



SEX, POWER AND VIOLENCE

*Bhavya Tandon*

Jindal Institute of Behavioral Sciences (JIBS)

4 Credit Course

## SPRING SEMESTER 2025

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Office Hours: By prior appointment on Friday, 12-3 PM

Classroom:

The information provided herein is by the Course Coordinator. The following information contains the official record of the details of the course.

### PART I

<b>Course Title: SEX, POWER AND VIOLENCE</b>		
Course Code	BE-E 0099	
Course Duration	1 Semester	
No. of Credit Units	4	
Level	UG	
Pre-Requisites	Nil	
Pre-Cursors	Nil	
Equivalent Courses	Nil	
Exclusive Courses	Nil	
Class Timing	...	....

### PART II

#### Course Description:

The purpose of this course is to consider the intersection of law and sexual violence within India and in the global context. The focus of the course is the definition, explanation and interpretation of rape, sexual harassment, sex work, sexual conduct, treatment of sex offenders, marital rape, sex trafficking, criminalisation of consensual sexual conduct, and evidential issues in the proof of sexual offences. This will be dealt with while examining a range of regulations and regulatory frameworks. We will also consider how landmark court decisions are changing the current landscape. While such crimes can be described as violent in nature, they do go a little deeper than that. What's incredibly difficult in the case of sexual violence suffers from a lack of 'shared societal understanding'. Challenging the societal preconceptions and myths of sexual violence we will try to understand why we need to redefine sexual violence. Additionally, this course will include critically examining contemporary issues, debates and controversies surrounding sexual violence such as sexual assaults in cyberspace & virtual realities and what we learned from the me-too movement.

#### Course Aims:

1. To examine developments in recognising, investigating and prosecuting cases of sexual violence from an interdisciplinary angle.

2. To critically examine contemporary approaches to the law and policy relating to sexual offence and to develop your awareness of all the issues at stake in combatting such violence.
3. To presents an interdisciplinary approach to the problem of gendered violence in India.
4. To Analyse some of the specific factors contributing to the violence against women and reviews some measures and proposal aimed at combatting the latter.
5. Analyse the problem as well as its possible causes and consequences from different point of view and put forward various proposals to dimmish genders violence rate.

### **Course Intended Learning Outcomes:**

1. Understand developments in the substantive law of sexual offences in India, some international jurisdictions, and some aspects of the law of evidence and proof.
2. Explain and critically analyse the policy, theoretical and doctrinal underpinnings of such developments, as well as the empirical research on sexual offences.
3. Critically assess proposals for further reform of the law and policy.

### **Assessment Process:**

The course will be majorly taught using class discussions, anecdotes, presentations, readings, and experiential exercises. The evaluations will include in-class activities, individual and group presentations, written assignments, quizzes, and projects.

### **Percentage breakdown of Grade:**

**70% internal (Social media campaign, group presentation, class test and class participation) & 30% end semester (closed book) exam.**

#### **1. Class Participation 10 Marks:**

Class participation is an essential aspect of learning that plays a significant role in the overall success of a course. Your participation will be evaluated to determine your level of engagement, critical thinking, and communication skills. You must actively engage in the course activities and discussions to earn a maximum of 10 marks for class participation. This means attending all classes, arriving on time, and being prepared with the necessary materials. You should also demonstrate a willingness to participate in group activities, ask questions, and offer insights on course material.

**This is an ongoing assessment.**

#### **2. Group presentation 40 marks:**

For the group presentations, each group will be responsible for presenting a module corresponding to their group number (i.e., Group 1 presents Module 1, Group 2 presents Module 2, and so on). The

presentations are designed to be creative and engaging, allowing for a variety of formats to best showcase your group's understanding and insights.

**Presentation Format:** Your presentation can take any of the following forms, depending on your group's preference:

- Podcast: Create an audio discussion or interview exploring the module topic.
- Comic Strip: Illustrate the concepts of the module in a creative and visual manner.
- Act/Skits: Perform a short drama or role-play to demonstrate key points of the module.
- Movie Review: Analyze and review a movie that relates to the module, discussing its relevance to the topic.
- Case Review: Present and analyze a real or hypothetical case study relevant to the module.

