

JUDGMENTS AND GENDER
(Sensitivity and compassion in writing judgments)

MIZO VERSION
(Abridged)

A CHHUNGA THUAWMTE

- Gender Jurisprudence in India
- Legal Protections against Victim-Blaming
- Cross-Examination and Sexual History
- Contrasting Judicial Sensitivities: Progressive Approaches and Persistent Prejudices
- Rule against Stereotyping: A transition to Gender-Just Society
- Gender/Stereotype Language in Judgments and Alternatives
- Compassionate Court Practices
- Points for Consideration

1. GENDER JURISPRUDENCE IN INDIA

Court rorelna leh thutlukna (judgment) chhuak reng thin hmanh hian India rama rorelna (judiciary) chuan mipa leh hmeichhe inthliarhranna awmlo leh dikna leh chanvo intluktlanna (gender justice) huang a zauh zel a. Court thutlukna hrang hrangte hian mihring zahawmna te, mimal dikna leh chanvo te, intluktlanna leh mimal venhim leh humhalhna chungchangte an tarlang thin a ni. Court-te hian ngaihda kan lo sahuai thingvawn chawt tawh mipa rorelna leh thuneihna tura ngaihtlatna chu a rawn her danglam zel a. Tin, mi hrang hrangten harsatna hrang hrang an tawh thin chu hriatthiampuiin, hnathawhna hmun leh zirna ina mipa hleilenna thleng thin ven chu a ngaipawimawh em em

bawk a ni. Hei hian nasa takin naupai chungchang te, mipat hmeichhiatna kawnga mimal duhdan leh thuneihna te, hmeichhia te, naupang te, transgender-te leh queer community/non-binary te dikna leh chanvo chu mipa leh hmeichhia inthliar lo zawng a ni tur a ni tih nasa takin min pawm thiamtir a ni. Kum tam tak chhunga rorelna Court thutlukna (judgment) hrang hrangahte hian mipa leh hmeichhe intluktlanna leh huam zau zawk khawtlang (society) din tura thahnemngaitaka judiciary-in ke a penna kan hmu chiang hle a ni.

TABLE

Sl No.	Name of the Case (with Year)	Factual Brief	Principle from the Judgment of the Hon'ble Supreme Court of India reflecting the transition of Gender Jurisprudence
1	Yusuf Abdul Aziz v. State of Bombay (AIR 1954 SC 321)	Challenge to Section 497 IPC (adultery law) on grounds of gender discrimination. (Section 497 of IPC has subsequently been struck down in the case of Joseph Shine as serial no. 13 in this table)	The Hon'ble Supreme Court upheld the constitutional validity of special provisions for women under Article 15(3), recognizing that substantive equality may require protective measures in favour of women.

2	C.B. Muthamma v. Union of India ((1979) 4 SCC 260)	First woman in Indian Foreign Service challenged discriminatory promotion/service rules.	Court condemned sex-based Service rules and affirmed equality in public employment, stating married women cannot be put on a worse footing than married men.
3	Tukaram v. State of Maharashtra ((1979) 2 SCC 143)	Rape of a minor girl in police custody; accused acquitted due to restrictive reasoning on consent.	Public outcry led to reforms in rape laws, shifting focus to survivor-centric interpretation and statutory changes regarding consent and evidence.
4	Air India v. Nergesh Meerza ((1981) 4 SCC 335)	Air hostesses challenged rules mandating retirement on marriage/pregnancy.	The Court held pregnancy-based termination rules arbitrary and unconstitutional, calling such provisions an

			insult to womanhood.
5	Bharwada Bhoginbhai Hirjibhai v. State of Gujarat ((1983) 3 SCC 217)	Rape survivor's testimony questioned for lack of corroboration.	The Court held survivor's testimony does not require corroboration, recognizing the social stigma of reporting sexual violence.
6	State of Punjab v. Gurmit Singh ((1996) 2 SCC 384)	Rape survivor's privacy and dignity during trial at issue.	The Court emphasized (<i>in-camera</i>) proceedings, privacy protection, and survivor dignity, noting no woman would humiliate herself by making a false allegation.
7	Vishaka v. State of Rajasthan ((1997) 6 SCC 241)	Sexual harassment of social worker at workplace.	The Court framed the Vishaka Guidelines for workplace Sexual harassment at workplace, affirming gender

			equality includes protection from such harassment.
8	Sakshi v. Union of India ((2004) 5 SCC 518)	NGO sought child-sensitive Courtroom procedures for sexual offence trials.	The Hon'ble Supreme Court directed adoption of child-sensitive adjudication to prevent trauma to child victims.
9	Anuj Garg v. Hotel Association of India ((2008) 3 SCC 1)	Challenge to law barring women from working in venues serving alcohol.	The Court held legislation should be assessed by its impact, not just aims, and struck down exclusionary provisions as unconstitutional.
10	Suchita Srivastava v. Chandigarh Administration ((2009) 9 SCC 1)	Pregnant woman with intellectual disability sought autonomy over abortion.	The Court affirmed reproductive autonomy as a facet of personal liberty, linking it to dignity, bodily integrity, and privacy.
11	National Legal Services Authority v.	Recognition of transgender persons' legal rights.	The Court constitutionally recognized transgender

	Union of India ((2014) 5 SCC 438)		identity, affirming dignity and directing affirmative measures for inclusion.
12	Joseph Shine v. Union of India ((2019) 3 SCC 39)	Challenge to criminalization of adultery law.	The Hon'ble Supreme Court struck down adultery law as unconstitutional and rejected patriarchal notions of marriage.
13	Indian Young Lawyers Association v. State of Kerala ((2019) 11 SCC 1)	Women challenged exclusion from entering Sabarimala temple.	The Court held exclusion based on biology violates dignity and equality, and asserted constitutional morality prevails over patriarchal customs.
14	Secretary, Ministry of Defence v. Babita Puniya ((2020) 7 SCC 469)	Women officers sought permanent commission in the Indian Army.	The Court rejected stereo-types about women's roles and held women cannot be denied equal opportunity on the basis of physiological or social assumptions.
15	Lt. Col. Nitisha v. Union of India ((2021) 15	Challenge to facially neutral standards in army selection.	The Hon'ble Supreme Court recognized indirect discrimination and advanced

