. The police submits a detailed account of the investigation to the Sessions Court, including all the information gathered, including the FIR and evidence. The charge sheet is submitted to the court, and then the case goes to trial.

A charge sheet is a report filed by the police telling the magistrate that enough evidence has been collected for the court to inquire into the offence. It is to be filed in about 90 to 120 days after filing the FIR. The victim can obtain this information from the public prosecutor or their lawyer.

That said, it is not always the case that the charge sheet is being filed within the set time frame by the police. There have been cases where the police took longer than anticipated to complete investigation and to file the charge sheet.

What To Do If You're Not Satisfied With The Investigation: If, for some reason, the survivor/complainant is not satisfied with the investigation, with good reason, they can approach a Magistrate or the High Court for assistance, if you can show that there has been a miscarriage (failure) of justice.

Some instances of miscarriage of justice may include bias in proceedings, influence of power to change the outcome of proceedings, pressure on the victim to withdraw the case, etc. To understand whether there has been a miscarriage of justice, the key sign is the absence of fairness in the proceedings.

Step 2: Get a medical examination

A medical investigation of the survivor is also conducted, where all evidence of the assault is documented. However, you must note that not finding evidence does not automatically mean that rape or assault did not happen.

Once an FIR is filed, the police will accompany the victim to the nearest hospital or medical centre for a medical examination, ideally within 24 hours of the incident. Please note, the doctor or hospital staff are not required to wait for the police to conduct an examination and neither can they refuse to if the victim chooses to go to them directly. In the case of a female victim, a female police officer will accompany her to the hospital. And if such an examination is done by a male doctor then it must be done with another female nurse or attendant in the room.⁹ For more information on the medical examination, please visit the medical section of this toolkit.

The victim has a right to a copy of the medical report and this report should also be shared with the investigating officer.

Note on the Illegal Two-Finger Test

Please note that as per the MLC guidelines issued by the MoHFW, medical practitioners/doctors cannot carry out the two-finger test. The two-finger test (also known as the PV, Per-Vaginal test) is a test carried out by doctors to note the “laxity” (inner width or looseness) of the vagina and presence or absence of the hymen. Before the guidelines were issued, the Supreme Court had held that the results of the two-finger test are an “arbitrary and unlawful interference with the survivor’s reputation.”¹⁰ In a 2013 ruling, it stated that the two-finger test conducted on survivors of rape is a violation of their right to privacy, physical and mental integrity, and dignity. The two-finger test has since been banned.

⁹ Interview with Ms. Anuradha Shankar, Additional DG (Training), Madhya Pradesh Police and Dr. Vineet Kapoor, Deputy Director Madhya Pradesh Police Academy

¹⁰ Jayshree Bajoria (2017, November 9). Scroll.in publication,

Step 3: Accessing a Lawyer

After the registration of the FIR and the medical examination, a statement is recorded. The victim will be required to record their testimony (formal statement) in front of the Magistrate. This, too, is part of the pre-trial stage. It is suggested that the victim is accompanied and advised by a private legal counsel, or lawyer.

Public Prosecutor and Private Lawyer

In criminal cases, the Public Prosecutor (a state-appointed lawyer) argues the case on behalf of the victim. The victim also has the option of hiring a lawyer independently or requesting for legal aid if they cannot afford to pay a lawyer's fees. However, a private lawyer will have a limited role and will assist the Public Prosecutor. Please note that normally Public Prosecutors do not engage with victims and therefore it is best if the victims get another lawyer. The District State Legal Authority, State Legal Services Authority or National Legal Services Authority of India will appoint and pay for a lawyer to represent the victim regardless of the victim's income.¹¹

Legal Aid

The victim will be required to fill in an application form to apply for legal aid. The form can be obtained free of cost from District Headquarters and from Sub-Divisional Headquarters in every state in India. This process can be done offline or online through the application process on the website of NALSA.¹²

Stage 4: Court process

The pre-trial stage takes about 2-3 months to complete.¹³ The case is then listed before the court for presentation of evidence, witnesses, and arguments for a judicial determination of the facts, and whether the offence is made out.¹³ The victim is likely to be examined and cross-examined (questioned) as part of the trial along with the other witnesses.

The public prosecutor and the lawyers of the accused take over. Once the matter goes to court, the survivor/complainant can appoint a lawyer to assist the prosecution. Both sides put forth their arguments, during which the survivor, the witnesses, and the accused are questioned.

If it is a rape case, then the case is to be heard in court on a day-to-day basis and completed within 2 months from the date of filing the [charge sheet](#). A rape trial is always held in-camera, which means that they are not open to the public to watch.

FREQUENTLY ASKED QUESTIONS

Q. Should I go to the police?

Yes. In the event that you have been sexually harassed or assaulted or raped, you may file an FIR at the closest police station. Upon filing of the FIR, you must ensure that it is registered for the police to investigate and send the case to the relevant court.

¹¹ A study of pre-trial and trial stages of rape prosecutions in Delhi (Jan 2014-March 2015). Towards Victim Friendly Responses and Procedures for Prosecuting Rape, <http://doj.gov.in/sites/default/files/PLD%20report.pdf>

¹² National Legal Services Authority. Retrieved from <https://nalsa.gov.in/content/how-apply>

¹³ A study of pre-trial and trial stages of rape prosecutions in Delhi (Jan 2014-March 2015). Towards Victim Friendly Responses and Procedures for Prosecuting Rape, <http://doj.gov.in/sites/default/files/PLD%20report.pdf>

Q. When should I go to the police?

You should report the crime as soon as possible, ideally within 24 hours of the crime. In case you are not in a position to approach the police yourself, then your family may contact the police. If you choose not to report the case right away, you have the right to report a crime at any point in the future. However, at times, police may victim blame (blaming the victim for what has happened to them) rather than providing immediate support. If a police officer refuses to file or dismisses a complaint, read the following question to know your rights and available options.

Q. If the police officer refuses to file an FIR and dismisses the complaint, what can the victim do?

It is mandatory for the police to register an FIR. If the police officer in charge [refuses to register an FIR](#), the victim can send the information to the Superintendent of Police in writing. The Superintendent may conduct the investigation themselves or order a subordinate police officer to carry it out.¹⁴ Some States have the option of filing a complaint online as well. An e-FIR can also be filed for offences like rape, [dowry death](#), etc. However, for offences such as assault and stalking only a complaint can be filed online. It can be later escalated into an FIR after seeking permission from the Magistrate.

Q. Can I call the police to the location where the incident took place?

Yes, you can call the police to the location of the crime or wherever you are. When the police arrive, they can register an FIR on the spot as well. Please remember that the police cannot force you to be present at the police station to register an FIR.

Q. What language should the FIR be filed in?

An FIR can be filed in any Indian language. Please file it in the language you are most comfortable in. Regardless of the language, once written, the police must read the FIR back to you to confirm that he has recorded all that you wanted to say.

Q. Is the presence of a female officer necessary when I file my complaint?

While it is not mandatory that a female police officer is present at the time of filing an FIR, most women prefer it. You may ask for a female police officer to be present if you want.¹⁵

Q. Am I required to sign the FIR?

Yes. It is absolutely necessary that you sign the FIR. The FIR should be signed only after the police officer (or you personally) has read out the contents of the FIR. If a survivor is unable to sign the FIR owing to illiteracy (if they cannot read and write), they may use a thumbprint to “sign” the FIR and confirm its details.

Q. I am a woman with a disability and a victim of sexual violence. Do I have any additional rights?

Several services to safeguard the rights of women with disabilities have been provided in the law.

