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Intersectionality of Gender, Poverty and Economic Inequality: An Indian Perspective

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Abstract

Gender inequality continues to be a major social and legal challenge in contemporary Indian society. While the Constitution of India guarantees equality under Articles 14, 15, and 21, many individuals still experience layered discrimination due to the intersection of gender with caste, class, disability, religion, indigeneity, and sexuality. This paper examines how these intersecting identities intensify social burdens and restrict access to justice, education, employment, and personal freedom.

The research problem focuses on understanding why legal equality has not fully translated into social equality for marginalized genders in India. The objective of this paper is to analyze the role of law in addressing intersectional discrimination and to evaluate whether existing legal frameworks are sufficient to protect vulnerable groups. Using a doctrinal method, the study reviews constitutional provisions, key legislations such as the Protection of Women from Domestic Violence Act, 2005, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, and the Rights of Persons with Disabilities Act, 2016, along with landmark judicial decisions.

The paper argues that although progressive laws exist, structural inequalities and social attitudes often limit their effectiveness. Women from lower castes, religious minorities, tribal communities, and persons with disabilities frequently face multiple forms of exclusion that a single-axis legal approach cannot adequately address. An intersectional perspective is therefore essential for meaningful legal reform.

This study is relevant to the broader discussion on social justice because it highlights the need for inclusive policymaking, stronger implementation mechanisms, and increased legal awareness. Recognizing intersectionality within the Indian legal system can help move society closer to substantive equality rather than mere formal equality.

Research Problem

Despite constitutional guarantees of equality and numerous legal safeguards, gender inequality continues to persist in Indian society. However, this inequality is not experienced uniformly by all women and gender minorities. Social identities such as caste, class, disability, religion, indigeneity, and sexuality often overlap, creating multiple layers of disadvantage. While the legal system aims to promote justice and non-discrimination, gaps remain in addressing these intersecting forms of oppression.

Existing laws frequently approach discrimination from a single-axis perspective, overlooking how structural inequalities combine to intensify social burdens. This raises an important question: To what extent does the

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current legal framework effectively recognize and respond to intersectional gender discrimination? Examining this issue is essential to understanding whether the promise of substantive equality under the law is truly accessible to all.

The existing legal framework largely addresses discrimination in isolated categories, but it does not always recognise the compounded disadvantages faced by individuals with intersecting identities. This raises an important concern regarding whether the current laws are sufficient to achieve substantive equality or if there is a need for a more intersectional legal approach. Therefore, this study seeks to examine how social burdens reinforce gender inequality and to evaluate the effectiveness of legal mechanisms in addressing these layered injustices.

Objectives of the Study

The primary objective of this paper is to critically understand how social burdens contribute to the persistence of gender inequality within society. Although the Indian legal system guarantees equality through constitutional provisions, the everyday experiences of many individuals reflect a gap between legal ideals and social realities. This study aims to explore how traditional norms, cultural expectations, and structural inequalities continue to affect access to rights and opportunities.

Another important objective is to examine the idea of intersectionality from a legal standpoint. Gender discrimination is rarely experienced in isolation; it is often shaped by overlapping identities such as caste, class, religion, disability, indigeneity, and sexuality. By analysing these interconnected factors, the paper seeks to highlight how certain groups face deeper and more complex forms of disadvantage, requiring a more nuanced legal understanding.

The paper also intends to evaluate the effectiveness of constitutional protections and statutory measures that are designed to promote equality and prohibit discrimination. Special attention will be given to the role of the judiciary in interpreting these provisions and expanding the meaning of substantive equality. This objective focuses on understanding whether the current legal framework is capable of addressing the realities of those who experience multiple layers of marginalization.

Further, the study aims to identify the practical challenges that hinder the proper implementation of gender justice laws. The existence of legislation alone does not ensure social transformation; barriers such as lack of awareness, social stigma, and institutional limitations often prevent individuals from fully benefiting from legal safeguards. Recognising these challenges is essential to understanding the limitations of the present system.