	SCC 125)		substantive equality jurisprudence.
16	Aparna Bhat v. State of Madhya Pradesh ((2021) 3 SCC 247)	High Court had made stereotypical remarks and suggested compromise in rape case.	The Court directed judges to avoid gender stereotypes and prohibited suggestions of marriage/compromise in rape cases.
17	Attorney General for India v. Satish ((2022) 5 SCC 545)	High Court acquitted accused under POCSO based on “skin-to-skin” contact.	The Hon’ble Supreme Court set aside the interpretation, holding child protection laws must be purposively interpreted.
18	Patan Jamal Vali v. State of Andhra Pradesh ((2021) 16 SCC 225)	Rape and murder of a Dalit woman.	The Court recognized intersectionality, acknowledging compounded discrimination based on caste, gender, and disability.
19	State of Jharkhand v. Shailendra Kumar Rai ((2022) 14 SCC 299)	Use of two-finger test in rape examination.	The Hon’ble Supreme Court condemned the test as regressive and irrelevant to consent, directing it must not be conducted.
20	X v. Principal Secretary,	Unmarried woman challenged denial of abortion	The Court held unmarried women are

	Health & Family Welfare Dept., Delhi ((2023) 9 SCC 433)	after 20 weeks.	equally entitled to reproductive autonomy and recognized marital rape for limited purposes.
21	Deepika Singh v. Central Administrative Tribunal ((2023) 13 SCC 681)	Denial of maternity leave for non-traditional family structure.	The Court recognized that families in contemporary society exist in diverse forms and rejected stereotypical assumptions regarding Care giving and family roles.
22	Supriyo @ Supriya Chakraborty & Anr v. Union of India (2023 INSC 920)	Petition for legal recognition of same-sex marriages.	The Court declined recognition but reiterated queer rights to dignity, autonomy, and protection from discrimination.
23	In Re: Alleged Rape and Murder Incident of a Trainee Doctor (2024 INSC 613)	Institutional response to sexual violence against a doctor.	The Hon'ble Supreme Court emphasized institutional accountability, safe working environments, and survivor dignity.
24	Dr. Sohail Malik v. Union	Jurisdictional challenge to ICC under POSH Act.	The Court clarified ICC's jurisdiction

	of India (2025 SCC OnLine SC 2751)		extends across departments and must uphold the remedial intent of the POSH Act.
25	Vaneeta Patnaik v. Nirmal Kanti Chakrabarti (2025 INSC 1106)	Complaint of continuing sexual harassment at work.	The Court recognized that a hostile work environment may be continuing harassing, requiring survivor-sensitive interpretation under POSH Act.
26	Nipun Saxena v. Union of India ((2019) 2 SCC 703)	Protection of identity and privacy of victims of sexual offences.	The Court reinforced the statutory prohibition on disclosure of the identity of rape survivors and issued comprehensive directions to protect their privacy and dignity throughout the criminal justice process, including in judicial

			records and media reporting.
27	Manisha Ravindra Panpatil v. State of Maharashtra (2024 INSC 762)	An elected woman Sarpanch was disqualified from office on allegations that she resided in a house encroaching on Government land.	The Court recognized that legal and administrative actions against women elected representatives may sometimes be rooted in patriarchal resistance to women exercising authority, particularly in rural governance structures.

2. LEGAL PROTECTION AGAINST VICTIM-BLAMING

India ram danah hian pawngsual tawktute nunhlui leh chanchin humhalhsakna (rape-shield protection) hi a lo awm daih tawh a. Pawngsual case-ah chuan a hmeichhe remtihna (consent) a awm leh awm loh chu a tunhma nun hmandan ai chuan en ber tur a ni tih a ni. Hei hian rilru hreawmna leh tawrhna nasa tak thubuai ngaihtuahlaia an tawh nawn leh theih lak atangin nasa takin a veng. Tin, pawngsual tawktute zahawmna leh an mimal nun humhalhna a vawng nung a, pawngsual tawktu dangte pawhin an mizia leh nungchangah dem leh mawhchhiat hlau lovin thubuai thehlut tûrin huaisenna an lo neih phah zawk thin a ni. Indian Evidence Act Section 146 khân thubuai thehluttu mizia emaw nungchang sawichhiatna rêng rêng a khap. *State of Jharkhand v. Shailendra Kumar Rai, (2022) 14 SCC 299*

hmeichhe pakhat pawngsual case-ah khan Hon'ble Supreme Court chuan, "Pawngsual case-ah hian mipat hmeichhiatna kawnga pawngsual tawktu tunhma nunhlui (sexual history) chu engang pawh lo ni se, tangkaina a nei lo e" a lo ti a ni. Hmeichhe buan chaklo a nih avang maia pawngsual case a ni lovang tih ngaihdan hi mipa thuneihna ziarang leh hmeichhe hmuh hniamna mai a ni. Indian Evidence Act Section 53A chuan pawngsual case-ah chuan hun kaltawha mipat hmeichhiatna lama pawngsual tawktu lo khawsak tawhdan chuan tangkaina a nei lo tiin chiang takin a sawi. Allahabad High Court pawhin tunhna mai khanin pawngsual tawktu chu hmeichhe sihhnip a ni tia Ukil-in hnialkhana a hmang chu awm lo a ti hle mai a. Thil awmze awm lo leh danin ziaak meuha a khap tlat a ni a lo ti ve bawh a ni. A tawi zawngin sawi ta ila, India ram chhunga rorelna Court-te hian pawngsual tawktu nungchang leh a tunhmanunte chuan pawngsual case ngaihtuah lai meka pawngsual anih dan thu a sawiah te awihloh leh rinhlleh phahna tur engmah a awm lo tih hi an vawng nung thar leh em em a ni.

3. CROSS-EXAMINATION AND SEXUAL HISTORY

A nihna takah chuan case chu rinhllehawma chhuah anih theih nan pawngsual tawktute chu zawhna chhan hreawm leh zahthlak tak tak zawh an ni fo a. Rilru tawrhna leh hreawm ber chu Court-a thubuai ngaihtuah a nih lai hian an tuar thin a ni. Mahse, Judge-te hian hetiang thil hi an thunun tan ta a ni. Entirnan, tunhna maia Court pakhat thutlukna chuan kutzungtang pahnih hmanga finfiahna (two-finger test) chu ti tawp nghal turin thupek a pe a ni. Mipat hmeichhiatna a lo hmanfo tawh leh tawh loh chu pawngsual case ngaihtuah lai hian ngaihtuah tel tur a ni lo a ti bur mai a ni. Court chuan uar takin heti hian a sawi a, "*Mipat hmeichhiatna kawnga hmeichhe sulhnu leh nunhlui zawng zawngte chuan, pawngsualtu a puhin (accused) a pawng sual leh pawng sual loh chungchanga thutlukna siamna kawngah chhete pawhin*

tangkaina leh pawimawhna a nei lo e” tiin.

