

TRAINING FOR GENDER SENSITIZATION



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STRUCTURE

- What is Gender Sensitization?
- Challenges
- Supreme Court Judgments on Gender Sensitization
- Gender-Sensitive Courtroom Conduct
- Legal and Institutional Framework in India
- Gender Insensitivity in Courtrooms
- Recommendations
- Instances of Gender-Sensitive Courtroom Conduct in India
- Gender Stereotyped v. Gender Neutral Phrases
- Principles of Gender-Sensitive Courtroom Conduct
- Combating everyday Gender Stereotypes
- Gender Sensitivity in Legal Scope across Globe
- Gender Appropriate Language (Stereotypical V. Preferred)
- Gender Ideals and Roles V. Reality

WHAT IS GENDER SENSITISATION?

- Gender sensitization is the process of raising awareness about gender equality and eliminating gender-based discrimination.
- It focuses on identifying and breaking down gender roles, stereotypes, and biases that exist in society, often unconsciously. The goal is not just awareness, but encouraging behaviour modification and cultivating empathy.

WHY IS IT IMPORTANT?

- Sensitization helps eliminate gender-based barriers in education, employment, and leadership.
- Improves overall wellbeing and sensitized individuals are more likely to treat others with kindness, respect, and understanding, regardless of gender identity

As held in *State of M.P v. Babulal*, (2008) 1 SCC 234 - "A socially sensitized Judge is a better armour in cases of crime against women than long clauses of penal provisions containing complex exceptions and complicated provisions."



CHALLENGES

- **Resistance to Change:** Efforts to challenge traditional gender roles and expectations often face pushback from individuals or groups who feel threatened by change.
- **Lack of Awareness:** Many people are unaware of gender issues or do not recognize the need for sensitization, leading to apathy or disengagement.
- **Limited Resources:** A shortage of funding, trained staff, and time can hinder the development and implementation of effective sensitization programs.
- **Cultural and Religious Norms:** Deep-rooted beliefs and traditions may oppose or complicate gender sensitization initiatives.
- **Language and Communication Barriers:** Multilingual and multicultural environments pose challenges in delivering gender sensitization messages effectively, requiring appropriate strategies.



SUPREME COURT JUDGMENTS ON GENDER SENSITISATION

- ***Vishaka & Others Vs. State of Rajasthan, (1997) 6 SCC 241:*** Recognized sexual harassment as a violation of women's fundamental rights. Issued guidelines to prevent and address sexual harassment in the workplace.
- ***Shayara Bano Vs. Union of India, (2017) SCC ONLINE SC 224:*** Declared the practice of triple talaq unconstitutional. Also declared it violative of women's rights to equality and dignity.
- ***National Legal Services Authority (NALSA) Vs. Union of India, (2014) 5 SCC 438 :*** Recognized the rights of transgender persons and directed the government to provide legal recognition ensuring their full inclusion and participation in society.
- ***Independent Thought v. Union of India, (2017) 10 SCC 800:*** Raised the age of consent for sexual activity from 16 to 18 years for all children.

GENDER-SENSITIVE COURTROOM CONDUCT

- *Mindful inclusion of gender-specific experiences and rights within courtroom procedures, aiming to uphold dignity, equity, and non-discrimination, especially for women and LGBTQIA+ individuals.*
- *The courtroom, as a symbol of justice, must reflect fairness not just in law but also in practice.*
- *This conduct involves respectful language, non-discriminatory procedures, and institutional sensitivity towards all gender identities.*
- *Gender bias still surfaces through victim-blaming, sexist remarks, intrusive questioning, and structural inadequacies like lack of gender-neutral facilities or support systems for survivors.*





LEGAL AND INSTITUTIONAL FRAMEWORK IN INDIA

- ***State of Punjab v. Gurmit Singh:*** Need for protecting the identity and dignity of rape survivors.
- ***Lillu@ Rajesh v. State of Haryana:*** Condemned two finger test as unscientific and violative of the survivor's dignity.

GUIDELINES

- *In-camera proceedings (specifically for sexual violence cases).*
- *Use of gender-sensitive language in judgments*

GENDER INSENSITIVITY IN COURTROOMS



- **Stereotyping and Victim-Blaming:** Use of patriarchal logic to question a survivor's behaviour, attire, or past sexual history.
- **Insensitive Cross-Examinations:** Aggressive or humiliating questioning of survivors.
- **Language and Address:** Use of masculine generics or degrading references to women or queer individuals.
- **Infrastructure:** Lack of separate waiting areas, accessible facilities, and psychological support services.

