

Gender, Power, and Justice: A Feminist Anthropological Study of How Nepal's Supreme Court Adjudicates Gender-Based Violence

Bal Sagar Giri

Tribhuvan University

Abstract

Gender-based violence (GBV) persists as one of Nepal's most deeply rooted human rights issues, shaped by a complex interplay of kinship structures, patriarchal social norms, caste hierarchies, and cultural expectations about honor and female respectability. Although Nepal's Constitution and legal reforms have significantly expanded protections for women, and the Supreme Court has issued landmark rulings that have reshaped the legal landscape of gender justice, the adjudication of GBV continues to reflect deeper cultural beliefs and institutional limitations. This article employs feminist anthropology and legal anthropology to explore how Nepal's Supreme Court interprets, frames, and resolves GBV cases, placing judicial reasoning within broader socio-cultural contexts. Based on Supreme Court case law, anthropological literature, and interdisciplinary gender studies, the study identifies several patterns that influence judicial outcomes. Honor–shame ideology (*ijjat/maryada*), which links women's sexuality and behavior to family reputation, often guides assessments of credibility, delayed reporting, and survivors' emotional expression. Expectations of femininity- modesty, restraint, and moral purity- implicitly shape judicial evaluations, aligning with Butler's theory of gender performativity. Likewise, Rubin's and Bennett's analyses of kinship and gendered dependency reveal how structural inequalities limit women's access to justice, while Strathern's concept of relational personhood explains the social pressures that lead many survivors to withdraw their cases. Legal anthropology further clarifies tensions between global rights frameworks and local cultural norms. Merry's theory of cultural translation appears in hybrid judgments that incorporate rights language while reinforcing patriarchal assumptions about family harmony and marital obligations. Institutional dynamics- including bureaucratic delays, evidentiary challenges, lack of trauma-informed procedures, and male-dominated judicial culture- generate forms of structural and symbolic violence that hinder survivors' access to justice. The article argues that although the Supreme Court has played a key role in promoting gender equality, its jurisprudence remains limited by cultural norms and institutional inertia. Achieving substantive gender justice requires a shift toward feminist transformative jurisprudence: survivor-centered procedures, trauma-informed judicial practices, contextual evaluation of evidence, and explicit critique of patriarchal reasoning within judgments. Increasing gender diversity among judges and strengthening accountability mechanisms in lower courts and police agencies are also essential. By combining feminist and legal anthropological theory with Nepal-specific socio-legal analysis, this article offers a nuanced understanding of how GBV adjudication reflects both cultural constraints and opportunities for change.

It asserts that meaningful gender justice in Nepal depends not only on progressive laws but also on reinterpreting the law through feminist, culturally informed, and survivor-centered perspectives.

Keywords: Gender-based violence; Feminist anthropology; Legal anthropology; Patriarchy; Judicial reasoning; Honor–shame system; Structural violence.

Introduction

GBV is one of the most widespread and deeply rooted social issues in Nepal, impacting women across caste, ethnicity, class, religion, geography, and age. International and national reports indicate that Nepali women face high levels of emotional, physical, and sexual violence throughout their lives, yet most cases go unreported due to stigma, fear of retaliation, and pressure from kinship networks (UN Women, 2023; World Health Organization, 2024). In a society where patriarchal norms are firmly embedded in kinship structures, inheritance systems, religious values, and cultural expectations around honor and modesty, GBV functions not only as interpersonal violence but also as a structural and symbolic form of gender inequality.

Against this backdrop, the Supreme Court of Nepal plays a vital role in promoting gender justice. After Nepal's political and constitutional changes, especially following the 1990 People's Movement, the 2007 Interim Constitution, and the 2015 Constitution, the judiciary has taken on an increasingly significant role in interpreting and enforcing protections related to gender equality, dignity, bodily autonomy, and non-discrimination. Through landmark rulings, the Supreme Court has challenged discriminatory laws and expanded rights for women and gender minorities. Cases such as *Meera Dhungana v. His Majesty's Government* (NKP, 1995), *Sapana Pradhan Malla v. Government of Nepal* (NKP, 2001), *Prakash Mani Sharma v. Government of Nepal* (NKP, 2002), and *Sunil Babu Pant v. Nepal Government* (NKP, 2007) showcase the Court's ability to advance transformative gender jurisprudence.

