Gender-Sensitivity Guidelines

Mains: *GS II – Social Justice | Judiciary | Governance*

Why in News?

The Supreme Court has released a new report urging trial court judges to adopt gender-sensitive courtroom practices and use compassionate, legally grounded language in judgments.

What are Supreme Court's guidelines?

- **Title** – "Judgments and Gender: Sensitivity and compassion in writing judgments".
- **Drafted by –** An expert committee headed by former Supreme Court judge.
- **Objective –** To emphasises practical courtroom management and ensuring that the legal process does not re-traumatise victims.
- **Differ from –** The 2023 "Handbook on Combating Gender Stereotypes" published by the apex court that had focused on helping judges identify and avoid patriarchal language.
- **Key finding –** The **justice system can itself become a source of secondary trauma** when survivors are subjected to insensitive police remarks, humiliating questioning, prolonged court proceedings, insufficient privacy, or moralistic judicial language.

What is the difference between 2023 Handbook and Report 2026?

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2023 HANDBOOK VS 2026 REPORT

FROM LANGUAGE REFORM TO SURVIVOR-CENTRIC JUSTICE

DIMENSION	2023 HANDBOOK	2026 REPORT
Core focus	Gender-sensitive **language** and **judicial reasoning**	**Survivor-centric justice** and **courtroom experience**
Primary objective	Remove stereotypes, patriarchal assumptions and archaic terminology	Reduce **secondary trauma** caused by police, lawyers, courts and judicial processes
Approach	**Correct the language** used by judges	**Change the behaviour and practices** of the justice system
Target	Mainly judicial language, judgments and legal terminology	Judges, police, lawyers, court staff and the wider trial process
Evidence base	General guidance on problematic terminology and stereotypes	Analysis of **125 trial court judgments** to identify recurring problematic expressions
Judicial quality	Emphasis on gender-sensitive reasoning	Calls for **"Emotional Quotient (EQ)"** alongside Intelligence Quotient (IQ)
Victim experience	Indirectly addressed through respectful language	Directly addresses **trauma, anxiety, humiliation** and **loss of confidence**
Courtroom questioning	Challenges stereotypical assumptions about women	Encourages judges to prevent **indecent, scandalous and annoying questions**
Sexual history	Challenges stereotypes surrounding women's sexuality	Explicitly reiterates that a survivor's sexual history is **immaterial** to a rape trial
Witness treatment	Limited focus	Treat witnesses as **"guests"** of the court, reducing waiting and poor treatment
Pre-trial support	Not a central focus	Recommends **pre-trial counselling** to reduce anxiety
Privacy	Gender-sensitive judicial language	Recommends **in-camera trials** for sexual offences
Problematic terminology	"Eve teasing" → **street sexual harassment**; "housewife" → **homemaker**; "adulteress" → **descriptive neutral terminology**	"Lost her chastity" → avoid; "helpless female" → avoid; "body of women as playground" → **violated bodily autonomy**
Underlying problem	**Patriarchal stereotypes** in legal language	**Moralistic, insensitive and victim-blaming judicial language and practices**
Philosophy	**Gender sensitivity**	**Trauma-informed + compassionate justice**
Trigger/context	Need to eliminate stereotypes from judicial discourse	Concerns over insensitive trial-court judgments and the limitations of purely theoretical guidance
Institutional mechanism	Handbook as a reference for judges	**Practical training guidelines** through the National Judicial Academy
Overall shift	**From "What should judges say?"**	To **"How should the justice system treat survivors?"**

2023 → LANGUAGE REFORM
Stereotypes → Neutral legal terminology → Gender-sensitive judgments

2026 → JUSTICE-SYSTEM REFORM
Trauma → Compassionate procedure → Survivor-centric justice

What is the ethical dimension of survivor-centric justice?

- **Human Dignity –** A survivor should be treated with dignity and respect, rather than as an object of investigation or moral judgment.
- **Non-Maleficence –** “Do No Further Harm” - The justice system must avoid becoming an additional source of trauma by preventing insensitive questioning, humiliating remarks, or unnecessarily prolonged proceedings.
- **Compassion & Empathy –** Judicial competence encompasses both cognitive intelligence (IQ), which pertains to legal reasoning, and emotional intelligence (EQ), which involves sensitivity to the survivor's circumstances.
- **Impartiality –** Judges should refrain from making patriarchal, moralistic, or culturally biased assumptions regarding a woman's character, clothing, sexuality, or conduct.
- **Respect for Autonomy –** The choices, testimony, and bodily autonomy of survivors must be respected rather than evaluated based on notions of “chastity” or “character.”
- **Privacy & Confidentiality –** Conducting proceedings in camera and handling testimony with sensitivity safeguard survivors against unnecessary exposure and social stigma.
- **Procedural Justice –** Fairness extends beyond the final verdict. It also includes respectful questioning, timely proceedings, and dignified treatment of witnesses.
- **Truth & Evidence –** Questions should focus on establishing facts. When a survivor's sexual history is not legally relevant, it must not be used to undermine their character.
- **Institutional Responsibility –** Police, lawyers, judges, and court staff have an ethical duty to ensure a safe and respectful justice environment.
- **Gender Justice –** Using neutral legal language instead of stereotypes ensures women are evaluated based on law and evidence rather than social norms.

What lies ahead?

- Compassion should be balanced with due process by ensuring the protection of survivor dignity, privacy, and autonomy, while also safeguarding the accused’s right to a fair trial.

Reference

[Indian Express | Gender-Sensitivity Guidelines for Trial Judges]