Ukil (Defence Lawyer) te’n pawikhawihna tawktute (victim) zawhna zawh dan tur inkaihhraina dan an zawm ngeina turin India rama Court-te pawh hi mawhphurhna pek an ni. Bharatiya Sakshya Adhiniyam, 2023 (BSA) Section 154 leh 155 te hian rorelna Court-te chu thubuai ngaihtuah a nihlaia zawhna mawi lo, zahmawh lam, zahthlak leh inhmuhsitna leh tihbuai hrim hrim tumna lam hawi zawhnate zawh a nih loh nan thuneihna a pe a ni.

4. CONTRASTING JUDICIAL SENSITIVITIES: PROGRESSIVE APPROACHES AND PERSISTENT PREJUDICES

He thil zirchianna atan hian Committee chuan ram puma Trial Court thutlukna (judgment) 125 zir chiangin state judicial academy zawng zawng atangin puihbawm a ni a. Hêng Court thutlukna (judgment) atangte hian rorêltute (Judges) hian rilru puthmang leh thlirdân inang lo tak tak an nei tih a lang a. Case thenkhatah chuan rorêltu (Judge) thenkhatte chuan hmeichhia leh naupangte an ngaihpawimawh thin angin pawikhawihna tuartu (victim), thuhretu (witness) leh vulnerable group-te an ngaipawimawh em em a ni tih a lang a ni. Pawikhawihna tuartute (victims) dikna leh chanvo chu dah pawimawh hmasain, chumi rual chuan khawtlângin a beisei thin leh phûtte pawh an ngaihtuah tel nasa hle a ni.

State of Punjab v. Gurmit Singh (1996) 2 SCC 384 case kum 1996-a Hon’ble Supreme Court thutlukna landmark judgment-ah chuan, roreltu Judge-te chu pawikhawihna tuartuten (victims) evidence (court-a finfiahna thu sawi lai) an pek laia venghim tlat turin a hriattir a. Pawikhawihna tuartute (victims) chu zahmawh rawngkai leh zahthlak leh hmusit tak leh diriam taka zawhna zawh an nih laiin roreltu Judge-te chuan ngawi rengin an lo thlir liam mai tur a ni lo a ti a ni. Rorêltu Judge-te chuan hmeichhiaten hetiang thil thleng hi report an hreh

thin tih an hria a, zawhna zawh (cross-examination) an nihlaia thil kalphung pangngai pela thil a kal dawn nia a lan chuan inrawlh turin an inpeih reng a ni. Court thutluknahte (Judgments) hian hmeichhiate dinhmun ngaihtuah thiamna leh tunlai thil thlrna, thiam loh chantira hremna lekkawh chauh ni lovin zangnadawmna pek chungchang te, an nunphung siamthat lehna chungchang leh khawtlang pumpui ngaihtuahna chungchang te kan hmu a ni.

Rorel hna thawhna kawng hrang hrangah — police station, damdawiin, one stop crisis center, courtroom emaw pawh nise — hliam tuar hmeichhiate chuan duhsak leh ngaihsak tawh lohna leh anmahni mawhchhiatna tawngkam chi hrang hrang an dawng thin. Pawikhawihna tuartute chu "*Chhungkaw thil a nih hi, eng nge thleng vak a?*" emaw "*Inrem rawh u, in chhungkaw him zawk nan,*" tih ang reng tawngkamte an dawng fo a. An tawrhna chu nep hlea ngaihsakin inrem turin an nawr lui thin. Police leh thuneitute pawhin an incheina chungchangah, "*Hnawihsen inhnawih chungin thubuai (complaint) thehlut turin i lo kal a ni maw?*" tiin an zawt fo a. A nih loh leh, "*Tunlai hmeichhiate lemchan thiam tawhzia hi*" tiin an anmahni inrinhlelhna an siam sakfo thin. Pawikhawihna tuartute chu an mimal nun leh nungchang chungchangah zawhna pawimawh lemlo tak tak an zawt bawh, entirnan, "*Khatiang thawmhnaw kha i ha thin em ni?*" emaw "*In inah chuan engang nungchang nge i put?*" tih ang reng te hi. Heng tawngkam tul lo takte hian pawikhawihna tuartute chu mahni inrintawhna siamsak aiin an rilru a ti na zual a, dikna an hmuhna tur kawngah an phur loh phah rawh thin a ni.

Pawikhawihna avanga hliam na tak tuartu pakhat chuan, hliam langsar tak hmuh theih reng a tuar a ni tih a hriat ngawih ngawih chung pawhin damdawiinah chuan rei tak nghah tur a ni a. In lama a nungchang leh mizia an zawh hmasak hrep hnuah en (medical exam) a ni ve chauh a ni tiin. Trans-person pakhat chuan "identity verification" atan inphelh tur a nih thu leh thu dik lo zia hnan (sign) tir tura nawr a nih thu a sawi a. Chutichung chuan

nuihsawh a ni a, a chhûngte hmuh an phal lovin zahawm taka dawnawn a ni lo tiin a sawi bawh a ni. Pawikhawihna tuartute (survivors) hian kawngtinrengah harsatna leh mipa thuneihna (patriarchal) rilru put hmangte an tawng thin a ni tih a lang Chiang Hle mai. A bîk takin mi hnuaihnuung zawk caste, class emaw gender avânga enhranna tawh thin zingachte hian a hluar zual a ni.