Finally, this paper seeks to emphasise the need for a more inclusive and intersectional approach within the legal structure. Strengthening laws, improving enforcement, and encouraging sensitivity toward diverse social identities are necessary steps toward achieving meaningful equality. Through this analysis, the study aspires to contribute to a broader conversation on making justice more accessible and responsive to the realities of all sections of society.

1. Methodology

This research follows a doctrinal method of study, as it mainly relies on existing legal sources rather than fieldwork. The paper examines constitutional provisions, statutory laws, and important judicial decisions that address gender inequality and the social burdens experienced by individuals belonging to marginalized groups.

Primary sources such as the Constitution of India, legislations relating to equality and protection of rights, and landmark case laws have been referred to in order to understand the legal framework governing intersectional discrimination. Secondary sources including textbooks, journal articles, Law Commission reports, and reliable online databases have also been consulted to support the analysis.

The study adopts an analytical approach by interpreting how factors like caste, class, disability, religion, indigeneity, and sexuality overlap to create multiple layers of disadvantage. It further evaluates whether the present legal system adequately responds to these compounded forms of discrimination.

This methodology has been chosen to critically assess the gap between the promise of equality under law and the realities faced by vulnerable sections of society.

1.1.1. Key Arguments / Findings

Gender inequality in India cannot be understood by looking at gender alone. It is closely connected with other social identities such as caste, class, religion, disability, sexuality, and indigeneity. The idea of intersectionality helps us recognize that women and gender minorities experience discrimination in different ways depending on their social position. For example, a woman from a marginalized caste may face both caste-based discrimination and gender bias, making her social burden heavier than that of women from more privileged backgrounds. Even though the Constitution guarantees equality under Articles 14 and 15, the lived reality often reflects a gap between legal promises and actual practice.

The study also argues that the judiciary has increasingly recognized intersectional discrimination, even if the term itself is not always explicitly used. Courts have emphasized dignity, equal opportunity, and non-discrimination as part of the right to life under Article 21. Progressive judgments have expanded the understanding of equality, especially in matters concerning privacy, identity, and personal freedom. These developments indicate that constitutional morality is gradually shaping a more inclusive interpretation of rights.

Finally, the paper finds that adopting an intersectional approach is essential for achieving substantive equality rather than merely formal equality. The law must recognize that treating everyone the same does not automatically produce fairness, especially when people start from unequal positions. A more inclusive legal framework—supported by education, policy reform, and social awareness—can help reduce layered discrimination and move society closer to real justice.

1.2. Intersectionality and Gender Inequality

(Caste, Class, Disability, Religion, Indigeneity, Sexuality

2. Introduction

Gender inequality continues to remain one of the most persistent challenges in modern society. Although laws have evolved and constitutional safeguards promise equality, many individuals still experience discrimination in their everyday lives. What makes this issue more complex is that gender discrimination is often not faced alone. It intersects with other social identities such as caste, class, disability, religion, indigeneity, and sexuality. These overlapping identities create multiple layers of disadvantage, commonly referred to as intersectionality.

The concept of intersectionality helps us understand that inequality cannot be viewed from a single perspective. For instance, the struggles faced by an upper-class woman may differ greatly from those experienced by a woman belonging to a marginalized caste or a poor economic background. Similarly, a

person with a disability or someone identifying as part of a sexual minority may encounter forms of exclusion that are both social and institutional.

From a legal standpoint, India has made notable progress. The Constitution guarantees equality before the law under Article 14 and prohibits discrimination under Article 15. Yet, despite these protections, social realities often reveal a gap between legal ideals and lived experiences. This paper attempts to explore these contradictions and highlight the importance of strengthening legal responses to intersectional discrimination.

2.1.1. Understanding Intersectionality in the Legal Context

Intersectionality is not merely a sociological concept; it has strong legal relevance. Laws that aim to protect individuals must recognize that discrimination can occur in multiple and interconnected ways. Treating inequality as a single-axis issue risks overlooking those who are most vulnerable.

For example, reservations in education and employment were introduced to address historical disadvantages faced by certain communities. Similarly, protective legislation such as the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act reflects an understanding that social hierarchies continue to affect access to rights and opportunities.