**Presentation Time:** 40 minutes. This includes any setup time, presentation, and demonstrations.

- Q&A Session: 20 minutes. After your presentation, the class will have an opportunity to ask questions, and your group should be prepared to discuss and elaborate on your topic.

**The date of the presentation is as specified in the Word document shared, along with the list of group members.**

### 3. Case study 20 Marks:

To answer a case study, you must meet the following criteria:

1. Understanding the case- analysing the relevant facts, legal issues, and outcomes.
2. Legal analysis- relevant legal concepts and principles to the case
3. Critical thinking- evaluating the strengths and weaknesses of the case, considering alternative perspectives, and proposing potential solutions.

**Date of test- Second week of October**

### **Important Notice:**

In the event that you miss any of your assessment deadlines, **no alternative test or makeup opportunity will be provided.** It is crucial to attend the test, be present on the day of your group presentation and send in your social media campaign results as scheduled to avoid any loss of marks.

### **Grading of Student Assessment**

<b>Letter Grade</b>	<b>Percentage of Marks</b>	<b>Grade Points</b>	<b>Interpretation</b>
O	80 and above	8	<b>Outstanding:</b> Exceptional knowledge of the subject matter, thorough understanding of issues; ability to synthesize ideas, rules and principles and extraordinary critical and analytical ability.

A+	75 - 79	7.5	<b>Excellent:</b> Sound knowledge of the subject matter, thorough understanding of issues; ability to synthesize ideas, rules and principles and critical and analytical ability.
A	70 - 74	7	<b>Very Good:</b> Sound knowledge of the subject matter, excellent organizational capacity, ability to synthesize ideas, rules and principles, critically analyse existing material and originality in thinking and presentation.
A-	65 -69	6	<b>Good:</b> Good understanding of the subject matter, ability to identify issues and provide balanced solutions to problems and good critical and analytical skills.
B+	60 - 64	5	<b>Fair:</b> Average understanding of the subject matter, limited ability to identify issues and provide solutions to problems and reasonable critical and analytical skills.
B	55 - 59	4	<b>Acceptable:</b> Adequate knowledge of the subject matter to go to the next level of the study and reasonable critical and analytical skills.
B-	50 - 54	3	<b>Marginal:</b> Limited knowledge of the subject matter and irrelevant use of materials, and poor critical and analytical skills.
P1	45 - 49	2	<b>Pass 1:</b> Pass with Basic understanding of the subject matter.
P2	40 - 44	1	<b>Pass 2:</b> Pass with Rudimentary understanding of the subject matter.
F	Below 40	0	<b>Fail:</b> Poor comprehension of the subject matter; poor critical and analytical skills and marginal use of the relevant materials. Will require repeating the course.

## Course Outline

This course will be spread across seven units. The brief description of each unit is as follows:

### **UNIT I: INTRODUCTION TO DIFFERENT TYPES OF SEXUAL VIOLENCE (Week 1&2)**

The term "sexual violence" is an all-encompassing, non-legal term that refers to crimes like sexual assault, rape, and sexual abuse. Many of these crimes will be described in this unit . This module will serves as an introduction to the course. We will look at different meanings and approaches

taken by various countries and see its evolution through the ages. Although they develop in different ways, legal systems also have some similarities based on historically accepted justice ideals.

- Definition of sexual violence
- Overview of the various forms of sexual violence (e.g. rape, sexual assault, sexual harassment, etc.)
- Discussion on the prevalence and impact of sexual violence on individuals and society
- Recent cases and news on sexual violence

 The Toronto Star

### This Toronto lawyer fought to take her own sex assault outside court. She wants other women to have the same path to justice



When it comes to sexual violence, Robin Parker has seen the justice system “from every angle.” She used to prosecute sexual offences after...

6 hours ago

#### Readings:

- Indian Penal Code, 1860
- J Chalmers & F Leverick, “Fair Labelling in Criminal Law” (2008) *72 Modern Law Review* 217
- Clare McGlynn & Vanessa E Munro, *Rethinking Rape Law* (2010), esp Chs 9, 10, 14 and 16

## **UNIT II: SEX WORKER (Week 2 & 3)**

Debates regarding the normative character of sex work, and how it should be regulated (if at all), are deeply contentious, particularly within the broad church of feminism. Sex work is regulated very differently. We will be looking into different legislations in India regarding curbing human trafficking and what are the reasons for the poor implementation of these laws. This unit will focus on trafficking in women for sexual exploitation. The laws that sex workers really want. We will explore the question- is sex work different from other forms of labor? If so, how? Should India seek to regulate the sex work industry? And should the criminal law be used to address macrosystemic forces like inequality?