5. RULE AGAINST STEREOTYPING: A TRANSITION TO GENDER-JUST SOCIETY

India ram rorêlnaah hian hmeichhia leh mipa inthliarna (gender-based stereotypes) hman hi rorêltute chuan an duhlo fo thîn a, a bîk takin mipat hmeichhiatna kaihnawih thubuai (sexual offences) leh hmeichhiate dikna leh chanvo humhalhna (gender justice) chungchangahte hian a ni.

i. *Aparna Bhat v. State of M.P ((2022) 5 SCC 545)* thubuai-ah khan Hon'ble Supreme Court chuan Court-a roreltute hian pawikhawihna tuartute (victims) thuam inbel dan, an mizia, an nupa chungchang leh mipat hmeichhiatna lama an sulhnu chungchangte chu an zawt tur a ni lo. Khing thilte khian pawimawhna an nei lo. Pawikhawihna tuartute (victims) mahni inrintawhna a ti hniamin a ti bo thin a, rorelna dik hmuh an beiseina a ti bo vek thin. Chuvangin rorêlna Court-te chuan mi tumah tanbik an nei thianga lova, pawnlam ngaihdante an la lut mai mai tur a ni lo a lo ti a ni.

ii. *Sanghmitra v. State, 2024 DHC 2524* case-ah khan mi pakhat eizawhna emaw hnathawh emaw mipa emaw hmeichhia emaw a nih avangin rorêlnaah ngaihdan siam phah nana hman tur a ni lo tiin alo sawifiah bawh a ni.

Mipat hmeichhiatna kawnga tunhma nun leh mimal mizia leh nungchang

behchhana ngaihdan siam loh chu chawi nun chhoh zel a lo ni ta a. Inhmuhstina leh tawngkam meinei hman chungchâng hi ***Bodhisattwa Gautam v. Subhra Chakraborty (1996) 1 SCC 490*** case-ah pawh kan hmu a ni. ***Aparna Bhat case***-ah khan Hon'ble Supreme Court chuan incheidan leh mipat hmeichhiatna kawnga tunhma nundan avang maiin hmeichhe remtihna (consent) a awm tihna a ni lo. "Hmeichhe tha/hmeichhe tha lo" tia thliar hranna chuan pawngsual case-ah pawimawhna a nei lo a ti. ***Joseph Shine v. Union of India, (2019) 3 SCC 39*** case-ah chuan IPC Section 497 hnuaiah hian hmeichhiate chu hnuaichhiah bik an ni a, Article 14 leh 15 a bawhchhia a ni tiin kha hremna dan kha nuaibo a ni ta a ni. Chutiang bawkin ***Shayara Bano v. Union of India (2017) 9 SCC 1*** case-ah khan hmeichhe dinhmun humhalh nan triple talaq hman thin chu tihbo a ni. ***Yash Pal v. State of Haryana CRWP/46660/2021(2024:PHHC: 118245-DB*** case-ah khân Punjab leh Haryana Court chuan criminal law hian mipat hmeichhiatna (sexual agency) kawngah aw tih leh ai tih theihna dinhmun rualkhailo a sawh nghet tur a ni lo a lo ti bawh a ni.

State of Punjab v. Gurmit Singh ((1996) 2 SCC 384) case-ah khan pawikhawihna tuartu rilru hreawm taka a awmlohna tura thubuai ngaihtuahlaia Court room kawngkhkar inkharkhip tangkaizia kan hmu a. Hnathawhna hmunah hmeichhiaten thawktu mipa laka mipat hmeichhiatna rawngkai an duhloh zawng an tawh loh nana dan siam The Sexual Harassment of Women at Workplace Act, 2013 hnuaiah hian zahawm lo taka zawhna in zawh emaw intihmingliau zawnga zawhna inzawh laka venhimna kan hmu a. Hetiang hi Ram Dânpui Article 14, 15 leh 21 kalhah a ngai a ni. International guidance CEDAW-based principle te leh Bangkok General guidance for judges on Applying Gender Perspective in South and Southeast Asia (2022) - ***Aparna Bhat*** case-a tarlanah chuan rorêltu Judge-te chu "tuartu diktak/a ni tak tak angem le (real victim)?" tih ang chi ngaihdan khawng takte

pumpelh a, thil awmzia leh dinhmun azira thil thlir thiam turin a ti a ni. **Joseph Shine** case-ah khan Supreme Court chuan **Sowmithri Vishnu v. Uniona of India AIR 1985 SC 1619** case-a thultukna chu a thiat a. Hmeichhia chu a pasal bungrua ang mai maia en tur a ni lo a lo ti a ni. **Natvej Singh Johar (2017) 1 SCC 791** case khanin **Suresh Kumar Koushal v. Naz Foundation (2014) 1 SCC 1** case-a Court thutlukna lo awm tawh chu a thiat bawk a. Ram Danpui (Constitution) ziarang leh rilru puthmang chu mipat hmeichhiatna leh nihphung chungchanga kan ngaihndan hlui tawh zet kan lo vawn reng tawh aiin a lal zawk tur a ni a lo ti a ni.

6. GENDERED/STEREOTYPE LANGUAGE IN JUDGMENTS AND ALTERNATIVES

India rama rorêltute (Judges) chuan thu an keuhlthukna kawngah mipa duhsak ngunna hi kum tam tak chhûng an lo ngaihtuah tawh a. Ngaihndan dik lo tak pakhat chu mipa chu khawvel piankena chungnung tura ngaihna hi a ni. Chu ngaihndan chu Court-a rorêltute (Judges) hian tunah chuan an paih thla tawh a ni. Rorêlnaa tawngkam hawihhawm hman hi thil mawi a ni satliah ngawt lo va, rorêlna dik leh duhsak bîk nei lova ro rel a nih theih nan a pawimawh em em a ni.

Hmeichhia leh naupang chungchangah hian hetiang rilru puthmang hi a pawimawh lehzual a, a bîkin pawikhawihna hluar chho zel heng mipat hmeichhiatna lam (sexual offence) te, inchhungkhura hleilenna (domestic violence) te leh insawisak leh intihduhdah case-ah te hian. India- ramah hian hmeichhiate hian inthliarna leh hleih neihna te, mipat hmeichhiatna kawnga hleilenna te, inchhungkhura hleilenna te an la tuar zel a. Hetiang dinhmunah hian Courtroom-a hriatthiamna nei lo taka tawngkam chhak chhuah emaw thil awmzia hre Chiang manglova thuthlukna siam mai mai emaw hian

pawikhawihna tuartute (victims) chu nasa taka ti hnualin, thubuai thehlut ngam lo hial khawpin a siam thei a ni. Hetiang tawngkam hian rilru natna nasa tak thlen thin pawikhawihna tuartute (victims) chu an rilru a hliam tharin an hliam a belhchhah leh fo thin a ni. He thil hian dik taka roelna chawisan zelna kawng a ti thuanawm thin.

