



COURSE MANUAL

TITLE OF THE COURSE: CONSENT

COURSE CODE:

SPRING 2026

COURSE INSTRUCTOR: VIKRAMADITYA SAHAI

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PART I: GENERAL INFORMATION

General Information on, 'CONSENT', offered by Jindal Global Law School,
of the Academic Year 2025-26

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

This Course Manual can be used as a general guide to the subject. However, the Course Instructor can modify the course (without distorting its basic framework and objectives) for an effective and meaningful delivery of the course. The Instructor will provide students with reasons for such changes.

This information shall form part of the University database and may be uploaded to the KOHA Library system and catalogued and may be distributed amongst students at the Jindal Global Law School.

Course Title	Consent
Course Code	
Course Duration	One semester
No. of Credits	
Level	Undergraduate
Medium of Instruction	English

PART II

A. Course Description

Consent is one of the most important ideas society is organised around - whether in what we imagine as good sex, or how we wish to access our healthcare, or in the founding doctrine of 'we, the people.' Consent can be about what we agree to, refuse, or wish to participate in. It can be transactional, relational, assumed and constantly remade. It can be how we define who we are as a state or what we consider a violation. So, consent can mean different things, be useful in varied contexts, and made to do a lot of work.

In this course, we will try to understand the history of consent in thought and formation of modern society, with a particular focus on the work it does in shaping the gender, the sexual, and their violation. We begin with the Social Contract tradition to study how consent shapes thinking about the modern state and its legitimacy. With a special focus on laws and norms around sexual consent, the course will take students through the history of consent in colonial and independent India, in modern law, and its practice in courts. The course ends with complicating some of the normative assumptions of consent in order to grapple with the ways the concept has been found wanting in attending to the many things it seeks to do - like addressing sexual violation, accessing justice in our courtrooms, and shaping feminist consensus. Without understanding the limits of the history, practices and norms that make consent, we will struggle with imagining what may be adequate to our needs and necessary for justice.

B. Course Aims

- To introduce students to consent as a concept that shapes modern life.
- To explain how context shapes possibilities and limits of concepts.
- To understand the life of concepts in their practice in courts and institutions.
- To complicate our understanding and politics by attending to the density of how concepts work in everyday life.
- To trouble normative assumptions of our contemporary feminist publics.

C. Intended Learning Outcomes

Course Intended Learning Outcomes	Weightage (out of 100)	Teaching and Learning Activities	Assessment Tasks / Activities
Understanding key concepts	10	Classroom discussions and response papers on suggested texts	Class Participation - response papers and in-class engagement
Study how a concept emerges within a context which shape their	20	Critical reflection on laws around our key concepts	Presentations

possibilities and limits			
Attending to how concepts shape everyday life and objects	30	Analysing a cultural text/ object using the readings from the course	Mid - Term Paper
Carry this understanding to other concepts and fields	40	Critically engaging with key concepts in other fields or applying this method to understanding another concept	End Term research paper

D. Grading of Student Achievement

To pass this course, students must obtain a minimum of 40% in the cumulative aspects of coursework, i.e., internal assessment (including presentations, mid-term exam, internal assignment) and end term examination. **End of semester examination will carry 40 marks out of which students have to obtain 30% 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

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

Absent	Ab	0	Absent - "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 "Ab" grade. If an "Ab" grade is assigned, the student would appear for the end-semester, or re-sit examination, as the case may be, as and when the subsequent opportunity is provided by the University.
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E. Criteria for Student Assessment

Internal assessment of the students will be based on the following criteria. In case any student misses an assessment, an alternative internal assessment will be conducted.

Assessment	Weightage	Remarks
Class Participation	10	Students will be evaluated on their participation in class discussions, responding to peer presentations and response papers (of maximum 500 words) to 5 readings of the course.
Presentations	20	Students will make presentations of two readings from the course. The texts will be decided in consultation with the instructor.
Mid Term Paper	30	A term paper (up to 2000 words) shall be submitted analysing any cultural object – a movie, an exhibition, a novel, a performance, etc - using any 5 texts from the course reading material.
End Term Paper	40	A 2500 word research-based term paper on a topic of choice of the student (in consultation with the course instructor).