- They have the right to record their statement with the police in their home or any place of their choice.
- An interpreter or support person can be present along with the victim when the complaint is being recorded and during trial.

¹⁴ Nyaaya, India's Law explained. First Information Report (FIR), Retrieved from <https://nyaaya.in/topic/first-information-report-fir/how-to-file-an-fir-1#qna-2>

¹⁵ Nyaaya, India's Law explained. FIR filed for women related offences, Retrieved from <https://nyaaya.in/topic/first-information-report-fir/fir-filed-for-women-related-offences>

- Additionally, such information shall be videographed and the victim's statement shall be videographed.
- Even the victim's statement in front of the magistrate is to be recorded as soon as possible by the police officer.

Q. What is a Zero FIR?

Irrespective of where the crime was committed, an FIR can be filed at any police station in India. This is called a Zero FIR. The police are duty bound to register the same. For example, if the crime took place in Noida, but the victim is a resident of Delhi, they can file a complaint in Delhi. The case will then be transferred to the relevant police station in Noida for further investigation.

Q. Once the Zero FIR is filed, will the victim be required to undergo medical examination twice?

The survivor has to get a medical examination only once. Zero FIR is only a matter of jurisdiction (location), not process. If the Zero FIR has been registered in Delhi and the medical examination has been done (and report finalised), there's no legal or procedural requirement to do it again in Mumbai.

Q. Can I change the contents of the FIR once registered?

Once an FIR has been registered, its contents cannot be changed. However, you may provide the police with additional information at any time after the registration of the FIR.

Q. Will the victim's identity be made public?

The identity of a victim or survivor is to be kept private. The Supreme Court has directed the print and electronic media to not reveal the identity of the victim or survivor "even in a remote manner". Releasing the name of a rape survivor is a crime under the IPC (section 228-A).

Q. Can I ask the police for protection?

Yes, in case you fear for your safety after registering the FIR, you can ask the police for protection. The police are required to give you police protection because you feel vulnerable and unsafe.¹⁶ You may also approach the court of law for a protection order or a restraining order (this person will not be allowed near you) or an injunction (warning) against a person if you feel that such a person threatens your safety.

Q. How long will the accused go to jail for?

If found guilty, the accused can be jailed for a minimum period of seven years, but which may extend to life imprisonment, and fined, depending on the exact nature of the assault. If the incident is termed as 'rarest of the rare' (cases of extreme violence, for example), the accused can be sentenced to death.

There are instances where the accused may be acquitted (all the charges against them will be dropped and they are deemed to be innocent), too. This happens for many reasons, including the lack of evidence, failure of the investigation agency/police, failure of the Prosecution to prove the case beyond reasonable doubt (which is not very easy to do), withdrawal of cases because of society, cultural, or family pressure, and sometimes, pressure from influential accused and/or compromises.

¹⁶ Interview with Ms. Anuradha Shankar, Additional DG (Training), Madhya Pradesh Police and Dr. Vineet Kapoor, Deputy Director Madhya Pradesh Police Academy

Q. Are there special courts set up to hear cases brought under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989?

All scheduled offences mentioned in the Act are heard by special courts i.e. Exclusive Special Courts that have been set up under the Act. All proceedings before the Exclusive Special Courts are video recorded.

Q. Is there a time frame within which the matters where the victim belong to Scheduled Castes or Scheduled Tribe should be decided?¹⁷

The law states that in such scenarios the case should be decided within 2 months by these Special Courts. A victim or accused may appeal the decision of the Special Court to the High Court which is given authority to hear and dispose of the appeals within 3 months from admission of the appeal.

Q. I am a victim of sexual violence and belong to the Scheduled Castes/Scheduled Tribe category. Am I entitled to any monetary relief (financial aid)?

A victim can also claim monetary relief (financial aid) from the respective state governments with respect to the Scheduled Offences inter alia sexual crimes such as assault, voyeurism, stalking, outraging modesty, gang rape, etc. The victim is also entitled to travelling and maintenance expenses during investigation, inquiry and trial. Further, the victim is also provided with social-economic rehabilitation during investigation, inquiry and trial.

Q. Can I independently (on my own) go to a doctor for a medical examination?

Yes, you can independently go for a medical examination. In such cases, doctors are bound by a rule called Mandatory Reporting.

Q. Is there a preferred hospital for getting myself medically examined?

A registered doctor at a private hospital is bound by law to treat you and collect evidence. Therefore, it is not necessary that you go to a government hospital. Refusing the treatment of rape survivors is punishable under Section 166 B of the IPC with imprisonment for a term up to one year, or with a fine, or with both. Health professionals need to respond fully and completely to the needs of survivors.

Q. Can a victim have a bath before going in for a medical examination?

It is recommended that the victim does not have a bath, clean, change their clothes, go to the toilet (urinate or defecate) until after the medical examination is complete. However, this is not always possible. In such cases, please be aware that evidence may be lost. The medical report should state the delay, and record the intervening activities (like bath, etc.) which may explain the loss of evidence.

Q. What number do I call to report a sexual crime?

You can contact the local police at their helpline number: 100. The National Commission for Women (NCW) has launched a national helpline (1091) for women. You can dial 1091 to report a sexual crime anywhere in India. You will be required to give details of the crime, your address, and phone number. A police unit will reach you soon to help you. You can also dial 181, a helpline available in all States of India.

¹⁷ The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989

Q. What steps can I take if someone has sent me lewd/offensive messages online?

A crime committed over the internet (e.g. trolling, revenge porn, etc.) can be reported to the [cyber cell](#) of a police station. You may also lodge a complaint by using the Ministry of Home Affairs' [Online Crime Reporting Portal](#). You will be required to provide details about yourself, the accused, and the incident along with any supporting evidence. You can also directly file a complaint on the Cybercrime Reporting Portal against explicit online content.¹⁸

Q. Will I be required to go to court on each date of the hearing?

You will be required to appear before the Magistrate after filing of the FIR to record your statement. The public prosecutor then proceeds with the case and you will not be required to be present in court on each date of the hearing. You will be called for recording the evidence at a later date.

Q. Does the victim have to pay a fee for the services of the public prosecutor?

No, the services are provided free of charge.

Q. What is the duration of time within which cases must be closed?

There is no compulsory time frame - but there is an emphasis on fast tracking cases and prosecuting them at the earliest.

Q. What evidence can the survivor try to preserve that could help in the process?

Any and all evidence that the survivor can gather is acceptable. Its validity may be contested by the other side, but a survivor is fully within their right to submit any and all evidence they may wish to present in order to strengthen their case.

Q. As a victim of sexual violence, am I eligible for compensation?

"Compensation" is money given to a person in recognition of a loss, suffering, or injury. As per the Criminal Procedure Code, victims are to be given compensation under the State schemes. As per the Compensation Scheme for Women Victims/Survivors of Sexual Assault/other Crimes, 2018, an application for award of interim/final compensation can be filed by the victim or her dependent before the State Legal Services Authority or the District Legal Services Authority.

It is mandatory that an FIR is filed and a copy of the FIR is shared by the SHO/Superintendent of Police/Deputy Commissioner of Police with the State Legal Services Authority/District Legal Services Authority so that after the first stage of verification interim compensation is awarded. "Interim compensation" is the money the victim can receive in the time between the filing of the FIR and the end of the trial. This will be a percentage of the full amount of money.

Several factors are taken into consideration for awarding compensation, such as: How serious the crime was, how badly was the victim injured, financial status of victim, etc.

Further, the interim compensation so granted shall not be less than 25% of the maximum compensation to be awarded under the Scheme. This Schedule provides for minimum and upper limits of compensation. For instance, minimum limit for compensation to a rape victim is INR 4 lakhs and upper limit is INR 7 lakhs.

