



COURSE MANUAL

Elective: Gender, Rights, and the Language of the Law

Course Code: _____

Name of the responsible Faculty Instructor:

Prof. Aishwarya Pagedar

**SPRING 2026
(AY2025-26)**

This document is prepared by the course instructor and contains basic information relevant to the execution of the course. It is the official record for all intends and purposes as far the elective course, *Gender, Rights, and the Language of the Law*, is concerned.

This course manual can be used as a general guide to the subject. However, the instructor can modify, extend or supplement the course (without tampering its basic framework and objectives) for the effective and efficient delivery of the course. The instructor will provide students with reasons for such changes.

Part I

Course Title: *Gender, Rights, and the Language of the Law*

Course Code: _____

Course Duration: **One Semester (14 Weeks)**

No. of Credit Units: **4 Credits**

Level: **UG and PG both**

Medium of Instruction: **English**

Pre-requisites (if applicable): Constitutional law-I, and Law of Crimes

Equivalent Courses: N/A

Part II

1. Acknowledgement of Course Ideators

The instructor would like to thank Prof. Sourav Mandal (JGLS) and Profs. Natasha Bakht and Jamie Liew of the University of Ottawa Faculty of Law (Common Law Section) in supporting the formulation of this course through rounds of discussions and ideations.

2. Course Description

What if law is not just a set of rules—but a way of speaking? What if judgments don't just decide cases, but actively produce meaning...about victims, consent, credibility, and harm. How does law translate that harm into rights, procedures, and judgments? This elective, *Gender, Rights, And The Language Of Law*, invites you to look closely at how law speaks, and what it does with what it hears. Because at the end of the day, what is law but a language of control?

Through this course, we will explore law as a site of silenced bodies, contested rights, while examining the language of the law itself. Through this elective, I invite you to read law not as a neutral text, but as a speech act. We all know that the law does not merely reflect society. It constructs it. It produces the “reasonable woman” and the “ideal victim”; it distinguishes “legitimate” from the illegitimate, responds, converts structural harm into individualised grievance, and absorbs dissent into procedural language. Thus, we will attempt to move beyond black-letter law to ask questions like how are judges constructing identities and building narratives? Or are they just chiselling an existing image that is present in the society?

We will engage closely with landmark cases such as *RIT Foundation v. Union of India* and *Independent Thought*, in which judicial discourse seems to be applying “identity scripts” to women, basically expecting them to act according to a socially acceptable script. To that end, we will start by engaging with theoretical frameworks like Austin's Speech Act theory, where judicial speech or a decision is actually considered an action of the law, not just text or speech. We will read these theories alongside the formulation of consent and rights by scholars like Nivedita Menon, Sara Ahmed, Pratiksha Baxi and other scholars. We will then apply these frameworks to judgments relating to gender and women's rights and bodies, to examine if subtle narratives of crime, gender, and marriage within the language of the judgment are confining the discourse to these ‘scripts’.

Throughout the course, scholars and practitioners will be invited to speak about the gap between theory and practice, and why interventions such as the topic of this elective are important to have effective, practical impact in the field. Thus, through guest lectures and a zine-making workshop and interspersed activities, the students will be trained to see law differently: not just what it says, but how it says it—and what that does to people.

3. Course Aims

This course is practice-oriented and experimental, as reflected in the assignments. The aim is to reflect on how language and law interact, how institutional mechanisms respond to claims and complaints, and what language is heard and what is dismissed. This course will engage in case discourse analysis, to break down judicial language and examine how a court constructs credibility, consent, or harm.

This course invites the student to read closely, listen critically, and interpret law as language.

4. Teaching Methodology

The course combines seminar-style discussion, close textual reading, collaborative workshops, reflective writing, and doctrinal analysis. Where necessary, groups will be created for class discussions. Students are expected to prepare for and participate in class discussions regularly. Students are expected to review the readings in advance as per the instructor's directions. The instructor of the course may initiate discussions on recent cases within the context of the subject matter taught in the class. Student's participation in the discussion will be assessed as part of continuous assessment.

5. Intended Learning Outcomes

By the end of the course, students should be able to:

1. Understand law as a linguistic and discursive practice rather than merely a system of rules.
2. Apply feminist legal theory and discourse analysis to judicial decisions.
3. Identify and critique "identity scripts" embedded in constitutional and criminal jurisprudence.
4. Analyse how courts construct ideas of consent, credibility, obscenity, victimhood, and morality.
5. Examine the relationship between gender, institutional power, and legal narration.
6. Conduct close readings of judgments using interdisciplinary theoretical tools.
7. Engage critically with the gap between doctrinal outcomes and lived realities.