PART III

A. KEYWORDS

Consent, sex, sexual violence, desire, harm, contract, law, justice, feminism, marginality, intersectionality, politics, state, women, community, institutions, court, listening, testimony, trauma, experience, narrative, norms.

B. COURSE / CLASS POLICIES

Cell Phones, Laptops and Similar Gadgets

The Course Instructor will share class policies regarding the use of cell phones, laptops and similar devices in the first week of the semester.

Office Hours

The Course Instructor will share the schedule for Office Hours by the end of the first week of the semester.

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 forms 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 will discuss a range of issues and events that might result in distress for some students. Discussions in the course might also produce strong emotional responses. To make sure that all students collectively learn from and participate in the course, 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.

PART IV

A. WEEKLY COURSE OUTLINE

Week(s)	Module
1	Introductions
2 & 3	1: The Social Contract
4, 5, 6 & 7	2: A History of Consent in India
8 & 9	3: Consent in the Courtrooms in Contemporary India
10, 11, 12 & 13	4. Complications, Complexities & Contradictions
14	Revision Week

B. MODULE WISE DESCRIPTION AND READINGS

Week 1: Introductions

In our first class, we will discuss our course outline and decide our assessments. In our second class, we will begin with a discussion of the many contexts in which consent comes to matter or is found wanting.

Elaine Scarry, 'Consent and the Body: Injury, Departure and Desire', *New Literary History*, 1990.

Week 2 and 3: Module I: The Social Contract

One of the most articulate theories of consent remains in the Social Contract tradition. Not only does it offer us why consent is important but also the conditions under which it is. In this module, we will look closely at the social contract in India and the many ways it is remade.

Carole Pateman. *The Sexual Contract*. Selections.

Charles Mills. *The Racial Contract*. Selections.

Christine Keating. *Decolonising Democracy: Transforming the Social Contract in India*. Selections.

Rohit De and Ornit Shani. *Assembling India's Constitution*. Selections.

Judith Butler. "We, The People": Thoughts on Freedom of Assembly', in Alain Badiou et al. *What is a People*. Columbia University Press: New York. Pp. 49-64.

Week 4, 5, 6 and 7: Module II: A History of Consent in India

Through this module, we will grapple with the history of the making, deployment, and elisions of consent in the context of sexual violence in colonial and independent India. The attempt here is to attend to the continuities, improvements and ruptures that shape the historical present.

Tanika Sarkar. 'A Prehistory of Rights: The Age of Consent Debate in Colonial India', *Feminist Studies*, 2000.

Deana Heath. 'Torture, the State, and Sexual Violence against Men in Colonial India', *Radical History Review*, October 2016.

Elizabeth Kolsky. The Body Evidencing the Crime: Rape on Trial in Colonial India, 1860 - 1947, *Gender and History*, 2010.

Anupama Rao. 'The Sexual Politics of Caste: Violence and the Ritual-Archaic,' in *The Caste Question: Dalits and the Politics of Modern India*. University of California Press: Berkeley and Los Angeles. 2009

Durba Ghosh, *Indian Sex Life: Sexuality and the Colonial Origins of Modern Social Thought*. Selections.

Veena Das. 'The Figure of the Abducted Woman: The Citizen as Sexed,' in *Life and Words: Violence and the Descent into the Ordinary*. Oxford University Press: New Delhi.

Rajeshwari Sundar Rajan. 'Beyond the Hysterectomies Scandal: Women, the Institution, Family, and the State,' in *The Scandal of the State: Women, Law and Citizenship in Postcolonial India*. Permanent Black: New Delhi. 2003.

Prabha Kotiswaran. 'Governance Feminism in the Postcolony: Reforming India's Rape Laws,' in Janet Halley et al. *Governance Feminism: An Introduction*. University of Minnesota Press: Minneapolis. 2018. Pp. 75-148.

Sneha Krishnan, 'Agency, intimacy, and rape jokes: an ethnographic study of young women and sexual risk in Chennai,' *The Journal of Royal Anthropological Institute*. 2016

Week 8 and 9: Module III: Consent in the Courtrooms in Contemporary India

We will look at how consent and sexuality emerge in the practice of the law. We will attend to the frames that enable and limit testimony, unravel the normative assumptions at work in courtrooms, and pry open the everpresent gap between law and justice.

