
BEYOND TYPICAL BARRIERS: INTERSECTIONALITY OF CASTE, GENDER, AND DISABILITY IN INDIA

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ABSTRACT

“Our ability to reach unity in diversity will be the beauty and test of our civilization” a profound insight attributed to Mahatma Gandhi, serves as a reminder that the strength of the Indian society lies in harmonising its social diversity. In India, there are about 26.8 million individuals with disabilities, which constitutes 2.21 percent of the total population of India as per the 2011 Census. It is rather reasonable that this figure has grown considerably since that time, and there is now a large segment of the population struggling with daily facets of life along cognitive, visual, and other physical disabilities, which influence their involvement in society. Moreover, such disabilities often exposed individuals to various types of discrimination, ranging from blatant exclusion to less apparent social and economic marginalization. This situation is intensified in India due to the country’s layered social diversity, where factors such as like caste gender only serve to reinforce existing prejudice that people with disabilities already face and significantly shape their lived experiences. The combination of disability with caste and gender leads to additional disadvantage and introduces barriers that are much more complicated and multifaceted than those caused by disability alone. Thus, this essay discusses compounded discrimination against persons with disabilities taking into account the intersection of caste and gender in India. It examines the role of social diversity in determining the lived experiences and access to opportunities by disabled people, particularly Dalit women, in social and legal contexts. The research will determine the loopholes in the protections and propose reforms to provide substantive equality to these marginalized groups.

INTRODUCTION

The term intersectionality was coined by Kimberlé Crenshaw, a Professor of Law at the University of California, Los Angeles, in her 1989 essay “*Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics*”¹, further elaborated in “*Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Colour*”², published in 1991. Intersectionality has since become an important tool for understanding discrimination and structural advantages; in short, it addresses the ways in which structures of exclusion such as race, class, or gender overlap for individuals, generating specific experiences and distinct forms of discrimination. It is based on the principle that the intersection of a person’s identities shapes the oppression, privilege, and discrimination they experience. In India, due to rural backwardness, entrenched gender barriers, and an oppressive caste system, intersectionality plays a profound role in shaping the experiences of those who belong to marginalized genders or castes and live with disabilities. Although the constitution provides protections such as the Rights of Persons with Disabilities Act, 2016 that mandates the relevant government to provide persons with disabilities equality, dignity, and respect to their integrity – significant changes remain elusive in nature. People with disability, especially women and those of lower castes continue to face systemic discrimination. The intersectional approach is therefore necessary to comprehend and respond to the compounded discrimination of disabled people at the intersection of caste and gender, rather than focusing solely on disability.

INTERSECTIONAL STRUGGLES

To be born into a Dalit family in India marks the beginning of a life shaped by systemic exclusion and multiple disadvantages, a reality that has persisted for centuries. Dalits occupy the lowest rung of the social hierarchy, strictly ranked by descent. Similarly, being born with a disability or acquiring one later in life results in significant limitations, social stigma, and lack of development opportunities. When an individual is both disabled and from a Dalit background, they face layered and intertwined discrimination. Government schemes have done little to undo the prejudice encoded into everyday social and institutional practices. The

¹ Kimberlé Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, 1989 U. CHI. LEGAL F. 139, Art. 8. (1989).

² Kimberlé Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Colour*, 43 STAN. L. REV. 1241 (1991).

prevalence of disability among Dalits is higher, at 2.4%, compared to the overall population rate of 1.8%. Furthermore, illiteracy rates among persons with disabilities are highest among Scheduled Tribes, followed by Dalits, with only about 12% of Dalits with disabilities completing primary education, a figure significantly lower than other social groups.³

The Rights of Persons with Disabilities (RPWD) Act, 2016, while providing protections for persons with disabilities, does not explicitly recognize the compounded discrimination faced by those from vulnerable caste groups, although it does acknowledge women with disabilities in Chapter II. The Act mandates the establishment of a Central Advisory Board on Disability, which must include at least one member each from the Scheduled Castes and Scheduled Tribes. It also requires the constitution of State Advisory Boards; however, implementation has been weak. According to the Centre for Policy and Legal Research⁴, only 12 out of 24 states had constituted these boards, and it remains unclear whether SC/ST persons were represented on them. This lack of compliance was highlighted in the 6th meeting of the Central Advisory Board on Disability⁵, where concerns were also raised about non-compliance with Section 34 of the RPWD Act, 2016, which mandates a 4% reservation in government establishments for persons with benchmark disabilities. In *Patan Jamal Vali. V. The State of Andhra Pradesh*⁶, the Supreme court of India emphasized the necessity of an intersectional lens to understand the unique and layered vulnerabilities faced by women of a lower caste with disabilities. Justice D.Y. Chandrachud noted:

“When the identity of a woman intersects with, inter alia, her caste, class, religion, disability and sexual orientation, she may face violence and discrimination due to two or more grounds. It becomes imperative to use an intersectional lens to evaluate how multiple sources of oppression operate cumulatively to produce a specific experience of subordination for a blind Scheduled Caste woman”.

