Supreme Court and Judicial Patriarchy

Why in news?

Recently Supreme Court issued a set of guidelines to be followed by the judiciary while dealing with sexual crimes against women.

Why the guidelines was issued now?

- Earlier in a virtual hearing of a case, CJI asked the alleged rapist's lawyer to find out whether his client would marry the victim.
- Later he mentioned that the statement was misquoted.
- Aftermath this incident, the apex court bench now asked all courts to refrain from imposing marriage or mandating any compromise between a sex offender and his victim.
- It also issued guidelines to be followed by the courts in dealing with sexual crimes against women in the verdict.

What was mentioned in the verdict?

- The Court leaned on the "**Bangkok General Guidance for Judges on Applying a Gender Perspective in Southeast Asia"**.
- It listed a host of stereotypes to be avoided in the verdict:
    - Women are physically weak;
    - Men are the head of the household;
    - Men must make all the decisions related to family;
    - Women should be submissive and obedient.
- It also mentioned a playwright of Henrik Ibsen which is known for courageous women characters who break the traditions of familial confines and notions of social propriety.
- It also used a quote from Ibsen that "woman cannot be herself in an exclusively masculine society, with laws framed by men".
- The verdict acknowledges the bitter reality of women who are battling society's ingrained prejudices and said gender violence is mostly covered in a culture of silence.
- There is an entrenched unequal power equation between men and women in cultural and social norms, financial dependence, and poverty.
- This verdict will act as a guiding force for all future judicial proclamations.

What can we infer from this?

- It is not the first time the Supreme Court is clamping down against gender stereotyping.
- In **Ministry of Defence vs. Babita Puniya** case, the court argued against treating women in the Army any differently from their men counterparts for they worked as equal citizens.
- The Court had called out the notion of romantic paternalism as an attempt to put women in a cage.
- Individuals, institutions and those in important positions must take responsibility to break the silence on bias against women.
- The Court's verdict is a move in the right direction in fighting against gender inequality.

Source: The Hindu