However, these ongoing developments and survivors' experiences within the justice system reveal a persistent gap between legal ideals and actual realities. Research and case analysis show that patriarchal assumptions continue to influence judicial interpretation, affecting credibility assessments, evidence evaluation, and sentencing decisions. Feminist anthropological scholarship demonstrates that cultural ideologies such as honor-shame norms, expectations of female modesty, and kinship-based obligations shape not only societal responses to GBV but also the reasoning of judges, police officers, and legal professionals (Ortner, 1974; Rubin, 1975; Bennett, 2005). Legal anthropology further reveals that the law itself operates as a cultural system, with judicial reasoning influenced by social norms, institutional practices, and power structures (Merry, 2006; Herzfeld, 1992).

Therefore, understanding how the Supreme Court adjudicates GBV requires an interdisciplinary approach that blends legal analysis with feminist and anthropological perspectives. This article contends that the intersection of cultural norms, institutional practices, and legal pluralism influences GBV adjudication in Nepal. It explores how the Supreme Court manages conflicts between constitutional rights and patriarchal values, and how its decisions both challenge and reinforce current gender hierarchies.

The objectives of this article are threefold:

- To analyze the cultural and institutional factors influencing the Supreme Court's GBV jurisprudence.
- To explore how feminist and legal anthropological theories can shed light on the patterns and contradictions in judicial decision-making.
- To propose reforms aligned with survivor-centered, feminist jurisprudence aimed at improving access to justice for GBV survivors in Nepal.

By incorporating insights from anthropology, sociology, law, and gender studies, this article advances broader discussions on how South Asian legal systems can better tackle the root causes of gender inequality.

Literature Review

Feminist Anthropological Perspectives on Gender and Violence in Nepal

Feminist anthropology offers a foundational lens for understanding how gender hierarchies are created and maintained within Nepali society. Ortner's (1974) argument that women's symbolic link to nature underpins their social subordination closely aligns with Nepali cultural expectations that position women as moral guardians, caregivers, and preservers of family honor. Rubin's (1975) analysis of the sex/gender system further clarifies how patrilineal inheritance, patrilocal residence, and marriage customs influence women's mobility, independence, and economic dependence. These kinship-based structures are vital to Nepali social organization and establish the material and relational conditions where gender-based violence (GBV) becomes normalized.

Ethnographic scholarship in Nepal deepens this understanding by showing that gendered experiences are strongly influenced by caste, class, and ethnicity. Bennett (2005) and Acharya and Bennett (1981) illustrate how gendered roles in work, ritual expectations, and symbolic hierarchies vary among different groups, leading to diverse forms of vulnerability. Ahearn's work (2001, 2004) shows how modernity, literacy, and new communication practices create both increased agency and new restrictions for women navigating patriarchal norms. Empirical studies emphasize how harmful cultural practices like child marriage, dowry expectations, and norms of female sexual purity heighten women's risk of violence (Regmi et al., 2017; Puri et al., 2010, 2012). These studies reveal that GBV is woven into everyday social interactions and upheld through stigma, silence, and family pressure.

State, Law, and the Institutional Reproduction of Gender Inequality

Nepal has historically played a significant role in institutionalizing gender inequality. Tamang (2009) demonstrates how patriarchal norms were embedded into legal frameworks, reinforcing gender hierarchies within the country's bureaucratic and political systems. Structural barriers, such as economic dependence, limited legal literacy, and community pressure, continue to hinder women's access to justice (Sharma & Bhattarai, 2018). Advocacy Forum

Nepal (2014) highlights procedural obstacles like court delays, insensitive questioning, and inadequate protections for survivors, which further discourage legal engagement.

Legal anthropology deepens this critique by emphasizing how culture mediates law. Merry (2006) argues that international human rights frameworks must be adapted to local social contexts to become effective. In Nepal's diverse legal system, where statutory law interacts with customary norms, religious beliefs, and global standards, judicial actors face the difficulty of balancing conflicting values. Nepali legal scholars such as Pradhan (2014) and Pant (2012) point out ongoing institutional biases and inconsistent enforcement practices. These dynamics show how structural and institutional forces influence survivors' experiences long before cases reach appellate courts.