Course Intended Learning Outcomes	Weightage in %	Teaching and Learning Activities	Assessment Tasks/ Activities
Critical engagement with core concepts and Principles via Judicial Discourse Analysis (Case-analysis)	60%	Classroom discussions, interactive learning	Mid-term and End-term Exams, with written essays and reflections
Close reading of cases and reflections	15%	In-class readings and discussions	In-class reviews and presentations
Personal engagement and class participation	15%	Killjoy Diaries and class participation	Weekly submissions and guest lecture reflections along with active class participation

6. Grading of Student Achievement

To pass this course, students shall obtain a minimum of 40% in the cumulative aspects of coursework, i.e., internal assessments (including moot court, mid-term exam, presentations, research paper) and the end term examination. Internal assessments shall carry a total of 70 marks. **End of semester exam shall carry 30 marks out of which students have to obtain a minimum of 30% marks to fulfil the requirement of passing the course.**

The details of the grades as well as the criteria for awarding such grades are provided below:

PERCENTAGE OF MARKS	GRADE	GRADE VALUE	GRADE DESCRIPTION
80 and above	O	8	Outstanding – Exceptional knowledge of the subject matter, thorough understanding of issues; ability to synthesize ideas, rules and principles and extraordinary critical and analytical ability
75 – 79	A+	7.5	Excellent - Sound knowledge of the subject matter, thorough understanding of issues; ability to synthesize ideas, rules and principles and critical and analytical ability

PERCENTAGE OF MARKS	GRADE	GRADE VALUE	GRADE DESCRIPTION
70 – 74	A	7	Very Good - Sound knowledge of the subject matter, excellent organizational capacity, ability to synthesize ideas, rules and principles, critically analyze existing materials and originality in thinking and presentation
65 – 69	A-	6	Good - Good understanding of the subject matter, ability to identify issues and provide balanced solutions to problems and good critical and analytical skills
60 – 64	B+	5	Fair – Average understanding of the subject matter, limited ability to identify issues and provide solutions to problems and reasonable critical and analytical skills
55 – 59	B	4	Acceptable - Adequate knowledge of the subject matter to go to the next level of study and reasonable critical and analytical skills.
50 – 54	B-	3	Marginal - Limited knowledge of the subject matter and irrelevant use of materials and, poor critical and analytical skills
45 – 49	P1	2	Pass 1 – Pass with basic understanding of the subject matter
40 – 44	P2	1	Pass 2 – Pass with rudimentary understanding of the subject matter
Below 40	F	0	Fail - Poor comprehension of the subject matter; poor critical and analytical skills and marginal use of the relevant materials. Will require repeating the course
Incomplete	I	0	Incomplete - “Extenuating circumstances” preventing the student from taking the end-semester, or re-sit, examination as the case may be; the Vice Dean (Examinations) at their discretion assign the “I” grade. If an "I" grade is assigned, the student would appear for the

PERCENTAGE OF MARKS	GRADE	GRADE VALUE	GRADE DESCRIPTION
			end-semester, or re-sit examination, as the case may be, as and when the subsequent opportunity is provided by the University.

7. Criteria for Student Assessments

Assessment of the participants will be based on the following criteria.

Assessment	Weightage	Remarks
Weekly Diaries and class participation	10+5	The nature of the diaries will be discussed in class. Attending guest lectures and workshops which will be part of the course will be compulsory and class participation will include in-class reflections on these.
Case Discourse Analysis—continuous assessment	40	Students will annotate, reflect, and comment on 2 judgements using the theoretical framework and concepts introduced during the course.
In-class presentations and reflections	15	Position papers/presentations on any of the topics from the modules.
End Semester Examination (Compulsory)	30 Marks	There will be a compulsory end-semester examination/component for all participants of the course who have successfully met the requisite attendance as per the governing JGU policies.

Part III

Course/Class Policies

These will be discussed in class. Reasonable accommodations will be made as and if required. All material will be provided in soft copies.

Cell Phones, Laptops and Similar Gadgets

No laptops or phones will be allowed in class unless specifically informed by the instructor.

