



JUSTICE ON TRIAL: WOMEN'S PROTESTS AGAINST INSTITUTIONAL CORRUPTION IN THE LEGAL SYSTEM

Shrishty Singh*

ABSTRACT

Judicial corruption erodes public confidence and undermines democracy, but its impact is especially devastating for women. Courts that are swayed by bribery, nepotism, or political interference fail to protect survivors of gender-based violence, turning justice into a privilege rather than a right. This paper examines women's protests against institutional corruption in the legal system, with particular focus on India, Latin America, and Africa. Using emblematic cases such as Mukesh v. State (Nirbhaya case, India), Bhanwari Devi v. State of Rajasthan (leading to Vishaka guidelines), Jessica Lal murder case, Maria da Penha v. Brazil (CEDAW), Campo Algodonero v. Mexico (Inter-American Court of Human Rights), and Kituo Cha Sheria v. Attorney General (Kenya), the paper highlights how women's protests challenge systemic failures. It argues that women's mobilisation frames judicial corruption as a form of gendered injustice, forcing reforms in law and policy. The conclusion stresses that until accountability mechanisms are strengthened, justice will remain on trial, and women will remain its fiercest defenders.

Keywords: Judicial Corruption, Gender Justice, Women's Protests, Accountability, Democracy.

INTRODUCTION

The judiciary is often described as the "last hope of the common man." Yet, for many women across the world, it has too often been the last betrayal. Judicial corruption—manifesting in bribery, selective prosecution, nepotism, or undue political influence—erodes the legitimacy of courts. For survivors of gender-based violence, corruption compounds pre-existing

*LLB, SECOND YEAR, AMITY UNIVERSITY, LUCKNOW.

patriarchal biases, producing a double injustice: violence at the hands of perpetrators and institutional neglect in the courtroom.

Women's protests have historically emerged when institutions collapse. From the streets of Delhi in 2012 after the Nirbhaya gang rape to the plazas of Buenos Aires in the Ni Una Menos marches, women have challenged not only perpetrators but also the very structures meant to deliver justice. These protests reveal that corruption is not gender-neutral—it disproportionately silences women, particularly those from marginalised communities.

LITERATURE REVIEW

Judicial Corruption and Its Consequences: Judicial corruption undermines the very purpose of law. According to Rose-Ackerman (1999) and the United Nations Office on Drugs and Crime (2020), corruption in courts takes many forms: bribery of judges, manipulation of evidence, “judge-shopping,” and delays designed to exhaust poorer litigants. When corruption permeates the justice system, the principle of equality before the law collapses. For women, particularly in gender-based violence cases, this means perpetrators with political or financial power can escape punishment.

Feminist Jurisprudence and Gendered Impunity: Feminist legal theorists argue that the law has been historically structured by patriarchal values. Catharine MacKinnon highlights that sexual violence is often minimised or dismissed as a “private” matter, while Hilary Charlesworth stresses the invisibility of women's rights in international law. The *Maria da Penha v. Brazil* case (CEDAW, 2001) illustrated this bias: despite clear evidence, Brazilian courts delayed for years, prompting the CEDAW Committee to hold the state responsible for tolerating impunity. Feminist jurisprudence thus reframes corruption not only as financial misconduct but as systemic bias that denies women equality.

Protests as Social Movements: Social movement scholars such as Charles Tilly and Snow & Benford explain how protests frame grievances. Women's protests often use diagnostic frames (“the system is corrupt”), prognostic frames (“laws and institutions must change”), and motivational frames (“justice for one is justice for all”). Protest repertoires—marches, sit-ins, candlelight vigils—symbolise both mourning and resistance. By drawing on moral authority, women's protests resonate widely, often forcing reluctant governments to act.

Gap in Scholarship: While studies exist on judicial corruption and on women's movements separately, few analyse their intersection. This paper bridges the gap by situating women's protests within the broader fight against corruption in legal institutions.