Ram Danpuiin a ken tel pawimawh tak takte vawngnung reng turin roelna Court-te hi mawhphurhna pek an ni a. Tawngkam hawihhawm, zahawm leh thleibik leh duhsak bik nei lo an hmang tur a ni. Court-a tawngkam mawihnai leh zahawm tak tak hman thin a nih hian mipui rinna a tipung a, chak lo zawkte leh chhawmdawl ngai zawkte zahawmna a humhalh a, chutiang zelin rorêlna Court-ah hian mihring dikna chanvo leh intluktlanna hlenchhuah a ni tih a lantir thin a ni.

Traditional/Problematic Phrase	Neutral, and legally appropriate alternatives
The body of women as play ground	Violated bodily autonomy complainant(s)/victim(s)
Helpless woman; helpless female	Survivor/Complainant
Where women are honoured, there the gods rejoice	Avoid religious/cultural references; focus on legal rights
It destroys the very soul of a helpless woman	Crime caused severe trauma to the survivor
Victimization, soul destroyed	Survivor experienced harm/trauma
Female members/persons (for victims)	Victim/ Survivor/ Complainant
Gold digger (economic motive)	Avoid speculation; focus on evidence

Suffering from psychological neurosis	Survivor may experiencing trauma/distress
Woman in non-permissive society	Person in a conservative society
Allow women to walk freely	All individuals have right to move freely and safely
Self-respecting woman	Women may be used without any adjective
Poor helpless minor girl	Minor victim /Child survivor
Hormonal changes,desire, temptation	Avoid physiological explanations unless absolutely necessary
She was enticed away (good faith)	Accused lured/abducted victim by gaining trust
Honour, shame	Avoid “honour”/“shame”; focus on survivor’s rights
Victim of another person’s lust	Victim/survivor of sexual assault/violence
Stigma as inevitable consequence	Focus on justice/rehabilitation
Outraged the modesty	Sexual assault/violation of bodily autonomy
Serious health consequences as a female	Serious health consequences for the victim/survivor
Permanent impact on girl’s life	Survivor may need ongoing support; focus on recovery
Lost her chastity	Survivor’s bodily autonomy was violated
No hue and cry, traveled Calmly (to describe post occurrence behavior of the victim)	Avoid victim-blaming; focus on facts

Gullible or obedient daughter	Minor/Child victim
She was a consenting party	Consent is not legally valid for minors
Tutored child	Child witness; avoid assumptions about influence
Bid to defile chastity	Act of sexual assault/violation of autonomy
Fueled by lust	Sexual violence; avoid attributing crime to “lust”
Prosecutrix	Victim/ Survivor/Complainant
Degrades the soul of the helpless female	Causes severe harm to survivor
Spoiled her childhood/ ruined life	The crime had serious consequences; focus on support
Minor girl/child	Child victim/Survivor
Satisfy his illicit lust	Committeds exual assault/ Violated the law
Haunt throughout her life	Survivor may face ongoing challenges
Physical relationship (for rape/assault)	Sexual assault / rape (if the offending act is non-consensual and/or victim is a minor)
Disrobing (unless provided in the statute)	Forced removal of clothing (part of sexual assault)
Status and prestige of family is at stake	Focus on harm to victim/survivor; avoid “honour” shaming
Scars left remain lifelong	Survivor may need ongoing support; focus on recovery
Helpless female	Survivor
Her private part/chest/vagina,	Use neutral medical/legal terms; refer to

victim girl	child/survivor
Accused acted as with his granddaughter	Focus on age difference & power dynamics, not family
Destroyed life, betrayal, shameful conduct	Survivor experienced severe harm
Modesty	Bodily autonomy
Offends esteem/dignity	Violation of survivor's bodily Autonomy and rights
Girlchild is vulnerable	All children are entitled to protection under the law
Sex slave	Survivor subjected to repeated sexual violence/exploitation—while being kept under control
Brothel keeper	Perpetrator of trafficking/sexual exploitation (the term brothel may be used if statutorily necessary)
Sterling character (victim's character)	Character evidence is irrelevant in sexual offences
Lust satisfaction	Act of sexual violence/assault; prudent attribute-avoid trivializing crime
Illiterate/rustic witness	Witness (mention education only if legally relevant)
Whore (derogatory term)	Survivor/Victim
Inability to control emotions, male-dominated society	Avoid rationalizing crime; focus on accountability/law

Case tam takah chuan roreltute hian nupa ni lo mi dang nena inlaichinna nei chungchang an khawih a ngai thîn a. Dan anga innei lo mi pahnih nupa anga khawsak dunna chu hriatthiampui a lo ni chho ve zel a. Chutiang

dinhmunah chuan a bîk takin hmeichhe chungah chuan innei si lova pasal anga mipa awmpuitu nula leh hmei tih ang tawngkamte chu hman loh a tha. Kawppui han tih maite emaw ngaihzawng han tihmaite emawte hi a mawi em em a ni. Nawhchizuar/KS/Call girl tihang chi tawngkamte hi mi tam takin an hmang tlangpui a, mahse International Labour Organisation (ILO)-in a pawm leh a hriatpui zawk 'sex worker' tih tawngkam hian a thlak theih a ni. Nawhchizuar tih tawngkam hi dan anga hman a tul hunah chauh hman tur a ni. LGBTQIA+ tihte hi tawngkam hman tlanglawn a ni a. Mahse, 'Gay' tih hian a thlak theih a ni. Hmeichhe tân erawh chuan 'Lesbian' tih hi hman remtih a la ni. Third Gender chungchangah chuan – North India-ah chuan *Hijra* tih tawngkam hman a ni a, Tamil Nadu-ah chuan *Thirunangai* tih chu transgender hmeichhe sawina a ni a, *Thirunambi* tih chu transgender mipa sawina a ni thung. Karnataka-ah chuan gender-diverse community-ah *Jogappa* tih hman a ni. Tûnah chuan intersex tih hi tawngkam zahawm leh pawmtlâk a ni tawh. Court tawngkamah hian hêngte hi hman a that viau a rinawm. Tûnah chuan, SOGIESC (sexual orientation, gender identity, expression and sex characteristics tih tawi) tih tawngkam hian pawm a hlawh chho hle a ni.

