

2.2 Consent, Boundaries & Bodily Autonomy

Here we try and understand **Consent** from a far more nuanced perspective rather than reducing it to functions of vocabulary and speech. There are several judgements and social movements that invoke this way of reading consent. Consent transforms in various forms in the personal, public and professional space. The conclusion to this discourse should be that bodily autonomy is the primary facet from which one needs to approach the concept of consent.

- **Consent: A Fearful Asymmetry Nilofer Kaul:** *“Nilofer Kaul critically examines the concept of consent, unpacking its underlying assumptions of equality, rationality, and clear communication. But how do we navigate consent in a world that is inherently and unequally structured, where power imbalances are persistent and deeply entrenched? While consent may seem like a simple, straightforward principle, Kaul argues that it is anything but. Through her analysis, she highlights how the dynamics between two individuals are rarely equal – social, emotional, and structural power imbalances inevitably shape their choices, whether consciously or unconsciously. By focusing solely on consent as an isolated act of agreement or refusal, we risk overlooking the deeper violence embedded within these asymmetrical relationships.”*

<https://scroll.in/article/1082516/consent-how-does-one-define-consent-when-systemic-inequalities-define-gendered-interactions>

- **Judgement on the Mahmood Farooqui Case:** *The Mahmood Farooqui case concerned the conviction of a well-known cultural figure for forcibly performing oral sex on a woman who had repeatedly said no, with the court relying on the survivor’s consistent testimony, corroborating digital evidence, and Farooqui’s own apologetic response. The judgement is important because it marks a decisive shift in Indian rape jurisprudence: it rejects older ideas of rape as primarily about honour, physical injury, or “real” penetration, and instead recognises sexual violence as the violation of a woman’s bodily autonomy and control over her sexuality, even when the assault is brief, non-penetrative, or committed by a trusted acquaintance. By affirming that consent is central and that freezing in fear does not imply consent, the judgement strengthens survivor-centred interpretations of the law and signals a broader ethical and political rethinking of sexual violence in Indian courtrooms.* <https://kafila.online/2016/08/14/the-mahmood-farooqui-rape-conviction-a-landmark-verdict-j-devika-nivedita-menon/>

- **Queer understanding:** How does consent function in the gay male space and what straight men can learn from the gays - <https://timesofindia.indiatimes.com/home/sunday-times/deep-focus/what-straight-men-can-learn-from-gays/articleshow/27054410.cms>
- **“Being in love doesn't imply sexual consent” - Kerala High Court:** The article reports on a Kerala High Court judgment clarifying that being in love or in a relationship with someone does not automatically mean they consent to sex. The court was hearing an appeal in a rape case where a man had taken his 17-year-old girlfriend to a hotel and forced sexual intercourse without her consent. The court upheld the conviction, emphasising that consent must be voluntary, informed, and real — not assumed just because two people are romantically involved. It also noted that someone’s passive submission under compulsion (like fear or threats) isn’t legal consent.
<https://www.theswaddle.com/being-in-love-doesnt-imply-sexual-consent-kerala-hc>
- **Feminist responses to sexual violence - Consolidating Feminist Collectives:** The article challenges the celebratory image of the Kerala model of development by highlighting the persistence of sexual violence and deep-rooted patriarchy in the state. It argues that despite high human development indicators, women in Kerala face systemic injustice sustained by an indifferent state, compromised institutions, and powerful perpetrators. Using high-profile cases such as the Malayalam actress assault, the nun rape case, the infant snatching case, the Women in Cinema Collective (WCC), and Haritha’s conflict with the IUML, the article traces a shift in feminist politics—from silence and victimhood to public resistance and survivor-led activism. It emphasises the emergence of new, youth-led feminist collectives, digital activism, and cross-group solidarities that challenge patriarchal authority while navigating internal differences and neoliberal constraints. <https://www.epw.in/engage/article/consolidating-feminist-collectives-gleaning>