

Proposal for an Elective for Spring 2026

WOMEN, VIOLENCE AND THE LAW IN INDIA

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1. Course Vision & Description

The recent incident of homicidal rape of a doctor in Kolkata, as well as the public outrage and civil society's demands for a 'stringent law' and death penalty to the perpetrator(s) expose the fissures that exist in the contemporary legal response to violence against women in India and the differing concepts of 'justice' for violence against women. However, all women are not similarly situated, and their vulnerabilities to violence – perceived or otherwise – are not identical. The prism of intersectionality, articulated by Crenshaw (1994) aids in understanding the simultaneous operation of various forms and forces of inequality together, often reinforcing and exacerbating each other. It helps us understand the overlapping social identities of women - across varied axes of marginalized identities, such as caste, class, gender, sexuality, religious identity, ethnicity, age and ability - which compounds the experience of sexual and gendered violence and the pursuit of justice thereafter.

A theory on violence that is devoid of a gendered lens, invariably presents the manner in which the cis gendered heterosexual male subject perceives the violence, which is incomplete and partial in the words of Conway (2016). Scholars emphasize the importance of a feminist perspective on violence as one that would expose how violence is embedded in patriarchal structures of power (Cockburn, 2004; Nussbaum, 2005; Vergès, 2022). Against this backdrop, this course seeks to apply the lens of intersectional feminism to the Indian context, where a woman's experience of violence is not merely on the basis of gender. The targeting of violence, its typology and brutality, as well as the (un)responsiveness of the legal system are influenced by her combined caste, class, religious and gender locations. Hence, law as a response to sexual and gender-based violence against women will be examined through the lens of intersectionality.

Heyes (2013) observes that feminist theories would have a higher potential to include a "more complete understanding of violence" if they transcended the established gender binaries of male/female. In accordance with this observation, this course adopts a broader definition of 'woman' to include not only cis gendered, heterosexual women, but also trans women and queer women, and extends the analysis of violence and the law beyond the gender binaries, while examining violence as a tool of patriarchy.

This is envisaged to be a four credit course for law students. It will draw broadly from social sciences, feminist and legal scholarship, and examine various legislations, legislative proposals and Bills, judgments and law reform campaigns. Additionally, this course will draw upon the course instructor's book that was recently published by Routledge, titled *Violence, Gender and the State in India: Not Just a Legal Analysis*.

This elective course has been offered in Spring 2025 with the Course Code: L-EL-0943

2. Course Aims

The aims and objectives of the proposed course are as follows:

- a) To familiarise students with Indian laws related to sexual and gender-based violence;
- b) To encourage students to understand the lived experiences of women with different marginalised identities and the challenges / barriers they face in accessing justice;
- c) To enable students to critically analyse the legal response (including justice processes) to sexual and gender-based violence against women; and
- d) To motivate students to think of ways in which law could be more responsive to mitigate/overcome the challenges to justice faced by the concerned women.

3. Pedagogic Approaches

The teaching methodology for this course will consist of a combination of interactive lectures, use of audio-visual clips followed by discussion, and a close reading of relevant judgments, statutes, Bills and reports. Wherever possible, women's testimonies of violence and their experiences in pursuing justice will be used to understand the lived experiences of women engaging with the legal system.

4. Intended Learning Outcomes

- Acquire familiarity, understand & analyse Indian laws, particularly criminal laws, pertaining to violence against women;
- Gain insights on incorporating a gender perspective into existing statutory law on violence against women; and
- Develop the ability to analyse ways in which law could incorporate the lens of intersectionality to mitigate/overcome the challenges to justice.

5. Course Design & Weekly Plan

Week	Topic	Description
1-2	Introduction	<ul style="list-style-type: none"> • Introduction to the course • Conceptual foundation • Current status on violence against women • Legal framework in India
3-4	Domestic violence	<ul style="list-style-type: none"> • Intimate partner violence • Dowry-related violence • Natal family violence on trans* & lesbian women
5-7	Sexual violence	<ul style="list-style-type: none"> • Rape • Marital rape • Female genital mutilation
8-9	'Honour' crimes	<ul style="list-style-type: none"> • Choice relationships • Intersection of civil & criminal laws • Role of family, community & state
10-11	Punishments, Reparations & Access to Justice	<ul style="list-style-type: none"> • Death penalty • Community service • Interim bail, remission & parole • Reparative justice as a victims' right
12-13	Challenges & Strategies	<ul style="list-style-type: none"> • Challenges • Relevance of international standards and human rights mechanisms • Strategies for incorporating intersectional approach in statutory law and judgments • Feminist critique of criminal law approaches

6. Reading List (Indicative Only)

1. Baxi, P. (2014). *Public Secrets of Law: Rape Trials in India* (1st ed.). Oxford University Press.
2. Bose, R. (2022, September 23). Third Gender and Beyond: Violence, Bureaucracy and the Trans Identity. *Outlook*.
3. Chakravarti, U. (2018). *Gendering Caste Through a Feminist Lens* (Revised edition). Sage Publications.
4. Crenshaw, K. W. (1994). Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color. In M. A. Fineman & R.

- Mykitiuk (Eds.), *The Public Nature of Private Violence* (1st ed., pp. 93-118). Routledge.
5. Dalwai, S. & Dasarathi, A. (2022, March 2). Understanding contemporary sexual assault in India from the lens of the caste system. *The Leaflet*.
 6. Ghai, A. *Rethinking Disability in India*. (2015). Routledge.
 7. Irudayam, A., Maghubhai, J. & Lee, J. (Eds.) (2011). *Dalit Women Speak Out: Caste, Class and Gender Violence in India* (1st ed.). Zubaan.
 8. John, M. E. (2015). Intersectionality: Rejection or Critical Dialogue? *Economic and Political Weekly*, 50(33), 72-76.
 9. Kothari, J., Ganesan, D., Jayalakshmi, I. R., Sharma R., & Aadhirai S. (2019) *Intersections of Caste and Gender: Implementation of Devadasi Prohibition Laws*. Centre for Law and Policy Research.
 10. Labenski, S. (2020). *The Right to Reparations for Sexual and Gender-based Violence*. London School of Economics.
 11. Mehra, M. (2018). *The Rape Law and Constructions of Sexuality* (1st ed.). Partners for Law in Development.
 12. Raha, S. & Sengupta, S. (2018). Rights of Women With Disabilities Under Indian Legislations. *Socio-Legal Review*. 2018, Vol., 14 (2),. 190-211.
 13. Uma, S. (2024). *Violence, Gender and the State: 'Not Just' a Legal Analysis*. Routledge.