7. COMPASSIONATE COURT PRACTICES

India rama rorelna hmang hian hmasang aţangin a tuartu ngaihpawimawhna lamah ke a pen zel a. A tum ber chu pawikhawihna tuartute (victims) tawrhna belhchhah loha dinhmun pangngai an rah leh thlap thlenga tanpui hi a ni. Hei hian pawikhawiha puh thiam loh chantirna chauh ni lovin, pawikhawihna tuartute (victims) dam leh ngaiawh lehna kawngah pawh hma a sawntir em em a ni. Victim Compensation Scheme hi hetiang kawnga hmalakna tha tak pakhat a ni.

Hetiang thubuai hi Sessions Judge Court emaw Judicial Magistrate Court

emaw a thlen aṭangin, Presiding Officer chuan Investigating Officer hnenah ***Delhi Domestic Working Women's Forum v. Union of India (1995) 1 SCC 14*** case-a thupêk chhuah tawh, pawikhawihna tuartute (victims) hnenah a thlawna dan lama puihna (Legal Assistance) pêk chungchang zawm a nih leh nih loh a chian tûr a ni a. Police-te pawhin thubuai an zawhfiah hmain pawikhawihna tuartute (victims) chu dan lam thiam awmtir ve chu a dikna leh chanvo a nih thu an hrilh ngei tur a niin chu chu an report-ah pawh an ziaak lang tûr a ni. Dân lama puihna (Legal Assistance) pek a nih loh emaw ama puala Ukil a ruai lo emaw a niha Presiding Officer-in Case I/O chhânnaah lungawina a hmuh loh chuan, Court-in District Legal Service Authorities hnenah hetiang hmalakna hi kalpui turin a ti thei a. Tin, Case I/O aia sang zawk hnenah pawh hetiang thupek hi zawm ngei turin a ti thei bawk a. Case I/O-in darkar 48 chhûngin a zawm ngei tih nemnghehna lehkha ziaka thlen turin a ti thei bawk a ni.

Victim/Witness Protection measures: Pawikhawihna tuartu (victim) emaw venhim bik ngai thuhretu (vulnerable witness) emawten an dil hun nghak kher lova an sahimna ngaihtuhsak chu Presiding Officer mawhphurhna a ni. ***Mahender Chawla v. Union of India (2019) 14 SCC 615*** case-ah khan Hon'ble Supreme Court chuan Ministry of Home Affairs, Government of India-in a duan Witness Protection Scheme, 2018 kha a pawm a ni. He scheme hnuaiah hian thuhretute chu an dinhmun hlauhawm dan azirin A, B leh C category-ahte then an ni.

Pre-trial Victim Counselling: Hei hi rilru hahna tiziaawm tura thil pawimawh tak a ni a. Mahni inrintawkna an neih belh zel nan pawikhawihna tawktute (victims) counseling pek hmasak a nih theih nan Court-a roreltu (Judge) chuan hma a la ngei tur a ni.

Incamera trial: Mipat hmeichhiatna lama pawikhawihna (sexual offences) leh thubuai pawimawh bik dangahte chuan Court kawngkhar inkharkhip chungin thubuai ngaihtuah tur a ni (in camera). Section 366 (1), BNSS, 2023 chuan thubuai engpawh ngaihtuah a nih laiin mipui vantlang tân Court kawngkharte chu a inhawng tûr a ni a ti a. Mahse, zawm kher loh theihna (exception) dan chu Sub-section (2)-ah tarlan a ni. Pawngsual (rape) thubuai emaw Bharatiya Nyaya Sanhita (BNS) Section 64, 65, 66, 67, 68, 70, 71 hnuaia thubuai emaw Protection of Children from Sexual Offences Act, 2012 hnuaia Section 4, 6, 8, 10 hnuaia thubuai emawte chu mipui hmuh lohva Court kawngkhar inkharkhip chung a (in camera) ngaihtuah tûr a ni. Tin, hetiang thubuai lo puanzar hi khap a ni bawh. Mahse, an hming leh nihna zêp tlat chung a tihchhuah erawh phal a ni. *Nipun Saxena v. Union of India* case-a rel a lo nih tawh angin pawikhawihna tuartu (victim) nihna phawrh chhuah phal a ni lo va, hming bul lam (initials) emaw hming lem (pseudonym) emaw chauh hman phal a ni.

Witness as a guest: Thuhretu (witness) hi rorelna dik hlen chuahna atan an pawimawh hle a, rorelna hmunah chuan khualtha ang hiala ngaih tur a ni. Chutihlaimekin, thuhretu (witness) tam takte chuan Court-ah hun rei tak tak an nghakin duat taka dawn sawn an ni lo thin. Hemi avang hian thuhretu a tan an châk loh phah thei a ni. Rorelnain chuan thuhretute chu zahna nena enkawlin an mamawhte chu a puhru tur a ni. India ram rorelna Court-a thuhretuten (witnesses) harsatna an tawh thin chungchang chu Hon'ble Supreme Court chuan *State of U.P. v. Shambhunath Singh 2001 (4) SCC 667* case-ah khan chiang takin a lo sawi tawh a nih kha.

Preventing Secondary Victimization: Tawrh nawn lehna (Re-victimization) tih hi a bikin mipat hmeichhiatna kawnga inkhawihna (sexual offences) te, inchhûngkhura hleilenna (domestic violence) te, naupang hman khawloh

(child abuse) te, hnathawhna hmuna hleilenna (workplace harassment) case-ah te a thleng fo thin a ni. Inrelbawlna kawngah te, dân lama puihna kawngah te, damdawi hmanga enkawlna lamah te, khawtlângin a thlir dan te, hnuchhui kawngah te duhkhawp lohna avangin he rilru hreawmna hi an tuar nawn thin a ni. Rorêltute (Judges) chuan anmahni demna leh mawhchhiatna lam hawi an phuh chhuak tur a ni lovin ngaihdan nghetsa an nei bur tur a ni lo. Tin, thubuai ngaihtuah a nihlaiin pawikhawihntua puh (accused) leh pawikhawihna tuartu (victim) chu hmaichhanah in hmu turin a nawrlui tur a ni lo. Hetiang kawnga tawrhna a lo bo zel theih nan mipui hnêna inzirtîrna (awareness & education campaign) neih te hi a tul hle a ni.