The Court thus recognised that oppression cannot be examined along a single axis, but through

³ MINISTRY OF STATISTICS AND PROGRAMME IMPLEMENTATION, GOVERNMENT OF INDIA, https://mospi.gov.in/sites/default/files/reports_and_publication/cso_social_statices_division/Chapter6-Socio_economic_profile.pdf (last visited Oct. 10, 2025).

⁴ Jayna Kothari, Almas Shaikh & Aj Agrawal, *The Intersection of Disability and Caste: A Policy Paper* Ctr. for Law & Policy Research, Bangalore (2020.)

⁵ Central Advisory Board on Disability, <https://cdnbbsr.s3waas.gov.in/s3e58aea67b01fa747687f038dfde066f6/uploads/2024/02/202402071920950402.pdf> (last visited Sep. 2, 2025).

⁶ *Patan Jamal Vali v. State of Andhra Pradesh*, (2021) SCC Online SC 343.

the cumulative weight of caste, gender, and disability. Therefore, this compounded discrimination faced by lower caste individuals with disabilities reveals the need for additional policies and frameworks as well as effective monitoring of current mechanisms to ensure the dismantlement of entrenched barriers preventing justice, equality and education for the most vulnerable sections.

GENDER & DISABILITY

When gender and ability shape every facet of life, where do women with disabilities stand? For women with disabilities in India, this question is particularly urgent, as they face daily struggles marked by social stigma, gender discrimination, and limited access to opportunities that many others take for granted. For instance, imagine the situation of a young woman in a rural Indian village, where government schemes may fail to reach her, and she must navigate not only rigid social hierarchies but also the challenges of a visual disability. To make matters worse, the local government school has little accessible infrastructure, leaving her isolated, both physically and metaphorically without a support system or means to seek help. This is not fiction but the lived reality of thousands, if not millions, of girls living with disabilities across India.

A study conducted by the Society for Nutrition, Education & Health Action in Mumbai⁷ revealed that women with disabilities often face physical and psychological violence from their families, especially when they defy familial wishes. While the study did not find a direct causal link between disability and abuse, it showed that gender and physical impairment were wielded as tools for intimidation and control. Many women reported being vulnerable and defenceless in public spaces, frequently subjected to sexual harassment on trains, buses, and other public venues. Additionally, they testified to systemic exclusion through unequal work opportunities, denial of jobs, and lack of social support, underscoring the multifaceted barriers disabled women confront daily. If this is the reality that women with disabilities face in a tier one city, the situation in rural areas would be hard to even imagine. Furthermore, a report by the United Nations found that because of the stigma associated with reporting sexual and gender-based violence alongside the fact that perpetrators are usually members of the family, women may not always come forward and the police also won't perceive a woman with disability as being

⁷ Nayreen Durawulla et al., *Violence Against Women with Disability in Mumbai, India: A Qualitative Study*, 3 SAGE Open 1, 1–9 (2013).

a credible witness and refuse to take up these cases. Factors such as these explain why women with disabilities are sexually assaulted at a rate at least twice of that of the general female population. These girls are also denied education because of the widespread perception that boys with disabilities still have a chance to complete schooling, while little consideration is given to girls. Consequently, women with disabilities face much greater difficulties securing jobs in both the private and government sectors, not only due to a lack of necessary education but also because of stigma and the attitude that they will not perform as well as their colleagues, regardless of the nature of the work. All this clearly indicates that communities, governments, and other stakeholders must collaborate to build a more inclusive and equitable society.

LEGAL FRAMEWORK: PROMISES & GAP

The Indian legal system seems to be accommodating to persons with disabilities and marginalized groups at first sight: the Rights of Persons with Disabilities Act, 2016 (RPWD Act) promotes inclusion, whereas the SC/ST (Prevention of Atrocities) Act, 1989 provides protection against caste-based violence. India is also a signatory to the international treaties like the UN Convention on the Rights of Persons with Disabilities (UNCRPD). Yet, the experience of a Dalit woman with a disability reveals a paradox: she is protected everywhere in theory, but nowhere in practice. The administrative machinery treats categories separately and looks for primary motivation on only one axis, which could either be gender or caste.

