

“... ROLE OF INTERSECTIONALITY IN ADDRESSING AND SYSTEMATIC EXPLOITATION & OPPRESSION...”

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Abstract

"There is no such thing as single-issue struggle because we do not live single issue lives". The word intersectionality provides sufficient evidence to substantiate the quote. For well over two decades, feminist and critical work has focused heavily on theorizing and studying the intersection of class, race, gender, sexuality, and disability; "difference is one of the most substantial, yet awaited resolution, issues for feminist and social thinking at the outset of the twenty-first century. The concept of intersectionality is an analogy for seeing how several forms of drawbacks or inequality can occasionally compound one another to produce barriers that are frequently misunderstood by mainstream thought processes. Gender mostly is one of the identity characteristics that compile with other characteristic such as disability, age, race, ethnicity etc., leading to converged discrimination. This discrimination was not only confined to the communities of Dalit women in India, Quilombo in Brazil, Dalits in South Asia, Burakumin (Japan), Oru in West Africa, and Roma and Sinti throughout continents in the age of exploration. It till today is prevalent in various sectors among African American women, black gays, Muslim homosexual women and so forth. The paper seeks to give a thorough explanation of the term "intersectionality" in the context of India laws. The issue of horizontal discrimination is partially addressed by the numerous, albeit dispersed, anti-discrimination statutes in India. Therefore, there is no question that the abuse of these consistently unstructured rules by women, minorities, and other groups of individuals who are frequently considered to be the downtrodden results from them. Although intersectionality offers a way to address prejudice based on overlapping grounds, it is unacceptable for the so-called new left to use it to justify ideologies of exploitation that are only going to cause socio-political instability. Furthermore, since Indians have a propensity to absorb western ideas, it is imperative that the creators of the law create a framework that is extremely cohesive.

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Keywords:

Intersectionality, Racism, Homosexual, Religion, Single-axis discrimination, Feminists, victimization, Absolute extreme, Dalit Rights, Identity, Oppression, Right wing, New Left, Marginalization, Sexuality, Disability, Anti-discrimination, Equality, Prejudice.

1. INTRODUCTION

The complicated, cumulative process by which the adverse impacts of several types of discrimination—such as racism, sexism, and classism combine, overlap, or intersect especially in the lives of marginalized people or groups is known as intersectionality. The first section of the manuscript provides background information on the global evolution of intersectionality theory, with a focus on India. It then delves into the numerous forms of intersectionality as identified by Kimberlé Crenshaw, explaining how each form functions differently and results in the systematic exploitation of distinct citizen classes. It further deals with the ways how intersectional discrimination operates in the modern world by means of media, healthcare, gaming and television sectors to disempower the minority usually in a country. It further addresses the split-second challenges that India faces or might face in the application of intersectional theories into its core systems which generally result as a gaslight from the left-wing extreme feminist troops. It also provides potential arguments to necessitate the penalizing of offenses in relation to misuse of these laws and false victimization. It also advocates for the upholding of such laws which mandates the state's duty to guarantee equality. Hereby, the study not only ends the arguments of right-wing backers on whether intersectional marginalization truly predominates in contemporary society but also suggests the redressal mechanism to be formulated to effectively address it.

1.1 LITERATURE REVIEW

- ***Human Rights Watch, Caste Discrimination: A global concern (1996):*** The report examines how caste and decent-based discrimination and abuse present themselves in more than a dozen nations. It is intended to serve as an overview of the prevalence and worldwide scope of this underreported issue rather than a comprehensive review.

- *The Dominant Post Constitutional Indian Feminist Discourse, A critique of its Intersectional Reading of Caste and Gender (2022)*: The purpose of this paper is to foster a critical knowledge of the Indian context's use of the notion of intersectionality. It also explains that the absence of a well-defined intersectional approach is the fundamental criticism and promise of intersectionality.
- *Advancing Equity by Incorporating Intersectionality in Research and Analysis (2022)*: Through a better knowledge of why and how to analyze intersectionality when conducting research and analysis, this tool aims to enable people who develop, conduct, manage, fund, or monitor research and analysis in order to help promote equity.
- *Women's Legal Education and Action Fund, Intersectionality in Law and Legal Contexts (2020)*: This paper seeks to describe how lawyers include their understanding of the term intersectionality in their engagements. It examines how lawyers are presently dealing with term and how they should.