Academic Integrity and Plagiarism

Learning and knowledge production of any kind is a collaborative process. Collaboration demands an ethical responsibility to acknowledge who we have learnt from, what we have learned, and how reading and learning from others have helped us shape our own ideas. Even our own ideas demand an acknowledgement of the sources and processes through which those ideas have emerged. Thus, all ideas must be supported by citations. All ideas borrowed from articles, books, journals, magazines, case laws, statutes, photographs, films, paintings, etc., in print or online, must be credited with the original source. If the source or inspiration of your idea is a friend, a casual chat, something that you overheard, or heard being discussed at a conference or in class, even they must be duly credited. If you paraphrase or directly quote from a web source in the examination, presentation or essays, the source must be acknowledged. The university has a framework to deal with cases of plagiarism. All form of plagiarism will be taken seriously by the University and prescribed sanctions will be imposed on those who commit plagiarism.

Disability Support and Accommodation Requirements

JGU endeavours to make all its courses inclusive and accessible to students with different abilities. In accordance with the Rights of Persons with Disabilities Act (2016), the JGU Disability Support Committee (DSC) has identified conditions that could hinder a student's overall well-being. These include physical and mobility related difficulties, visual and hearing impairment, mental health conditions and intellectual/learning difficulties e.g., dyslexia, dyscalculia. Students with any known disability needing academic and other support are required to register with the Disability Support Committee (DSC) by following the procedure specified at <https://jgu.edu.in/disability-support-committee/>

Students who need support may register before the deadline for registration ends, as communicated by the DSC via email each semester. Those students who wish to continue receiving support from the previous semester, must re-register every semester prior to the deadline for re-registration as communicated by the DSC via email. Last minute registrations and support are discouraged and might not be possible as sufficient time is required to make the arrangements for support.

The DSC maintains strict confidentiality about the identity of the student and the nature of their disability and the same is requested from faculty members and staff as well. The DSC takes a strong stance against in-class and out-of-class references made about a student's disability without their consent and disrespectful comments referring to a student's disability. With due respect for confidentiality, faculty and students are encouraged to have honest conversations about the needs of students with disabilities and to discuss how a course may be better tailored to cater to a student with disability.

All general queries are to be addressed to disabilitysupportcommittee@jgu.edu.in

Safe Space Pledge

This course may discuss a range of issues and events that might result in distress for some students. Discussions in the course might also provoke strong emotional responses. To make sure that all students collectively benefit from the course, and do not feel disturbed due to either the content of the course or the conduct of the discussions. Therefore, 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 inhibitions and fear. This responsibility lies not only with students, but also with the instructor.

P.S. The course instructor, as part of introducing the course manual, will discuss the scope of the Safe Space Pledge with the class.

Part IV

Keywords Syllabus

Gender, Rights, Language of law, killjoys, feminist theory

Course Design and Overview (Weekly Plan)

Week	Topics
1.	Module 1: THEORETICAL FOUNDATIONS: LAW AS LANGUAGE Law as Speech Act: Introduction to language and law <ol style="list-style-type: none">What if law is speaking?Law constructs reality, not just reflects itWhat are identity scripts?Do judges build narratives/identities or perpetuate them?
2.	Module 1: Consent, Credibility, and Harm: How Law Translates Experience <ol style="list-style-type: none">The construction of consent in lawFrom structural harm to individualised grievance

3.	<p>Module 2: CONSTITUTIONAL AND PUBLIC MORALITY</p> <p>Courts' Words and the Construction of Rights</p> <ol style="list-style-type: none"> a. How do courts invoke dignity, liberty, autonomy, and equality to challenge or reinforce dominant social norms? b. How does law construct the boundaries of decency, vulgarity, public morality, and acceptable sexuality? c. What role does 'state interest' play in the construction of rights?
4.	<p>Module 3: READING JUDGMENTS THROUGH A FEMINIST LENS</p> <p>Girl, Daughter, Woman, Wife: Getting the Obvious Out of the Way</p> <ol style="list-style-type: none"> a. Judicial construction of women's rights b. Reading the 'petitioner's wife' as an autonomous subject c. Women and girls as sexual beings (with autonomy)?
5.	<p>Module 3:</p> <p>Rape Law and the 'Ideal Victim' Script</p> <ol style="list-style-type: none"> a. <i>Independent Thought v. Union of India</i> and <i>RIT Foundation v UOI</i> (indicative) b. Analysing judicial language in cases relating to rape and consent c. Judicial discourse on women's agency, and the 'reasonable woman' d. The 'reasonable husband' v. 'ideal wife' script
6.	<p>Module 3:</p> <p>Sexual Harassment And The 'Reasonable Woman' Standard</p> <ol style="list-style-type: none"> a. Creating protective language b. Language shifts within the judgements c. Obscenity and the ideal woman
7.	<p>Module 4: COMPARATIVE JURISPRUDENCE</p> <p>Comparative Consent Jurisprudence: Canada, UK, and South Africa</p> <ol style="list-style-type: none"> a. Canadian approach to sexual consent b. UK and South African developments
8.	<p>Module 4:</p> <p>Comparative Marriage, Autonomy, and Identity Scripts</p> <ol style="list-style-type: none"> a. US jurisprudence: consent and marriage b. What Indian courts get different
9.	<p>ASSIGNMENTS AND FIRST WORKSHOP WEEK</p>

