2026 INSC 783

REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

Miscellaneous Application No. 1998 of 2026
in Suo Moto Writ Petition (Criminal) No. 1/2025

In Re: Order dated 17.03.2025 Passed by the High Court of Judicature at Allahabad in Criminal Revision No. 1449/2024 and Ancillary Issues

JUDGMENT

SURYA KANT, CJI (Oral)

1. The origins of the present controversy have been well documented and do not require elaborate reiteration. Nevertheless, to briefly adduce the factual matrix of the case, this Court considered it necessary to take cognizance of certain observations made by a learned Single Judge of the High Court of Judicature at Allahabad in the judgment and order dated 17.03.2025 in Criminal Revision No. 1449/2024. The matter was brought to the attention of this Court through a letter dated 20.03.2025 addressed by a forum known as 'We the Women of India'. Upon receipt of the said communication, the matter was registered and was first taken up for consideration on 26.03.2025.

2. During the course of the proceedings before this Court, a comprehensive examination was undertaken of both the correctness of the High Court's

decision as well as the propriety of the observations contained therein. Upon such consideration, this Court found it difficult to concur with the conclusions reached by the High Court. The impugned judgment was consequently held to have been vitiated by an erroneous application of settled principles of criminal jurisprudence. The Criminal Appeals arising out of Diary Nos. 15692 and 21813 of 2025 were thus allowed, and the judgment and order dated 17.03.2025 passed by the High Court was set aside. As a natural consequence thereof, the matter stood remitted to the Court of the Special Judge (POCSO), Kasganj, for adjudication in accordance with law.

3. Having held so, this Court also deemed it appropriate to take notice of a broader and systemic concern permeating various levels of the justice delivery system, namely, the need for judicial decisions in cases involving sexual offences to be informed not only by legal principle but also by sensitivity, compassion, and empathy. This concern assumes particular significance in matters involving vulnerable and/or minor victims and witnesses, whose engagement with the criminal justice process demands the highest degree of judicial care and sensitivity.

4. In this backdrop, this Court observed that judicial decisions must embody the values of compassion, humanity, and understanding, which are indispensable to the administration of a fair, responsive, and effective system of justice. It further emphasised that sustained institutional measures are necessary to inculcate and nurture a sensitive and victim-centric approach amongst members of the judiciary, while ensuring that

court procedures are similarly aligned to uphold the dignity and rights of those who come before the justice system.

5. This Court therefore considered it necessary to formulate appropriate guidelines, informed by the views and recommendations of domain experts, while remaining mindful of the various measures and initiatives undertaken in the past to strengthen the administration of justice in cases involving vulnerable persons. To that end, Hon'ble Justice Aniruddha Bose, former Judge of this Court and Director of the National Judicial Academy, Bhopal, was requested to constitute and chair a Committee of Experts comprising four other domain specialists as Members. The Committee was entrusted with the task of preparing a comprehensive report on the subject, '*Developing Guidelines to Inculcate Sensitivity and Compassion into Judges and Judicial Processes in the Context of Sexual Offences and Other Vulnerable Cases*'.

6. Pursuant thereto, Hon'ble Justice Aniruddha Bose constituted a Committee comprising: (***i***) Justice Sonia G. Gokani, Former Chief Justice of the High Court of Gujarat; (***ii***) Ms. Anuradha Shankar, Advocate and Former Director General of Police, Madhya Pradesh; (***iii***) Dr. Surat Singh, Advocate, Supreme Court of India; and (***iv***) Prof. Lucy T.V. Zehol, Professor, Department of Anthropology, North Eastern Hill University, Shillong. The Committee is stated to have been assisted by Dr. Sonam Jain, faculty member at the National Judicial Academy, and Mr. Shrish Kailash Shukul, District Judge, Madhya Pradesh cadre, and presently Officer on Special Duty at the Academy.