Proactive Judges and Cross-Examination: Court-a pawikhawihna tuartu a bik takin lehlam Ukil-ten zawhna an zawh mek lai hian, pawikhawihntua puh (accused) dikna chanvo leh pawikhawihna tuartu (victim) humhimna buktawn fo chu a tul em em a ni. Hon'ble Supreme Court chuan POCSO Act, 2012 awm hma khan *Sakshi v. Union of India (2004) 5 SCC 518* case-ah naupang thuhretu (child witness) emaw humhim ngai thuhretu (vulnerable witness) te tân pawikhawihna puh (accused) an hmachhawn loh nan Video link emaw puanzar (screen) phen aţanga an thuhriatte sawi mai turin thu a lo pe tawh a ni. Zawh ngei ngei angai a nih loh chuan zawhna mawi lo tak tak a bîk takin hun kaltawha mipat hmeichhiatna lam kawng an lo zawh tawh dante zawt lo turin Judge-te chu anmahni an inthunun tlat tur a ni.

POCSO Act and Child Protection laws in India: Naupang thusawi lo record lawkna (pre-recording of child's statement) chungchang hi Section 24, POCSO Act, 2012-in a sawi danin hmeichhe officer-in naupang chenna inah emaw naupangin duh a thlanna hmunah emaw pawikhawihna puh (accused) hmu lohvin a kalpui tur a ni. FIR thehluh a nih aţangin naupangin Police te, medical officer te leh damdawiin te nena an inhmachhawnna turah rilru natna

a tawh nawn loh nan puibawmtu (support persons) pek tur a ni tiin Hon'ble Supreme Court chuan ***Bachpan Bachao Andolan v. Union of India, 2023 SCC Online SC 1031*** case-ah khan a lo sawi tawh a ni. Tin, thubuai pawm anih (taking cognizance of offence) atanga kum khat chhûngin thubuai ngaihtuah zofel tûra tih a ni bawk. Vulnerable Witness Deposition Center din a ni hian harsatna tam tak a ti ziaawm hle a ni.

8. POINTS FOR CONSIDERATION

1. **Fact-based references:** Thultukna hi finfiahna (evidence) atang chauhin siam tur a ni. Ngaihdan nghet neisa bur chungin emaw rindan mai mai hmangin emaw pawikhawihna tuartu (victim) mizia leh nungchang vang mai mai emawtein thutukna hi siam mai mai tur a ni lo.

2. **Caution with terms like “outraging modesty”:** Hêng ṭawngkamte hi dân ṭawngkauchhehah tel mah se fimkhur taka hman tur a ni. Mipa thuneihna leh rorelna emaw thlîrdân emaw a lan chhuahtîr thei a ni.

3. **Trauma-informed language may be used; no resistance is not equal to consent:** Hliam awm loh vang emaw thubuai thehluh tlai vang emaw lo tanlet ve eih loh vang mai emaw chuan a rem ti tihna a kaw k chuang lo. Pawikhawihna tuartute chuan trauma (rilru lam hliam) an hmachhawndan a inang lo thei hle a ni. Court hian pawikhawihna tawktu nungchang ni awma a rindan mai mai hmangin ngaihdan a siam tur a ni lo.

4. **Gender-neutral, survivor-centric terms:** Ṭawngkam hman chu zahawm tak a ni tur a ni a, mipa leh hmeichhia tih ang bîka inthliarna lam hawi zawngte hman loh tur a ni. Pawikhawihna tâwktute dah pawimawhna ṭawngkam hman hian a tuartu zawng zawngte tawrhna leh dinhmun chu a

hriatthiampui tih a lantir thin a ni.

5. **“Child” or “minor” for victims under 18:** POCSO Act hnuaiah chuan kum 18 hnuailem tawh phawt chu naupang kum tling lo tih a ni a. Naupang nena inhmeh leh hriatnuam zawk ṭawngkam hman hian danin anmahni a humhalhna kawngah nasa takin a ti chak zual a ni.

6. **“Victim” or “survivor,” not “prosecutrix”:** "Prosecutrix" (Mipat hmeichhiatna kawnga khawihchhiat tawh hmeichhia) tih ṭawngkam ai chuan "victim" emaw "survivor" tih ang chi ṭawngkamte hi a zahawmin a hawihhawm zawk.

7. **Language ought to be child-sensitive:** Rorêlna hmunah chuan ṭawngkam uar lutuk te, nungchang leh mizia sawiselna lamhawi te, intihhmingchhiatna lam ṭawngkam te hman loh tur a ni. A bîk takin naupang kaihhnawih thilah pheih chuan.

8. **Focus should be on autonomy, consent, and child rights:** Thutlukna siam kawngah hian naupangin a taksa chung a thuneihna te, a hriatfiahna atanga a remtihna te, zahawmna leh naupang tana tha ber tur chu dah pawihmawh hmasak ber tur a ni. *Suchita Srivastava v. Chandigarh Administration (2009) 9 SCC 1* case-ah khan Hon'ble Supreme Court chuan mahni taksa chung a thuneihna chu Article 21-a tel a ni a ti.

9. **Recognize psychological and physical trauma:** Pawngsualna thleng thinte hian taksa hliam mai bâkah rilru leh ngaihtuahna lamah nghawng rei tak a hnutchhiah thei a. Rorêltute hian finfiahna an buklai leh a tuartu chezia te an ngaihtuahlaiin a tuartute tawrhna hi an hriatthiampui a tul hle a ni.

TERMS TO BE AVOIDED

1. **All forms of victim-blaming:** Pawngsual tawktu demna hi pawngsual case kalphung leh ziarang a ni ve pakhat bawk a. A tuartu (victim) chu a khawsak phung leh mizia, a inchei leh thuam inbel dan, thubuai a thehluh tlai chhan te leh tunhma lama a lo kawp tawh leh khawsak dante zawh chiam chiam a ni thin. *State of Punjab v. Gurmit Singh ((1996) 2 SCC 384)* case-ah khan Hon'ble Supreme Court chuan midangte chungchangah thil awmze nei lo leh hnamzia leh khawtlang ngaihnan behchhana a tuartu (victim) rinhleha lantir lo turin vaukhanna a pe a ni.

2. **Terms like “bashfulness,” “honour,” or “sanctity”:** Hetiang tawngkamte hi mipa lalna rilru putna hmunah a tam thin a. Hmeichhiate hlutna chu an thianghlamna emaw chhungkaw hmingchhiat leh that emaw nena thlunzawm tlat a ni thin. Court-te chuan chutiang ai chuan zahawmna, mahni duhdana awm theihna leh Ram Danpuiin a pek an dikna leh chanvote chu a thlir zawk tur a ni. *Aparna Bhat v. State of Madhya Pradesh ((2021) 3 SCC 247)* case-ah khan Hon'ble Supreme Court chuan Court chuan thutlukna a siamna order-ah hmeichhe thliarhranna leh thubuai nena inmil lo thlirdan awm ang lo tak takte a thailang tur a ni lo a ti a ni.

