



## **DALIT WOMEN: INTERSECTIONALITY OF CASTE, GENDER, AND LAW**

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### **INTRODUCTION**

Dalit women in India hold a distinct and marginalised place due to the combination of caste and gender, facing complex discrimination that the law frequently fails to adequately address. This research paper sheds light on and critically analyses how well the Indian state protects the rights of Dalit women. It emphasises the gap between constitutional ideals and the realities they experience daily. Feminism, which is supposed to empower women, has often left out those who suffer daily, both physically and mentally. These women lack awareness, knowledge, and power to change their situations. A statement by Bell Hooks<sup>1</sup> in 1984 sheds light on the imbalances within the feminist movement, and it remains relevant today.

As members of the oppressed Dalit community and as women in a patriarchal society, they endure systemic violence, social exclusion, and economic inequality. While the Indian Constitution and various laws seek to protect rights related to caste and gender, these protections often fail to address the realities Dalit women face. The idea of intersectionality, originally developed in Black feminist discussions, offers a valuable perspective for understanding how caste and gender together shape Dalit women's experiences. It shows the structural shortcomings of a legal system that often treats these aspects of identity separately. This paper looks into the intersection of caste, gender, and law to reveal how legal and social institutions continue to reproduce inequality, advocating for a more inclusive and transformative idea of justice.

The intersection of caste and gender is deeply rooted in Indian society, where ancient texts like the Manusmriti established a strict social hierarchy and outlined specific roles for individuals

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<sup>1</sup> Bell Hooks, *Feminist Theory: From Margin to Center* (South End Press 1984).

based on caste and gender. Dalit women, situated at the bottom of these caste and gender hierarchies, face double marginalisation.

They deal with oppressive practices like untouchability and social exclusion, along with the patriarchal oppression found in every caste. Dalit women bear the weight of multiple oppressions from caste, class, and gender, with caste being the primary source of their suffering.

Louis Dumont states,<sup>2</sup> "There is a fifth category, the untouchables, who are left outside the classification." These individuals, referred to as "Avarnas" or 'outcastes,' perform menial work deemed impure and are thus considered polluted, relegating them to the margins of caste society. Historically, they were known as 'Untouchables,' later labelled as the 'Depressed classes,' 'Harijans,' and 'Dalit,' the latter being their cultural and political identity and a symbol of change.

In the 1930s, Ambedkar led a revolutionary movement that challenged the established norms and beliefs of caste Hindus. This movement questioned the legitimacy of the caste system, which socially stratified Hindus in India. Dalits expressed their dissent against the dominant ideology not just in social and political contexts but also through literature.<sup>3</sup> Writing became a powerful way for them to voice their protest and pain against the oppression from Caste Hindus.

As part of the Dalit liberation movement, Dalit literature not only conveys the struggles of living as a Dalit in a caste-based society but also presents a revolutionary dialogue that questions the dominant caste structures in society.

## **UNDERSTANDING INTERSECTIONALITY: THEORETICAL FRAMEWORK**

Intersectionality, a term introduced by Kimberlé Crenshaw, explains how different types of social divisions,<sup>4</sup> such as caste, gender, and class, interact to create specific dynamics and effects. In India, Dalit women face discrimination not just as a mix of caste and gender bias, but as a unique and complicated combination that leads to distinct challenges.<sup>5</sup>

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<sup>2</sup> Louis Dumont, *Homo Hierarchicus: The Caste System and Its Implications* (Oxford University Press, 1999).

<sup>3</sup> Zelliot Eleanor, *From Untouchable to Dalit: Essays on the Ambedkar Movement* (Manohar 1996).

<sup>4</sup> Kimberlé Crenshaw, 'Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color' (1991) 43(6) *Stanford Law Review* 1241.

<sup>5</sup> Bhushan Sharma and K a Geetha, 'Casteing Gender: Intersectional Oppression of Dalit Women' (2014) 15(1) *Journal of International Women's Studies* <https://vc.bridgew.edu/jiws/vol15/iss1/16/>

**Caste:** The caste system is deeply rooted in Indian society. It places Dalits at the lowest levels, subjecting them to untouchability, social exclusion, and economic hardship.

**Gender:** Patriarchal norms further limit women's independence, movement, and access to resources.

**Class:** Most Dalit women are economically struggling, which increases their vulnerability.

## **HISTORICAL CONTEXT**

Historically, Dalit women were relegated to dehumanising and caste-specific occupations such as manual scavenging, bonded labour, and ritual servitude (e.g., the Devadasi system). These roles were not merely economic—they were ritually enforced and socially policed, justified through religious texts and caste ideology. In many cases, the female body itself was caste-marked, viewed as both impure and available, leading to normalised sexual violence against Dalit women by dominant caste men.

