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EDITORIAL ANALYSIS

How Does the SC Handbook Rethink Gender Sensitivity?

THE HINDU

9 August 2026 ·

POLITY ·

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INTERVIEW ANGLE

"The 2023 handbook was criticised as 'too Harvard-oriented,' too theoretical for Indian trial courts, while the 2026 report is built on 125 actual trial court judgments. What does this shift say about the gap between doctrinal legal reform and its practical uptake in India's lower judiciary?"

 Every fact web-verified against primary sources

THE LIFT LINE

A judge who calls an assault "preparation" has not misspoken. He has decided, in advance, how much violence counts.

WHY THIS EDITORIAL MATTERS FOR YOUR EXAM

Most GS2 judiciary answers on gender justice cite the existence of guidelines and stop there. This explainer supplies the harder distinction: a 2023 handbook existed, was Supreme Court-backed, and still failed to prevent the Allahabad High Court's error, which is precisely why the 2026 report abandons theory for an empirically grounded, trauma-informed practical framework. A strong answer treats this as a case study in the gap between doctrinal reform at the apex court and its actual uptake across India's district judiciary.

GS Paper 2: Structure, organisation and functioning of the judiciary; welfare schemes for vulnerable sections; issues relating to women. **GS Paper 4:** Attitude, foundational values for civil service, emotional intelligence in public administration; case studies involving sensitivity in institutional conduct.

CONCEPT	MEANING	WHY IT IS TESTABLE
‘Judgments and Gender’ (2026)	SC report on sensitivity and compassion in writing judgments, replacing the 2023 handbook	Named document, directly examinable, distinguishes practice-based from theory-based reform
2023 Handbook on Combating Gender Stereotypes	Chandrachud-era SC publication providing a glossary of stereotypical terms to avoid	Predecessor document; contrast case for “why reform failed to reach trial courts”
Prosecutrix	Outdated procedural label for a rape complainant, now recommended to be replaced with ‘victim,’ ‘survivor’ or ‘complainant’	Specific terminology change, easily tested in Prelims
SOGIESC	Sexual Orientation, Gender Identity, Expression and Sex Characteristics; internationally recognised framework recommended by the 2026 report	Shows the report’s scope beyond binary gender cases
Trauma-informed adjudication	Judicial approach cautioning against adverse inferences from delayed reporting, demeanour, or testimony inconsistency	Testable link to psychology-informed legal reform
In-camera trial	Closed-door proceedings for sexual offence cases, mandated under the Bharatiya Nagarik Suraksha Sanhita, 2023	Connects the report to codified criminal procedure law

BACKGROUND AND CONTEXT

The Supreme Court’s **February 2026** intervention began when it took suo motu cognisance of an **Allahabad High Court ruling (17 March 2025)** that had held that an accused who grabbed a 14-year-old girl’s breasts, dragged her toward a culvert and broke the string of her lower garment had only reached the stage of “**preparation**” to commit rape, not an “**attempt**,” and accordingly reduced the charges from those originally framed under **Section 376 read with Section 511 of the Indian Penal Code** and **Section 18 of the POCSO Act**. A Bench led by **CJI Surya Kant**, with Justices **Joymalya Bagchi** and **N.V. Anjaria**, set aside this finding on **17 February 2026**, holding the High Court’s reasoning a patently erroneous application of settled criminal **jurisprudence**, following an earlier February order directing the National Judicial Academy to constitute a committee to prevent such reasoning in future.

During these proceedings, CJI Surya Kant openly criticised the Supreme Court’s own **2023 ‘Handbook on Combating Gender Stereotypes,’** released under then-CJI **D.Y. Chandrachud** on **16 August 2023**, as “**too Harvard-oriented**” and too technical for the practical realities of India’s trial courts, and directed the **National Judicial Academy (NJA) in Bhopal** to convene a committee of domain experts, academics and lawyers to produce practical, India-specific guidelines.

The resulting report, **‘Judgments and Gender: Sensitivity and Compassion in Writing Judgments,’** was released on **3 August 2026**. It was drafted by a **five-member expert committee chaired by Justice Aniruddha Bose**, former Supreme Court judge and Director of the NJA Bhopal, which examined **125 trial court judgments** from across the country with the assistance of State Judicial Academies before finalising its recommendations. The report formally replaces the 2023 handbook.