1.2 RESEARCH METHODOLOGY

This research work employed analytical and descriptive methods to break the issue down into elements and constituent sections and to classify the issue structure for its examination of vicarious responsibility in India. This research paper's methodology is based on secondary data, which implies it is based on some publicly available information, also known as primary data. The numerous data that have been mentioned in the research report are as follows.

- **Internet sources:** The diverse information that is readily available and cost-free on the Internet gives users a wealth of information.
- **Reports and articles:** The foundation of a report is a factual and graphical account of an incident, such as an accident's cause. Personal views and broad facts serve as the foundation for article writing.

2. HISTORICAL BACKGROUND

Although the term "intersectionality" is not yet commonplace, awareness of it in academic and political contexts is rising. in Black feminist scholar Kimberlé Crenshaw introduced the idea of intersectionality to the field of legal studies two pieces published in 1989 and 1991 to elucidate

But even before Crenshaw, W. E.

the ways in which race, class, gender, and other personal traits "intersect" and overlap resulting in the overall oppression and prejudice that a person encounters.

B. Du Bois proposed that certain features of the black political economy could be explained by the

intersecting paradigms of race, class, and nation

. Du Bois saw nation, race, and class to be societal

hierarchies that influenced African Americans' access to power, poverty, and position rather than primarily being categories of human identity.² Emma DeGraffenreid and four other black female

auto workers claimed in *DeGraffenreid v. General Motors*³ that the company's seniority-based layoff policy was a compound source of employment discrimination against black women. The

courts considered the claims of discrimination based on race and gender independently, concluding that the hiring of white female office workers and African-American male factory workers refuted the claims of gender and racial discrimination, respectively. The lawsuit was dismissed by the court as it refused to take compound discrimination into account. According to Crenshaw, in situations like this, the courts have a history of considering black women as either exclusively black or exclusively women, ignoring their distinct experiences. Thus, it wouldn't be wrong to state that long before the phrase "intersectional feminism" was created, its principles were known.

The rise of intersectionality "challenged the notion that 'gender' was the primary factor determining

a woman's fate," as author Bell Hooks characterized it.⁴ Numerous black feminists of the 19th and 20th centuries, like Anna Julia Cooper, challenged the historical marginalization of black women from the American feminist movement. This contradicted the notions of previous feminist movements, which were predominantly spearheaded by middle-class white women, by implying that women were a monolithic group with similar life experiences.⁵ However, feminists started looking for ways to comprehend how gender, race, and class interact to "determine the female existence" after it was revealed that the types of oppression faced by white middle-class women were distinct from those experienced by black, low-income or disabled women. It is crucial to

² Collins, Patricia Hill (2000). "Gender, black feminism, and black political economy". *Annals of the American Academy of Political and Social Science*.

³ *DeGraffenreid v. General Motors* 413 F. Supp. 142

⁴ hooks, bell (2014) [1984]. *Feminist Theory: from margin to centre* (3rd ed.). New York Routledge.

⁵ Davis Angela Y (1983). *Women, Race & Class*. New York: Vintage Books.

emphasize that marginalization, discrimination, subjection, and "excluding" affect a wide range of

women as well as "lesser males" and anybody else who is subordinated because they do not fit the idealized identity or are not acknowledged in connection to it. By focusing on this fundamental aspect of "identity," we can more clearly identify men's battle to politicize their own identities in opposition to internalized "Male identification" and show how intersectionality is experienced on a personal level as well. Thus, the concept of intersectionality recognizes that every individual experience oppression and discrimination differently, and that anything and everything that can marginalize people should be taken into account. Examples of these factors include ethnicity, socioeconomic status, sexual orientation, gender, physical capacity, and others.

2.1 RISE OF INTERSECTIONAL THEORY IN INDIA

Through Dalit feminist philosophy, the concept of intersectionality found its way into Indian

feminism. It made the case that gender and caste are intertwined systems that give rise to particular experiences for women who find themselves at the crossroads of both systems, i.e., Dalit women. In India, intersectional discrimination is a phenomenon, with Dalit women being disproportionately affected. These women were marginalized due to social prejudice against Dalits as well as their gender because they were imprisoned in a largely caste-based patriarchal society.