Moreover, patriarchy within Dalit communities—though distinct from dominant caste patriarchy also imposes constraints on Dalit women's autonomy. Dalit men, themselves victims of caste oppression, may internalise patriarchal structures and replicate gender-based hierarchies within the home and community. This internalisation does not negate the broader caste oppression but reveals the intersecting nature of caste and gender power dynamics.

What makes Dalit women's oppression particularly insidious is that it is structural, historical, and systemic. It is perpetuated by:

- State inaction and legal apathy, where law enforcement often fails to respond effectively to atrocities against Dalit women;
- Cultural stigma, which isolates them within both Dalit and non-Dalit spheres;
- Economic exclusion, which denies them mobility and opportunity;
- And social invisibility, where their voices are often missing from feminist, Dalit, and policy discourses.

Thus, the oppression of Dalit women must be understood not just as a sum of caste and gender injustices, but as a distinct experience of marginality, forged at the intersection of two oppressive systems: caste supremacy and patriarchy. This dual subjugation is not accidental—it is historically constructed and socially maintained.

To undo it requires more than formal legal protections—it demands a restructuring of social consciousness, community empowerment, and an intersectional approach to justice that recognises the specificities of Dalit women's lives.

For Dalit women, the burden is doubled. Not only are they marginalised because of caste, but they are also subjugated by patriarchal norms that govern both dominant caste and Dalit communities. The result is a layered and compounded oppression that limits their access to land, education, employment, bodily autonomy, and justice.

### **EVERYDAY DISCRIMINATION AND SOCIAL REALITIES**

**Education:** Dalit girls experience higher dropout rates because of poverty, social stigma, and a lack of institutional support.

**Employment:** Occupational segregation forces Dalit women into low-paying, often dangerous jobs, like manual scavenging and agricultural work.

**Violence:** Dalit women are more likely to be targeted for sexual violence, trafficking, and bonded labour. Such violence is often used to uphold caste hierarchies.

### **LEGAL SAFEGUARDS THROUGH THE LENS OF INTERSECTIONALITY: CASTE AND GENDER**

The lives of Dalit women in India are shaped by both caste and gender-based oppression. Although Indian laws aim to address discrimination, the complex nature of marginalisation is often not adequately addressed in both theory and practice.

**Constitutional Safeguards: Formal Equality vs. Lived Discrimination:** The Indian Constitution is a progressive document that acknowledges the historical wrongs faced by marginalised groups. For Dalit women, certain parts are particularly important:

Article 15 prohibits discrimination based on religion, race, caste, sex, or place of birth. However, Dalit women often experience compounded discrimination—not just as Dalits but also as women in a patriarchal society, and within their communities.

Article 17, which abolishes untouchability, is crucial.<sup>6</sup> for asserting Dalit dignity. Yet, social exclusion and symbolic violence persist, especially affecting Dalit women, who are often denied access to public spaces or subjected to degrading treatment.

Article 46 instructs the State to promote the educational and economic interests of the Scheduled Castes, but this promise is weakly put into practice. Dalit girls face higher dropout rates, limited access to healthcare, and discriminatory treatment, even in State institutions.

These articles are important, but they do not explicitly consider intersectionality. A Dalit woman's experience is not just about caste and gender; it is a unique reality arising from the combination of these identities.

### **KEY LEGISLATIONS: ARE THEY INTERSECTIONALLY RESPONSIVE?**

India's legal system has passed several laws to combat caste-based and gender-based discrimination. However, most laws focus on either caste or gender, rarely considering their combined effects.

**Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989:**<sup>7</sup> This Act is one of the few legal measures that recognise the connection between caste and gender. It criminalises various caste-based atrocities, including sexual violence targeted specifically at Dalit women—a violence that is both gender-based and driven by caste.

However, implementation is a significant issue. Dalit women often encounter police indifference, threats, or pressure to withdraw complaints. The intersection of the violence they endure is frequently overlooked during trials or investigations.

**Protection of Civil Rights Act, 1955:**<sup>8</sup> Based on Article 17 of the Constitution, this Act punishes practices of untouchability. Still, it is often underused, particularly in cases of institutional discrimination—such as when Dalit women are forced into manual scavenging, denied access to water, or segregated in schools.

**Protection of Women from Domestic Violence Act, 2005:**<sup>9</sup> This Act targets gender-based violence, but it does not account for caste-based vulnerabilities. Dalit women facing domestic

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<sup>6</sup> The Constitution of India 1950, arts 15, 17, 46.

<sup>7</sup> Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989.

<sup>8</sup> Protection of Civil Rights Act 1955.

<sup>9</sup> Protection of Women from Domestic Violence Act 2005.

violence may remain silent due to social stigma, fear of community backlash, or lack of access to helpful legal support.

**Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013:**<sup>10</sup> While the law is progressive in purpose, it mainly addresses formal urban workplaces. Dalit women working in informal sectors—such as agriculture, sanitation, or domestic work—are often left outside its protections.

Furthermore, their complaints may not be taken seriously due to caste-based biases within workplaces and complaint committees.

### GAPS IN LAW AND IMPLEMENTATION

Despite these legal provisions, Dalit women often find themselves beyond the effective reach of justice:

**Lack of Intersectional Approach:** Most laws address either caste or gender, failing to recognise the compounded vulnerabilities of Dalit women.

**Barriers to Justice:** Dalit women face intimidation, social ostracism, and institutional apathy when seeking legal redress. The conviction rate for rape against Dalit women is under 2%, compared to 25% for all women in India.

**State of Exception:** Violence against Dalit women is often normalised, and the law's inapplicability in their cases creates a "state of exception," where their rights are routinely violated without consequences.

### CASE STUDIES AND LIVED EXPERIENCES

**Sexual Violence and Caste-Based Atrocities:** Reports from Haryana and other states document the journey of Dalit survivors of sexual violence<sup>11</sup> through the criminal justice system, highlighting the specific barriers they face police refusal to register cases, threats from perpetrators, and societal stigma.

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<sup>10</sup> Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013.

<sup>11</sup> Human Rights Watch, "They Say We're Dirty": Denying an Education to Dalit Girls in India' (2014).

**Education and Employment:** Many Dalit girls drop out of school early due to harassment, lack of sanitation, and economic pressures. In employment, discrimination restricts their upward mobility, and they are often the first to be laid off during economic downturns.

**Dalit Feminist Standpoint and Activism:** Dalit feminist thought has been instrumental in bringing intersectionality into mainstream Indian feminist discourse. Dalit women's activism, both at the grassroots and national levels, has challenged not only caste and gender hierarchies but also the limitations of upper-caste feminist frameworks.

**Collective Action:** Organisations like the Swabhiman Society and Dalit Women's Rights Forums have provided legal aid, advocacy, and support to survivors of violence.

**Political Participation:** Dalit women leaders have increasingly asserted their agency in local governance and policymaking, though they continue to face resistance and violence.

## INTERNATIONAL PERSPECTIVES AND HUMAN RIGHTS

International bodies, including the United Nations<sup>12</sup> have recognised the unique challenges faced by Dalit women and called for targeted interventions to address caste and gender-based violence. Human Rights Watch and the UN Special Rapporteur on Violence against Women have highlighted the endemic nature of intersectional discrimination in India.

## RECOMMENDATIONS FOR CHANGE AND WAY FORWARD

### Legal and Policy Reforms

**Intersectional Legislation:** Enact laws that explicitly recognise and address the intersection of caste and gender.

**Effective Implementation:** Strengthen mechanisms for monitoring and enforcing existing laws, ensuring accountability of law enforcement agencies.

**Access to Justice:** Establish special courts and support services for Dalit women survivors of violence.

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<sup>12</sup> N Special Rapporteur on Violence against Women, its Causes and Consequences, Report on India, UN Doc A/HRC/26/38/Add.1 (2014).

## **Societal Transformations**

**Education and Awareness:** Promote gender and caste sensitivity through curricula and public campaigns.

**Economic Empowerment:** Facilitate access to education, skill development, and employment opportunities for Dalit women.

**Community Engagement:** Involve local communities in dismantling caste and gender hierarchies.

## **CONCLUSION**

While India's constitutional and legal frameworks provide strong tools for fighting discrimination, they mostly address either caste or gender separately. This one-dimensional view does not capture the complicated, overlapping, and systemic nature of the oppression faced by Dalit women.

Legal provisions like Article 15 and the Prevention of Atrocities Act aim for equality, but they often fall short due to the deep social hierarchies that Dalit women confront daily. Discrimination against them is not just an additional problem; it is fundamentally intersectional, embedded within social institutions, law enforcement, and community dynamics.

The absence of intersectional awareness in law and enforcement means that Dalit women continue to experience exclusion, violence, and neglect in both public and private spaces, despite legal protections. Legal recognition without meaningful social change simply maintains inequality under a veneer of progress.

If India genuinely wants to honour the spirit of its Constitution, it must fundamentally rethink its legal and policy frameworks. These frameworks should recognise Dalit women not just as Dalits or just as women, but as individuals whose identity and oppression are connected. This requires intersectional interpretation and application of existing laws, reparative justice measures based on lived experiences and strong political and institutional commitment to ensure that Dalit women are not just safeguarded on paper but also empowered.



The hope for justice for Dalit women does not lie in merely creating more laws. It calls for a reevaluation of the system from their viewpoint. Only then can legal protections evolve beyond symbols of equality and lead to true, transformative justice.