

9 NOV 2024

NATIONAL LAW UNIVERSITY, JODHPUR

End Term Examination November 2024

Semester: UG IX Semester (Optional)

Fundamentals of Gender Studies

Time: Three Hours

Marks:100

Instructions:

1. Answer any five questions.
2. Read the questions carefully.

Q.1). Locate the importance of education in the early women's rights movements in India. Also, mention instances of Indian women reclaiming the public space.

[Marks 20]

Q.2). '...Crenshaw states that the 'problem with identity politics is not that it fails to transcend difference, as some critics charge, but rather the opposite: that it frequently conflates or ignores intra-group differences...a major drawback of identity politics is the inability to perceive subjects through multiple axes of identity and understand the multi-pronged facets of oppressions.' Do you think that the ignorance of differences in identity politics may be compensated through the interaction of the intersectionality lens and the idea of the transnational feminist movement? Also, stress the importance of intersectionality as a tool in Dalit feminism in India.

[Marks 20]

Q.3). Analyse the provisions relating to sexual offences under the Bharitya Naya Sanhita, 2023 from the feminist lens. (Provisions are provided in Annexure.1)

[Marks 20]

Q.4). Write brief notes on any two:

- i. Practice of Witch Hunting.
- ii. Principle of Proportionality in gender justice.
- iii. The importance of the public/private divide for the sustenance of a hetero-patriarchal State.

[Marks 10*2=20]

Q.5). 'Laapaata Ladies', Kiran Rao, 2023 in its own subtle and impactful way depicts the multiple threads of woman's identity and still no identity of their own.' Comment while engaging with the gender construction theories.

[Marks 20]

Q.6). '...in constitutional democracies like India, minorities are expected to be the makers of their identity and to participate in the shaping of their citizenship by articulating their



problems but do not fully control the identity-making process. Since the majority plays a significant role in driving the process, the minority is inevitably constructed as the “other” despite being allowed to participate in and create a “shared world” (Bishnu Mohapatra 2014).’ *Dipika Jain and Debanju DasGupta*.

Testify the applicability of the above remark in the episodes of rigid understanding of sex binary in sports, limited understanding of gender diverse persons experiences and sexuality in the *NALSA v. UOI AIR 2014 SC 1863* and *Supriyo Chakraborty v Union of India, W.P.(C) No. 1011/2022*.

[Marks 20]



Annexure 1

Bhartiya Naya Sanhita, 2023

63. Rape.—A man is said to commit “rape” if he—

(a) penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of a woman or

makes her to do so with him or any other person; or

(b) inserts, to any extent, any object or a part of the body, not being the penis, into the vagina, the urethra or anus of a woman or makes her to do so with him or any other person; or

(c) manipulates any part of the body of a woman so as to cause penetration into the vagina, urethra, anus or any part of body of such woman or makes her to do so with him or any other person; or

(d) applies his mouth to the vagina, anus, urethra of a woman or makes her to do so with him or any other person,

under the circumstances falling under any of the following seven descriptions:— (i) against her will;

(ii) without her consent;

(iii) with her consent, when her consent has been obtained by putting her or any person in whom

she is interested, in fear of death or of hurt;

(iv) with her consent, when the man knows that he is not her husband and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married;

(v) with her consent when, at the time of giving such consent, by reason of unsoundness of mind or intoxication or the administration by him personally or through another of any stupefying or unwholesome substance, she is unable to understand the nature and consequences of that to which she gives consent;

(vi) with or without her consent, when she is under eighteen years of age;

(vii) when she is unable to communicate consent.

Explanation 1.—For the purposes of this section, “vagina” shall also include *labia majora*.

Explanation 2.—Consent means an unequivocal voluntary agreement when the woman by words, gestures or any form of verbal or non-verbal communication, communicates willingness to participate in the specific sexual act:

Provided that a woman who does not physically resist to the act of penetration shall not by the reason only of that fact, be regarded as consenting to the sexual activity.

Exception 1.—A medical procedure or intervention shall not constitute rape.

Exception 2.—Sexual intercourse or sexual acts by a man with his own wife, the wife not being under eighteen years of age, is not rape.

67. Sexual intercourse by husband upon his wife during separation.—Whoever has sexual intercourse with his own wife, who is living separately, whether under a decree of separation or otherwise, without her consent, shall be punished with imprisonment of either description for a term which shall not be less than two years but which may extend to seven years, and shall also be liable to fine.

Explanation.—In this section, “sexual intercourse” shall mean any of the acts mentioned in clauses (a) to (d) of section 63.

69. Sexual intercourse by employing deceitful means, etc.—Whoever, by deceitful means or by making promise to marry to a woman without any intention of fulfilling the same, has sexual intercourse with her, such sexual intercourse not amounting to the offence of rape, shall be punished with imprisonment of either description for a term which may extend to ten years and shall also be liable to fine.

Explanation.—“deceitful means” shall include inducement for, or false promise of employment or promotion, or marrying by suppressing identity.

81. Cohabitation caused by man deceitfully inducing belief of lawful marriage.—Every man who by deceit causes any woman who is not lawfully married to him to believe that she is lawfully married to him and to cohabit or have sexual intercourse with him in that belief, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

83. Marriage ceremony fraudulently gone through without lawful marriage.—Whoever, dishonestly or with a fraudulent intention, goes through the ceremony of being married, knowing that he is not thereby lawfully married, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

84. Enticing or taking away or detaining with criminal intent a married woman.—Whoever takes or entices away any woman who is and whom he knows or has reason to believe to be the wife of any other man, with intent that she may have illicit intercourse with any person, or conceals or detains with that intent any such woman, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.