THE ANALYSIS

- 1. The report’s empirical method is its most significant institutional shift.** Rather than compiling an abstract glossary, the committee examined actual trial court judgments, meaning its recommendations respond to language and reasoning patterns judges have genuinely used, not to a theoretical worst-case vocabulary. This is a direct response to the criticism that the 2023 handbook, however well-intentioned, was disconnected from trial court practice.
- 2. The Allahabad ruling shows language and legal reasoning are inseparable in these cases.** The “preparation versus attempt” distinction was not a stylistic lapse, it was a **substantive** legal error with direct consequences for the charges an accused faced. The report’s insistence on precise, non-euphemistic language (avoiding phrases like “ruined her life” in favour of describing bodily autonomy violated and trauma caused) is aimed at preventing reasoning, not just word choice, from minimising sexual violence.
- 3. Removing ‘prosecutrix’ targets a structural, not merely cosmetic, problem.** A term that reduces a survivor to a procedural label in the proceeding against the accused subtly centres the accused’s trial rather than the survivor’s experience; the recommended alternatives, victim, survivor, complainant, reframe the survivor as a person with a lived experience the court must engage with directly.
- 4. Trauma-informed guidance addresses a well-documented pattern in Indian rape jurisprudence.** Adverse inferences from delayed reporting, absence of visible injury, or witness demeanour have historically undermined survivor credibility in Indian courts despite established psychological understanding that trauma responses vary widely; codifying a caution against these inferences targets a specific, recurring failure mode rather than a hypothetical one.
- 5. The counter-argument, that a report cannot compel compliance, is the report’s central vulnerability.** The 2023 handbook was Supreme Court-endorsed and still failed to prevent the Allahabad High Court’s error less than two years later. Without mandatory training, periodic compliance review, or consequences for non-adherence, the 2026 report faces the identical structural risk: a well-drafted document reaching trial judges only as reading material, not as enforced practice.
- 6. The link to the BNSS and BSA shows this report operationalises, not just recommends.** In-camera trials and the bar on questioning a survivor’s sexual history are already **statutory** requirements under the Bharatiya Nagarik Suraksha Sanhita, 2023 and the Bharatiya Sakshya Adhiniyam, 2023; the report’s contribution is translating these general statutory protections into specific, actionable courtroom conduct, closing the gap between what the law requires and what judges may not have been trained to actually do.

DATA AND INSTITUTIONS VAULT

PRELIMS-GRADE FACTS:

‘Judgments and Gender: Sensitivity and Compassion in Writing Judgments’: released 3 August 2026; replaces the 2023 handbook

Committee chaired by Justice Aniruddha Bose, former SC judge, Director, National Judicial Academy, Bhopal; five-member expert committee; examined 125 trial court judgments

Trigger case: Allahabad HC ruling (17 March 2025) on “preparation” vs “attempt” to rape a 14-year-old; set aside by the Supreme Court (CJI Surya Kant, Justices Joymalya Bagchi and N.V. Anjaria) on 17 February 2026, following a February 2026 order directing the NJA to form the committee

Underlying case framed under IPC Section 376 read with Section 511 and POCSO Act Section 18 (pre-BNS regime)

2023 Handbook on Combating Gender Stereotypes: released 16 August 2023 under then-CJI D.Y. Chandrachud; criticised by CJI Surya Kant as “too Harvard-oriented”

Recommended terminology: “prosecutrix” to be replaced with “victim,” “survivor,” or “complainant”; SOGIESC framework recommended for diverse sexual orientation/gender identity cases

Statutory anchors: in-camera trials under the Bharatiya Nagarik Suraksha Sanhita, 2023; bar on questioning past sexual history under the Bharatiya Sakshya Adhiniyam, 2023

WATCH THE TRAP: DO NOT WRITE THAT THE UNDERLYING ALLAHABAD HIGH COURT CASE WAS DECIDED UNDER THE BHARATIYA NYAYA SANHITA (BNS). THE OFFENCE AND CHARGES WERE FRAMED UNDER THE OLD IPC AND POCSO ACT, SINCE THE CASE PREDATES THE BNS’S JULY 2024 IMPLEMENTATION; ONLY THE REPORT’S FORWARD-LOOKING PROCEDURAL RECOMMENDATIONS (IN-CAMERA TRIALS, CROSS-EXAMINATION LIMITS) MAP ONTO THE BNSS AND BSA, THE NEW PROCEDURAL AND EVIDENCE CODES.