- Historical perspective of sex work
- Current scenario of sex work in India
- Legal Framework of Sex Work in India, Netherlands, UK, Sweden and New Zealand
- Social and Economic Conditions of Sex Workers

## Sex workers in Amsterdam's iconic red light district are protesting new curfews and higher rents that would force them to stop working in windows

Katherine Tangalakis-Lippert Apr 11, 2023, 7:28 AM



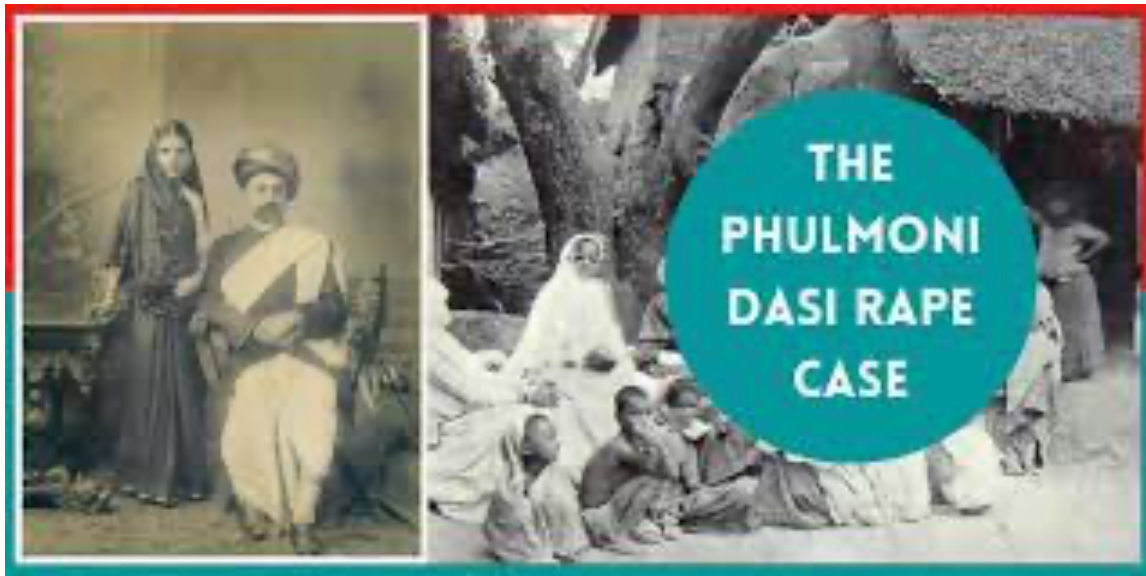
### Readings:

- MacKinnon, C.A (2011) *Trafficking, prostitution, and Inequality*. Harv. CR-CLL Rev, 46,271.
- Sullivan, T (2005). *Rape, prostitution and consent*. Australian & New Zealand Journal of Criminology, 40(2) 127-142.
- Prabha Kotiswara, “Born unto Brothels? Toward a Legal Ethnography of Sex Work in an Indian Red-Light Area” *Law and social inquiry* . Volume 33, Issue 3, 579-629, Summer 2008

### UNIT III: CRIMINALISATION OF CONSENSUAL SEX (Week 4 & 5)

Can a person consent in advance to sexual activity that occurs while she is unconscious? Consent is one of the essential elements of the assault. This unit will extend its discussion to the problems arising when consent to sex is “intoxicated consent”. One central question is whether the consent is a state of mind or a set of actions or behaviour, performed in certain way, to signify consent. This unit will critique the criminal law’s treatment of the parameter of consent when the person giving consent is intoxicated, underage and long term sexual partner.