CASE STUDIES

India

Nirbhaya Case (2012–2017): The gang rape and murder of a young woman in Delhi shocked the world. Public outrage erupted into weeks of protests, mostly led by women and students, demanding accountability from both the police and judiciary. In *Mukesh & Anr. v. State for NCT of Delhi* (2017), the Supreme Court upheld the death penalty, citing the “collective conscience” of society. Yet protesters pointed to systemic failures: police negligence, judicial delay, and lack of sensitivity in trial courts. The Criminal Law (Amendment) Act, 2013, introduced stricter provisions on rape, stalking, and acid attacks. However, corruption and backlog in lower courts continue to frustrate survivors, showing that legal reform without institutional accountability is insufficient.

Bhanwari Devi Case (1992–1995): Bhanwari Devi, a grassroots worker, was gang raped for stopping a child marriage. Local courts acquitted the accused, allegedly under caste and political influence. Women's groups protested nationwide, filing a PIL that led to the landmark *Vishaka v. State of Rajasthan* (1997) judgment, where the Supreme Court laid down guidelines on sexual harassment at the workplace. This case illustrates how women transformed a personal tragedy into systemic reform, highlighting that corruption and bias in local courts could be countered, too.

Jessica Lal Case (1999–2006): When model Jessica Lal was shot dead, the accused—a politician's son—was acquitted due to tampered evidence and witness intimidation. Women journalists and activists launched massive campaigns, pressuring the judiciary. In 2006, the Delhi High Court convicted the accused in a retrial, showing how public mobilisation can override corrupt practices. This case underlines that protests are often the only corrective against compromised trials.

Argentina – Ni Una Menos and Lucía Pérez: In Argentina, judicial corruption and bias were exposed in the 2018 acquittal of three men accused of drugging and killing 16-year-old Lucía Pérez. Judges dismissed evidence and focused on the victim's lifestyle. The acquittal triggered

nationwide strikes under the banner of Ni Una Menos (“Not One Less”). Women argued that the judiciary’s corruption and misogyny perpetuated femicide. Subsequent retrials were ordered, but the larger victory was cultural: the protests spread across Latin America, framing judicial impunity as a continental crisis.

Kenya – Women Lawyers and Judicial Bribery: Kenya’s 2010 Constitution sought to reform the judiciary, but corruption persisted. Women’s legal associations staged protests in 2020–2023, highlighting how bribery led to the dismissal of gender-based violence cases. In *Kituo Cha Sheria v. Attorney General* (2013), the High Court declared access to justice a constitutional right. Women activists invoked this precedent to argue that judicial corruption effectively denies women due process. Though some reforms followed, entrenched corruption remains.

Peru – Judicial Audio Leaks (2018): In Peru, leaked audio tapes in 2018 revealed judges trading lenient sentences in exchange for bribes, including in rape cases against minors. Women’s groups protested, linking judicial corruption to systemic violence. They drew on the Inter-American Court’s decision in *Gonzales Lluy v. Ecuador* (2015), which held that corruption and negligence violated human rights obligations. Protests led to resignations and restructuring of Peru’s judicial council, though implementation remains uneven.

Mexico – Campo Algodonero Case (2009): The *Campo Algodonero v. Mexico* judgment of the Inter-American Court (2009) condemned Mexico for failing to investigate femicides in Ciudad Juárez. The Court held that impunity—rooted in corruption and negligence—was a violation of human rights. Mexican women’s protests turned this case into a rallying cry, demanding judicial reforms and accountability. Despite some progress, femicide rates remain high, underscoring the persistence of institutional corruption.

COMPARATIVE ANALYSIS

Across contexts, common patterns emerge:

Symbolic Cases as Catalysts: One emblematic case often ignites protests: *Nirbhaya* in India, *Lucía Pérez* in Argentina, or *Campo Algodonero* in Mexico. These cases expose systemic failures and galvanise broad coalitions.

Legal Precedents as Tools: Women's movements strategically cite domestic and international cases. For example, Indian activists used the Vishaka guidelines, while Latin American feminists invoked Maria da Penha and Campo Algodonero to argue that corruption violates human rights.

Moral Authority of Women's Protests: Protests often adopt repertoires—vigils, strikes, marches—framed as acts of mourning and resistance. This moral authority makes it difficult for governments to ignore demands.