Gender Performativity, Personhood, and Judicial Interpretation

The courtroom is a cultural space where gendered expectations are performed and judged. Butler's (1990) theory of gender performativity provides insight into how judges might evaluate survivors based on societal ideals of femininity, modesty, emotional control, and sexual innocence. Survivors who don't match these expectations may face suspicion or disbelief. Strathern's (1988) concept of relational personhood further clarifies why survivors often experience intense pressure from family and community networks to stay silent or withdraw complaints, as women's actions are often evaluated in terms of their implications for family honor and social harmony.

Legal processes can reproduce symbolic and structural violence. Herzfeld's (1992) concept of bureaucratic indifference, combined with Bourdieu's (1990) theory of symbolic power, reveals how seemingly neutral procedures, such as evidentiary burdens, adversarial questioning, and court delays, can retraumatize survivors or reinforce gender hierarchies. The continuum of violence described by Scheper-Hughes and Bourgois (2004) is evident in Nepal's GBV justice system, where survivors often face bureaucratic harm alongside interpersonal violence.

Feminist Legal Scholarship on Nepal's Supreme Court

Feminist legal analyses provide vital insights into how the Supreme Court interprets GBV cases. Scholars such as Yami (2017), K.C. (2020), and Dhungana (2014) emphasize that although the Court has issued important progressive rulings on issues like marital rape, sexual harassment, and women's property rights, judicial reasoning often remains influenced by patriarchal moral frameworks. Calls to purity, respectability, and idealized femininity still shape legal interpretations, revealing the ongoing influence of cultural norms even within judicial spaces striving for reform.

Judicial capacity-building efforts, like those documented by the National Judicial Academy (2016), reveal ongoing gaps in gender sensitivity, evidence evaluation, and survivor-centered approaches. These findings highlight the need for deeper institutional change to ensure that legal reforms lead to meaningful justice for survivors.

In sum, the literature collectively shows that GBV in Nepal must be understood as a result of overlapping cultural, kinship-based, and institutional forces. Feminist anthropology explains how gendered hierarchies are naturalized in daily life, while legal anthropology highlights how these hierarchies are both reproduced and sometimes challenged

within the justice system. Nepali feminist legal scholarship indicates that, despite progressive rulings, judicial reasoning often remains tied to deep-rooted cultural norms. An interdisciplinary perspective is therefore necessary to understand how the Supreme Court of Nepal adjudicates GBV and to envision paths toward more equitable legal outcomes.

Theoretical Framework

This study applies an interdisciplinary theoretical framework grounded in feminist anthropology, legal anthropology, and critical feminist legal studies to examine how the Supreme Court of Nepal adjudicates GBV cases. These theoretical traditions illuminate how judicial reasoning is influenced not only by statutory mandates but also by broader cultural values, kinship systems, patriarchal beliefs, and institutional structures. Together, they help explain why decisions on GBV often reflect conflicts between progressive legal norms and deeply rooted cultural beliefs.

Feminist Anthropology and the Cultural Construction of Gender

Feminist anthropology provides essential tools for understanding how gender is culturally created, symbolically represented, and institutionally upheld. Ortner's (1974) theory that women are symbolically linked to nature while men are associated with culture helps explain why domestic and intimate partner violence has often been considered private in Nepal. This symbolic link naturalizes women's subordination and fosters the view of GBV as a family matter rather than a public crime that needs intense legal action.

Rubin's (1975) concept of the sex/gender system further clarifies how patriarchal kinship structures, especially patrilineal inheritance, patrilocal residence, and marriage norms, control women's social and economic dependence. These kinship patterns shape survivors' vulnerability, limit their autonomy, and influence judges' expectations of women's behavior within legal proceedings. Because women's identities are connected to family reputation, reporting violence often carries high social costs.

Building on these foundations, Kandiyoti's (1988) theory of the "patriarchal bargain" provides insight into how women navigate restrictions within patriarchal systems to maximize safety and survival. In Nepal, women may avoid pursuing legal action because doing so upsets established agreements tied to marriage, kinship, and respectability. Judges, also influenced by these cultural norms, might interpret survivors' actions through similar expectations.

Similarly, Mohanty's (1988) critique of the "colonial gaze" in Western feminist scholarship emphasizes the importance of understanding Nepali gender dynamics within their specific historical and cultural contexts instead of applying universalizing assumptions. This perspective highlights the need to analyze how local hierarchies, caste relations, and ethnic practices influence GBV.

