

Supreme Court Gender Sensitivity Handbook: From Language Reform to Compassionate Justice

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Supreme Court Gender Sensitivity Handbook Latest News

- Recently, the Supreme Court has released a new report, **“Judgments and Gender: Sensitivity and Compassion in Writing Judgments”**.
- It replaces the **2023 “Handbook on Combating Gender Stereotypes”** issued during CJI D.Y. Chandrachud’s tenure. The new document shifts focus from correcting judicial language to reforming how courts treat victims and witnesses.

Background: Why a New Report Was Needed

- The trigger goes back to a March 2025 Allahabad High Court verdict.
- The court had ruled that acts like grabbing a woman’s breasts and loosening her pyjama string amounted only to “preparation” to commit rape, not “attempt” to rape.
- The Supreme Court took suo motu cognisance and set aside this judgment in February 2026.
- During the hearings, CJI Surya Kant questioned whether the **2023 handbook** had actually helped prevent such insensitive rulings. He called it “too Harvard-oriented,” meaning too elite and theoretical for India’s ground realities.
- He said merely issuing a handbook to “sermonise” High Court judges served no purpose.

- The Court then directed the National Judicial Academy (NJA), Bhopal, to form an expert committee for practical guidelines.

Origin and Authorship of the New Handbook

- **2023 Handbook:** Conceptualised during the COVID-19 pandemic by then CJI Chandrachud, prepared by the Social Justice Sub-Committee and the e-Committee of the Supreme Court.
- **2026 Report:** Emerged from a suo motu writ petition after the Court noted a lack of “compassion and empathy” in the Allahabad High Court judgment. A five-member Committee of Experts, chaired by former Supreme Court judge Justice Aniruddha Bose (Director, NJA), including academics and social workers, drafted it.

Key Difference in Approach

- The 2023 handbook focused on identifying and replacing patriarchal language in judgments — **a cognitive and linguistic reform**.
- The 2026 report goes further. It targets actual **courtroom behaviour and procedure**, introducing what it calls “Compassionate Court Practices.”
- It argues judges need an “Emotional Quotient” alongside their “Intelligence Quotient” to handle cases involving crimes against women.

Methodology

- The 2023 handbook relied on **doctrinal research**, drawing on existing Supreme Court precedents that had already rejected gender stereotypes.
- The 2026 report is based on **empirical research** — analysis of 125 trial court judgments and a stakeholder questionnaire involving judges, victims, and witnesses.
- This survey found that 80.7% of respondents were unaware of the Witness Protection Scheme, 2018, directly shaping its recommendations.

Linguistic Reform: Two Different Targets

- Both handbooks provide glossaries of terms to avoid, but their focus differs:
 - 2023 Handbook replaced stereotype-promoting terms:
 - “Adulteress” → “woman who engaged in relations outside marriage”
 - “Housewife” → “Homemaker”
 - “Eve teasing” → “Street sexual harassment”
 - 2026 Report replaced **moralistic and dramatic** courtroom phrases:
 - “Body of women as playground” → “Violated bodily autonomy”
 - “Destroys the very soul of a helpless woman” → “Caused severe trauma to the survivor”
 - Avoids terms like “lost her chastity” and “helpless female”
 - Explicitly discourages religious or cultural references such as “Where women are honoured, there the gods rejoice”

- Notably, the 2026 report also asks judges to be alert to offensive expressions in **local and regional dialects**, not just English or foreign legal terms — a first for such guidelines.

Compassionate Court Practices: The Core Innovation

- This is the most significant addition in the 2026 report, aimed at **preventing “secondary victimisation.”**

Key recommendations include:

- **Witness as Guest:** Treating witnesses with respect so they do not “tremble on getting summons,” avoiding long waits and poor treatment that discourage testimony.
- **Legal aid and support persons:** Judges must proactively check if victims have legal assistance; if not, direct the District Legal Service Authority (DLSA) to ensure compliance within 48 hours. Support Persons must be available from the FIR stage onward, especially for child victims.
- **Pre-trial counselling** for victims to reduce anxiety before trial.
- **Courtroom environment:** Simple courtesies like offering a chair and water; removing unnecessary people from court during sensitive testimony.
- **Controlling cross-examination:** Judges must not be a “silent spectator” while victims face insulting or intimidating questioning. The report invokes the Bharatiya Sakshya Adhiniyam’s bar on indecent, scandalous, or irrelevant questions, particularly about a survivor’s sexual history.
- **Privacy safeguards:** In-camera trials, confidentiality of victim identity using initials or pseudonyms, and video-link testimony to avoid direct confrontation with the accused.
- **Victim Compensation Scheme, 2018:** Its full text is annexed for ready reference — absent in the 2023 version.

Approach to Queer Issues

- Both handbooks support non-binary inclusivity but differ in method:
 - The 2023 handbook focused on **debunking myths** (e.g., that transgender persons cannot be raped) and offered preferred terms like “Intersex” instead of “Hermaphrodite.”
 - The 2026 report introduces the **SOGIESC framework** (Sexual Orientation, Gender Identity, Expression and Sex Characteristics).
 - It recognises “Partner” as an inclusive term extending to same-sex relationships, and flags regional terms like Hijra, Jogappa, and Thirunangai as pejorative, recommending “intersex” or “transgender” instead.
 - It also includes first-hand testimony from a transgender individual on systemic discrimination faced in the justice system.

Target Audience and Intent

- The 2023 handbook was aimed primarily at **judges and the legal community**.
- The 2026 report is designed to be understood by **laypersons, victims, and children**, explicitly avoiding “foreign” legal jargon in favour of simple, accessible language.

Conclusion

- The 2026 report moves judicial reform beyond vocabulary to lived courtroom experience, embedding compassion, privacy, and dignity into trial procedure.
- By grounding guidelines in empirical data and regional realities, it aims to build a more empathetic, victim-centric criminal justice system for India.

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