Pratiksha Baxi. 'The Child Witness on Trial,' in *Public Secrets of Law: Rape Trials in India*. Oxford University Press: New Delhi. 2014.

Saptarshi Mandal. 'The Burden of Intelligibility: Disabled Women's Testimony in Rape Trials,' *Indian Journal of Gender Studies*, 2013.

Arushi Garg. 'Consent, Conjugality and Crime: Hegemonic Constructions of Rape Laws in India'. *Social & Legal Studies*. 2019.

Rama Srinivasan. *Courting Desire: Litigating for Love in North India*. Selections.

Rupal Oza. *Semiotics of Rape: Sexual Subjectivity and Violence in Rural India*. Selections.

Week 10, 11, 12, and 13 : Module IV: Complications, Complexities and Contradictions

Having studied the history and practice of consent, in this module, we will further complicate some of the norms and ideas that frame and frustrate our understanding of what consent, sex and violation are.

Part a : Experience

Often feminists demand that women speak up and share their experiences of violence, as in the MeToo movement. But we must ask, is experience an immediate and transparent thing? How is narrating an experience political? Can the gap between experience and narration be a site for transformation, even justice?

Joan W. Scott. 'The Evidence of Experience,' *Critical Inquiry*, 1991.

Sharon Marcus. 'Fighting Bodies, Fighting Words: A Theory and Politics of Rape Prevention' in Judith Butler and Joan W. Scott, eds. *Feminists Theorize the Political*. Routledge: New York. 1992. Pp. 385-403

Mahasweta Devi. 'Draupadi' (trans. Gayatri Chakravorty Spivak). *Critical Inquiry*. 1981.

Part b : Trauma

Trauma has become a placeholder for many things we find terrifying and harmful about violation. In this section, we attend to its facets and try to ask other questions of it. If trauma is inescapable, what can we do with it?

Veena Das. 'The Act of Witnessing: Violence, Gender, and Subjectivity,' in *Life and Words: Violence and the Descent into the Ordinary*. Oxford University Press: New Delhi.6

Avgi Saketopoulou. *Sexuality Beyond Consent: Risk, Race, Traumatophilia*. Selections

Part c : Right to Sex?

In this section, we will attend to the work sex is made to, can and cannot do.

Amia Srinivasan *The Right to Sex*. Selections

Shailaja Paik. *The Vulgarity of Caste: Dalits, Sexuality, and Humanity in Modern India*. Stanford University Press: California. 2022. Pp 1-122.

Sameena Dalwai. *Bans and Bar Girls: Performing Caste in Muslim Dance Bars*. Selections.

Lata Mani. 'Sex and the Signal-Free Corridor: Towards a New Feminist Imaginary', *Economic and Political Weekly*, 2014.

Part d: Double Binds

The law is considered as a vehicle for justice, however it can become an impasse. We will look at works that trouble law as an obvious site for feminist politics and attend to what is lost before the law.

Nivedita Menon. 'Sexual Violence: Escaping the Body,' in *Recovering Subversion: Feminist Politics Beyond the Law*. Permanent Black: New Delhi. 2004.

Latika Vashisht, *Criminal Law, Feminism and Emotions: Thinking Through the Legal Unconscious*. Selections.

Part e : Institutions

In our final section, we turn to the uneasy fit between our desire of what consent talk and laws around it should do and the experiences of those who have tried to do something about harm and harassment. We will look closely at the anti sexual harassment bodies on campus and how often their policies confound the problem than address it.

Sara Ahmed. *Complaint*. Selections.

Janet Halley.'The Move to Affirmative Consent,' *Signs*, 2016.

Laura Kipnis. *Unwanted Alliances: Sexual Paranoia Comes to Campus*. Selections.

Jennifer Doyle. *Shadow of My Shadow*. Selections.

PART V: ASSESSMENTS

This course is based on continuous assessment. All components of assessment in this course will be in the form of internal assessments.

Note: There will be no end-of-semester exam in this course.

Component	Marks (out of 100)
Class Participation	10
Presentations	20
Mid Term Paper	30
End Term Paper	40