Dalit women were more vulnerable as a result of the combination of these various forms of oppression. On several levels, their experiences combine to produce an unending chain of violence. These tiers begin at the moment they experience their first act of violence, whether it be verbal, physical, or sexual.⁶

Even the violent acts that Dalit women endure are horrifying and heinous. Extremely nasty verbal abuse, nude parading, mutilation, making them drink urine and eat excrement, branding, accusations of witchcraft and subsequent executions, etc. are all experienced by them. A good portion of the violence also comes from being coerced into the devadasi system, sexual assault and threats of rape from upper caste members, as well as from members of their own communities. After that, there were issues with the police when reporting upper-caste offenders, which led to a lack of legal action against the aforementioned offenders. Between 2004 and 2013, the Center

⁶ <https://nyaaya.org/guest-blog/intersectional-discrimination-understanding-the-indian-perspective/>

for Dalit Rights group looked into 100 cases of sexual abuse against Dalit women and girls in 16 Indian districts. It was discovered that 46% of the victims were under the age of 18, and 85% were under 30. The perpetrators of the violence, including Dalits, belonged to 36 distinct castes. These women, who make up roughly 16% of all Indian women, suffer from the "triple burden" of economic hardship, caste discrimination, and gender bigotry.⁷

3. INTERSECTIONALITY AND ITS FORMS

Three distinct types of intersectionality are used and explained by Kimberlé Crenshaw in "Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color". These forms are used to characterize the violence that women face.⁸ Three types of intersectionality persist according to Crenshaw: representational, political, and structural intersectionality.

3.1 STRUCTURAL INTERSECTIONALITY

The term "structural intersectionality" refers to the way that various systems interact to highlight the disparities in the experiences that women of color have with rape and domestic abuse.

The concept of structural intersectionality describes how racism, sexism, and classism interact to oppress women of color and shape their experiences in many contexts. Using Crenshaw's structural intersectionality analysis, she conducted a field study on abused women. Crenshaw used intersectionality in this study to illustrate the multiple forms of oppression that women who are victims of domestic abuse must contend with.

3.2 POLITICAL INTERSECTIONALITY

Political intersectionality draws attention to two opposing political systems that divide women and

women of color into two marginalized categories.

Because race and gender frequently interact, the

⁷ <https://www-bbc-com.cdn.ampproject.org/vv/s/www.bbc.com/news/world-asia-india>

⁸ Crenshaw, Kimberle (July 1991). "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color". *Stanford Law Review*.

experiences of women of color are different from those of White women and men of color. Men of color face racial bias, whereas white women experience gender bias; nevertheless, the experiences of these two groups of people are not the same as those of women of color, who encounter both forms of prejudice. Crenshaw claimed that the political failure of the anti-racist and feminist discourses was the omission of the racial-gender nexus, which gives the interests of "women" and "people of color" precedence over one another, so underplaying the other.

3.3 REPRESENTATIONAL INTERSECTIONALITY

The concept of representational intersectionality promotes the development of imagery that is helpful to women of color. Women of color who are marginalized in representation due to sexism and racism are condemned by representational intersectionality. The necessity of having

representation of women of color in the media and in modern settings is further highlighted by representational intersectionality.

Thus, the first discusses how black women perceive rape and domestic abuse in a way that is qualitatively distinct from that of white women. The second looks at the contradictory way that anti-racist and feminist laws and regulations have made violence against Black women less visible. The third explores how popular culture representations of black women can mask their true realities in life.⁹

4. INTERSECTIONALITY IN MODERN WORLD

4.1 MEDIA QUARTER

Some scholars contend that since women are no longer subjected to physical abuse, there is less need to research intersectionality. But this is when the phrase becomes useful. In the contemporary world, intersectionality is used to describe discriminatory domains in a variety of ways. For instance, the phrase "intersectionality" refers to the media's obsession with missing white women, which demonstrates the role of intersectionality even in modern times. This phrase has an underlying charge that when persons with different identification markers disappear, the media doesn't focus on those cases as much. When it came to the *Gabby Petito Case* in 2021, the missing white woman syndrome was clearly visible. When Petito vanished while traveling with her fiancé,

⁹ Nash, J.C. (2008). Re-Thinking Intersectionality. *Feminist Review*, 89(1), 1-15.

the authorities began looking for her partner and the incident garnered international media attention.¹⁰