Time limit for claiming compensation: The Scheme also states that no claim for compensation shall be entertained after a period of 3 years from the date of occurrence of the offence or conclusion of the trial.

¹⁸ Nyaaya, India's Law explained. Reporting Sexual Crimes, Retrieved from <https://nyaaya.in/topic/sexual-crimes/reporting-sexual-crimes>

Compensation: money given to a person in recognition of a loss, suffering, or injury

Interim Compensation: money the victim can receive in the time between the filing of the FIR and the end of the trial. Interim compensation shall not be less than 25% of the maximum compensation to be awarded under the Scheme.

Final compensation: the full amount of money to be awarded to the victim under the Scheme.

Q. How long will the court proceedings take?

Even though the law requires that the cases be heard and ended at the earliest, cases are often still going on in the trial courts for more than two years. The court proceedings are “in camera” i.e. the general public, litigants (the people involved in the case), and other lawyers are asked to leave the courtroom and only the lawyers involved in the matter, the accused, family member of the victim, and the court staff remain inside the courtroom.

Q. What language will the trial be conducted in?

The proceedings take place in the language the victim is comfortable in. The victim has the option of testifying either in the courtroom or through a video link in an adjoining room.¹⁹

If you are looking to learn more about the different types of crimes against women, please refer to [Appendix 4\[A\]](#).

¹⁹ A study of pre-trial and trial stages of rape prosecutions in Delhi (Jan 2014-March 2015). Towards Victim Friendly Responses and Procedures for Prosecuting Rape, <http://doj.gov.in/sites/default/files/PLD%20report.pdf>

5 SECTION MENTAL HEALTH



This section is on Mental Health. Amongst other things, it will help you understand the difference between a psychologist and psychiatrist and different therapy options. If you need to take a break, please take your time and return to the guide when you feel comfortable.

Section 5: Mental Health

This section highlights mental health-related information based on informational interviews conducted with mental health experts.

Disclaimer: This guide is not intended to replace professional support, guidance, advice, or diagnosis.

Trigger warning: A trigger is a word or an event that can cause an action to take place. In this toolkit, certain words can be triggering for survivors. This means that reading those words or sentences can cause a survivor to either feel uncomfortable or anxious and might even take them back to an unpleasant memory.

If while reading you do experience this, you can do a grounding exercise - Close your eyes and breathe in and out, focusing on your breathing. Tell yourself that you are safe and you are OK. Use your breathing as an anchor to help bring you to the present moment. Do this as many times as you want to or at regular intervals. You don't need to go through this toolkit by yourself! Sit with someone you trust and ask them to go through it with you.



What is trauma?

Trauma is an emotional reaction to a terrible event. Individual trauma results from an event, series of events, or set of circumstances experienced by an individual as physically or emotionally harmful or life-threatening with lasting adverse effects on the individual's functioning and mental, physical, social, emotional, or spiritual well-being. Trauma and its effects are subjective - they are experienced differently by each person. Trauma can involve physical injuries. It can also shape an individual's beliefs, values, and goals for their life.

How can I recover from a traumatic incident that took place in the past if I can't remember the details?

You may not remember the details of your traumatic experience. But, that does not mean that it did not happen. Some survivors find it difficult to accurately remember the details of the incident. Immediately after the event, you usually feel shock and denial.

Longer term reactions include:

- unpredictable emotions (feeling angry one minute, then sad the next minute)
- flashbacks
- strained relationships with family/friends
- physical symptoms like headaches or nausea

While these feelings are normal, some people have difficulty moving on with their lives. Psychologists can help these people find helpful ways of managing their emotions. It is important to focus on how you feel about the incident and/or any related memories and honour your experience, however difficult it may be.

How do I identify and cope with triggers?

As a survivor, it is important to try to be aware of your triggers during the recovery process. You can also work with a therapist or licensed professional to understand and overcome these triggers over time. Therapists use various therapeutic processes to work with individuals who have been through trauma. This is done in a controlled, safe environment in a step-by-step manner which will allow the patient to slowly accept, understand, and work through their trauma. It will leave them feeling empowered and more in control of dealing with the situation.

Everyone has the right to choose their own therapist. If this seems difficult, then before starting therapy they can have a quick phone call or video chat with the therapist to understand how they work. This step will help you to start feeling comfortable with the idea of therapy and speaking with a stranger about very personal information. It also helps the therapist to start building a friendly relationship with you.

What are some common feelings or emotions survivors of sexual assault may experience?

As a survivor you may have experienced many different changes in emotions and behaviour.

- You may recall feeling shaken or confused.
- You may not be able to respond to conversations or feel like you are not physically present when speaking.
- You may also feel out of control and find it difficult to connect with yourself and others.
- You may find that you feel afraid in places and with people that are not actually a danger to you.
- You feel scared and afraid a lot of the time.
- You may also find yourself grieving the loss of your identity or may feel like you are losing who you are as a person.

Feeling trauma in our bodies

Our mind and body are connected and we tend to hold a lot of stress and anxiety in our body. For example sometimes under a lot of stress we might get headaches or our shoulders might hurt. In this same way, we also tend to hold trauma in our body. Sometimes remembering our trauma might cause us to fall ill.

Blaming Yourself

A lot of survivors also tend to blame themselves for what happened, showing a link between shame and trauma. This is why therapy becomes essential because a therapist will help you identify feelings like shame and guilt.

You may also experience flashbacks, suddenly seeing flashes of what happened. You may regret feeling paralyzed or frozen with fear during the incident and wish that you had reacted differently. Remind yourself that you did the best you could given the circumstances and, although you cannot change the past, there is a way to move forward that can bring hope and peace.

Should I seek help from a professional?

Therapy can help you become more aware of your feelings, behaviours, and triggers. If you are experiencing any of the emotional responses mentioned above and you find that they are affecting with your work, school, relationships, food, and sleep, then it is important to reach out to a trusted family member or friend, or seek professional help, like a therapist. If you cannot manage your day-to-day activities or are finding it hard to deal with negative emotions, you may want to consider getting help.

I have never been to therapy. What should I expect?

Therapy, or counselling, is the process of meeting with a therapist to help address problematic behaviours, beliefs, feelings, relationship issues, or to recover from traumatic experiences. Therapy can be a very empowering process and can help you regain some control over your emotions, so that you can lead a more fulfilling life. Therapy sessions are planned according to the survivor's needs. You and your therapist can go through topics at a pace you are comfortable with. You can spend more time understanding a certain topic that you think you need to. It is a unique process that is centred around the needs and recovery of the survivor.

Why should a survivor seek professional help?

Trauma is complicated in how it shows up in your life. It is different for every survivor and cannot be ignored. Emotional reactions may show through our thoughts, behaviours, actions, choices, world views, and interactions with others. Do not ignore the signals your body and mind are giving you. Therapy helps you come to terms with difficult experiences in your life and figure out a way to deal with those experiences. Professional help like therapy is an essential tool in the process of recovery.

Do I need to go to a psychiatrist or a psychologist?

Psychiatrists are primarily medical doctors and prescribe medications based on symptoms. Psychologists are trained in providing therapy, supporting individuals in managing trauma, anxiety, depression, relationships, etc. For example, if you are suffering from severe depression, consulting a psychiatrist can help you address the problem through medication. On the other hand, if you are struggling with confidence issues or social stigmas (pressure from society) as a result of the sexual assault, a psychologist can help address this.

Most psychologists and psychiatrists work together as a treatment team. For example, if you see a psychologist and they believe you may benefit from medication as well, they will refer you to a psychiatrist they trust.

