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USE OF TWO FINGER TEST: AN ANALYSIS OF LEGAL DEVELOPMENTS IN INDIA- Poorva Bhawsar¹**ABSTRACT:**

The two-finger test is generally known for the sexuality of a women. It means the two-finger test is done basically for the women who is sexually assault is habituated of such sexual intercourse and determines the sexuality of women either she get intercourse or not. The two-finger test is not only determining the injury or signs of sexual intercourse, but there are also other more accurate techniques. Now a days, the two-finger test is bane in India.

INTRODUCTION:

The two-finger test is done by medical practitioner or we can say doctor / professionals of medical field who is expert in this field. The expert does the test of women's vagina or private part to come across the result of women is habituated to sexual intercourse or activity.

There is no place for virginity or likely to test two fingers, it has no scientific validity or assurance.

Rape: the rape basically defines the penetration of penis, to any extent into the mouth or vagina, mouth, urethra, or anus of a women or makes her to do so with him or any other person or either by inserting some object or any substance.

Rape is defined under section 376 of INDIAN PENAL CODE, 1860.

Sexual intercourse of women has some essential, when it can be called as rape:

- 1.) Without her permission or consent.
- 2.) Against her will.

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- 3.) Rape by making her fear of death.
- 4.) Not legal husband of another man wives.
- 5.) When girl is under 18 years of age.
- 6.) Unsound mind and ill-legitimate.

RAPE IS COGNIZABLE, NON-COMPOUNDABLE, NON- BAILABLE.

The concept of two finger test in India falls for determining the sexual activeness of victim who got sexually assault or women indulge in sexual activity in day-to-daylife. In two fingers test the medical experts see the positive and negative position of "Hymen" of women. It is also called pre-vaginum test of women or victim of sexually assault.

But the intact hymen does not believe to prove past sexual activity or any type of intercourse.

The main objective to conduct Two Finger test of any women or victim of sexually assault is to identify the virginity or the vagina position after an incident happen with her.

In another scenario with respect to "Hymens" break down, there are many other genuine reasons for breaking or mis position of hymens like masturbation, doing athletic activity or heavy and stretchable exercises,cycling,swimming, horse riding, some women have wide opening of vagina after their pregnancy.

In that situation, Two Finger Test will not showcase the virginity of any women or particular victim.

And this kind of test is mental and physical stress for the female for their future part and become ethically wrong.

The Two Finger Test will not correctly prove for those women's who habituated sex, mainly the married women's do sex on day-to-day basis and sometimes normal women's do masturbation and they lose theirvagina, so at this part insertion or putting two fingers in a women's vagina to examine her virginity will declare invalid.

IS RIGHT TO PRIVACY FOR WOMEN?

According to Article - 21 of Indian constitution safeguard all of its citizen for their personal privacy either in physical or in material (data) form.

In Two finger test the enquiry or examination is done without any consent from women either she is sexually habituated or not. The women also have same privacy as like men'shave. The

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medical expert tests the vagina part by inserting two finger to identify the virginity check or to check hymen break.

While doing the two fingers test the women get their privacy public (medicalexpert) and violets her mental and physical integrity as well as dignity on basis of Two finger test without her consent.

As per observation of supreme court former judge Mr. Khanna that, according to article 21 of Indian Constitution, no one shall be displace of his or her personal liberty without any authority of law or any law which grant permission to interference in personal liberty,privacy,family, home etc.

Every individual has its own privacy which is their civil liberty and examination with two finger test leads to disturb the dignity and rights of victim women regarding privacy. The most interesting thing is that when doctor or medical experts put two fingers in the vagina of women will damage the evidence that collected will get damage due to their gloves or wearing substance.

According to Modi's medical jurisprudence, it was said that – if the two or three fingers of medical expert getting inserted easily to the victim vagina than the women is not virgin. With respect to this if the two or three finger of medical expert is not getting inserted easily than the women or victim is virgin.

Day by day as per Modi's medical jurisprudence the insertion of two finger in women's vagina is becoming scientific examination of virginity.

But now a days the two-finger test is becoming one of the most serious problems of rape victim or women who will RE-RAPE by two finger test and as per British jurisdiction the women are discriminate on the basis of trueness of virginity.

CASE LAWS:

- In Narayan Amma vs. State of Karnataka: Supreme Court held that fact of admission of two fingers and the hymen rupture does not give a clear indication that prosecutrix is habitual to sexual intercourse. The doctor has to find out that the tear of hymen is earlier or an old tear. It is a severe victim self-disrespect and dignity as well and it is a kind of a Re-Rape to the victim/ women.

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- Rajesh Vs State of Haryana, Supreme court held that undoubtedly that the two-finger test and its interpretation violate the right of rape survivors to privacy, physical and mental integrity and dignity.

CONCLUSION

The conclusion is that the rape and other sexual intercourse offence are very heinous in nature which makes negative effect on society especially on women for their future life. The test like Two Finger Test is also an unscientific and inhuman in society which make poor dignity and also attacking the right to privacy of women and make bad effect on women's mental health and psychology. But now the two-finger test is ban in India due to privacy and dignity of women.

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