Partial but Significant Victories: While protests often achieve legal reforms, entrenched corruption and patriarchal Challenges blunt their impact. For example, India passed stricter laws post-Nirbhaya, but conviction rates remain low due to systemic corruption.

CHALLENGES

Despite landmark judgments and strong public mobilisations, women continue to face serious obstacles in their pursuit of justice. Institutional corruption within the legal system manifests in different ways, creating a hostile environment for survivors and undermining public trust. These challenges are not merely technical gaps but deeply rooted structural issues.

Patriarchal Bias in the Judiciary: One of the most persistent challenges is the patriarchal mindset that pervades courts. Judges have, at times, trivialised sexual violence by making insensitive remarks, suggesting marriage between the survivor and the accused, or questioning a woman's character rather than the conduct of the perpetrator. Such attitudes, often amplified by corruption, lead to judgments that reflect societal bias rather than constitutional values. The Bhanwari Devi case exemplifies how caste and gender hierarchies combined to deny justice, despite overwhelming evidence.

Weak Enforcement of Legal Reforms: Although significant reforms have been introduced, such as the Criminal Law (Amendment) Act, 2013, and the Vishaka Guidelines, their enforcement is inconsistent. Corruption at the level of police, medical examiners, and prosecutors often ensures that laws remain on paper. Fast-track courts, created to ensure speedy disposal of rape cases, are frequently overburdened, underfunded, or manipulated by powerful interests. This gap between law and practice perpetuates survivors' disillusionment.

Influence of Wealth and Power: Cases like Jessica Lal highlighted how money and political connections distort judicial outcomes. Bribery, intimidation of witnesses, and manipulation of evidence remain common tactics employed by the powerful. In many rape trials, families of survivors are pressured to withdraw complaints, while accused persons use financial leverage to buy impunity. The 2025 “Little Nirbhaya” acquittal in Uttar Pradesh has revived debates on how political clout and corruption still tilt justice away from vulnerable victims.

Threats and Retaliation Against Women Activists: Women who protest against judicial corruption often face direct threats, harassment, and even criminalisation. Activists have been subjected to online abuse, police surveillance, and social ostracism. This not only discourages participation but also reinforces the message that demanding accountability is itself a risky act.

Systemic Delays and Procedural Manipulation: Finally, judicial delay remains one of the most corrosive challenges. Corrupt officials deliberately postpone hearings, “lose” files, or exploit procedural loopholes. Survivors often wait years for justice, during which they face social stigma and emotional trauma. Such delays convert justice into a privilege accessible only to those with resources and persistence.

Together, these challenges reveal that corruption is not an isolated act of bribery but a systemic condition that interacts with patriarchy, power, and procedural inefficiency. Women’s protests continue to expose these flaws, but without institutional reforms, justice risks remaining out of reach for the very people it is meant to serve.

RECOMMENDATIONS

Women’s protests worldwide have shown that corruption within the judiciary is not an abstract flaw but a lived reality that denies survivors justice. Addressing this requires systemic reforms that combine accountability, transparency, and gender sensitivity. The following recommendations are drawn from comparative legal experience, international human rights frameworks, and grassroots demands voiced by women’s movements.

Independent Judicial Oversight: A central step in fighting corruption is creating oversight mechanisms that are free from executive interference. While judicial independence is vital, unchecked autonomy can shield misconduct. Countries like Kenya and South Africa have experimented with judicial integrity committees, though their effectiveness has been uneven. Oversight bodies should include representation from civil society, particularly women’s

organisations, to ensure accountability reflects the perspectives of those most affected by corruption. Such bodies should have powers to investigate complaints, publish annual integrity reports, and recommend disciplinary action against corrupt judges or prosecutors.

Transparent Judicial Appointments and Promotions: Opaque appointment processes often breed nepotism and favouritism. Judicial careers must be insulated from political patronage by ensuring appointments are merit-based, with public disclosure of selection criteria. In India, debates over the collegium versus the National Judicial Appointments Commission (NJAC) reflect the tension between independence and accountability. A reformed process should combine independence with transparency, mandating disclosure of judges' assets, financial dealings, and conflicts of interest. Latin American experiences show that transparency in promotions reduces opportunities for corruption and builds public trust.