What is the right form of professional help for me? Should I go to a psychologist, a psychiatrist, or a counsellor?

Each licensed professional has a unique area of focus during therapy.

Counsellors are professionals with a Master's degree or higher in mental health counselling. They work with patients by talking with them. Counsellors offer support to people going through emotional distress due to anxiety, relationship issues, eating disorders, sexual disorders, life changes, and/or substance abuse (drugs or alcohol).

Psychologists are professionals with a Ph.D. or Doctorate in Psychology. They perform the same duties as professional counsellors, but they also provide additional psychological services, such as providing psychological or diagnostic tests and consulting with medical professionals regarding the appropriate treatment for their patients, such as medication. They have additional training in the provision of psychotherapy.

Psychiatrists are medical doctors who complete specialized training in psychiatry. They diagnose and treat mood disorders, such as depression and anxiety, and serious psychiatric disorders, such as bipolar disorder and schizophrenia. Psychiatrists work in private practice, hospitals, or medical centres. Because psychiatrists are licensed medical doctors, they can prescribe medication.

Is there a timeline for survivors to seek help?

There is no right or wrong timeline or duration for therapy. It depends on when the survivor feels ready to seek professional help and is willing to address their issues.

Will I need medicines? What will other people think?

Based on your emotional needs and symptoms, medication may or may not be prescribed. It varies from person to person. Survivors, at times, avoid seeking professional help due to social stigma, or fear of what people will think, but remember that it is important to stay focused on your recovery.

What are the different affordable options available for seeking mental health support?

There are many organisations (private or non-profits) across major cities that offer counselling and therapy services to individuals at subsidized (discounted) costs; some even free of cost. These organisations adjust their fee based on the individual's income. You can also consider group therapy and support services which are cost effective and can also help you build a support system and connections with other people.

Does going to counselling and therapy sessions mean that I am emotionally weak?

It takes a lot of courage to recognise that you need help to address distressing emotions, behaviours, or traumatic experiences. Counselling helps you plan active steps to your recovery, while also giving you the space to practise them. While it can be a long and challenging process, it enables you to feel more empowered and stronger. Many patients in therapy report they benefit a great deal from having a safe space to talk about their trauma, without judgment, and receive an objective opinion on their struggles from a therapist.

During the course of your recovery you may also reach a realisation that recovery is not only about breaking the silence and talking about your trauma, but also about understanding how your trauma is showing up. These triggers and emotions can impact you even today. It is important to stay alert to the signs your mind and body give you and seek professional help to cope with them, when you feel ready.

Will I be made to revisit painful memories or past experiences?

The process of therapy and counselling is much more than revisiting your past memories.

- It is a process of discovering and understanding your emotions, triggers, behaviours, and experiences.
- You and your therapist may feel the need to revisit and remember the incident for the purpose of closure (feeling as though the traumatic experience has been resolved).
- The therapist will help this process by creating a safe space in a contained environment (such as their office where you feel comfortable) and a way for you to express yourself.

A therapist is there to work 'with' you every step of the way. They reinforce the belief that you are not alone in this process. Also, you do not have to do anything that makes you feel unsafe. If your therapist asks you something that you are not ready to talk about, you can always bring this up in your therapy sessions.

How long will I need therapy for?

The purpose of therapy is to allow you to cope with your trauma. Once you feel more empowered and in control of your feelings and emotions, your need for therapy will lessen. If you find yourself in need of support again, do not hesitate to return to therapy.

How do I find a therapist?

There are a number of counselling centres, private practices, and non-government organisations that offer professional mental health services. You can learn more about the organisation or professional by looking up their website and additional information. You can compare the different treatments they offer, the payment options, and find a service that is most convenient for you. If you are a school or college student, you can seek professional help from the counsellor available on campus. You can also ask your doctor or someone you trust for references.

What kind of therapy is available for survivors of sexual assault?

The effectiveness of any therapy session depends on the survivor's comfort level with the therapist and how much they work during the sessions. It may be a long process that requires trust and commitment from both the therapist and the survivor seeking therapy.

In general talk therapy, patients are encouraged to share their thoughts, feelings, and concerns about their traumatic experiences and any related issues. Research shows that getting support from an empathic professional is extremely therapeutic. In addition, there are a number of therapies specifically designed to treat the symptoms of PTSD.

Listed below are the types of therapy designed to treat trauma:

Cognitive Behavioural Therapy or CBT:

CBT is a form of psychotherapy that focuses on how a person's thoughts, beliefs, and attitudes affect their feelings and behaviours. Practitioners base CBT on the theory that problems arise from the meanings people give to events, as well as the events themselves. Unhelpful thoughts can make it difficult for a person to function confidently in different situations. CBT can have a positive impact on how people feel and act and equip them with coping strategies that help them deal with challenges. Through CBT, you can learn how to cope with maladaptive thoughts (negative thoughts or problems in adjusting or adapting to the environment), avoidance of stressful situations, and other problematic reactions you may be experiencing. Through CBT, the survivor could overcome certain limitations and work on recovering from trauma.

Prolonged Exposure Therapy or PE:

Prolonged Exposure Therapy is a form of cognitive behavioural therapy that helps individuals confront their fears or recover from traumatic events. The survivor is exposed to the traumatic event or similar events, places, people and objects that could possibly trigger their memories and experiences with the trauma. The survivor then actively addresses their trauma-related memories and signs, learning to control their emotional responses to it.

Eye Movement Desensitisation and Reprocessing or EMDR:

This is a form of therapy used to treat emotional distress. EMDR deals with negative feelings associated with memories of traumatic events. The therapist uses finger motions in front of your face and instructs you to follow these hand motions with your eyes. At the same time, the therapist will ask you to recall a distressing event. They will ask you about the emotions and body sensations that go along with it. The therapist will then guide you to shift your thoughts to more pleasant ones and create a safe space in your mind. You will be asked to rate your level of distress before and after the session. This process has been shown to increase survivors' abilities to cope with memories and feelings about their traumatic experience.

Group Therapy

Working with other survivors helps you realise you're not alone. You can draw from the strengths of others and also help inspire others.

Some therapists also use psychodynamic therapy. Psychodynamic therapy is a form of therapy that helps a survivor explore their early experiences with attachment figures and caregivers (such as parents) to help identify and provide more insight into our relationship needs and patterns with partners. This form of therapy can be immensely helpful for those who have experienced trauma from someone in their life or from someone known to them.

Telling Others About Your Trauma

Trauma affects you deeply and can play out differently within relationships and interactions you have with people. If you choose to tell your story, when and how you share your story is up to you. Who you confide in and rely on is your decision. You may find talking about sexual violence to be emotionally troubling as the person you are confiding in might react strongly.

If and when you choose to share your story with members of your family, friends or other loved ones, you might see strong reactions in them. They may become extremely upset or angry, and feel as though they have failed to protect you from harm. The reaction your family can have is also affected by their parenting values and belief system. This can lead to extremes of behaviour where they may appear over caring on one hand or even blame you. It is okay to ask your support system to change their behaviour to more positive behaviour to help you in your recovery.

It is helpful to recognise that

- The person you have told may not be able to or willing to provide you with the support you need. Remember, you are not alone. If one person is not supportive, it does not mean that others will also not be supportive.
- You have the right to refuse to answer any questions that you find uncomfortable or inappropriate.
- It is your right to express your feelings when and where you feel safe and on your terms. You also have the right to share as much or as little information as you feel comfortable expressing.
- You may feel more comfortable talking about your experience with other survivors of sexual assault. There are support groups available both online and offline for survivors.
- You may choose to speak out publicly.
- You may prefer to use alternative ways to express what you feel. Arts, literature, dance, and music can be beneficial tools for understanding our emotions and communicating with others.
- There are organisations and professionals available for guidance and support on disclosing (informing) about your trauma to others. Do not hesitate to seek help if you need it.
- You might also choose not to speak out at all and that is OK. Do not feel pressured to share because someone else is sharing their story. Do it only if and when you are ready.