RECOMMENDATIONS

For strengthening gender sensitivity

- *Mandatory sensitization training*
- *Use of respectful and inclusive language*
- *Survivor-centric procedure*
- *Inclusive infrastructure*
- *Monitoring & accountability mechanisms*
- *Legal aid and psychological support*
- *Promotion of diversity in judiciary*
- *Reform in law school curriculum*

For improving gender sensitivity of Judiciary

- *Ensure women's representation at all levels (including SC).*
- *Sensitize patriarchal judges to prevent objectifying remarks.*
- *Track data of women judges and senior designates.*
- *Achieve 50% women in SC collegium leadership.*

Why is Gender Sensitization of Judiciary vital?

- **Patriarchal work environment:** *Women in the Indian judiciary face a patriarchal work environment marked by harassment, sexist remarks, judgment on appearance.*
- **Frequent deviations:** *SC judges are often criticized for reversing progressive HC rulings on women's issues, reflecting inconsistency in their stance.*
- **Insensitivity towards women's needs:** *The judiciary prioritizes formal over substantive equality, applying the sameness doctrine, instead of recognizing and addressing gender-specific needs without implying inferiority.*

Judicial Accountability

- Monitor and critically examine the scope and extent of gender-related misconduct and develop effective ways for victims to be heard and protected.
- Establish clear, confidential and accessible reporting channels in multiple fronts.
- Provide full support to victims, including protection against retaliation.
- Provide legal, medical and psychosocial support.
- Dissemination of information regarding rights, responsibilities, complaints procedures and support services.

INSTANCES OF GENDER SENSITIVE COURTROOM CONDUCT

✓	Arun Kumar v. IG Madras HC	Trans woman litigant	Testified via video link without facing accused	Helped avoid trauma; enabled full testimony
✓	MP Judicial Academy	District Judge	Changed attitude toward victims post-training	Shows impact of gender sensitization programs
✓	West Bengal Legal Aid	Female DV survivor	Protected from harsh cross-examination by aid lawyer	Survivor respected during trial
✓	Delhi & Bombay High Courts	Rape Survivors	Judgments used neutral, non-stigmatizing language	Example of respectful judicial communication
✓	Family Court, Maharashtra	Women in DV cases	Judge ensured separate waiting areas and safety	Encouraged women to speak freely
✗	Rajasthan District Court	Rape survivor	Asked about clothes, past sexual history in court	Violated dignity; discouraged participation
✗	UP District Court	Trans Man	Mocked for gender identity	Lack of sensitivity
✗	Rajasthan High Court (Earlier Rulings)	Female Complainant	Judge focused on victim's "moral character"	Shows persistence of stereotypes in rulings

STEREOTYPICAL PHRASE v. NEUTRAL ALTERNATIVES

Role	Gender-Stereotyped Phrase	Gender-Neutral Alternative
Judge	"She's just being emotional"	"Let us assess the testimony based on its substance"
Judge	"He's a man, he should've protected his family"	"Let's examine the circumstances without gender bias"
Judge	"That's just how boys behave"	"All actions must be judged against the law, not norms"
Judge	"I can't believe a woman would behave like that"	"Let's consider only the facts, not assumptions"
Judge	"This is a classic women's dispute"	"This is a civil matter involving parties"
Judge	"She was dressed provocatively"	"Clothing is irrelevant to the legal facts"
Advocate	"My client, as a woman, couldn't have done this"	"My client's actions should be considered on merit alone"
Advocate	"Men don't usually face domestic abuse"	"Abuse can affect anyone, regardless of gender"
Advocate	"Your Honor, my female client is very sensitive"	"Your Honor, my client has responded emotionally to events"

PRINCIPLES OF GENDER SENSITIVE COURTROOM CONDUCT

- 1. Equality Before Law :** Article 14 must reflect in the judicial conduct.
- 2. Dignity and Respect:** No humiliating questioning, harsh body language or a tone that may re-traumatize the survivors.
- 3. Non-Discrimination and Neutrality:** Avoid gender stereotypes such as “a good woman does not...” or “men do not get abused”.
- 4. Protection of Privacy and Confidentiality:** Section 327 CrPC and judicial guidelines to be followed for cases relating to POCSO, sexual & domestic violence.
- 5. Use of Gender-Sensitive Language:** Respectful and neutral language. Pronouns must be respected.
- 6. Inclusive and Accessible Infrastructure:** Safe waiting areas, gender-neutral washrooms, accessibilities with PwD's ensuring safety and comfort for all.
- 7. Facilitating Meaningful Participation:** women and marginalised person to be supported with special arrangements.
- 8. Access to Legal Representation and Support Services:** Free legal aid, counselling and interpreter services for marginalised communities.