THE DEBATE

Argument FOR the 2026 report as a meaningful institutional correction. Grounding recommendations in 125 actual trial court judgments, rather than an abstract glossary, directly responds to the documented failure of the 2023 handbook to prevent exactly the kind of reasoning error the Allahabad High Court committed. Explicit, practical guidance on trauma-informed adjudication and morality-free language gives trial judges concrete tools rather than aspirational principles.

Argument AGAINST expecting durable change from a report alone. A report carries no statutory force and no enforcement mechanism; the 2023 handbook was similarly well-regarded and Supreme Court-backed, and it still did not prevent the very ruling that prompted this replacement. Without mandatory, tracked training at every judicial academy and consistent appellate court reinforcement, the 2026 report risks the same fate within a similar time frame.

Balanced verdict. The report's practical, empirically grounded design is a genuine improvement in form over the 2023 handbook, but form is not the same as implementation. Its ultimate value depends on whether the National Judicial Academy and State Judicial Academies convert it into mandatory, periodically assessed training, and whether appellate courts consistently cite and enforce its standards, factors entirely outside the report's own text.

HOW TO THINK ABOUT THIS

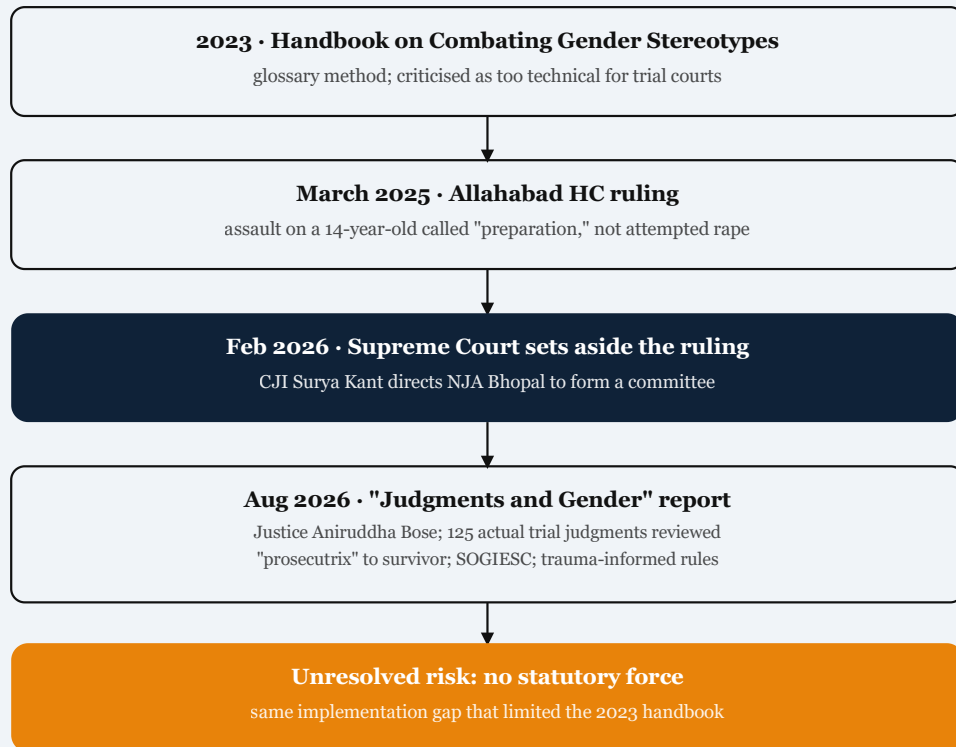
The transferable pattern: **when an institution's first reform attempt fails to change frontline practice, examine whether the reform was designed for the frontline at all, or for the institution's own self-image.**

The 2023 handbook's "too Harvard-oriented" criticism captures a common reform failure: a document produced with genuine intent and expert input, but **calibrated** to an audience, internationally-trained legal scholars and senior judges, different from the one actually applying the reform day to day, trial court judges handling hundreds of cases with limited specialised training. The 2026 report's empirical method, examining actual trial judgments rather than starting from theory, is a direct structural fix for this mismatch, but the fix still depends on distribution and enforcement reaching the same frontline the first attempt missed.