Furthermore, India has not ratified the ILO convention No. 159⁸ (Vocational Rehabilitation & Employment, 1983), a treaty ratified by many countries that mandates proactive vocational rehabilitation and rural employment services for disabled persons. Non-ratification indicates that India prefers a softer domestic approach with less accountability as compared to a binding global obligation that would require structural workplace reforms and rural rehabilitation services – measures that would benefit Dalit women in rural areas.

Even in representative politics, Dalit women remain drastically underrepresented⁹. Out of 543 seats in the Lok Sabha, only 78 are held by women, and of these, Dalit women occupy a mere 12 - about 15% of women MPs, but only 2.2% of the total House. In the Rajya Sabha, where

⁸ Chris Swartz, *after 30 Years, only 23 Countries Have Ratified Indigenous and Tribal Peoples Convention ILO 169*, CULTURAL SURVIVAL (Sep. 23, 2025, 11:10 PM), <https://www.culturalsurvival.org/news/after-30-years-only-23-countries-have-ratified-indigenous-and-tribal-peoples-convention-ilo>.

⁹ PEOPLE'S ARCHIVE OF RURAL INDIA, <https://ruralindiaonline.org/en/library/resource/dalit-women-rise-for-justice-status-report-2021> (last visited Sep. 23, 2025).

no reservations apply, the situation is even worse, with Dalit women nearly invisible. Representation is critical because policy blind spots persist when those most affected are absent from the lawmaking table.

Equally discouraging are the justice statistics. The court disposal rate for cases involving crimes against Dalit women and minor girls remains below 33% in most Special Courts. Acquittal rates stand at 68.3%, while conviction rates languish in the minority. For survivors of sexual violence and other atrocities, these numbers send a chilling message: even when they step forward, justice is unlikely to be delivered. The Dalit Women Rise for Justice: Status Report 2021 highlighted that between 2014 and 2019, crimes against Dalit women formed around 15% of total crimes registered under the SC/ST (PoA) Act, yet conviction rates continued to decline year on year - despite increased reporting. This statistical reality reveals the hollowness of paper protections.

While the Supreme Court stepped in to fill legislative gaps in cases such as *Jeeja Gosh v. Union of India*¹⁰, where it affirmed the dignity of a disabled women who was de-boarded from a flight awarding compensation and mandating increased sensitivity, while as mentioned earlier, also recognised the necessity of an intersectional lens in *Patan Jamal Vali. v. The State of Andhra Pradesh*¹¹, taking into account layered discrimination.

The problem currently is that courts dispense episodic empathy, policies remain urban-centric and, caste and gender remain absent from disability law. Advisory boards if constituted, exist without teeth and officials pay little heed to women with disabilities. Together this creates a discriminatory structure that promises protection but delivers precarity.

RECOMMENDATION & ANALYSIS

The Rights to Persons with Disabilities Act (RPWD 2016) should be amended to explicitly recognise multiple and intersectional discrimination. It currently isolates disability from other axes of vulnerability, leaving caste and gender unaddressed. A presumption must be created that when a Dalit woman with disability suffers from violence, her vulnerability is aggravated, and remedies must in turn reflect this.

¹⁰ Jeeja Ghosh v. Union of India, (2016) 7 SCC 761 (India).

¹¹ Patan Jamal Vali. v. The State of Andhra Pradesh, *supra* note 5, at 3.

India should also take steps to ratify ILO Convention 1959. Ratification would bind the state to provide vocational rehabilitation and employment services in rural and remote areas – precisely where Dalit women with disabilities are most affected. Non ratification allows the government to treat rehabilitation as discretionary in nature rather than a morally binding right. Ratification would bind the state to design a National Level Rural Rehabilitation and Inclusion Plan – ensuring vocational training, digital literacy, and employment services for women with disabilities in rural and semi-urban regions.

A constitutional amendment introducing sub-quotas within women's reservation for Dalit women in the Lok Sabha would also be beneficial and could potentially lead to greater policy reforms as the most affected could translate their lived experiences into inclusive policies, ensuring a top-down and participatory protection.

Moreover, the government may benefit from a mandate that requires all government schemes to collect detailed, disaggregated data at the intersection of caste, gender and disability. This data may be harnessed using AI-driven tools to identify emerging patterns of exclusion in the real time. Such advanced technology enabled monitoring will allow policy makers to swiftly adapt schemes and dedicate resources to the most vulnerable groups, closing the gap of discrimination before it widens beyond repair.

A government-funded grassroot advisory panel across districts consisting primarily of Dalit women and people with disabilities would be key in acting as a community watchdog while conducting participatory action research on implementation gaps, mediating local grievances and creating awareness campaigns. This bottom-up approach will ensure that lived experiences translate directly into policy feedback loops and effective accountability.