COMBATING EVERYDAY GENDER STEREOTYPES

A. Courtrooms do not exist in a vacuum

- *Courts can challenge patriarchy—progressive rulings (e.g., Bombay & Madras HCs) have countered gender norms. Landmark SC judgments (e.g., Navtej Johar, Joseph Shine, Vineeta Sharma) have dismantled stereotypes. Yet, courts often reinforce patriarchy;*
- *Gender bias seen in low representation: only 4% women in SC, ~12% in HCs, and 15% of lawyers are women.*
- *Prejudices pervade every stage*
- *“Good” vs “Bad” women*

B. Stereotypes in courtrooms in cases relating to sexual violence.

- *Gender bias exists in how laws are made, applied, and interpreted. Key issues like marital rape remain unaddressed; conjugal rights laws persist.*
- *Courts have upheld misogyny through victim-blaming and problematic rulings. Culture of impunity seen in cases like Bilkis Bano, Hathras, and Unnao.*
- *Legal progress is often diluted by regressive judicial attitudes.*

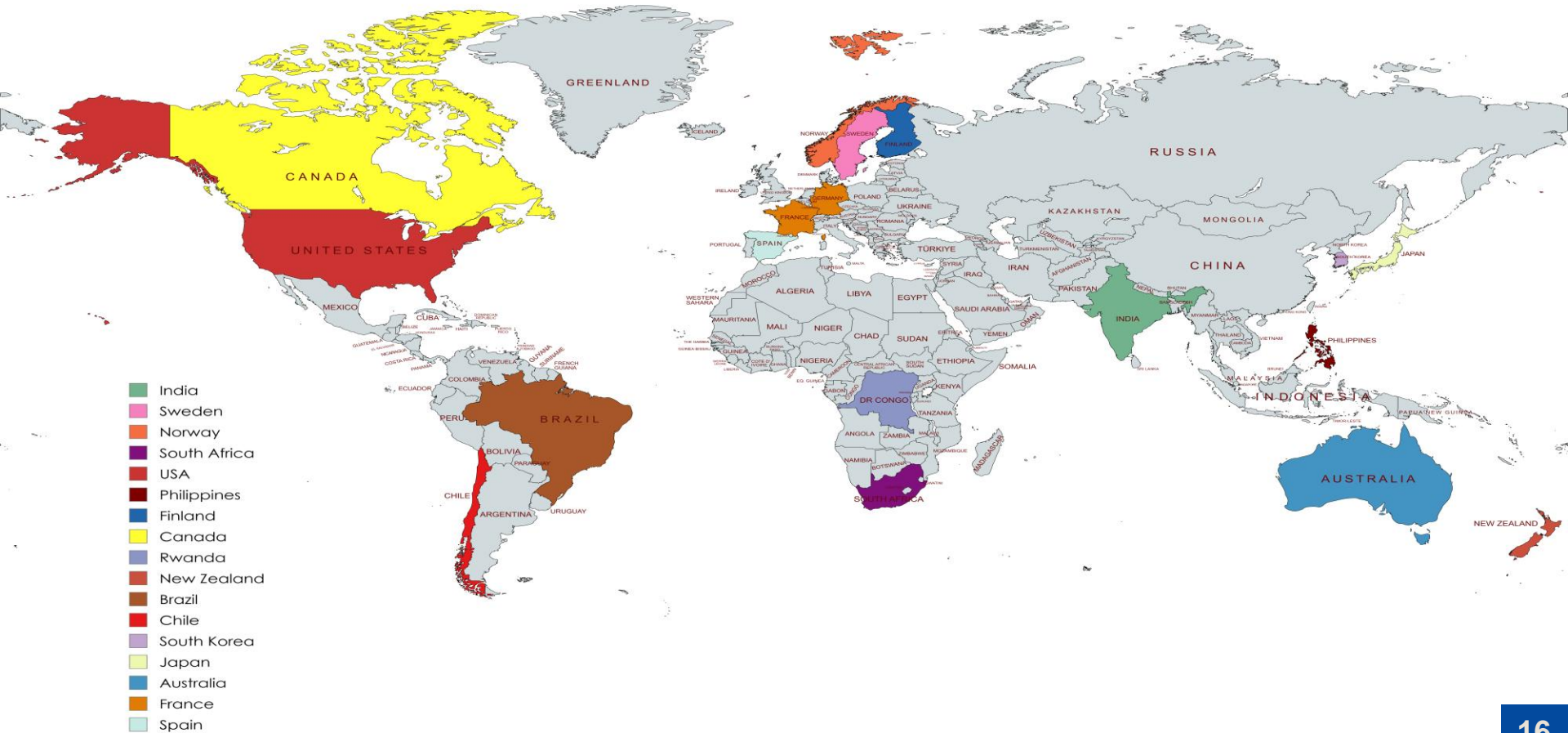
C. Stereotypes in Courtrooms in cases relating to Marriage and Domestic Violence