10.	<p>Module 5: REPRODUCTIVE RIGHTS, ABORTION, AND BODILY AUTONOMY</p> <p>Abortion Law and associated scripts</p> <ol style="list-style-type: none"> a. <i>X v. Principal Secretary, Health and Family Welfare, Govt of NCT of Delhi (2022)</i> b. language of ‘choice’ v. ‘right’ c. construction of autonomy d. mental capacity and paternalism e. state interest v. bodily autonomy <p>Stealthing, Consent, and Modern Sexual Offences</p> <ol style="list-style-type: none"> a. Stealthing cases in India: Emerging jurisprudence b. Cyber harassment and online sexual offences
11.	<p>Module 6: LGBTQ+ RIGHTS, TRANSGENDER PERSONHOOD, AND IDENTITY SCRIPTS</p> <p>Queer Rights and the Language of Recognition</p> <ol style="list-style-type: none"> a. How court constructs queer identities; language of ‘visibility’ v. ‘invisibility’; third gender as category b. Privacy and sexual orientation c. Language of natural v unnatural d. Identity scripts across genders and self-determined identities
12.	<p>Course Synthesis and Presentations with Position Paper Summaries and Second Workshop</p>
13.	<p>Buffer week</p>
14.	<p style="text-align: center;">REVISION WEEK</p> <p>[NOTE: There shall be teaching classes scheduled during the fourteenth week subject to the JGU Academic Calendar circulated by the Office of the Registrar, JGU and any official declaration of non-working days by the JGU Registrar.]</p>

Module Descriptions:

Part V Relevant Readings / Essential Readings

WEEK 1:

MODULE 1: THEORETICAL FOUNDATIONS: LAW AS LANGUAGE

This module introduces students to the theoretical framework for understanding law not as neutral rules but as speech acts that produce meaning. Engaging Austin's Speech Act Theory, feminist legal theory, and concepts of identity scripts to build the analytical toolkit needed for critical judicial reading.

- A. Law as Speech Act: Introduction to language and law
 - a. What if the law is speaking?
 - b. Law constructs reality, not just reflects it
- Readings:
 - 1. J.L. Austin, *How to Do Things with Words* (1962) (Excerpts)
 - 2. Nivedita Menon, *Seeing Like a Feminist* (2012) (Excerpts)
 - 3. Sara Ahmed, *The Cultural Politics of Emotion* (2004) (excerpts)
 - 4. Ratna Kapur, *Erotic Justice: Law and the New Politics of Postcolonial Feminism* (2005) (excerpts)
- B. Identity Scripts and Judicial Narrative Construction
 - a. What are identity scripts?
 - b. Do judges build narratives or perpetuate them?
- Readings: excerpts
 - 1. Pratiksha Baxi, *Public Secrets of the Law: Rape Trials in India* (2014)
 - 2. Flavia Agnes, *Law and Gender Inequality: The Politics of Women's Rights in India* (2001)
 - 3. Kalpana Kannabiran, *Tools of Justice: Non-discrimination and the Indian Constitution* (2012)
 - 4. Arun Sagar, 'Judicial Narrative and Rape Myths: The Farooqui Case' (2019) 15(1) Socio-Legal Review 43
- Supplementary readings:
 - 1. Supreme Court Handbook on Combating Gender Stereotypes (2023)
 - 2. Ratna Kapur & Brenda Cossman, *Subversive Sites: Feminist Engagements with Law in India* (California, Sage Publishing, 1996) (Select excerpt)
 - 3. Ratna Kapur, *Gender, Alterity and Human Rights: Freedom in a Fishbowl* (Edward Elgar Publishing, 2018) (Selected Excerpts)
 - 4. Costas Douzinas, 'The End(s) of Human Rights' (2002) 26(2) Melbourne University Law Review 445
 - 5. Ashley Tellis, 'The Lack of Honest Toil', Seminar (2019)

6. Menon, Nivedita. "Elusive 'Woman': Feminism and Women's Reservation Bill." *Economic and Political Weekly*, vol. 35, no. 43/44, 2000, pp. 3835–44. *JSTOR*, <http://www.jstor.org/stable/4409891>. Accessed 27 May 2026.