6 SECTION SURVIVORS' VOICES



In this section, we will share personal quotes and anecdotes from survivors and their experiences using (or not using) professional services. If you need to take a break, please take your time and return to the guide when you feel comfortable.

SECTION 6 : SURVIVORS' VOICES

Disclaimer: This guide is not intended to replace professional support, guidance, advice, or diagnosis.

Trigger warning: A trigger is a word or an event that can cause an action to take place. In this toolkit, certain words can be triggering for survivors. This means that reading those words or sentences can cause a survivor to either feel uncomfortable or anxious and might even take them back to an unpleasant memory.

If while reading you do experience this, you can do a grounding exercise - Close your eyes and breathe in and out, focusing on your breathing. Tell yourself that you are safe and you are OK. Use your breathing as an anchor to help bring you to the present moment. Do this as many times as you want to or at regular intervals. You don't need to go through this toolkit by yourself! Sit with someone you trust and ask them to go through it with you.



To better understand the resources available for survivors and their experiences using (or choosing not to use) professional services, Sayfty sent out an anonymous survey through their networks and social media channels. The following are some excerpts from the responses received.

“Getting out of an abusive relationship was incredibly difficult. It wasn’t because I was so in love with my boyfriend, it was because I had begun to believe that is all my life could ever be, that it was all I deserved. Attacking self-worth and destroying all bridges is typical behaviour for abusers. I couldn’t talk about what I was going through with anyone. When I was finally able to see some light and get out I had to rebuild everything - my life, my self worth, myself.”

“(We need) a Know Your Rights toolkit.”

“Yes, I sought my brother’s and friends’ support and they helped me by primarily listening to me. We discussed the incident in detail and it was a release of a huge burden.”

“(We need) general improved dialogue about power dynamics and consent in public forums.”

“I would like the people around me to take action against the perpetrators they know and tolerate in their lives and circles.”

“Though I have rebuilt myself and I am the person I want to be finally - healthy, self-confident, and happy these triggers can take me back. Trigger warnings are so important for people like me because I get to prepare myself for what I might see or hear. These warnings do not protect me from feeling the feelings of powerlessness and fear I experience but they do help me prepare for them. I can remind myself that I’m safe and he can’t hurt me anymore.”

“Scared I would be shamed or blamed for the abuse because it is common practice to blame the victim.”

“I think I’d have felt stronger if people around me were sensitive.”

“I did try and seek support. But eventually had to deal with it on my own. Supporters can probably provide resources such as shelter and constant care.”

"Yes. I reached out to family, but it was followed by suppression and sense of humour. I didn't find help, but depending on the nature of family and friends, I still believe that if one talks about it to people they're comfortable with, it helps."

"I wish there were better legal services and police or judicial system."

"I believe: (we need) a group of people, who don't know you, and have similar stories can just talk and share and just listen."

"People told me 'If you are in love with him, it doesn't count as violence'. So I lost courage and I felt like a fool who deserved what happened. Also psychological or emotional abuse and violence doesn't leave visible wounds, so that I felt I couldn't even prove it."

"Believe the victim(s) and put their needs ahead of family shame. Otherwise, the victim takes on the shame and guilt."

"Honestly, (we need) trustworthy, fair and effective legal and police systems."

"The friends lost along the way were by my side again which is one of the main reasons I am still here. Rebuilding took a lot of work. I had to understand and rework my patterns, begin to establish my identity and self-worth. It was difficult but well worth every painful experience."

"Yes. Don't tell victims how to deal with their trauma. Don't ask questions that can be construed as placing blame on them (What were you doing? Were you drinking? What were you wearing?). Listening is much more important. Don't equate their trauma to anything else. Don't make them feel like not taking your advice will offend you or you will be disappointed in them."

"Though I am okay now there are still many things that trigger me. People yelling at or around me is one such trigger."

7 SECTION HOW TO SUPPORT A SURVIVOR



SECTION 7: HOW TO SUPPORT A SURVIVOR

If you are an ally of a survivor, then ensure that you are sensitive and observant to their needs and reactions. When they are sharing information with you, remain focused and do not interrupt. Also take their consent (permission) before comforting them physically, like giving them a hug. Be mindful not to hug them or make physical contact if they are sensitive or uncomfortable.

Here are some useful phrases from RAINN's National Sexual Assault Hotline staff that could help -

"I believe you."

"It took a lot of courage to tell me about this."

Coming forward and sharing their story can be very difficult for survivors.

They may feel ashamed and worried that they won't be believed. Do not interrupt the survivor and ask questions. Just listen and support them in the best way you can.

"It's not your fault."

"You didn't do anything to deserve this."

Survivors may blame themselves for the trauma. In such a situation remind the survivor that it is not their fault and that they are not to blame.

"You are not alone."

"I care about you and am here to listen or help in any way I can."

Survivors may feel alone and not understood. They may struggle with opening up and seeking help.

If they are ready to share, listen to their story and make them feel comfortable. Let them know that they can trust you and turn to you for help and support.

"I'm sorry this happened."

"I'm sorry you had to go through this."

The traumatic experience the survivor has faced is life-changing and may influence their ability to function. When you are listening to them or supporting them be mindful of their comfort and be non-judgmental. Empathise with them, be genuine, and let them know you are there for them.

Signs They May Need Your Help:

Look out for signs of:

- Prolonged sadness or moodiness
- Hopelessness
- Issues sleeping and eating
- Depression
- Withdrawing from activities they usually enjoy and life
- Drastic changes in personality or appearance
- Engaging in self harm
- If a survivor confides in you about feeling suicidal or preparing to take their life, then immediately encourage them to seek professional help or alert someone who can help and ensure they are taken care of.

8 SECTION LIST OF ORGANISATIONS PROVIDING SERVICES AND SUPPORT



This section is a verified database of mental health, legal, support services for survivors. If you need to take a break, please take your time and return to the guide when you feel comfortable.

SECTION 8: LIST OF ORGANISATIONS PROVIDING SERVICES AND SUPPORT

Disclaimer: The list was sourced or curated by volunteers. We do not guarantee the services of or endorse any service provider.