The government may also consider linking its disability reforms to global benchmarks. For instance, advancing the inclusion of Dalit women with disabilities directly contributes to SDG 10 (Reduced Inequalities) and SDG 8 (Decent Work & Economic Growth) reaffirming India's international commitments to the Sustainable Development Goals under the 2030 agenda.

South Africa offers a unique model and study¹². From its very first case on equality, that is

¹² Ramalekana, N. and Mokgoroane, L. (2024) 'Intersectionality in the South African Constitution's Equality Clause', *South African Journal on Human Rights*, 40(3–4), pp. 199–225 (2024).

Brink v. Kitshoff,¹³ the constitutional court acknowledged that discrimination cannot be analysed along a single axis. Justice O'Regan stressed that "patterns of disadvantage are particularly acute in the case of black women because race and gender discrimination overlap." That acknowledgment was not symbolic - it reoriented equality law towards substantive equality, recognising that oppression is experienced cumulatively.

Over time, the Court has built a jurisprudence where intersectionality is not just rhetoric but method. In *Mahlangu v Minister of Labour*,¹⁴ the exclusion of domestic workers from occupational injury protection was struck down explicitly because it disproportionately affected Black women at the intersection of gender, race, and class. Victor AJ called intersectionality an "indispensable legal methodology" because it sheds light on lives otherwise erased by formal equality reasoning. Similarly, in *Rahube v Rahube*¹⁵, the Court invalidated land tenure laws that automatically converted apartheid-era property rights historically denied to African women into ownership for men alone. The ruling recognised that even remedial measures, if blind to intersectional dynamics, can reproduce exclusion.

Unlike India's Supreme Court, which only recently began flirting with intersectional analysis (*Patan Jamal Vali v State of Andhra Pradesh*, 2021), South Africa operationalises intersectionality through doctrinal tests like the Harksen test (for unfair discrimination) and the Van Heerden test (for affirmative action). These tests allow the Court to ask not only whether there was discrimination, but also whether remedial policies are designed to dismantle intersectional disadvantage, rather than treating caste, gender, or disability in isolation. For example, when adjudicating reservation disputes or access to services, courts could require demonstrations that institutional remedies actively aid in dismantling compounded barriers, rather than reinforce existing hierarchies.

The lesson for India is simple but profound: if intersectionality can be constitutionalised and judicially enforced in another deeply stratified society, then its absence in India is not inevitable but a political and judicial choice. What South Africa proves is that intersectionality can move from theory to enforceable law, creating remedies that actually address lived disadvantage.

The labour of Dalit women often confined to manual scavenging and agricultural labour is

¹³ *Brink v. Kitshoff*, 1996 (6) BCLR 752.

¹⁴ *Mahlangu & Ors. v. Minister of Labour & Ors.*, (2020) ZACC 24.

¹⁵ *Rahube v. Rahube & Ors.*, (2018) ZACC 42.

often systematically undervalued and rarely counted in national data. According to the World Bank, excluding persons with disabilities can from the labour market can cost economies 3-7% of their GDP¹⁶, a staggering figure for a country such as India where economic growth is prioritised and constantly emphasized. Moreover, if only a small population of Dalit children complete primary education, the potential for upwards upliftment later on will cease to exist and result in structural drain on India's economic development and democratic process. Excluding these people from education, employment and dignity squanders our own human capital.

CONCLUSION

The lives of those at the crossroads of intersectionality remain marked by uncertainty and systemic discrimination at every stage of life. Yet the lesson from other nations is clear: intersectionality does not need to remain simply a theory, but can be transformed into enforceable rights. India, with its great heritage of constitutional guarantees and democratic ideals, has no excuse for silence. It must take effective steps to eliminate compounded barriers faced by women with disabilities who belong to the Dalit community. If equality is to mean more than rhetoric, the most invisible must be brought to the centre, not as passive objects of pity but as symbols of their resilience and their proof of upliftment in a society which professes to support diversity and unity. The criterion for success will not be how much legislation is passed, or how many speeches are made, but with realities which are lived in daily life, when a Dalit women can safely walk into a classroom, can file a case without constraint and can find dignified work without stigma. Only then will the promise of justice and inclusiveness in India go beyond aspiration and transform into reality. "For Democracy is not the government of majority, but the protection of the minority" and until Dalit women with disabilities are safeguarded, India's democratic commitments remain unfulfilled.

¹⁶ WORLD BANK, <https://www.worldbank.org/en/region/lac/publication/rompiendo-barreras> (last visited Sep. 23, 2025).