When gender is combined with caste or poverty, the disadvantages often multiply. A woman from a marginalized caste may face discrimination not only in society but also in accessing legal remedies due to lack of awareness, financial constraints, or fear of social backlash. Recognizing these realities is essential for making the law more responsive.

2.1.2. Caste and Gender

Caste remains a powerful social structure in India, shaping opportunities and social interactions. Women from lower caste communities frequently bear the burden of both caste-based and gender-based discrimination. They may face barriers in education, unsafe working environments, and limited social mobility.

While the Constitution abolishes untouchability under Article 17, its social effects have not disappeared entirely. Legal protections exist, but enforcement is often inconsistent. This shows that the presence of law alone is not enough; awareness, accessibility, and effective implementation are equally important.

2.1.3. Class and Economic Inequality

Economic status plays a major role in determining one's ability to exercise legal rights. Individuals from economically weaker sections often prioritize survival over seeking justice. Legal procedures can appear intimidating and expensive, discouraging many from approaching courts.

Women in low-income households may enter informal labour sectors where workplace protections are minimal. Although labour laws and welfare schemes exist, their reach is sometimes limited. Intersectionality reminds us that economic inequality can intensify gender-based vulnerabilities.

2.1.4. Disability and Gender

Persons with disabilities frequently encounter structural barriers such as inaccessible infrastructure, limited educational opportunities, and social stigma. When gender is added to this equation, the challenges can increase further.

The Rights of Persons with Disabilities Act reflects a shift toward inclusivity, emphasizing dignity and equal participation. However, societal attitudes often take longer to change than statutes. True inclusion requires not only legal reform but also public sensitivity and awareness.

Religion and Cultural Norms

Religion and cultural practices influence social expectations, sometimes shaping gender roles within families and communities. While freedom of religion is a fundamental right, tensions may arise when personal laws appear inconsistent with broader constitutional values of equality.

Courts have occasionally stepped in to balance these concerns, emphasizing that dignity and individual rights must remain central.

2.1.5. Sexuality and Expanding Notions of Equality

The recognition of diverse sexual identities marks an important step toward a more inclusive understanding of rights. Judicial developments affirming privacy and dignity highlight that equality must extend to all individuals regardless of their identity.

However, social acceptance is still developing. Many continue to face exclusion in educational spaces, workplaces, and even within families. This gap between legal recognition and societal behaviour underscores the need for continued dialogue and awareness.

2.1.6. Role of the Judiciary

The judiciary has often acted as a guardian of fundamental rights by interpreting the Constitution in a progressive manner. Courts have emphasized that the right to life includes living with dignity, free from discrimination.

Public interest litigation has also made justice more accessible by allowing concerned individuals to approach courts on behalf of affected groups. Such mechanisms demonstrate that the legal system is capable of adapting to changing social realities.

2.1.7. Challenges in Implementation

Despite strong legal foundations, several challenges remain. Lack of legal awareness prevents many from asserting their rights. Social stigma can discourage individuals from reporting discrimination.

Education becomes crucial in this context. When individuals are aware of their rights, they are better equipped to challenge injustice. Legal literacy programs and community outreach can therefore play a transformative role.

2.1.8. The Way Forward

Addressing intersectional gender inequality requires a holistic approach. Laws must be supported by effective implementation, institutional accountability, and social change. Policymaking should consider the diverse realities of people rather than adopting a uniform approach.

Educational institutions, including law schools, have a responsibility to encourage critical thinking about inequality. Future legal professionals must be prepared not only to interpret laws but also to question whether those laws adequately serve marginalized communities.

3. Conclusion

Intersectionality provides a deeper understanding of gender inequality by revealing how multiple identities interact to shape lived experiences. While India's legal system has made meaningful progress toward equality, the persistence of social burdens shows that the journey is far from complete.

Ultimately, achieving gender justice is not only a legal obligation but also a societal responsibility. A truly equal society is one where rights are not limited by caste, class, disability, religion, indigeneity, or sexuality, but are accessible to all without fear or barriers. Viewing inequality through an intersectional lens moves us closer to that goal and reinforces the idea that justice must be inclusive to be meaningful.

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