Gender Performativity and Relational Identity

Butler's (1990) theory of gender performativity provides a compelling interpretive lens by arguing that gender is constituted through repeated social behaviors. In judicial settings, this means survivors are evaluated based on

whether they perform culturally accepted femininity, such as restraint, modesty, emotional fragility, and moral innocence. Women who deviate from these norms may be seen as unreliable, sexually promiscuous, or morally suspect, which can harm their credibility.

Strathern's (1988) concept of relational personhood is particularly relevant in the Nepali context, where social identity tends to be more collective than individual. Women's relationships to family, caste groups, and community networks influence decisions about reporting violence or pursuing legal action. Judges may also interpret cases relationally, prioritizing concerns about family cohesion, reconciliation, or social harmony, sometimes at the cost of survivor-centered justice.

Bourdieu's (1990) theory of symbolic violence deepens this analysis by showing how cultural norms become internalized and reproduced through everyday practices, including legal judgments. Symbolic violence operates subtly by framing unequal power relations as natural or proper. In cases involving GBV, judges may unconsciously reproduce gender hierarchies through seemingly neutral interpretations of evidence, credibility, and intent.

Legal Anthropology and the Cultural Life of Law

Legal anthropology emphasizes that law is not a neutral or objective system but a cultural area influenced by social norms, moral expectations, and institutional histories. Merry's (2006) idea of cultural translation is beneficial for understanding Nepal's legal landscape. Even though Nepal has adopted international human rights norms, such as CEDAW, these global frameworks are understood through local cultural logics, resulting in hybrid forms of legal thinking that combine progressive principles with patriarchal beliefs.

Herzfeld's (1992) theory of bureaucratic indifference sheds light on how institutional practices, such as delayed procedures, rigid evidentiary requirements, insensitive questioning, and insufficient survivor protection, perpetuate forms of structural violence. Although these practices seem bureaucratically neutral, they often disadvantage survivors whose trauma experiences do not fit institutional expectations.

Galtung's (1969) concept of structural violence enhances this perspective by showing how institutions, social norms, and unequal power structures systematically harm individuals. In GBV adjudication, structural violence appears in reporting barriers, limited access to legal resources, and institutional skepticism toward survivors.

Scheper-Hughes and Bourgois's (2004) continuum of violence framework explains how GBV is maintained through overlapping forms of interpersonal, structural, and symbolic violence. The judicial process can also become a source of harm when survivors face disbelief, moral judgment, or bureaucratic barriers.

Critical Feminist Legal Theory

Critical feminist legal scholars further clarify how courts reproduce, challenge, or reinterpret patriarchal norms. Crenshaw's (1989) theory of intersectionality is vital for understanding how caste, class, ethnicity, and disability

intersect with gender to shape survivors' experiences in Nepal. Intersectional power structures affect whose narratives are believed, whose suffering is visible, and whose claims are prioritized within legal institutions.

Kapur's (2005) critique of postcolonial legal feminism offers insights into the conflicts between adopting international rights-based frameworks and tackling local patriarchal practices. Her work emphasizes how legal reforms can be both powerful and limited when they rely on abstract rights rather than addressing the cultural and institutional logics that shape women's real-life experiences.

South Asian feminist legal scholars, including Menon (2004), offer additional context by explaining how judicial systems in the region often frame women within narratives of honor, purity, and respectability. These cultural scripts shape judicial discourse and influence decisions in cases involving sexual violence, marital rape, and domestic abuse. Together, these frameworks help illuminate the cultural embeddedness of legal decisions and the complex interaction between law, gender, and power.

Together, these theoretical perspectives offer a strong analytical toolkit for understanding how the Supreme Court of Nepal rules on GBV. Feminist anthropology emphasizes the symbolic and relational aspects of gender; legal anthropology shows how cultural beliefs shape legal reasoning; and feminist legal theory reveals how intersecting power structures affect judicial decisions. These approaches demonstrate that judicial choices cannot be understood apart from the cultural, institutional, and symbolic systems within which they operate. Meaningful gender justice involves recognizing how law both reflects and reproduces patriarchal norms, and identifying the institutional transformation necessary to challenge them.

Methodology

This study employs a qualitative, interpretive research design rooted in feminist anthropology and legal anthropology. These epistemological traditions highlight that GBV should be understood not only as an individual or legal issue but as a socio-cultural phenomenon embedded in kinship systems, power structures, institutional practices, and symbolic frameworks. Consequently, the methodological approach centers on meaning-making, contextual interpretation, and critical analysis rather than relying on quantification.

