

## 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?









## 2023 HANDBOOK VS 2026 REPORT



### FROM LANGUAGE REFORM TO SURVIVOR-CENTRIC JUSTICE

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



**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](#)