Gender-Sensitive Judicial Training: Bias in gender-based violence cases remain a formidable challenge. Judges have, on several occasions, relied on stereotypes such as questioning a woman's "moral character" or suggesting marriage between survivor and accused as a "solution." Training programs must go beyond formal workshops and include sustained engagement with feminist legal theory, survivor testimonies, and international best practices. For example, after the Campo Algodonero judgment, Mexico introduced specialised training on femicide investigations. India, too, under the Judicial Academy system, must embed gender-sensitivity modules as mandatory and recurring.

Survivor-Centred Justice Mechanisms: Legal systems must shift from being accused-centred to survivor-centred. This requires implementing victim and witness protection programs, ensuring anonymity in sensitive cases, and providing psychological support during trials. Survivors often withdraw complaints not because they lack courage, but because the system retraumatizes them. Civil society, in partnership with state institutions, should establish "support cells" within courts to ensure survivors are guided and protected at every stage.

Legal Protections for Whistleblowers and Journalists: Whistleblowers, investigative journalists, and women's rights defenders often expose corruption within the judiciary at great personal risk. Without robust legal protections, these actors face harassment, defamation suits, or even physical harm. Laws such as India's Whistleblower Protection Act (2014) remain weak in practice. Strengthening such frameworks, along with safe reporting mechanisms, is essential.

Protecting these truth-tellers is not merely a human rights obligation but a safeguard against impunity.

Harnessing Technology for Transparency: Technology can minimise human discretion, thereby reducing opportunities for corruption. Digital FIR filing, online case tracking, and publicly accessible court transcripts increase transparency. Artificial intelligence can help monitor trial delays and identify patterns of corruption. However, technology must be implemented carefully to avoid reinforcing existing inequalities (e.g., access issues for rural women).

Using International Frameworks for Domestic Reform: National legal systems should draw from international human rights instruments. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) provides a binding framework for states to address gendered corruption in justice systems. Similarly, judgments from the Inter-American Court of Human Rights and the African Court have established powerful precedents on state accountability for violence against women. Domestic courts must increasingly refer to these frameworks, thereby strengthening global norms of gender justice.

CONCLUSION

Women's protests against judicial corruption are not isolated bursts of anger; they are sustained democratic interventions that reshape the meaning of justice itself. These movements challenge societies to recognise an uncomfortable truth: justice, in many places, is not a right but a privilege that corruption systematically denies to marginalised groups, especially women.

From India's candlelight vigils after Nirbhaya in 2012 to Argentina's feminist strikes following Lucía Pérez's murder, from Kenyan NGOs litigating against court delays to Mexico's international litigation in Campo Algodonero, women have consistently forced institutions to confront their failures. These protests reveal that when courts and police collude in silence, it is the collective power of citizens—particularly women that reopens the possibility of justice.

Recent developments underscore both progress and persistence of flaws. The 2023 retrial of Lucía Pérez, where public outrage reversed an unjust acquittal, demonstrates how mobilisation can secure accountability. Kenya's creation of judicial integrity committees shows the institutionalisation of anti-corruption efforts, though implementation remains weak. In India, renewed protests in 2025 after the "Little Nirbhaya" acquittal highlight how corruption,

procedural loopholes, and patriarchal bias continue to deny justice to survivors, despite new procedural codes under the BNSS.

What emerges is a paradox: while women's protests have undeniably transformed legal landscapes, pushing for stricter laws, retrials, and international condemnations, they should not be the only safeguard against corruption. Justice must not depend on whether survivors can mobilise thousands onto the streets. Sustainable justice requires structural guarantees: independent oversight, transparent appointments, gender-sensitive training, and protection for those who expose corruption.

Until such reforms take root, justice itself remains "on trial." Courts and governments will continue to be tested not only by their legal acumen but by their ability to uphold integrity in the face of corruption and bias. In the meantime, it will be women through their protests, resilience, and courage who hold the justice system accountable, reminding societies that the true measure of a legal system is not how it treats the powerful, but how it delivers justice to the most vulnerable.