Primary sources for this analysis include published Supreme Court decisions, constitutional provisions, statutory laws, and international human rights conventions relevant to GBV adjudication. Key cases such as *Meera Dhungana v. His Majesty's Government* (NKP, 1995), *Sapana Pradhan Malla v. Government of Nepal* (NKP, 2001), *Prakash Mani Sharma v. Government of Nepal* (NKP, 2002), *Forum for Women, Law and Development v. Government of Nepal* (NKP, 2012), and *Sunil Babu Pant v. Nepal Government* (NKP, 2007) were purposively selected due to their doctrinal and socio-legal significance. These cases demonstrate the evolution of Nepal's gender jurisprudence and highlight the tensions between legal reform and cultural norms.

The analysis also relies on secondary sources, including anthropological research, legal scholarship, gender studies literature, and international reports. These sources provide contextual information on Nepali gender norms, kinship

systems, caste hierarchies, and institutional practices that influence the adjudication of GBV. By combining multiple data sources, the study triangulates its findings to ensure analytical rigor.

Analytical procedures followed a three-stage coding process. First, open coding identified recurring themes in cases and texts, such as credibility assessment, honor–shame dynamics, judicial language, and institutional barriers. Second, axial coding linked these themes to broader theoretical concepts from feminist and legal anthropology. Third, selective coding synthesized the analysis into core analytical categories that explain how cultural norms, institutional practices, and legal pluralism shape Supreme Court reasoning.

This methodology is interpretive rather than empirical. Its aim is not statistical generalization but rather theoretical insight, illustrating how socio-cultural contexts influence legal reasoning and how judicial interpretations both uphold and challenge patriarchal norms. Consequently, the research enhances understanding of law as a cultural system and of GBV adjudication as a culturally mediated process.

Ethical considerations were also central to the methodology. Although this study relies on publicly available legal documents and secondary literature, care was taken to represent survivors' experiences sensitively and avoid sensationalism. The analysis refrains from discussing identifiable case details beyond those already published by the Supreme Court. The goal is to critique structures, not individuals.

Finally, this study recognizes its limitations. Since it analyzes published judgments rather than conducting courtroom ethnography or interviews, it cannot fully capture the lived experiences of survivors within judicial spaces. Neither can it reveal internal deliberations among judges. However, the interpretive, text-based approach is suitable for analyzing jurisprudential patterns and cultural logics embedded within legal reasoning. When combined with anthropological and gender scholarship, this methodology provides a strong framework for understanding GBV adjudication in Nepal.

Nepali Context of Gender-Based Violence (GBV)

GBV in Nepal must be understood within the broader socio-cultural, economic, and historical structures that shape daily life. Numerous national surveys and international studies show that Nepali women face high rates of emotional, physical, sexual, economic, and cultural violence (UN Women, 2023; World Health Organization, 2024). However, most cases go unreported due to the strong influence of social stigma, family pressure, and institutional barriers.

One of the main cultural factors driving GBV in Nepal is the honor–shame system (*ijjat*), which ties women's behavior and sexuality to the family's reputation. This norm influences survivors' decisions to report violence and shapes judicial responses. Many survivors fear being ostracized, losing marriage prospects, or facing retaliation from family members, which leads to delays in reporting or cases being withdrawn. Court decisions sometimes reflect these norms by emphasizing family harmony or questioning survivors' credibility when reporting is delayed.

Patrilineal inheritance and patrilocal residence further influence women's vulnerability. These kinship systems position women as economic dependents within their marital households, reducing their bargaining power and autonomy. Rubin's (1975) sex/gender system and Bennett's (2005) ethnographic insights demonstrate how Nepali kinship structures reinforce gender inequalities that increase the likelihood of GBV and make it harder to report. Women who challenge their husbands risk losing access to shelter, childcare, and social support.

Caste hierarchy also intersects with GBV in Nepal. *Dalit*, *Adivasi Janajati*, *Madhesi*, and rural women face increased risks due to structural discrimination, limited access to legal services, and unequal treatment within police and court systems. Intersectionality (Crenshaw, 1989) explains how caste, class, ethnicity, and gender compound vulnerability and influence both experiences of violence and access to justice.