7. This Court also made certain observations with a view to ensuring that the proposed Guidelines do not suffer the same fate as similar initiatives undertaken in the past. Upon reflection, it was recognised that one of the principal shortcomings of the earlier guidelines on the use of gender-neutral and non-stereotypical language in judicial writing was that they were framed with reference to a predominantly anglicised model of court functioning.

8. Unlike the common adage goes, what is good for the goose may not always be good for the gander. While well-intentioned, these previous guidelines did not sufficiently account for the linguistic and cultural diversity that characterises the Indian judicial system, particularly at the District Judiciary and High Court levels, where judicial proceedings and judgments are often shaped by regional languages, idioms, modes of expression, and local context. The present exercise, therefore, sought to ensure that the proposed Guidelines are capable of meaningful implementation across the diverse linguistic and institutional landscape of the Indian justice delivery system.

9. It is important to note at this juncture that this exercise also assumes significance in improving and enhancing the language generally employed in the course of court proceedings, and in the drafting of orders and judgments. The trajectory of legal language has, admittedly, traversed a rather winding path from where it once stood to where it stands today. This is because the language of the courts, and of judges in particular, was often complex and laden with legalese, rendering it

difficult for the layperson to comprehend. Over time, however, courts in India, and this Court in particular, have been mindful of this concern and have made a conscious effort towards rendering the language of the courts more accessible to the public at large.

10. The idea, essentially, is to ensure that people are made aware of their rights and responsibilities. More particularly, it is important to acknowledge that when our decisions ultimately have the effect of altering the course of a person's life, it is imperative on us to ensure that such decisions are rendered in terms that are understandable to them. This becomes even more apparent when we turn to some of our initiatives geared towards making judgments available to the public in regional languages. Against this backdrop, we need to lay great emphasis on ensuring that our final decisions are rendered in terms that are approachable, accessible and comprehensible across varying contexts, so that the rich diversity of our country does not become an impediment to our goal of true accessibility.

11. The Committee was in that regard expressly advised to prepare the Guidelines in clear and accessible language, capable of being readily understood by all stakeholders, including laypersons. The Court further emphasised that the Guidelines should avoid unnecessary reliance on technical or abstruse terminology, particularly expressions borrowed from foreign languages or jurisdictions, and instead remain firmly grounded in the social realities and lived experiences of those who engage with the Indian Justice Delivery System.

12. Pursuant thereto, the Committee undertook the arduous task of preparing a set of guidelines that are at once concise, practical, and comprehensive, with the objective of assisting members of the judiciary at all levels. In due course, the Committee submitted its report and accompanying publication in compliance with the mandate entrusted to it. The publication traces the evolution of gender jurisprudence in India, highlighting the judiciary's continuing commitment to fostering a more inclusive and equitable justice delivery system.

13. The publication further contains a detailed discussion on the legal framework safeguarding victims against stereotyping and victim-blaming, while illustrating the manner in which insensitive cross-examination and police interrogation may inflict secondary trauma upon victims and, in many cases, operate as a significant deterrent to their pursuit of justice. Of particular significance is the compilation of commonly employed gendered and stereotypical expressions often found in judicial discourse, juxtaposed with suggested neutral alternatives that are better suited to legal reasoning and adjudication. The Committee has thus endeavoured to produce a practical and accessible resource capable of guiding judicial officers in adopting language and approaches that are sensitive, inclusive, and consistent with constitutional values.

14. The publication also furnishes valuable guidance on expressions that are commonly employed in different regional and linguistic settings, clarifying whether such usage may carry pejorative or discriminatory connotations and, where appropriate, suggesting more respectful and

inclusive alternatives. This assumes particular significance in the context of references to transgender persons and persons of diverse sexual orientations, gender identities and expressions, and sex characteristics (**SOGIESC**), where the use of accurate and dignified terminology is integral to safeguarding individual dignity and equality.

