

COURSE TITLE
Desire, Law and Society

Responsible Faculty Instructor:
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Professor

Credits: 4

Credits Type: Law

Cross-registration: No

Pre-requisites: None

COURSE DESCRIPTION (COURSE VISION):

This transdisciplinary course engages with the socio-legal life of desire. The desired subject of law and governance has emerged through various figurations, such as the ‘criminal’, the ‘unnatural’, and the ‘perverse’. Where do such ideas emerge from? How are they linked to racialised and casteist imaginaries? What implications does this have for people who live with such labels? What are the legal and social avenues for people disenfranchised on account of their desires? We will engage with these questions through three themes: *colonial aversions*, *privacy*, and *marriage*. We will read desire not simply as a pre-existing, innate characteristic of a person, but as an aggregate bound up with structural imperatives, legal reforms, and forms of living. Instead of undertaking a doctrinal analysis of desire, we will draw on transdisciplinary perspectives to understand the relationship among desire, law, and society. *Desire, Law and Society* will introduce the student to diverse texts, including but not limited to scholarly articles, films, policy reports, and judgments on the subject, all of which inform society’s imagination of justice, morality and rights.

The course will facilitate students to:

- (a) critically understand how law is imbricated with moral values;
- (b) develop an intersectional lens while keeping desire as a central focus;
- (c) interpret legal texts with a queer-feminist lens.

TEACHING METHODOLOGY:

This course is lecture and discussion based. At the start of each week, I will share the class agenda with key prompts. You are expected to use the prompts to prepare for each class. This is essential for effective class participation. In class, I will lecture on the text (s) for the day, interspersed with your input. The prior circulated prompts will facilitate our conversation, allow us to ask questions,

raise dilemmas, bring in lived experiences, visual material, poetry, and any thoughts that cross our minds. During designated classes, we will set aside class time to engage with a secondary reading. For this, you are expected to pick one out of two texts that spark your interest and peruse it before class. In the class, we will engage in a close reading of a selected portion, followed by an experience-sharing session. As and when fitting, guest scholars may also visit our classroom.

INTENDED LEARNING OUTCOMES:

1. Interpreting judgments from a queer feminist lens
2. Recasting portion of a judgement from a queer-feminist lens
3. Making analytical connections between legal arguments and their imbrication with desire

READING LIST (upto 10 select readings):

1. MENON, M. 2021. PREAMBLE. IN M. MENON, THE LAW OF DESIRE: RULINGS ON SEX AND SEXUALITY IN INDIA. NEW DELHI: SPEAKING TIGER, 8-15.
2. ARONDEKAR, A. 2009. SUBJECT TO SODOMY: THE CASE OF COLONIAL INDIA. In A. ARONDEKAR. FOR THE RECORD: SEXUALITY AND THE COLONIAL ARCHIVE IN INDIA. DURHAM: DUKE UNIVERSITY PRESS, 67-96.
3. HINCHY, J. 2020. GENDER, FAMILY, AND THE POLICING OF THE 'CRIMINAL TRIBES' IN NINETEENTH-CENTURY NORTH INDIA. *MODERN ASIAN STUDIES*, 54(5), 1669-1711.
4. KAPUR, R. 2007. THE PRURIENT POSTCOLONIAL: THE LEGAL REGULATION OF SEXUAL SPEECH. IN B. BOSE AND S. BHATTACHARYA, EDS. THE PHOBIC AND THE EROTIC: THE POLITICS OF SEXUALITIES IN CONTEMPORARY INDIA. LONDON: SEAGULL, 235-254.
5. SHEIKH, D. 2017. QUEER RIGHTS AND THE PUTTASWAMY JUDGMENT. *ECONOMIC AND POLITICAL WEEKLY*, 51-54.
6. KANNABIRAN, K., & BALLAKRISHNEN, S. S. 2021. INTRODUCTION. IN K. KANNABIRAN AND S.S. BALLAKRISHNEN EDS., *GENDER REGIMES AND THE POLITICS OF PRIVACY: A FEMINIST RE-READING OF PUTTASWAMY VS. UNION OF INDIA*. NEW DELHI: ZUBAAN. MINORITIES, 11-62.
7. JAIN, D. AND SIRCAR, O., COUNTERINTUITIONS: THE FRAUGHT AFTER-LIVES OF QUEER FREEDOM. 2024. IN D. JAIN AND O. SIRCAR, EDS. *DESIRE AND ITS DISCONTENTS: QUEER POLITICS IN CONTEMPORARY INDIA*. NEW DELHI: ZUBAAN, 8-49.
8. BANERJIE, A., 2022. QUEER LOVE AND LITIGATION IN INDIA: SREEJA S. V THE COMMISSIONER OF POLICE, THIRUVANANTHAPURAM AND OTHERS, WRIT PETITION (CRIMINAL) 372 OF 2018, KERALA HC. *JINDAL GLOBAL LAW REVIEW*, 13(1), PP.155-165.
9. KRISHNAN, S. 2024. GATED: NON-CRIMINAL INCARCERATION, CASTE, AND ELOPEMENT IN URBAN INDIA. IN P. BHANDARI, ED., *DISSENT WITH LOVE: AMBIGUITY, AFFECT AND TRANSFORMATION IN SOUTH ASIA*. NEW DELHI: ROUTLEDGE, 155-168.

10. BISWAS, R., 2024. PRECARIOUS LIVES, CARING NETWORKS, AND QUEER AGEING. IN K. BAKSHI AND P. CHAKRABARTI EDS., *CULTURES OF AGEING AND AGEISM IN INDIA*, NEW DELHI: ROUTLEDGE: 88-103.

WEEKLY READING PLAN (WEEKLY OUTLINE):

A weekly plan is provided below:

MODULES	WEEK(S)
<p style="text-align: center;">MODULE 1: TITLE</p> <ul style="list-style-type: none"> Module Description 	-
<p><u>INTRODUCTION</u></p> <p>This module will introduce the core concepts of desire, law and society, highlighting its connections. First, we will look at select theoretical takes on the concept of desire. Following that, we will look at the intersection between law and society. At the end, we will examine the relationship between law and desire.</p>	1, 2
<p><u>COLONIAL AVERSIONS</u></p> <p>How was desire understood and regulated within colonial legal registers? How did that inform lawmaking in independent India? With a specific focus on legal texts such as the Criminal Tribes Act (CTA), 1871, we will examine how desire was codified in conversation with regional caste and class formations.</p>	3,4,5,6
<p><u>PRIVACY</u></p> <p>This module will discuss desire’s relation to privacy, focusing on Justice K.S. Puttaswamy & Ors. Vs. Union of India judgement. What bearing does this judgment have on queer and trans persons, especially those from subordinate caste- class backgrounds? What does this judgement tell us about how majoritarian populations view sexual citizenship globally and nationally? Looking at privacy through the lens of desire, we will investigate how a politics of respectability is crucial to constructing the modern citizen subject.</p>	6,7,8,9
<p><u>MARRIAGE</u></p> <p>This module will deliberate on the marriage equality petitions via Rituparna Borah & Ors. vs. Union of India judgment to examine the notion of conjugality and kinship and their relevance to queer and trans subjects. Does desire ‘naturally lead’ to marriage? For whom and when does marriage matter? We will address these questions by</p>	10,11,12,13

setting aside the ‘personal choice’ discourse. Instead, we will discuss the complexities of inter-caste desires and their legalisation, as well as the fragile and tender desires present in attempts to suture intimate bonds in dialogue with the institution of marriage.	
REVISION WEEK	Week 15