From a legal perspective, Nepal has enacted robust laws, including the Domestic Violence (Crime and Punishment) Act (2009), the Muluki Criminal Code (2017), and the Sexual Harassment at Workplace Act (2015). The Constitution of Nepal (2015) ensures equality, dignity, bodily integrity, and protection from violence. Nepal is also a party to international conventions, such as CEDAW. However, enforcement is often weak. Police frequently refuse to file a First Information Report (FIR), promote mediation even in criminal cases, or mishandle evidence. Courts may impose strict evidentiary requirements, allow intrusive questioning, or favor marital reconciliation.

Legal anthropology explains why these contradictions persist. Merry's (2006) theory of cultural translation demonstrates how global norms, such as gender equality, are adapted within local contexts. Consequently, while Nepal's laws seem progressive on paper, their enforcement is influenced by patriarchal values. Herzfeld's (1992) bureaucratic indifference appears in institutional practices that retraumatize survivors through delays, hostile questioning, and a lack of support services. Scheper-Hughes and Bourgois's (2004) concept of the violence continuum shows how structural and institutional practices, including those in police stations and courtrooms, can continue to cause harm even after the initial act of violence.

In this context, the Supreme Court plays a crucial role. As the interpreter of constitutional guarantees and the overseer of legal norms, the Court has the authority to challenge harmful practices. However, its decisions are influenced by the same cultural and institutional forces that shape society as a whole. Therefore, understanding GBV adjudication in Nepal requires recognizing that the Court operates within a socio-legal environment in which gender inequality is deeply rooted.

Findings and Analysis

Analysis of Nepal's Supreme Court jurisprudence shows that the adjudication of GBV is heavily influenced by cultural norms, institutional frameworks, and the pluralistic nature of Nepal's legal system. Drawing on insights from feminist and legal anthropology, this section explores the main patterns that shape judicial decision-making in GBV cases.

First, the findings show that honor–shame norms (*ijjat*) significantly influence judicial reasoning. Survivors who delay reporting violence are often viewed with suspicion, despite research worldwide indicating that trauma and social pressure lead to delayed disclosure. This skepticism by the judiciary reflects broader cultural expectations that women uphold modesty, purity, and emotional fragility. Butler's (1990) concept of gender performativity helps explain why courts implicitly expect women to embody idealized femininity when giving testimony; deviations can undermine their perceived credibility.

Second, the Supreme Court functions as a gendered institution; the male-dominated bench and legal culture influence how judges interpret survivors' narratives. Rosaldo's (1974) public/domestic divide is evident in judicial language that subtly reinforces domestic roles for women or emphasizes family unity as a priority. Institutional practices, such as lengthy delays, insensitive questioning, and a lack of survivor protections, align with Herzfeld's (1992) concept of bureaucratic indifference and contribute to symbolic and structural violence.

Third, legal pluralism leads to inconsistencies in the adjudication of GBV. While statutory law criminalizes marital rape and domestic violence, customary norms often regard such violence as private family matters. As Merry (2006) explains, global and national rights frameworks undergo cultural translation, resulting in hybrid interpretations. Therefore, although landmark decisions like *Meera Dhungana v. His Majesty's Government* (NKP 1995) and *Prakash Mani Sharma v. Government of Nepal* (NKP 2002) promote gender equality, everyday rulings may still reinforce patriarchal assumptions.

Fourth, institutional and structural violence within the justice system influences survivor outcomes. Survivors encounter significant procedural hurdles, such as delayed hearings, repeated testimony, evidentiary burdens, and a lack of privacy. These processes not only retraumatize survivors but also decrease the chances of successful prosecution. Galtung's (1969) concept of structural violence and Scheper-Hughes and Bourgois's (2004) continuum of violence highlight how harm continues beyond the initial act of GBV.

Finally, the findings show that although the Supreme Court has made progressive rulings, its jurisprudence is still shaped by patriarchal cultural beliefs. Judicial opinions occasionally mention family harmony, moral character, or marital expectations, reflecting cultural values rather than constitutional principles. Feminist anthropology explains that such interpretations emerge not from legal gaps but from deep-rooted gender ideologies embedded in Nepali society.

Overall, the analysis shows that achieving substantive gender justice in Nepal requires not only progressive court rulings but also a transformation of institutional practices, cultural norms, and interpretive frameworks.