4.2 TELEVISION ZONE

Think about the coverage that Serena Williams and Michelle Obama have received from various media channels. Similar patterns can be seen in television shows and movies. **Presenting a Black woman or girl in small roles where she merely serves as a prop for the growth of a white main character is one way this may play.** Also, people with visible disabilities frequently struggle to be seen by society as anything other than their impairment. Other facets of their identity may become invisible as a result. In order to address this, a popular TikTok user by the name of Stephen has been teaching others about what it means to be homosexual and disabled. He talks about how his disability was such a dominant part of who he was that nobody noticed that he was LGBT.¹¹

4.3 HEALTHCARE AND GAMING SECTOR

In the healthcare sector, one well-known disability is ADHD. On the other hand, not much research has been done on this disability in women. This is due to the long-held belief that it exclusively affects men. As a result, the disease's symptoms and diagnosis were created with men in mind. Since women's ADHD has received less investigation, diagnosis is typically delayed until afterwards in life. A woman with ADHD may therefore experience particular oppression in the **medical field.** Black people have long experienced prejudice because of the color of their skin. Gay people have also experienced discrimination because of their sexual orientation. Therefore, black people who identify as gay experience twofold discrimination, which further disadvantages them.¹² Indeed, research has shown that black individuals similarly struggle with the issue of being underrepresented in studies on the lives of LGBT persons. As a result, social workers and health experts may marginalize and misunderstand the experiences of black homosexual people. Furthermore, it is imperative that medical professionals acquire cultural competency, which can

¹⁰ Furey, L., Turcotte, J., Sorrell, J., Urbina, N., Frisan, E., & Corrales, N. (2023). Missing Representation: Examining How Race Shaped News Coverage of Missing Women Surrounding Gabby Petito's Disappearance. *Journalism Practice*, 1-18.

¹¹ Drew, C. (February 17, 2023). *15 Examples of Intersectionality*.

¹² <https://www.yourdictionary.com/articles/intersectionality>

be achieved by investigating people's intersecting identities. It implies that doctors will be able to diagnose disorders or gauge the level of stress that patients experience as a result of marginalization more quickly if they have a deeper understanding of the intersecting identities of their patients.

In the gaming sector lastly, a mere one percent of African Americans works as video game creators, despite the fact that many African American teens who play video games are male. **An African American woman in the sector would experience particular racial and gender inequities**

since she is both a woman and an African American in a culture that is classified as 72% male and 68% Caucasian.¹³

5. INTERSECTIONALITY AND INDIAN ANTI-DISCRIMINATION LAW

As was previously mentioned, Crenshaw was the one who first used the word to criticize US antidiscrimination legislation. He claims that these rules do not adequately address intersectional discrimination since they treat "race" and "sex" as exclusive justifications for discrimination. This criticism is not equally applicable in India.

5.1 ANTI-DISCRIMINATION ACTS AND STATUTES IN INDIA

In India in addition to emphasizing equality before the law, **Articles 14, 15, and 17 outlaw untouchability and forbid discrimination based on caste, sex, religion, race, or place of birth.** Anti-discrimination laws are based on these provisions. Reservations for SCs, STs, and Other Backward Classes (OBCs) in government employment and educational institutions are intended to strengthen neglected communities and advance representation. Crimes against Scheduled Castes and Scheduled Tribes are made illegal by the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The goal of the Protection of Civil Rights Act of 1955 is to end untouchability. Gender-based wage discrimination is further addressed by the Equal Remuneration Act of 1976, the Maternity Benefit Act of 1961 and the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act of 2013. The National Commission for Minorities Act of 1992 and the Protection of Human Rights Act of 1993, further safeguard the rights of religious minorities.¹⁴

5.2 INEFFECTIVE COURT HANDLING OF INTERSECTIONALITY

Despite all these variant laws the ruling in *Aishat Shifa v. The State of Karnataka & Ors.*,¹⁴ by the Karnataka High Court, is widely disapproved due to its incorrect application of the reasonable accommodation test, failure to demonstrate how permitting the hijab for individuals who choose

¹³ <https://www.yourdictionary.com/articles.intersectionality>

¹⁴ <https://www.linkedin.com/pulse/discrimination-anti-discrimination-laws-discussing-legal-framework-ugjnf>

¹⁴ *Aishat Shifa v. The State of Karnataka & Ors.* (2023) 2 SCC 1

to wear it as a uniform accessory contradicts educational objectives, failure to acknowledge that the ban constitutes indirect discrimination against Muslim women, and incorrect elucidation of faith and conscience freedom.