Helplines

1. Shakti Shalini — 10920
2. Shakti Shalini — Women's Shelter (011) 24373736/24373737
3. SAARTHAK — (011) 26853846/26524061

Mental health support

City	Name of the Organization	Type	Fees	Website Link/Email
Agartala	One Stop Centre, Tripura Commission for Women	Government	Free	tripuracommissionforwomen@gmail.com
Ahmedabad	Maanas	Private		http://www.maanas.org.in/index.html
Ahmedabad	Manthan	Private		http://manthan-india.com/index.htm
Aurangabad	One Stop Centre	Government	Free	osc.aurangabad@gmail.com
Bangalore	Banjara Academy	NGO	Free	http://www.banjaraacademy.org/
Bangalore	Nimhans Centre of well being	Private	Paid	http://nimhans.ac.in/clinical-psychology/clinical-psychology-range-of-services/
Bangalore	Viveka	NGO		http://www.vivekatrust.org/welcome/index

City	Name of the Organization	Type	Fees	Website Link/Email
Bangalore	Parivarthan	NGO	Free	http://www.parivarthan.org/index.html#contact-us
Bangalore	Vimochana			https://www.vimochana.co.in/home.html
Bhopal	One Stop Centre	Government	Free	
Chandigarh	Sakhi - One Stop Centre	Government	Free	sakhichd@gmail.com
Chennai	East West center for counselling	Private	Paid	https://centerforcounselling.org/east-west-center-for-counselling/counselling-services/
Chennai	Parivarthan	Private	Paid(sliding scale)	http://parivarthan.org/?i=1
Chennai	PCVC	Private	Paid	http://pcvconline.org/support.htm
Chennai	Chennai Counseling Services	Private	Paid (Rs. 800-900/- session)	https://counselingchennai.com/about-ccs/
Chennai	Talk it over(multi city)	Private	Paid (Rs. 1000/- session)	https://talkitover.in/
Coimbatore	Naveen Hospital	Private	Paid	http://www.naveenhospital.com/
Coimbatore	Mind Care counselling centre	Private	Paid	https://mindcarecounsellingcentrecoimbatore.justdial.com/#
Delhi	Sanjivini Society for Mental Health	NGO	Free	http://www.sanjivinisociety.org/
Delhi	PsyCare	Private	Paid (Rs. 1500/- session)	https://www.psycare.in/
Delhi	Manas Foundation	NGO	Free and Paid	www.manas.org.in
Delhi	Rahi Foundation	NGO		http://rahifoundation.org/women-survivor-programs.html

City	Name of the Organization	Type	Fees	Website Link/Email
Delhi	VIMHANS	Hospital	Paid	https://www.vimhans.com/
Dhanbad	One Stop Centre	Government	Free	singh2953@gmail.com
Dimapur	One Stop Centre	Government	Free	nld.srcw@gmail.com, sakhiosc.dmp@gmail.com
Goa	STOP CHILD ABUSE NOW (SCAN-Goa)	NGO		http://www.scan-goia.in
Goa	Sakhi One Stop Centre	Government	Free	dir-wcd.goa@nic.in
Hyderabad	Pause for Perspective	Private	Rs. 500-5000/- session	http://hyderabadpsychologist.com/
Hyderabad	Bharosa	Government	Free	http://www.bharosahydpolice.org/index.htm
Hyderabad	Asha Hospital	Private	Paid (Rs. 500-1500/- session)	https://www.practo.com/hyderabad/hospital/asha-hospital-banjara-hills/doctor
Hyderabad	Hope Trust	Private	Paid	https://hopetrustindia.com/service/outpatient-services/
Hyderabad	Zariya	NGO	Free	https://www.zariyaindia.org/
Hyderabad	The Hyderabad Academy of Psychology	Private		www.thehap.in/
Hyderabad	Sankalp	NGO	Free	http://www.sankalpforwomen.org/
Indore	Sakhi - one stop centre	Government	Free	socialdovtwe@gmail.com
Indore	Jan Sahas	NGO		www.jansahasindia.org
Jaipur	Aparajita Centre	Government	Free	aparajitaweraj@gmail.com

City	Name of the Organization	Type	Fees	Website Link/Email
Jaipur	Vishakha	NGO		www.vishakhawe.org
Jamshedpur	One Stop Centre, Red Cross Bhavan	Government	Free	onestopjamshedpur2@gmail.com
Kochi	Prasanthi Counseling centre	Private	Paid	https://www.prasanthicounseling.org/
Kochi	Mibo Care	Private	Paid	https://www.mibocare.com/
Kolkata	Sanjog India	NGO		
Kolkata	Swayam	NGO	Free	https://www.swayam.info/index.htm
Kolkata	Over a Cup of Tea	Private	Paid	https://www.overacupoftea.in/
Kolkata	Mansi Poddar	Private	Paid	http://www.mansitherapy.com
Kolkata	Police Detective department	Government	Free	http://www.kolkatapolice.gov.in/DetectiveDepartment.aspx
Lucknow	Samadhan			www.samadhanngo.org
Mumbai	Arpan	NGO	Free	info@arpan.org.in
Mumbai	Sakhya women guidance cell	NGO/ Government	Free	http://www.sakhyawgc.org/
Mumbai	SheSays	NGO	Free or Paid 1500/-	info@shesyas.in
Mumbai	HEAL	NGO	Free	headcase.com
Mumbai	SNEHA	NGO		https://snehamumbai.org/rape-and-sexual-assault/

City	Name of the Organization	Type	Fees	Website Link/Email
Mumbai	One Future Collective for LGBTQ community	Private	Pay-as-you-can mode	info@onefuturecollective.org or WhatsApp at +91 9082301339
Nagpur	One Stop Centre, Bharosa Centre	Government	Free	dy.commissionerwd@yahoo.com
Patna	Sahyogi	NGO	Free	http://sahyogi.ngo/
Patna	One Stop Centre	Government	Free	support@wcdbihar.org.in
Pune	SAMPARC	NGO	Free	https://samparc.org/family-counseling-centre/
Pune	One Stop Centre, Rajiv Gandhi Hospital	Government	Free	dy.commissionerwd@yahoo.com
Pune	Asha	NGO	Free	http://www.ashapune.org/
Pune	Nari Samata Manch	NGO	Free	https://narisamatamanch.org/
Pune	Foundation for child protection(Muskaan project)	NGO	Paid	muskaanforchildprotection@gmail.com
Shillong	One Stop Centre, Ganesh Das Hospital	Government	Free	megoscgdh@gmail.com
Shillong	Kripa	NGO	Paid	https://kripafoundation.org
Surat	Urja counselling centre	Private	Paid	Urja counselling centre
Surat	Manmandir Clinic	Private	Paid	Manmandir Clinic
Surat	Psy Lens	Private	Paid	http://www.sudiptaroysurat.com/
Surat	Happy Minds healing institute	Private	Paid	Happy Minds Healing Institute

City	Name of the Organization	Type	Fees	Website Link/Email
Trivandrum	One Stop Centre	Government	Free	nirbhayacell@gmail.com
Trivandrum	Don Bosco Clinical counselling	Private	Paid	http://donboscoppsychologist.com/
Trivandrum	Consolace	Private	Paid	https://www.consolace.com/index.php

List of online counselling services

Online	Better lyf	https://www.betterlyf.com/
Online	Your dost	https://yourdost.com/
Online	Therappo	https://therappo.com/
Online	Mansatha	https://www.manastha.com/
Online	Therapy 1 on 1	https://therapy1on1.com/
Online	My fit brain	https://myfitbrain.in/
Online	Hope Network	https://www.hopenetwork.in/
Online	Epsyclinic	https://iwill.epsyclinic.com/#/
Online	TickTalkTo	https://ticktalkto.com/
Online	Kaha Minds	https://www.kahamind.com

Legal Support

Delhi NCR (Noida, Gurgaon, Delhi). Referrals to lawyers in other locations available.	Tahini Bhushan	Private	Free or subsidised services available	tahini.bhushan@gmail.com
Mumbai and Thane	One Future Collective for LGBTQ community	Private	Pay-as-you-can model	info@onefuturecollective.org or WhatsApp at +91 9082301339
Northern India	Sagina Walyat	Private	Free or subsidised services available	sagina.walyat@gmail.com
Mumbai and Pune	Amod Ekhaspur	Private	Free or subsidised services available	amod.ekhaspur7@gmail.com
Delhi NCR, Gurgaon, Ghaziabad	Arushi Anthwal	Private	Free or subsidised services available (only through Centre for Social Justice)	amod.ekhaspur7@gmail.com
Delhi, Haryana, West Uttar Pradesh	Lex Do It	Private	Free or subsidised services available	lexdoit.india@gmail.com
Various parts of the country	Sourya Banerjee	Private	Free or subsidised services available	souryabanerjee93@gmail.com

Medical Support

Mumbai	Dilaasa centres	Government	Free	A list of centres is available online on www.cehat.org
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External database

You can access a comprehensive list of organisations providing services and support from our partner, the Red Elephant Foundation, on www.sayfty.com/survivorstoolkit/directory.

