

INTERSECTIONALITY: APPLICATIONS & ANALYSES

Course Vision

Intersectionality: Applications & Analyses aims to deepen students' understanding of intersectionality in relation to contemporary social problems in India. Adopting an application-based approach, the course develops analytic sensibilities around constitutional interpretation, particularly the equality and non-discrimination provisions of the Constitution of India, with a focused engagement on caste, class, and sex.

Secondary sources on this thematic area remain limited. To address this gap, the course takes judicial decisions as its primary material, situating them alongside comparative frameworks such as Critical Race Theory (CRT) and the conceptual evolution of intersectionality in the U.S. Foundational ideas of equality and liberty are thus explored through close case-law analysis and comparative theorization.

At its core, the course asks why legal theory on caste, and especially caste in its intersections, remains underdeveloped. By examining overlapping vulnerabilities, students will gain tools to analyze and critique how law responds—or fails to respond—to structural inequalities. The course also situates these inquiries within broader struggles against violence, discrimination, and social disempowerment globally.

The course was previously offered at JGLS in Fall 2021.

Pedagogical Approach

The course is conducted in a seminar-style setting. Students are expected to prepare thoroughly, engage actively in discussions, and present their insights and questions based on the assigned readings. The format emphasizes collective inquiry rather than instructor-led lecturing.

Learning Outcomes

Course intended learning outcomes	Weight -age	Teaching, learning activities and assessment tasks
1. Critical thinking and problem solving	40%	Engagement with syllabus readings, seminar discussions, end-term written examination
2. Reading and writing abilities	20%	Analytical note
3. Reading and speaking abilities	20%	Class participation, and in-class presentations
2. Thinking on one's feet	20%	Real-time responses in discussions and interactions with the instructor

13 weeks of course design

Unit I Foundations and genealogies

Week 1: Introduction

Crenshaw, K. (1989) 'Close Encounters of Three Kinds - On Teaching Dominance Feminism and Intersectionality', Tulsa Law Review.

Cho, S. Crenshaw, K. McCall, L. (2013) 'Toward a Field of Intersectionality Studies: Theory, Applications, and Praxis' Signs: Journal of Women in Culture and Society

Week 2: Tracing a genealogy of intersectionality in the U.S.

Crenshaw, K. (1989) 'Demarginalizing the Intersection of Race and Sex', University of Chicago Legal Forum.

Crenshaw, K. (1991) 'Mapping the Margins', Stanford Law Review.

Carbado, D. (2013) 'Colorblind Intersectionality', *Signs: Journal of Women in Culture and Society*.

Week 3: Tracing a genealogy of intersectionality in India

Atrey S. and Pillai G. (2021), 'A feminist rewriting of Air India v Nergesh Meerza 1981,' Indian Law Review.

Baudh, S. (2021), 'Demarginalizing the Intersection of Caste, Class, and Sex', Journal of Human Rights.

Patan Jamal Vali v. The State of Andhra Pradesh (2021) SCC OnLine SC 343

Unit II Applications and Analyses

Week 4: Sexual harassment at workplaces

Harris, A. (1990), 'Race and Essentialism in Feminist Legal Theory' _____

Mackinnon, C. (1976) *Sexual Harassment of Working Women: A Case of Sex Discrimination*, Yale University Press, 379-387.

Sunder, M. (1996) 'In a Fragile Space: Sexual Harassment and the Construction of Indian Feminism', Law and Policy.

Vishaka & Ors. v. State of Rajasthan & Ors. (1997) 6 SCC 241.

Week 5: Sexual harassment at workplaces (cont.d)

Feld, L. (2002), 'Along the Spectrum of Women's Rights Advocacy - A Cross Cultural Comparison of Sexual Harassment Law in the United States and India', Fordham International Law Journal.

Sood, A. (2008) 'Gender Justice through Public Interest Litigation - Case Studies from India', Vanderbilt Journal of Transnational Law.

Mathur, K. (2018) 'Challenging the Collusion of Caste, Class and Patriarchy Embodied in the State' In Kathuria P. & Bhaiya A. (eds), *Indian Feminisms: Individual and Collective Journeys*. New Delhi: Zubaan.

Jaising, I. (2014), 'Eliminating Sexual Harassment at the Workplace: Broadening the Discourse on Gender Equality', Commonwealth Law Bulletin.

Suggested further /supplementary reading /viewing:

Mundhra, J. (Director) (2000) *Bawandar* [film], Moserbear.