The significance of the test established in the *Sarika* ruling is required in this particular case. The England and Wales High Court considered whether a female student from a minority religious community in the area—the Sikh community, in the case of *Sarika Angel Watkins v. The Governing Body of Aberdare Girls' High School*¹⁵—was the victim of indirect discrimination. As one can see, the ruling starts off by acknowledging that "school girls" had previously lost court battles in which they argued for the freedom to wear religious symbols in addition to their school uniform. Her intersectional identity is acknowledged by the ruling, which also acknowledges her gender and religious identity and refers to her as a "Sikh girl" or "Sikh school girl."

5.3 JUDICIAL EVOLUTION: REJECTING SINGLE AXIS APPROACH TO DISCRIMINATION

However, with passage of judgements the jurisdictions began to evolve revolting the 'single axis approach' to discrimination. This was relatively justified when Justice Chandrachud held the concurring opinions in *Navtej Johar v. Union of India*¹⁶ that allegations of discrimination under article 15 of the Indian Constitution may be based on multiple grounds. In the case of *Ravinder Kumar Dhariwal v. Union of India*,¹⁷ the Supreme Court upheld the same opinion. The Supreme Court also went into great detail in *Patan Jamal Vali v. The State of Andhra Pradesh*¹⁸ regarding the distinction between intersectional and single-axis discrimination. Additionally, it stated clearly that: Women may experience violence and prejudice on several grounds when their identities interact with that of their caste, class, religion, disability, and sexual orientation, among other factors. Hence, it would be prudent to state that courts are now rationalizing their judgements with the inclusion of the previously oblivion term - intersectionality. Even yet, it would take years for this gradual transition to be accurately implemented, and in the interim, the residents would only have access to somewhat sensible anti-discrimination measures.

¹⁵ *Sarika Angel Watkins v. The Governing Body of Aberdare Girls' High School* (2008) EWHC 1865

¹⁶ *Navtej Johar v. Union of India* (2017) 9 SCC 1

¹⁷ *Ravinder Kumar Dhariwal v. Union of India* (2021) SC 751

¹⁸ *Patan Jamal Vali v. The State of Andhra Pradesh* (2021) JC (SC)2856

6. CHALLENGES OF APPLICATION OF INTERSECTIONAL THEORY IN INDIA

The idea of intersectionality was created to understand how a person's entire encounter of discrimination is influenced by multiple factors. The beginning was modest though revolutionary. It started as a sociological theory describing multiple threats of discrimination when identities overlap with the number of minority classes, such as race, gender, age, ethnicity, and the like. But in current circumstances, this notion is approaching the extreme absolute.¹⁹

6.1 EXTREMIST VIEW

People in India started promoting the intersectionality theories of Herbert Marcuse, the Father of the New Left, as a result of the onset of capitalist globalization. India's famed Smash Brahmanical Patriarchy movement, which aims to replace India's native culture with a Marxist intersectional structure, was sparked by the New Left's call for the "denial of basic rights to those who espouse conservative values" in the country. In addition, this leftist scourge has unbreakable norms, one of which is agreeableness. Regardless of whether a woman, a lesbian, or a member of a minority holds differing opinions on its own, they would prefer to build platoons by agreeing to each other's viewpoints. Aside from this, it lends credence to the idea that oppression is influenced more by the interconnections of different axis of identity. For example, a person who identifies as brown and Indian in the United States of America may have some intersectional power; nevertheless, this strength will be diminished by the fact that he is also a male Hindu. A male brahmin who is a C/S General is regrettably "worse than a Hitler," just as in India. And given that you are at the top of the food chain as a black homosexual Muslim woman, your opinions are effective. Furthermore, as a result of leftist obsession, it has evolved into totalistic religion—that is, a religion that is undermining and destroying religion—by forging fictitious alliances between social and political groups that are primarily hostile toward the other and Indian culture and customs. The "privileged" who identify as Hindu, male, heterosexual, and who uphold the political and social norms of their country—which place a strong emphasis on the family—are the "other."

¹⁹ <https://moderndiplomacy.eu/2020/07/11/intersectionality-the-leftist-plague-destroying-western-society-part1>

6.2 INCOMPREHENSIBLE WEB

Another challenge to intersectionality could be the idea that if you comprehend more and more complexity and nuance because, in theory, there are inconceivable oppression axes and every issue can be infinitely toured and investigated further and further where you take more and more societal background and nuance into account, then you'll never come up with a conclusive result, is one criticism of intersectionality and is the reverse side of the above-named acknowledgement of complexity. Then every single theory and analysis is lacking and flawed. Thus, it is a warped and atrocious discourse that is causing a socio-political disorder and utter anarchy rather than a novel form of doubletalk.