This same structural pattern recurs in police reform, where model guidelines drafted by expert committees frequently fail to change station-level practice without mandatory, monitored training; in RTI implementation, where public information officers often received the law's text without practical training on applying exemptions; and in environmental compliance, where pollution control board guidelines exist in detail but enforcement at the district level depends on staffing and monitoring capacity the guidelines themselves do not provide.

DIAGRAM-IN-WORDS

From theory to trial-court practice: two SC gender-sensitivity documents



The 2023 handbook gave trial courts a glossary; the Allahabad High Court still called a child's assault "preparation," not attempted rape. The 2026 report reviews 125 actual judgments instead of theory, but without statutory force or tracked enforcement it risks the same fate as its predecessor.

TAKEAWAY BOX

The first handbook told judges which words to avoid. The second tells them which reasoning to stop trusting.

‘Judgments and Gender’ report, 3 August 2026; chaired by Justice Aniruddha Bose; 125 trial court judgments reviewed; 2023 Handbook on Combating Gender Stereotypes (CJI Chandrachud, 16 Aug 2023); SOGIESC framework; Bharatiya Nagarik Suraksha Sanhita (in-camera trials); Bharatiya Sakshya Adhinyam (bar on sexual-history questioning); trigger case under IPC Section 376/511 and POCSO Section 18.

when institutional reform (a handbook, a guideline) repeatedly fails to change frontline behaviour, does the responsibility for that failure sit with the individuals who did not internalise it, or with the institution that did not build enforcement into the reform’s design?

UPSC has tested judicial reform and gender-sensitive jurisprudence (GS2) and public-institution sensitivity as an ethics case study (GS4); this report supplies a concrete, recent example connecting both, a named institutional failure, a named reform, and an unresolved implementation question.

“A Supreme Court handbook that trial courts do not internalise is reform in name only.” Discuss this claim with reference to the 2023 and 2026 Supreme Court gender-sensitivity documents and suggest measures to close the implementation gap.

Sources: The Hindu, LiveLaw, SCC Online, Swarajya

Source: How Does the SC Handbook Rethink Gender Sensitivity? — Ujiyari.com | Free UPSC & State PCS Editorial Analysis

● KEY ARGUMENTS AT A GLANCE

The Supreme Court's 2026 report 'Judgments and Gender,' prompted directly by an Allahabad High Court ruling that trivialised a sexual assault on a 14-year-old as mere 'preparation' rather than 'attempt,' shifts the institution's approach from the 2023 handbook's theoretical glossary of gender-unjust terms to concrete, trauma-informed courtroom practices grounded in an empirical review of 125 actual trial court judgments, reflecting a recognition that doctrinal reform alone does not change how trial judges write and reason.



SUPPORTING

- CJI Surya Kant's own criticism that the 2023 handbook was 'too Harvard-oriented' and too technical for practical use by trial judges signals an institutional acknowledgment that elite legal reform documents can fail to reach the trial courts where the overwhelming majority of sexual-offence cases are actually adjudicated.
- The report's recommendation to replace the procedural label 'prosecutrix' with 'victim,' 'survivor' or 'complainant,' and to strip morality-laden language such as 'lost her chastity' or 'ruined her life' from judgments, targets the specific vocabulary through which judicial reasoning, not just judicial politeness, can smuggle in stereotypes that affect case outcomes.
- The report's trauma-informed guidance, cautioning against adverse inferences from delayed reporting, absence of physical injury, or inconsistent testimony, directly addresses established patterns in India's rape-trial jurisprudence where such factors have historically been used to disbelieve survivors despite recognised, varied trauma responses.
- The report operationalises statutory protections already present in the Bharatiya Nagarik Suraksha Sanhita (in-camera trials) and the Bharatiya Sakshya Adhinyam (bar on questions about a survivor's past sexual history), converting general statutory language into specific, actionable courtroom conduct for judges.