(Note: The directory is curated and updated our partner, the Red Elephant Foundation (REF), and its network of volunteers. The entries are verified once every quarter. It is possible that within this time, some of the organisations may not be available or responsive on account of factors that are beyond the control of REF.)

APPENDIX

Appendix 4[A]

Types of crimes against women

“Violence against women and girls” (VAWG) refers to many types of harmful behaviour directed at women and girls because of their sex. Gender-based violence is visible at different stages throughout the lives of women and girls. It includes female infanticide, eve teasing, rape, sexual harassment at workplace, trafficking, [domestic violence](#), marital rape, [dowry](#)-related abuse, etc.

Any form of sexual violence, whether a one-time assault or a protracted (lasting for a long time) abuse, can be physically and emotionally damaging for a survivor. Sexual assault includes all forms of non-consensual contact with a sexual intent and could range from eve teasing to molestation to rape.²⁰

Below are brief descriptions of various sexual crimes committed against women which are punishable offences under Indian law.

A. Rape²¹

Rape is an act where a man:

- Forcefully penetrates into the vagina, mouth, urethra, or anus of a woman or forces her to do this with another person;
- Inserts any body part (not being penis), object into the vagina, urethra, or anus of a woman or forces her to do this with another person;
- Manipulates any part of the body of a woman so as to cause penetration of vagina, urethra, mouth or anus or any body part of such woman or makes her do with him or any other person;
- Applies his mouth to the vagina, anus, and urethra of a woman or makes her do so with him or any other person.

The above mentioned acts will amount to rape if the woman:

- did not give her consent;
- was pressured to agree to perform such acts;
 - Consented because the perpetrator put her or her loved ones in fear of death or hurt;
- agreed because she thought the perpetrator is her husband;
- agreed but is drugged, drunk, is not of sound mind or is mentally ill;
- is under 18 years of age;
- is a [child bride](#);
- is not in a position to communicate her consent (for instance she may be unconscious).

If a man forces a woman to have intercourse under the false pretext of a promise to marry her, but has no intention to keep this promise, then it will amount to rape²². “[Marital rape](#)” or forceful sex without consent of wife by her husband is not recognized as a crime in India. In such a scenario, where a husband forces himself on his wife, the woman can file a case for domestic violence. Irrespective of consent, a husband having sex with his wife who is under the age of 18, is considered as rape in the eyes of the law.

²⁰ Section 354 and 509, Indian Penal Code, 1860;

²¹ Section 376, Indian Penal Code, 1860;

²² Deepak Gulati v. State of Haryana, AIR 2013 SC 2071

The criminal law in India also provides punishment on the following counts:

1. to persons in cases where after committing offence of rape and inflicting injury [causes death](#) or causes the woman to be in a persistent vegetative state;²³
2. sex by husband with his wife during separation;²⁴
3. sex by a [person in authority](#);²⁵
4. [gang rape](#).²⁶

B. Outraging modesty of a woman²⁷

An act of a man slapping a woman on her posterior in the presence of other people with the intention that it would embarrass her would amount to outraging the modesty of a woman.²⁸

An act outraging the modesty of a woman is one where the perpetrator, either by a [physical act](#) or a non-physical act, intends to offend, embarrass or insult a woman. It can be either assault, use of criminal force or utterance of some words, or sound or gesture or exhibits any object so as to be heard or seen by the woman. “Outraging modesty” is a subjective phrase and may differ on a case-to-case basis. It is also considered a crime if the perpetrator commits an act knowing it is likely to outrage a woman’s modesty, even if he had no particular intention of doing the same. It is mostly interpreted as acts which are outrageous to morality, would be outrageous to the modesty of a woman.²⁹

Physical acts could include the perpetrator pulling a woman which may be done with an intention to glance at her private parts, or remove her clothes such as dupatta/stole/scarf to glance at her breasts.³⁰ Even if a perpetrator does these acts to rob a woman, but not with a specific intention to outrage her modesty, a case under this section will be registered. Such acts may be coupled with a demand for sexual intercourse.

Non-physical acts could include any song, picture or figure exhibiting lewd suggestions which are considered as immoral and insulting a woman’s modesty.³¹

C. Sexual harassment³²

Sexual harassment can be described as:

- (i) Inappropriate touching or sexual advances which are unwelcome;
- (ii) Demands or requests for sexual favours, which may be made by intimidating, threatening blackmailing, etc., the victim;
- (iii) Showing of obscene or nude images or videos, making offensive, sexually coloured remarks or jokes, not limited to a person’s body or appearance;
- (v) Making [sexual gestures](#);
- (vi) Asking inappropriate questions, making suggestions or making remarks about a person’s sex life;
- (vii) Following or stalking a person publicly or online;
- (viii) Sending unwelcome social invitations with innuendos, metaphors, often described as flirting; or Act 2013³³
- (ix) Any other unwelcome physical, verbal or [non-verbal conduct](#) of a sexual nature.

²³ Section 376A, Indian Penal Code, 1860;

²⁴ Section 376B, Indian Penal Code, 1860;

²⁵ Section 376C, Indian Penal Code, 1860

²⁶ Section 376D, Indian Penal Code, 1860;

²⁷ Section 354 and 509, Indian Penal Code, 1860;

²⁸ Kanwar Pal S. Gill v. State (Admin UT Chandigarh);

²⁹ State of Kerala v. Hamsa, (1988) 3 Cri 161;

³⁰ Raju Pandurang Mahale v. State of Maharashtra, AIR 2004 SC 1677;

³¹ A Critical Overview Of Offences Against Women Under The Indian Penal Code, <https://www.lawctopus.com/academike/critical-overview-offences-women-indian-penal-code/>;

³² Section 354A, Indian Penal Code, 1860;

³³ Handbook on Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) <https://www.iitk.ac.in/wc/data/Handbook%20on%20Sexual%20Harassment%20of%20Women%20at%20Workplace.pdf>

Therefore, any action or gesture, directly or by implication, which is aimed at or has the tendency to outrage the modesty of a female, falls under the general concept of sexual harassment.

Sexual harassment is larger in scope and it includes stalking, eve teasing, [voyeurism](#) etc. Most of the time when a case for sexual harassment is registered it is coupled with the specific act (such as stalking, eve teasing, etc.).

Understanding the acts:

- An unwelcome or inappropriate touch is one where the man intends to make you feel uncomfortable, has the intention of sexually harassing you and intends to cause injury.
- Sexual gestures can be actions a woman finds insulting or that outraged her “modesty”. It could include inappropriate touching, blowing of flying kisses, etc.
- A man could WhatsApp or email or [share](#) obscene or nude images.
- Verbal forms of harassment could include innuendoes, metaphors or leaving vulgar comments on your social media profile.

However, it is not limited to these acts alone.

Sexual harassment at the workplace

Example: For Bira, an offsite trip to Goa was nothing but a bad experience. Her colleague Ken from the Mumbai office approached her multiple times during the trip. He forced her to dance with him, insisted to sit next to her in the bus and touched her inappropriately in the swimming pool. Bira decided to report this to her supervisor.