- Important elements of sexual consent
- Consent and Intoxication
- Evolution of law
- Relationship history and gender



#### Readings:

- Pitre A, Lingam L. Age of consent: challenges and contradictions of sexual violence laws in India. *Sex Reprod Health Matters*.
- Finch E, Munro VE. The Demon Drink and the Demonized Woman: Socio-Sexual Stereotypes and Responsibility Attribution in Rape Trials Involving Intoxicants. *Social & Legal Studies*. 2007;16(4):591-614. doi:10.1177/0964663907082737
- June 17, 2011 Jennifer Koshan “*Consciousness and consent in Sexual Assault cases*” ABlawg.ca <<https://ablawg.ca/2011/06/17/consciousness-and-consent-in-sexual-assault-cases/>>

#### **UNIT IV: NEW SEXUAL OFFENCES: UPSKIRTING AND IMAGE BASED SEXUAL ABUSE. (Week 6 &7)**

Upskirting is often treated as form of voyeurism, and has recently caused much social concern across a wide range of jurisdictions. UK government in 2018 introduced an offence that covers upskirting specifically, via the Voyeurism (Offences) Act 2018. In India we don't recognise upskirting as an independent offence and is dealt under Section 354C of the Indian Penal code. Image based sexual abuse offences (sometimes referred to as 'revenge porn') have also been a contemporary topic of concern. We will critically examine the provisions of Indian penal code and discuss how effective these provisions are. We will also look into other countries laws and frameworks and compare with the Indian offences of voyeurism.

- Analysis of the prevalence and impact of new offences- stalking, voyeurism, image-based sexual violence.

- Discussion on the legal and social implications of these offences
- Legal Framework for Upskirting and Image Based Sexual Abuse
- Role of technology- Mobile trends, social media, dating apps, online gaming and Meta verse.



#### Readings:

- McGlynn, C., & Rackley, E. (2017). “*Why ‘upskirting’ needs to be made a sex crime*”.
- Maddocks, S (2018) from Non- Consensual photography to image based sexual abuse: charting the course of a problem with many names, *Australian Feminist Studies*.
- McGlynn, C., Rackley, E & Houghton, R. (2017) Beyond ‘Revenge Porn’: *The Continuum Of Image- Based Sexual Abuse Feminist Legal Studies* 25(1) 25-46

### **UNIT V: THE TREATMENT OF SEXUAL OFFENDERS (Week 10 &11)**

This unit will shed light on a range of strategies that are likely to prove more effective for addressing problem from the perspective of victims, offenders and India society as a whole. Should person suspects of rape be granted anonymity and why? And if anonymity is granted how long should it law? should state be entitled to retain intelligence and forensic data relating to individuals who are prospected for a sexual offences but not convicted? We will also examine number of key measures that provide support and protection for complainers in relation to prosecution of sexual offences and their interrelation with the rights of accused, including the right to fair trial.

- Understanding sexual offenders
- Sexual offender registry- Legal and ethical considerations
- The anonymity of sexual offender during the trial- Confidentiality and privacy

Readings:

- Code of criminal procedure, 1973
- McGlynn., C, “Rape Defendant Anonymity and Human Rights: Adopting a wider perspective”
- Marshall, W. L., Anderson, D., & Champagne, F. (1997). Self-esteem and its relationship to sexual offending. *Psychology Crime & Law*, 3, 81-106.

**UNIT VI: SEXUAL ASSAULT AND THE LGBTQ COMMUNITY (Week 12 &13)**

A study conducted at UCLA School of law in 2017 suggested that LGBT people are nearly four times more likely than non LGBT people to experience violent victimisation, including rape, sexual assault. In this module we will explore violence targeting the LGBT community and Decriminalisation and violence against individual who identify or are perceived to be from LGBTQ community

- Historical and cultural contexts of sexual assault and the LGBTQ community
- Prevalence and incidence of sexual assault
- The impact of heteronormativity and homophobia on sexual assault
- Legal and Social Responses to Sexual Assault