COUNTER

A report is not binding law and carries no statutory penalty for non-compliance, so its practical effect depends entirely on trial court judges internalising guidance that a predecessor's 2023 handbook, despite Supreme Court backing, evidently failed to embed within roughly two and a half years, and the same institutional distance between the Supreme

Court and India's district judiciary that produced the Allahabad High Court's ruling could just as easily blunt this report's uptake.

**WAY FORWARD**

The report's value will depend on implementation infrastructure, not just its text, meaning the National Judicial Academy and State Judicial Academies should build mandatory, recurring training modules keyed to the report's recommendations, track compliance through periodic sampling of trial court judgments, and use appellate courts to actively cite and reinforce the report's language and reasoning standards so that adherence is enforced through practice, not left to individual judicial discretion.


MAINS ANSWER FRAMEWORK
QUESTION

Examine how judicial language and reasoning in sexual offence cases can itself reinforce gender stereotypes, and discuss the significance of the Supreme Court's 2026 report 'Judgments and Gender' in addressing this at the trial court level. (250 words)

INTRODUCTION

Judicial reasoning and language in sexual offence cases are not merely stylistic choices; they shape whether the legal system is read by survivors as trustworthy, and whether an appellate court can correct a trial court's factual and legal errors. The Supreme Court's report 'Judgments and Gender,' published in August 2026 and prepared by a committee headed by Justice Aniruddha Bose, addresses this directly after a widely criticised Allahabad High Court ruling exposed how judicial reasoning itself, not just word choice, can trivialise sexual violence.

BODY

The report's proximate trigger was the Allahabad High Court's finding that an accused who grabbed a 14-year-old girl's breasts, dragged her toward a culvert, and broke the string of her lower garment had committed only 'preparation' to rape, not an 'attempt,' a distinction the Supreme Court found legally untenable and set aside, describing the reasoning as a patently erroneous application of settled criminal jurisprudence. That underlying case, framed under the old Indian Penal Code (Section 376 read with Section 511) and Section 18 of the POCSO Act, predates the Bharatiya Nyaya Sanhita's July 2024 implementation, illustrating that flawed judicial reasoning is not confined to any one criminal code. The Supreme Court's response was institutional rather than case-specific: it directed the National Judicial Academy in Bhopal to convene a five-member expert committee, chaired by former Supreme Court judge Justice Aniruddha Bose, which examined 125 trial court judgments from across the country with State Judicial Academies' assistance before finalising its recommendations. Where the 2023 'Handbook on Combating Gender Stereotypes,' released under then-CJI D.Y. Chandrachud, focused on a glossary replacing outdated or stereotypical terms, 'eve teasing' with 'street sexual harassment,' 'housewife' with 'homemaker,' CJI Surya Kant criticised it as 'too Harvard-oriented' and insufficiently grounded in the practical realities of Indian trial courts.

The 2026 report instead targets language and conduct specific to sexual-offence adjudication: replacing the procedural term 'prosecutrix' with 'victim,' 'survivor' or 'complainant'; removing morality-coded language such as 'lost her chastity'; recommending the internationally recognised SOGIESC framework for cases involving diverse sexual orientation and gender identity; and mandating trauma-informed practices such as avoiding adverse inferences from delayed reporting or demeanour, alongside reiterating existing statutory protections, in-camera trials under the Bharatiya Nagarik Suraksha Sanhita and the bar on questioning a survivor's sexual history under the Bharatiya Sakshya Adhiniyam.

CONCLUSION

The 2026 report's empirical grounding in actual trial court judgments, rather than an abstract glossary, represents a genuine institutional course-correction, but a report's practical effect depends on sustained implementation, mandatory judicial training, and appellate enforcement, none of which are guaranteed by the report's text alone. The stronger safeguard would combine this report with periodic, tracked compliance review by judicial academies, ensuring that the gap between doctrinal reform and trial court practice, which produced the Allahabad High Court ruling in the first place, does not simply reopen in a few years for the same reasons the 2023 handbook fell short.

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