

Gender Stereotype Handbook Revisited: Supreme Court Signals Shift in Judicial Training

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Gender Stereotype Handbook Latest News

- The Supreme Court has signalled a shift in its approach to gender sensitivity by moving beyond the 2023 *Handbook on Combating Gender Stereotypes*, issued under former CJI D Y Chandrachud.
- Current Chief Justice Surya Kant described the handbook as overly academic and stressed the need for more practical, ground-level judicial training.
- The observations arose during a suo motu hearing of an Allahabad High Court ruling that had controversially termed certain acts—such as grabbing a victim’s breasts and loosening her pyjama string—as mere “preparation” rather than an “attempt” to rape.
- The Supreme Court had earlier stayed the judgment and, later, formally set it aside.
- The bench directed the trial court to proceed with attempt-to-rape charges, underscoring the judiciary’s commitment to a more sensitive and legally sound interpretation in sexual assault cases.

Shift from Handbook to Institutional Training

- During the hearing, the Supreme Court questioned the practical utility of the 2023 Handbook on Combating Gender Stereotypes.
- The bench observed that the handbook relied on “forensic meanings” — technical or clinical interpretations — which may not reflect survivors’ lived realities or common social understanding.
- CJI Surya Kant described the document as “**too Harvard-oriented**,” suggesting it was overly theoretical and disconnected from India’s ground realities.
- The Court noted that merely issuing a handbook to guide High Court judges “serves no purpose” if it does not translate into meaningful change.
- Instead of relying on advisory texts, the bench emphasised the need for structured institutional reform.

Role of the National Judicial Academy

- The Court directed the National Judicial Academy (NJA), **Bhopal**, to constitute a committee of domain experts, academics, and lawyers to **draft practical training guidelines**.
- These will become part of the NJA’s curriculum for High Court judges.
- Once finalised, judges will undergo batch-wise training focused on handling sexual assault cases with sensitivity and legal clarity.
- Senior advocates have been engaged to assist in refining the new guidelines, ensuring they balance legal precision with survivor-centric sensitivity.

Inside the 2023 Gender Stereotypes Handbook

- Released in August 2023, the 35-page Handbook on Combating Gender Stereotypes aimed to eliminate patriarchal language and biased reasoning from judicial decisions.
- In his foreword, then CJI D.Y. Chandrachud emphasised that language shapes justice, warning that stereotypes distort the law’s application to women.

Reforming Courtroom Language

- A major section of the handbook provided a glossary identifying “Incorrect” (stereotype-promoting) terms and suggesting “Preferred” alternatives.
- **Examples of Suggested Changes**
 - “Adulteress” → “Woman who has engaged in sexual relations outside marriage”
 - “Eve teasing” → “Street sexual harassment”
 - “Child prostitute” → “Child who has been trafficked”
 - “Housewife” → “Homemaker”
 - Avoiding terms like “fallen woman” or “woman of easy virtue”
 - On “survivor” vs “victim,” it stated that both are valid but the individual’s preference should be respected.

Challenging Judicial Reasoning Patterns

- Beyond vocabulary, the handbook sought to dismantle stereotypes in judicial thinking, particularly in sexual offence cases.
- **Inherent Characteristics** – It rejected assumptions such as:
 - Women are overly emotional or illogical
 - All women want children
 - Young women cannot take major life decisions
- The handbook clarified that gender does not determine rationality or autonomy.
- **Gender Roles** – It challenged beliefs that:
 - Working women are negligent mothers
 - Women must be submissive
- It reaffirmed constitutional guarantees of equality and dignity.

Approach to Sexual Violence Cases

- The handbook addressed evidentiary misconceptions in rape trials:
 - Clothing, alcohol consumption, or lifestyle do not imply consent.
 - Lack of physical resistance does not equal consent.
 - Absence of injuries does not invalidate testimony.

Judicial Precedents Cited

- The handbook grounded its guidance in Supreme Court rulings, including:
 - *State of Punjab v. Gurmit Singh (1996)* — Survivor testimony is inherently credible.
 - *State of Jharkhand v. Shailendra Kumar Rai (2022)* — Banned the “two-finger test”.

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