WEEK 2:

- C. Consent, Credibility, and Harm: How does law translate experience
 - a. The construction of consent in law
 - b. From structural harm to individualised grievance
- Readings: excerpts
 1. Nivedita Menon, *Recovering Subversion: Feminist Politics Beyond the Law* (Permanent Black, 2004)
 2. Pratiksha Baxi, *Public Secrets of Law: Rape Trials in India* (Oxford University Press, New Delhi, 2014) Chapter on the Medicalisation of Consent and Falsity
 3. Sara Ahmed, *Living a Feminist Life*
 4. Sara Ahmed, *Complaint*

WEEK 3:

MODULE 2: CONSTITUTIONAL AND PUBLIC MORALITY

This module explores how law regulates sexuality and obscenity through moral language. Students will study how courts construct the boundaries of decency, vulgarity, public morality, and acceptable sexuality. The module pays particular attention to the relationship between censorship, gendered respectability, and constitutional free speech.

- a. How do courts invoke dignity, liberty, autonomy, and equality to challenge or reinforce dominant social norms?
- b. How does law construct the boundaries of decency, vulgarity, public morality, and acceptable sexuality?
- c. What role does 'state interest' play in the construction of rights?
- Readings: excerpts
 1. Ratna Kapur, *Erotic Justice: Law and the New Politics of Postcolonial Feminism* (2005) (excerpts)
 2. Judith Butler, *Gender Trouble* (selected excerpts)
 3. Arvind Narrain, 'The Articulation of Queer Rights: The Emerging Right to Sexual Orientation and Gender Identity writings on sexuality and constitutionalism' (excerpts)
- Cases
 1. *Aveek Sarkar v. State of West Bengal*
 2. *Ranjit Udeshi v. State of Maharashtra*

3. *Devidas Ramachandra Tuljapurkar v. State of Maharashtra*

WEEK 4:

Module 3: READING JUDGMENTS THROUGH A FEMINIST LENS

- A. Girl, Daughter, Woman, Wife: Getting the Obvious Out of the Way
 - a. Judicial construction of women's rights
 - b. Reading the 'petitioner's wife' as an autonomous subject
 - c. Women and girls as sexual beings (with autonomy?)
- Readings: excerpts
 1. BAXI, PRATIKSHA. "Impractical Topics, Practical Fields: Notes on Researching Sexual Violence in India." *Economic and Political Weekly*, vol. 51, no. 18, 2016, pp. 80–88. *JSTOR*, <http://www.jstor.org/stable/44004239>. Accessed 27 May 2026.
 2. Pratiksha Baxi, "Courtroom Encounters: Listening to Rape Survivors"
- Cases:
 1. *Joseph Shine v. Union of India*, (2018) 10 SCC 1
 2. *State of Punjab v. Gurmit Singh*, (1996) 2 SCC 384
 3. *Gita Hariharan v. BRO* (1999)
 4. *Anuj Garg v Hotel Association* (2007)
- Supplementary readings:
 1. Introduction to the feminist judgement writing project framework
 2. Gopal Guru, 'Feminist Jurisprudence and Women's Rights in India' in *The Violence of Normal Times: Essays on Women's Lived Realities*, edited by S. Jodhka and A. Grover (Zubaan, 2005)
 3. Helna George, 'Feminism in Jurisprudence,' *Journal of Law and Social Research* (2021)
 4. Richa Ananda & Richa D'Ananda, 'Gender Justice in India: An Analysis of India's Transformational Jurisprudence,' *Journal of National Law University Delhi* (2025)

WEEK 5:

- A. Rape Law and the 'Ideal Victim' Script
 - a. *Independent Thought v. Union of India* and *RIT Foundation v UOI* (indicative)
 - b. Analysing judicial language in cases relating to rape and consent

- c. Judicial discourse on women's agency, and the 'reasonable woman'
- d. The 'reasonable husband' v. 'ideal wife' script
- Case:
 1. *RIT Foundation v. Union of India*, WP(C) 99/2015 (Delhi HC)
 2. *Independent Thought v. Union of India*
- Readings: excerpts
 1. Flavia Agnes, "Law and Gender Inequality: The Politics of Women's Rights in India" (Oxford University Press, 1999)
 2. TBD

WEEK 6:

- A. Sexual Harassment And The 'Reasonable Woman' Standard
 - a. Creating protective language
 - b. Language shifts within the judgements
 - c. Obscenity and the ideal woman
- Case:
 1. *Fathima v State of Kerala* (2020)
 2. *Aveek Sarkar v. State of West Bengal*
 3. *Ranjit Udeshi v. State of Maharashtra*
 4. *RIT Foundation v UOI*
 5. *Sowmithri Vishnu v. Union of India* AIR 1985 SC 1618
 6. *Yusuf Abdul Aziz v. Union of India* 1954 Supreme Court
- Readings: excerpts
 1. Kalpana Kannabiran, *Tools of Justice* (2010) Chapter 10
 2. Latika Vashist, 'Law and the Obscene Image: Reading Aveek Sarkar v. State of West Bengal', *Journal of Indian Law and Society* (2019) pp. 248-255
 3. Catherine A. Mackinnon, 'Gender in Constitutions', in Michel Rosenfeld & Andras Sajó (eds.), *The Oxford Handbook of Comparative Constitutional Law* (2013)
 4. Drucilla Cornell, *Rosa Luxemburg's Ethical Feminism* (2018) pp. 1-10

WEEK 7:

Module 4: COMPARATIVE JURISPRUDENCE

This module situates Indian judicial discourse within global feminist legal theory. We compare how different jurisdictions construct gender, consent, and harm, examining what makes Indian judicial language distinct and what universal patterns emerge in how courts speak about women's bodies.

- A. Comparative Consent Jurisprudence — Canada, UK, and South Africa
 - a. Canadian approach to sexual consent
 - b. UK and South African developments

- **Readings: excerpts**

1. *R. v. Ewanchuk*, 1 SCR 330 (Supreme Court of Canada)
2. *R v. A (No 2)* UKHL 25 — UK House of Lords on rape shield laws
3. Catharine MacKinnon, *Toward a Feminist Theory of State*
4. Catherine MacKinnon, *Feminism Unmodified*
5. Martha Fineman, *The Autonomy Myth: Lies We Tell Ourselves about Dependency and Self-Sufficiency*

WEEK 8:

- A. Comparative Marriage, Autonomy, and Identity Scripts
 - a. US jurisprudence: consent and marriage
 - b. What Indian courts get different

- Readings: TBD

WEEK 9:

ASSIGNMENTS AND FIRST WORKSHOPS WEEK

WEEK 10:

Module 5: REPRODUCTIVE RIGHTS, ABORTION, AND BODILY AUTONOMY

A. Abortion Law and the associated scripts

- a. language of 'choice' *v.* 'right'
- b. construction of autonomy
- c. mental capacity and paternalism
- d. state interest *v.* bodily autonomy

B. Stealthing, Consent, and Modern Sexual Offences

- a. Stealthing cases in India: Emerging jurisprudence
- b. Cyber harassment and online sexual offence

- **Readings:**

1. Aanchal Kabra and Dipa Dube, 'Stealthing: Decoding the Notion of 'Consent' in Light of Indian Legal Jurisprudence' (2025) *Indian Journal of Gender Studies* 32(1) 49
2. TBD

WEEK 12:

MODULE 6: LGBTQ+ RIGHTS, TRANSGENDER PERSONHOOD, AND IDENTITY SCRIPTS

This module expands the course beyond cisgender women's experiences to examine how courts construct transgender, queer, and non-heteronormative identities. We analyze how judicial language creates "third gender" categories, recognizes "self-identified gender," and yet sometimes reinforces binary scripts. This module also connects to the course's broader theme of how law produces identity categories.

- A. Queer Rights and the Language of Recognition
 - a. How the court constructs queer identities; language of 'visibility' v. 'invisibility'; third gender as a category
 - b. Privacy and sexual orientation
 - c. Language of natural v unnatural
 - d. Identity scripts across genders and self-determined identities

- **Case:**

1. *National Legal Services Authority v. Union of India*, (2014) 5 SCC 438
2. *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2018) 1 SCC 1
3. *Navej Singh Johar v. Union of India*, (2018) 10 SCC 1
4. *Supriyo Chakraborty v. Union of India*, (2023) 14 SCC 1

NOTE: This course will have regular guest lectures and workshop activities, like a zine-making workshop, social norm tracking, and killjoy diaries, which are compulsory parts of the course. Not attending the workshops and guest lectures will result in a penalty in the grade.

Please also note that the reading list is indicative and will adhere to the regulations and page limits. All material will be provided online.