15. The publication concludes with a dedicated section on conducting court proceedings with greater compassion and sensitivity, setting out practical measures to ensure that judicial processes are responsive to the needs of vulnerable persons while preserving the fairness, impartiality, and integrity of the adjudicatory process.

16. This Court places on record its deepest appreciation for the painstaking efforts of the Committee in preparing this publication. The work reflects careful deliberation, sensitivity, and a keen appreciation of the realities of the Indian justice delivery system. Owing to its lucid presentation, practical orientation, and ease of reference, the publication serves as a valuable ready reckoner for judicial officers at every level.

17. We are accordingly fully satisfied that the publication merits acceptance. The same is approved and shall serve as a guiding resource for members of the judiciary, particularly while dealing with matters involving sexual offences and other cases concerning vulnerable persons. Its adoption is will indeed promote greater consistency, clarity, and sensitivity in judicial discourse, while ensuring that the language and processes of the

courts remain anchored in the values of dignity, compassion, and empathy.

18. At the same time, we consider it necessary to clarify that the use of appropriate, inclusive, and sensitive language is an evolving exercise and cannot be regarded as having attained finality. As societal understanding continues to develop, so too must the language employed by courts in the discharge of their judicial functions.

19. The present publication must, therefore, be treated as the commencement of a continuing institutional endeavour rather than its culmination. It shall remain incumbent upon the judiciary, and particularly upon this Court, to periodically revisit and refine these standards so as to ensure that judicial discourse across the country remains consistent with constitutional values, reflects sensitivity towards all stakeholders, and speaks in a coherent and harmonious voice.

20. In view of the foregoing, we direct the Registry of this Court to ensure that the publication is uploaded onto the website of the Supreme Court, and that copies thereof are circulated to all High Courts for similar upload on their respective websites, as also for onward dissemination to the District Judiciary functioning within their respective jurisdictions. Copies shall likewise be circulated to all Tribunals and other quasi-judicial bodies, who may upload the same on their respective website(s), if any.

21. Similarly, the aforesaid handbook shall be published by the National Judicial Academy and all State Judicial Academies on their websites. Copies of the handbook shall further be forwarded to the Union and State Law Departments; to the National Legal Services Authority, as also the State, District and Taluk Legal Services Authorities; and to the Ministry of Women and Child Development, Government of India. Regional translations of the handbook also be circulated amongst relevant academicians, law universities and law colleges.

22. The Directors General of Police and the Directors (Prosecution) of all the States are also directed to implement the handbook, and to issue instructions to all police stations within their respective jurisdictions to abide by its contents while registering an FIR or filing a chargesheet.

23. The publication shall serve as a mandatory guiding resource in matters involving sexual offences and other cases concerning vulnerable persons.

24. We further direct all concerned authorities, whether judicial, governmental, or police authorities, to take appropriate steps to ensure the effective dissemination and implementation of the contents of this publication. To that end, they may organise orientation programmes, training sessions, workshops, seminars, and other capacity-building initiatives for all concerned officers and personnel, so that the principles embodied in the publication are meaningfully understood and effectively integrated into institutional practice.

25. Before we conclude, it is necessary to address an issue that was brought to light during the proceedings. Ms. Shobha Gupta, learned Senior Advocate, informed this Court that certain observations made by the High Court of Judicature at Patna, in its judgment in Criminal Appeal (SJ) No. 775/2013, are in direct contravention of the ratio and legal principles established in our prior order dated 10.02.2026. Consequently, the Registry is hereby instructed to seek guidance from the Hon'ble the Chief Justice of India, on the administrative front, regarding whether it is necessary for this Court to register fresh *suo motu* proceedings in this matter.

26. With these directions, the matter stands disposed of.

27. Ordered accordingly. Pending applications, if any, stand disposed of in the above terms.

....., CJI.
(SURYA KANT)

....., J.
(JOYMALYA BAGCHI)

....., J.
(V. MOHANA)

NEW DELHI;
JULY 14, 2026