[Workplace sexual harassment](#) not only creates an insecure and hostile working environment for women but also impedes their ability to perform. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act) protects women in case of sexual harassment at the workplace. The law provides protection to all working women, irrespective of their age, and irrespective of the place of employment (it could be organized sector or unorganized sector).

Further, workplace includes any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for the purpose of commuting to and from the place of employment. POSH Act also covers a victim’s educational institution and hospital where she may be admitted. A special law is in place to provide recourse to women to approach the company she works for to handle the matter internally.

Sexual harassment at the workplace can be described as: (Handbook on Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013³⁴

- Unwelcome to the victim;
- Sexual in nature;
- A subjective experience;
- Where impact matters;
- Mostly in a matrix of power

Unwelcome touches can be described as ones that make a woman “feel powerless”, “demeaning”, “causes anger/sadness”, “illegal” etc. Impact of inappropriate behaviour can directly affect productivity at work and self-esteem. Such harassment is normally done by any person who is in the position of power at the workplace. For instance, it could be by a manager-subordinate relationship. The manager may make advances, with the threat that if she does not comply with his demands, he will not promote her.

³⁴ <https://www.iitk.ac.in/wc/data/Handbook%20on%20Sexual%20Harassment%20of%20Women%20at%20Workplace.pdf>

Professional impacts include³⁵:

- Decreased work performance;
- Being objectified;
- Retaliation from perpetrator and other colleagues; or
- Job and career consequences.

If a woman is being subjected to harassment at her workplace, then she may feel depressed, shame, guilt, self-blame, stress, loss of motivation etc. The victim may be made to work in a hostile work environment where she might suffer humiliation which is likely to affect her health and safety.³⁶

Conduct at the workplace that can amount to sexual harassment.³⁷

- Suggesting or implying that failure to accept an invitation to a date or sexual favours would adversely affect the victim's performance evaluation or promotion;
- Explicitly or implicitly suggesting sexual favours in return for hiring, compensation, promotion, retention or anything related to allocation of work;
- Act or conduct by a person in authority denying equal opportunity or making the workplace hostile only because such individual refused sexual favours; or
- Offering employment benefits in exchange for sexual favours.

As mentioned earlier, the victim can take [recourse](#) in her place of employment itself. The victim is required to submit a copy of the complaint along with supporting documents and include a list of witnesses who are supporting the complaint to the Internal Complaints Committee within three months of the harassment. The victim should make six copies of it.

The victim may choose to adopt an informal or formal mechanism. In case of the formal mechanism, the respondent would be served with a notice within 7 days of receiving the complaint and will have to respond within 10 days. The inquiry is to be completed within 3 months. In case either party is dissatisfied with the outcome then they may appeal to a court within 3 months.³⁸

The victim can also complain on the website of the Ministry of Women and Child Development through the [SHe-Box](#), an online platform for filing a complaint in the case of sexual harassment. The portal helps women register and track complaints.

She can also approach the police and file an [FIR](#).

D. Voyeurism³⁹

Example: Rose went to the market to buy new clothes. While trying on the clothes she realised that the changing room had a [hidden camera](#). This is a punishable offence.

Looking at or capturing a woman's private parts, especially when she thinks no one is watching her, is a [punishable offence](#).⁴⁰ "Peeping Toms" may look at or capture when:

- You are using a toilet;
- You are undressing or are in your underwear; or
- You are engaging in a sexual act with your partner.

³⁵ India's Law on Prevention of Sexual Harassment at the Workplace, October 2018, http://www.nishithdesai.com/fileadmin/user_upload/pdfs/Research%20Papers/Prevention_of_Sexual_Harassment_at_Workplace.pdf

³⁶ Handbook on Sexual Harassment of Women at Workplace for Employers / Institutions / Organisations/ Internal Complaints Committee / Local Complaints Committee (Prevention, Prohibition and Redressal) Act, 2013, November 2015, <https://wcd.nic.in/sites/default/files/Handbook%20on%20Sexual%20Harassment%20of%20Women%20at%20Workplace.pdf>

³⁷ India's Law on Prevention of Sexual Harassment at the Workplace, October 2018, http://www.nishithdesai.com/fileadmin/user_upload/pdfs/Research%20Papers/Prevention_of_Sexual_Harassment_at_Workplace.pdf

³⁸ Handbook on Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, <https://www.iitk.ac.in/wc/data/Handbook%20on%20Sexual%20Harassment%20of%20Women%20at%20Workplace.pdf>

³⁹ Section 354C, Indian Penal Code, 1860

⁴⁰ Sexual Crimes, <https://nyaaya.in/topic/sexual-crimes>

This can happen by illegally installing a camera in your bedroom or hacking your webcam and a man watches you when you are in the privacy of your room or home.⁴¹

If a woman has consented to [private photos](#), with the expectation that they will remain between her and the photographer, and the same are shared with third parties, then too it is a punishable offence.

E. Stalking⁴²

Example: Satish and Sana broke up. Sana noticed that despite her cutting contact with Satish, he was following her home and harassing her colleagues for information about her. She felt very scared to go out of her house.

Stalking is an act when a man follows you, contacts you or monitors your whereabouts with the intention to harm or cause fear.⁴³ This may occur even though the woman gives a clear indication that she is uninterested and in most cases the victim is unaware. In this digital age stalking is not confined to physical stalking, it could also be over the phone or [online](#). Stalking is not necessarily a standalone act, and it may be coupled with sexual harassment, eve teasing or outraging a woman's modesty.⁴⁴

Social media [platforms](#) like Facebook, Instagram, etc. are sometimes used to victimise women. In case a man monitors or follows the victim's activity online through social media and instant messaging applications, then it is cyberstalking. The victim can report the case to a cyber cell.

Some acts that may amount to stalking include:

- You may receive harassing phone calls;
- You may receive harassing text messages on your mobile;
- The perpetrator waits outside your house every day;
- You may receive letters or gifts; or
- Your online activity may be monitored on social media platforms.

F. Eve-Teasing

It can be described as unwanted sexual remarks or advances made by a man to a woman in a public space. The victim can approach the police and file a complaint. Eve-teasing can be in the form of verbal, physical, psychological, sexual harassment or harassment through some objects.⁴⁶

Under law [Section 294 of Indian Penal Code, 1860], women can complain against men who make cheap comments or sing obscene songs to bother them.⁴⁷

⁴¹ Invasion of privacy, <https://nyaaya.in/topic/sexual-crimes/invasion-of-privacy>

⁴² Section 354D, Indian Penal Code, 1860

⁴³ Stalking, <https://nyaaya.in/topic/sexual-crimes/stalking>

⁴⁴ #MeToo: How the law protects you against stalking, <https://barandbench.com/me-too-law-protects-you-stalking/>

⁴⁵ #MeToo: How the law protects you against stalking, <https://barandbench.com/me-too-law-protects-you-stalking/>

⁴⁶ The Deputy Inspector General of Police and Ors. vs. S. Samuthiram, MANU/SC/1029/201

⁴⁷ TBI Blogs: From Eve Teasing to Stalking, There Are Laws to Counter Any Form of Sexual Harassment in India, <https://www.thebetterindia.com/82586/eve-teasing-all-too-common-problem-india/>

ENDNOTES

Legal Procedures

<https://nyaaya.in/topic/sexual-crimes/inappropriate-sexual-touch>

<https://nyaaya.in/topic/first-information-report-fir/fir-filed-for-women-related-offences>

<https://nyaaya.in/topic/sexual-crimes>

<https://nyaaya.in/topic/arrest>

Medical Support and Examinations

MoHFW Medico-Legal Guidelines for Care

Comprehensive Health Care Response to Sexual Violence: CEHAT