Discussion

The findings of this study show that Nepal's Supreme Court operates within a complex social, cultural, and legal environment where patriarchal norms, institutional limits, and diverse legal traditions intersect. While the Constitution of Nepal (2015) guarantees equality, dignity, and protection from violence, judicial interpretation often

reflects deeper cultural ideas about gender, morality, and family honor. These findings support important insights from feminist anthropology, which highlight that gender is socially constructed and maintained through symbolic systems, kinship relations, and social expectations (Ortner, 1974; Rubin, 1975).

One of the main implications of the analysis is that the Supreme Court's most progressive GBV rulings exist alongside more conservative or inconsistent judgments. Although landmark decisions such as *Meera Dhungana v. His Majesty's Government* (NKP 1995) and *Sapana Pradhan Malla v. Government of Nepal* (NKP 2001) demonstrate a commitment to gender equality; many routine rape and domestic violence cases reveal judicial reasoning influenced by honor–shame ideologies. These ideologies shape expectations about how survivors should behave, when they should report violence, and what constitutes credible testimony. Butler's (1990) concept of gender performativity helps explain how these expectations create implicit courtroom standards, affecting judicial assessments of survivors' credibility.

Legal anthropology also sheds light on the Court's role as a site of cultural negotiation. Merry's (2006) concept of cultural translation explains why international norms, like those in CEDAW, are only partially incorporated into judicial reasoning, often filtered through local patriarchal frameworks. As a result, judicial decisions frequently reflect hybrid interpretations that combine global rights language with culturally rooted beliefs about family, marriage, and gender roles.

Institutional factors further limit the Court's ability to provide substantive justice. Police mishandling of evidence, delays in case processing, and hostile courtroom environments create structural violence that survivors must navigate (Galtung, 1969). Herzfeld's (1992) idea of bureaucratic indifference highlights how these institutional practices reproduce inequality even when laws appear progressive. These barriers underscore that systemic reform, not just legal reform, is needed to ensure real access to justice.

Finally, the discussion emphasizes the need for feminist transformative jurisprudence in Nepal. A feminist approach would require courts to challenge patriarchal norms rather than unconsciously reinforce them. This includes adopting trauma-informed procedures, lowering evidentiary burdens that unfairly disadvantage survivors, and rejecting moralistic judgments of women's behavior or sexual history. Additionally, increasing the number of women judges and integrating gender-sensitivity training throughout the judiciary would contribute to a more equitable legal culture.

Ultimately, the Supreme Court holds a decisive but limited role within Nepal's broader gender justice landscape. While its decisions can promote equality and rights, their real impact relies on cultural shifts, institutional reforms, and continued dedication to feminist legal principles.

Conclusion

The adjudication of GBV by Nepal's Supreme Court illustrates both the progress and the limitations of the country's developing human rights framework. While landmark decisions have broadened constitutional protections,

recognized marital rape, strengthened procedural safeguards, and confirmed gender equality, the analysis in this article uncovers ongoing gaps between legal ideals and lived realities. Feminist anthropology indicates that gender is culturally constructed through kinship ties, moral expectations, and symbolic systems, all of which influence survivor experiences and judicial perceptions. Legal anthropology further shows that law is culturally mediated, meaning that GBV adjudication is filtered through patriarchal norms and institutional constraints.

The findings highlight that honor–shame ideologies, gendered expectations of survivor behavior, and relational pressures within families still influence how courts evaluate credibility. Institutional barriers such as slow procedures, insensitive questioning, and limited survivor protections create structural and symbolic violence that hinder access to justice. Additionally, Nepal's mixed legal system, where statutory, customary, and international norms coexist, results in hybrid interpretations that sometimes reinforce rather than challenge patriarchal assumptions.

To move toward substantive gender justice, Nepal must adopt feminist transformative jurisprudence. This involves trauma-informed judicial practices, survivor-centered procedures, improved enforcement of GBV laws, judicial training on gender sensitivity, and greater representation of women and marginalized groups in the judiciary. Broader cultural change is also crucial to challenge honor–shame norms, encourage reporting of violence, and transform gendered power dynamics within families and communities.

Ultimately, Nepal's Supreme Court has the potential to be a transformative institution, but its impact depends on addressing the cultural and structural forces that influence legal reasoning. Achieving gender justice requires not only progressive laws but also a comprehensive shift in how society, institutions, and courts understand and respond to violence against women.

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