- **Delhi HC: Held refusal to keep Karva Chauth fast as cruelty—reinforces gendered expectations.**
- **S. Hanumantha Rao v. S. Ramani (1999) & Bhaskar Das v. Renu Das (2020): Refusal to wear *mangalsutra* or *sindoor* treated as cruelty—reduces women to symbols of marital status.**
- **Hadiya's case & Karnataka Hijab Ban**
- **Courts label women as “disgruntled” or accuse them of “misusing” laws like Sec 498A IPC, while minimizing actual violence.**
- **Patriarchal ideas push women back into unsafe homes to “save families”, denying them agency and justice.**

D. Judicial Stereotyping

- **Courts often rely on preconceived notions instead of facts or impartial interpretation, leading to miscarriage of justice.**
- **CEDAW (1979) warns that judicial stereotyping undermines women's credibility, impedes access to justice, and causes revictimization.**
- **Despite being custodians of constitutional values, courts sometimes uphold androcentric norms rather than delivering equitable justice.**
- **Judges must rise above patriarchal biases and ensure neutrality, fairness, and constitutional morality in their rulings.**

GENDER SENSITIVITY IN LEGAL SCOPE ACROSS GLOBE



GENDER APPROPRIATE LANGUAGE

✗ WHAT NOT TO SAY

✓ WHAT TO SAY INSTEAD

Adultress	Woman who has engaged in sexual relations outside of marriage
Bastard	Non-marital child or, a child whose parents were not married
Born a girl/boy	Assigned female / male at birth
Career Woman	Woman
Chaste Woman	Woman
Concubine/ Keep / Mistress	Woman with whom a married man has had romantic or sexual relations
Dutiful / faithful / obedient wife	Wife
Easy virtue	Woman (for woman of easy virtue)
Ravished	Sexually Assaulted/ harassed/ raped
Provocative clothing	Clothing / dress

GENDER APPROPRIATE LANGUAGE

✗ WHAT NOT TO SAY



WHAT TO SAY INSTEAD

Faggot	Homosexual/Bisexual
Fallen Woman	Woman
Harlot/ Slut/ Whore	Woman
Hermaphrodite	Intersex
Hooker/ Prostitute	Sex worker
Hormonal	Use a gender-neutral term to describe emotions
Unwed Mother	Mother
Western Woman	Woman
Transvestite	Cross-dresser
Seductress	Woman

STEREOTYPICAL IDEAL

REALITY

- Women are overly emotional, illogical, and cannot take decisions.

- A person's gender does not determine or influence their capacity for rational thought.

- Women should do all the household chores.

- While men and women are physiologically different, A person's strength does not depend solely on their gender but also on factors such as their profession, genetics, nutrition, and physical activity.

- Women are more passive.

- People display a wide range of personality traits. Both men and women can be (or may not be) passive. Women are not more passive than men as a rule.

- Women are warm, kind, and compassionate

- Compassion is an acquired characteristic that is unique to every individual. Individuals of all genders can possess (or not possess) compassion.

- Unmarried women (or young women) are incapable of taking important decisions about their lives.

- Marriage has no bearing on an individual's ability to take decisions.

- Women of oppressed or marginalised communities have diminished cognitive capabilities or a limited understanding of the world.

- The community an individual belongs to is not determinative of their cognitive capabilities.

- All women want to have children.

- Deciding to become a parent is an individual choice that every person takes.

STEREOTYPICAL GENDER ROLE	REALITY
<ul style="list-style-type: none"> Women are more nurturing and better suited to care for others. 	<ul style="list-style-type: none"> People of all genders are equally suited to the task of caring for others. Women are often socially conditioned to care for others from a young age. Many women are also forced to abandon their careers to care for children and the elderly.
<ul style="list-style-type: none"> Women should do all the household chores. 	<ul style="list-style-type: none"> People of all genders are equally capable of doing house chores. Men are often conditioned to believe that only women do household chores.
<ul style="list-style-type: none"> Wives should take care of their husband's parents 	<ul style="list-style-type: none"> The responsibility of taking care of elderly individuals in the family falls equally on individuals of all genders. This is not the sole remit of women.
<ul style="list-style-type: none"> Women are warm, kind, and compassionate 	<ul style="list-style-type: none"> Compassion is an acquired characteristic that is unique to every individual. Individuals of all genders can possess (or not possess) compassion.
<ul style="list-style-type: none"> Women who work outside of the home do not care about their children. 	<ul style="list-style-type: none"> Working outside of the home has no correlation with a woman's love or concern for her children. Parents of all genders may work outside of the home while also caring for their children.
<ul style="list-style-type: none"> Women who are also mothers are less competent in the office because they are distracted by childcare. 	<ul style="list-style-type: none"> Women who have "double duty", i.e., work outside the home and raise children are not less competent in the workplace.
<ul style="list-style-type: none"> Women who do not work outside the home do not contribute to the household or contribute very little in comparison to their husbands. 	<ul style="list-style-type: none"> Women homemakers perform unpaid domestic and care work that improves household well-being and saves money.

THANK YOU