### ***Important Readings:***

1. Indian Penal Code (1860)
2. The Immoral Trafficking Act (1956)
3. Criminal law amendment act, 2013
4. the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
5. The Information Technology Act, 2000
6. Prabha Kotiswara, "Born unto Brothels? Toward a Legal Ethnography of Sex Work in an Indian Red-Light Area" *Law and social inquiry* . Volume 33, Issue 3, 579-629, Summer 2008
7. Dipika Jain, Abhina Aher, Simran Shaikh, mrita Sarkar and Brian Tronic, "Negotiating Violence: Everyday Queer Experiences of the Law" (2020) *Violence and Gender.*, Mary Ann Liebert
8. James Chalmers and Fiona Leverick, "Fair Labelling in Criminal Law" (2008) *Modern Law Review*.
9. Henry, N., Powell, A., & Flynn, A. (2017). Not Just 'Revenge Pornography': Australians' Experiences of Image-Based Abuse. Summary Report, RMIT University, May. [https://www.rmit.edu.au/content/dam/rmit/documents/college-of-design-and-social-context/schools/global-urban-and-social-studies/revenge\\_porn\\_report\\_2017.pdf](https://www.rmit.edu.au/content/dam/rmit/documents/college-of-design-and-social-context/schools/global-urban-and-social-studies/revenge_porn_report_2017.pdf).
10. McGlynn, C., Rackley, E. & Houghton, R. (2017) Beyond 'Revenge Porn': The Continuum of Image-Based Sexual Abuse *Feminist Legal Studies* 25(1) 25-46  
<https://doi.org/10.1007/s10691-017-9343-2>

### **Professional Conduct in Classroom**

You are expected to arrive on time in the classroom and follow the classroom decorum. It is expected that you are punctual in class and be seated immediately within the first two minutes so that the class can start on time. Students arriving after a ten minute window from the designated start time will be refused entry/attendance. You are expected to participate in the classroom discussions, activities and presentation. Participation is essential in this class. You are also expected to be respectful when the instructor is teaching. Furthermore, you are welcomed to share your thoughts in the class but you are expected to do that respectfully and be welcoming of other perspectives in the class even if you disagree with the same.

### **Notes on Plagiarism**

*Plagiarism is not acceptable!* Please refrain from copying and pasting paragraphs and sentences from your reading materials. This include copying someone's words, structure, grammar, ideas, thoughts, and phrases and passing them as your own. Too many quotes are not acceptable!

What is acceptable? Using one quote which is not more than 40 words with proper citation. Use citation! It's a must! Present the content you read from your reading materials in your own words! Think and critically analyse the content! The source should be always acknowledged in your written material and presentation. All papers in this class will be checked electronically for plagiarism.

### **Attendance Policy**

Students are expected to attend all classes (100% attendance). A student who fails to attend a class is expected to inform the Course Instructor, orally or in writing, the reason for his or her absence. A minimum of 75% attendance is mandatory, failing which, student is not permitted to take the final exam or end term exam.

### **Safe Space Pledge**

Some parts of this course may discuss a range of issues that might result in distress for some students. Discussions and images in the course might also provoke strong emotional responses. To make sure that all students collectively benefit from the course, and do not feel troubled due to either the contents of the course, or the conduct of the discussions, it is incumbent upon all within the classroom to pledge to maintain respect towards our peers. This does not mean that you need to feel restrained about what you feel and what you want to say. Conversely, this is about creating a safe space where everyone can speak and learn without inhibition and fear. This responsibility lies not only on students, but also the instructor.

### **Disability Support and Accommodation Requirements**

JGU endeavors to make all its courses accessible to students. All students with a known disability needing academic accommodations are required to register with the Disability Support Committee [dsc@jgu.edu.in](mailto:dsc@jgu.edu.in). The Committee has so far identified the following conditions that could possibly hinder student's overall well-being. These include: physical and mobility related difficulties; visual impairment; hearing impairment; medical conditions; specific learning difficulties e.g. dyslexia; mental health.

The Disability Support Committee maintains strict confidentiality in its discussions. The students should preferably register with the Committee in the first week of the semester as disability accommodation requires early planning. DSC will approve and coordinate all the disability related services such as appointment of academic mentors, specialized interventions and course related requirements such as accessible classrooms for lectures, tutorials and examinations.

All faculty members are required to refer students with any of the above-mentioned conditions to the Disability Support Committee for addressing disability-related accommodation requirements.

### **Centre for Wellness and Counseling Services:**

Contact: Email ID: [cwcs@jgu.edu.in](mailto:cwcs@jgu.edu.in)

Mobile: +91 8396907312