

# Why We Must See That Consent And Sex Are Directly Proportional To Each Other



Imagine this scenario – a young woman walks into a clothing store. She looks around and likes a dress. She asks for its price and realises that it's a bit expensive for her. Then the saleswoman tries to persuade her with a discount on the dress. The woman also looks at other options in the shop. In the end, she leaves the clothing store, after denying the discount offered.

So even if the saleswoman was not happy, she doesn't have the right to shout at the customer or constantly remind her that she had liked the dress in the beginning. The customer may have thought of purchasing the dress but she said no, as she didn't want an expensive one. She may have thought about it again when a discount was offered for the dress. But in the end, she said no to the saleswoman and walked out.

So, should the customer be persuaded by the saleswoman and forced to purchase it? Should the woman be reminded of this particular dress, the next time she walks into the shop by the saleswoman? No.

Similarly, in matters of sex, why is it that the absence of consent is not taken as a valid reason when a woman says so?

Sex shouldn't be about probabilities, imagined consent or interests, history of other sexual relationships, consented sexual relationship in the past between the two parties, or 'maybe' and 'if' based on body language. It should be based on purely verbal consent and expression of that consent. It should be about mutual respect, understanding and clear communication between the parties involved.

Sex has, for so long, been on the basis of power relations between the sexes with regard to decision making in having sex or expressing one's sexuality, usually in favour of men. It has also been associated only with the marriage of two genders. Sex has, for long, been associated with unhealthy expressions of female sexuality, encouraged male domination and presented [men as the key decision makers in having sex](#). Sex has for long, been a taboo subject during the growing up years of most adults in our society. Sex has, for long, been a hushed-up topic for women, until the day of their marriage, especially in the Indian context.

Even after progressive amendments to the [Sexual Harassment of Women at Workplace \(Prevention, Prohibition and Redressal\) Act, 2013](#), the inhibitions to consent to sex, still hasn't changed much. In spite of a legal definition of consent in the law, aimed at removing patriarchal notions and

prejudices in cases of past sexual history or absence of physical injury or lack of evidence in having denied the sexual activity that took place, between the accused and survivor, there seems to be no major change in many court cases and judgements. It is as if some of the legal amendments are done on paper only and many judges don't even take the pain to evaluate the reason behind them. Why do we have the [Maternity Benefits \(Amendment\) Act 2017](#)? Or why are we still advocating for the removal of Section 377 and countless other sections in various laws in India?

One of the recent court judgements that really boggled me was the sexual harassment case against Director Mahmood Farooqui. In spite of the trial court taking into consideration of the newly added definition of 'consent' in Section 375 of the Indian Penal Code, the Delhi High Court actually overturned this aspect in this case. The High Court actually assumed that the accused in this case, known to the survivor, did not understand that the survivor had said 'no', [possibly because the no was 'feeble'](#).

When I sat down to write this, I was letting go of my frustrations at witnessing this situation around us every day. And it just doesn't stop at gaining mutual respect and understanding in when to have sex. A simple understanding of each other's desire for sex just increases the amount of pleasure and good sexual intimacy for both parties. Sometimes it is as simple as that. Such mutual respect will automatically dilute the power equations between the sexes, or rather at least, see the probabilities of living our daily lives without the need for gender inequalities and discrimination.

More the number of people realise that consent in sex is not just a personal matter, lesser would be the number of cases related to sexual violence, in our homes as well as in public places.

As women, we negotiate this, sometimes silently, sometimes boldly. The reason that we still have to stress on the right to say 'no' to having sex, in different situations, is exactly why this change in rigid mindsets and patriarchal notions of sex is needed today! And it can start in my home, your home, all our homes! In the end, surely such a large effect would trickle onto the different layers in the society.

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This post was first published [here](#).

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