3. **Terms like “helpless female”:** Hmeichhiate hi chak lo leh midang chungah inngat emaw thiltihtheihna nei lo an ni hlek lo a. Court-te hian hmeichhiate chu dikna leh chanvo nei mimal zahawmna leh intluktlanna nei angin an en tur a ni. *Joseph Shine v. Union of India ((2019) 3 SCC 39)* case-ah khân Hon'ble Supreme Court chuan Ram Dânpu (Constitution) hnuaiah hmeichhiate chuan zahawmna an neih te, mahni duhdana khawsak theihna an neih te leh hniam bik lova dinhmun inang reng nei an nihzia te uar takin a sawi a ni.

4. **Generalizations about complainants:** Court hian hmeichhiate emaw pawikhawihna tuartute (victims) emaw chu pawikhawihna an tawn hnuah an khawsak dan inang dikdiak vek turah a ngai tur a ni lo. Mipat hmeichhiatna kawnga hleilenna tuartute (sexual violence) tawrhdan chu a inang vek lo. Chuvangin Court chuan finfiahna (evidence) milin mimaltin case chu a hranga ngaihtuahin thutlukna a siam tur a ni. ***Bharwada Bhoginbhai Hirjibhai v. State of Gujarat ((1983) 3 SCC 217)*** case-ah khan Hon'ble Supreme Court chuan a hmeichhiain a zir hrim hrim a niang tia ngaihdan neihsana chu a hnawl Chiang hle a. Pawikhawihna tuartu (victim) thusawi chu a pawmawm tawkin puibawmtu dang a mamawh hran lo e a lo ti a. Hei hian mipat hmeichhiatna kawnga khawihchhiat chungchânga thubuai thehluh avânga hmingchhiatna (social stigma) awm thei nasa takin a ti hniam a ni.

5. **Honour/shame and chastity stereotypes:** Chutiang ṭawngkam chuan thlei bîk neihna rilru a lantîr a, hleilenna chu chhungkaw hmingthatna tichhe thei thil angin a thlîrtir thin a ni. Court chuan remtihna (consent) leh dikna leh chanvo (rights) a thlir ngar ngar zawk tur a ni. ***State of Maharashtra v. Madhukar Narayan Mardikar (1991) 1 SCC 57*** case-ah khan Hon'ble Supreme Court chuan hmeichhe sihhnip leh buanchaklo pawh hian a mimal nundanah duhthlan theihna neiin mimal zahawmna a nei a ni a lo ti a ni.

6. **Assumptions of exaggeration by women or families:** Court chuan thubuai chu mipat hmeichhiatna kaihhnawih a nih vang ngawtin thil phuahchawpah a ngai ngawt tur a ni lo. Khitiang ngaihruatna khian pawikhawihna tawktute (victims) leh an chhûngteah hnualna nasa tak a siam thin. ***State of Himachal Pradesh v. Raghubir Singh (1993) 2 SCC 622*** case-ah khan Hon'ble Supreme Court chuan thilhotea thu inhmu lote (minor inconsistencies) hian pawikhawihna tuartu (victim) thusawi chu a paih thla tur a ni lo tiin a lo sawi a ni.

7. **Judgmental or sexualized descriptions:** Court ṭawngkam chu duhsak bîk nei lo leh mawihnai tak a nih a ngai a, thil tul lo heng mimal hmel landân, nunphung leh mipat hmeichhiatna lama an sulhnu chungchangte hi tarlan tur a ni lo. *Vishaka v. State of Rajasthan ((1997) 6 SCC 241* case-ah khân Hon’ble Supreme Court chuan hnathawhna hmun leh khawtlangnunah mimal zahawmna leh mipa leh hmeichhe intluktlanna vawn tlat tur a ni a lo ti a ni.

8. **Terms like “lust”:** Hetiang ṭawngkam hian mipa duhthusam thunun theih lohna chu thil awm ve rengah a lantir mai ni lovin a pawm tel nghal tihna a ni. Chumai pawh ni lovin pawikhawihnate chu a tihnepsak thin a ni. Chuvangin Court chuan “sexual assault,” “sexual violence,” emaw “offence” tih ang tawngkamte hi a hmang tur a ni. *State of Karnataka v. Krishnappa (2000) 4 SCC 75* case-ah chuan Hon’ble Supreme Court chuan pawngsual (rape) chu pawikhawihna sual mai ni lovin, mimal zahawmna leh dikna leh chanvo (dignity and fundamental rights) inbawhchhiatsakna a ni a ti.

9. **Biased, stereotypical, or blaming language:** Judgment tawngkam engpawh chu duhsakbîk leh thleibîk awm lovin hman a ni tûr a ni. Pawikhawihna tuartute (survivor) zahawmna humhalh chu ngaihpawimawh tur a ni. Indemna leh mawhchhiatna lam a kawh tur a ni lo. Tawngkam hman hi a pawimawh em avangin mi dang tihchakna lam a hawi zawh tur a ni. *Aparna Bhat v. State of Madhya Pradesh ((2021) 3 SCC 247)* case-ah khan Hon’ble Supreme Court chuan Court chuan Judge-te chu chiang takin hmeichhe kaihnawih thubuaiah hmeichhe chungchanga ngaihdan hlui vuan tlat lo tur leh ngaihtuahna hmang lo ang maiin an awm tur a ni lo a lo ti a ni.

TRAINING AND SENSITIVITY: Hriatthiamna hi zir reng ngai, kal zel tur a ni a. Inzirtirna (training) avangin pawikhawihna tuartute (victims), thuhretute (witnesses) leh vulnarebale witness group hrang hrangte lakah

hriatthiamna zau tak kan neih phah thin. *1st Judges' case, S.P. Gupta v. Union of India 1981 supp SCC 87* case-ah khân Hon'ble Supreme Court chuan Rorêltu (Presiding Judge) chu ama mimal ngaihndan leh duhdan lakah pawh fihlim a, mahni leh mahni a in hneh (control) theih nan training neih a rawt hial a ni.