Week 6: Livelihood in dance bars

Makhija, S. (2010) 'Bar Dancers, Morality and the Indian Law', EPW.

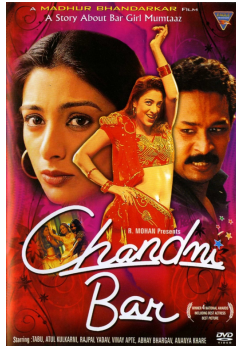
State of Maharashtra & Ors. v. Indian Hotel and Restaurants Assn. & Ors.
AIR 2013 SC 2582

Dalwai, S. (2013) 'Caste and the Bar Dancer', EPW.

Dalwai, S. (2019) *Bans and Bar Girls: Performing Caste in Mumbai's Dance Bars*, New Delhi: Women Unlimited.—select excerpts.

Suggested further /supplementary readings /viewing:

Bhandarkar, M. (Director) (2001) *Chandni Bar* [film], Amazon Prime.



Week 7: Livelihood in dance bars (cont.d)

Anandhi, S. (2005) 'Caste and Gender in Colonial South India,' Economic and Political Weekly.

Vishal Jeet v. Union Of India & Other States and Union Territories (1990) 3 SCC 318.

Ravishankar V. and Priyamvadha M. (2016) Exploitation of Women as Devdasis and its Associates Evils Report, Vol. II, New Delhi: National Commission for Women.

Week 8: Entry into temples and shrines

Galanter, M. (1964) 'Temple Entry and the Untouchability (Offences) Act, 1955', Journal of the Indian Law Institute.

Seshammal & Ors v. State of Tamil Nadu (1972)

N. Adithayan v. The Travancore Devaswom Board & Ors (2002)

Week 9: Entry into temples and shrines (cont.d)

Indian Young Lawyers Association & Ors. v. State of Kerala & Ors. (2019) 11 SCC 1.

Tamilarasu, P. (2020) Caste-based Discrimination Continues: Dalits Denied Entry into temples, barber shops, *The Federal*.

Kranti Nagpur (2021) The First Edition of Bahiskrut Bharat (Part-4).

Week 10: Recognition and remediation of transgender persons

National Legal Services Authority v. Union of India & Ors. (2014) 5 SCC 438.

Jain, D. (2017) 'Shifting Subjects of State Legibility - Gender Minorities and the Law in India', Berkeley Journal of Gender, Law and Justice.

Pandit, A. (2018) '(Trans)gressing the Binary: Coalitional Self-determination for the Third Gender Framework', Socio-Legal Review.

Week 11: Recognition and remediation of transgender persons (cont.d)

Addlakha R. and Mandal, S. (2009) 'Disability Law in India - Paradigm Shift or Evolving Discourse?' Economic and Political Weekly.

Mehrotra, N. (2011) 'Disability Rights Movements in India: Politics and Practice', EPW.

Staples, J. (2011) 'At the Intersection of Disability and Masculinity,' Journal of the Royal Anthropological Institute.

Ram Singh & Ors. v. Union of India, (2015) 4 SCC 697

Week 12: Decriminalization of consensual sexual acts

Akali, S. (2016) 'Learning from Suresh Kumar Koushal v. NAZ Foundation through Introspection, Inclusion, and Intersectionality,' Berkeley Journal of Gender, Law & Justice

Navtej Singh Johar & Ors. v. Union of India (2018) 10 SCC 1.

Vashist, L. (2020) 'Law, Violence, and Sexual Consent' in Vashist L. and Sood J. (eds), *Rethinking Law and Violence*, Oxford University Press.

Week 13: Decriminalization of consensual sexual acts (cont.d)

Kothari, M., Karmali, S., & Chaudhry, S. (2006) 'The Human Right to Adequate Housing and Land', New Delhi: National Human Rights Commission

Mander, H. and Jacob, S. (2010) 'Homeless Deaths on the Streets', Centre for Equity Studies.

Wardhaugh, J. (2012) 'Beyond the Workhouse - Regulating Vagrancy in Goa, India', Asian Journal of Criminology.

Harsh Mander & Anr. v. Union of India & Ors. AIR 2018 Del 188.

Housing and Land Rights Network (2019) 'Adjudicating the Human Right to Adequate Housing: Analysis of Important Judgments from Indian High Courts', New Delhi: Housing and Land Rights Network