6.3 VICTIMIZATION

Greater intersectional disadvantage is likely to influence trajectories of violent victimization, especially among people of color, since violence is a more persistent and enduring threat among these groups. There has been limited empirical work to examine how intersectional categories influence trajectories of victimization. For instance these days, a girl in Amity, Noida, is making headlines for a horrifying case in which she not only asked a group of twenty to thirty goons to beat up the victims brutally over a pointless parking dispute, but they also falsely filed a molestation case against them. One of the victims has been declared dead, and the other is still in the intensive care unit, fighting for his life.²⁰

7. INADEQUACIES OF CONTEMPORARY LAW IN ADDRESSING INTERSECTIONAL DISCRIMINATION

7.1 EXCLUSIVELY STATED GROUNDS OF DISCRIMINATION

The right to equality and nondiscrimination is protected under Article 14 of the Indian Constitution. But this fundamental promise is still far from being realized in the current legal system. In particular, because discrimination law statutes are dispersed and onerous, and hence, intersectional and horizontal discrimination are not addressed by the current constitutional and legal framework.

²⁰ <https://www.hindustantimes.com/education/justice-for-harsg-and-madhav-social-media-seek-justice-for-amitystudents-thrashed-over-parking-issue/story>

Intersectional discrimination is also not covered by Article 15 of the Indian Constitution. It clearly forbids discrimination based exclusively on race, religion, class, sex, and place of birth. This clarifies that the discrimination prohibited [in Article 15(1)] only applies to those forms of discrimination that are based only on an individual's race, caste, religion, place of birth, sex, or any combination of these factors. The Article does not apply to discrimination on the basis of any one or more of these factors in addition to other considerations.

7.2 SCATTERED LAWS

Laws such as the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the Transgender Persons (Protection of Rights) Act, 2019, the Schedule Castes and Schedule Tribes Prevention of Atrocities Act, 1989, and the Rights of Persons with Disabilities Act, 2016 protect distinct characteristics and function in compartments, making it impossible to file a claim of intersectional discrimination. Despite jurisprudence being implemented through multiple sections, this renders the law opaque and hard to understand. A person who commits an offense under the Indian Penal Code against a person or piece of property on the grounds that they are a member of a Scheduled Caste or Scheduled Tribe, for example, faces a term of ten years or more in prison, or they may be fined. This is stated in section 3(2)(v) of the SC ST act. Court interpretations of "on the grounds of" have frequently been limited to caste-based reasoning. Any intersectional analysis has been thrown out by such interpretations.

7.3 LIMITATION ON SCOPE AS TO IMPLEMENTATION OF LAW

The majority of the Indian Constitution's fundamental rights, including Article 15, are upholdable only against the government and not against private organizations. The only two exceptions are Articles 15(2) and 17, both of which are applicable to private organizations. Nevertheless, these two articles cover a narrow range of topics. According to Article 15(2), "No citizen shall be subject to any disability, liability, restriction or condition with regard to access to shops, public restaurants, hotels and palaces of public entertainment, on the sole basis of religion, race, caste, sex, place of birth, or any combination of them."

8. NEED OF ANTI-DISCRIMINATION ACT IN INDIA: RETORT TO INTERSECTIONAL DISCRIMINATION

Dispersed laws are not very effective in combating horizontal discrimination. The SC/ST Act does not mention any other form of protection other than caste, though it is applicable against private individuals. According to the RPWD Act, private organizations must disclose their equal opportunity practices. However, these responsibilities are not required. In a similar vein, the power dynamics between the employer and the employee present several implementation issues for the POSH act. At most, these laws offer a crude system for penalizing the organization that discriminates against the particular marks they cover. Nevertheless, not a single one of these laws mentions a proactive obligation to guarantee diversity and equality. Thereby, the antidiscrimination laws in India are insufficient and disjointed; they only safeguard particular identities, do not handle discrimination based on a variety of grounds, do not apply to the private sector, and have inconsistent remedies. These issues are not covered by any comprehensive equality legislation. As a result, there is a desire for a specific anti-discrimination Act as well as equality-ensuring regulations on the part of the state in the form of legally binding obligations. Inspired by Tarunabh Khaitan's 2016 Equality Bill, the Equality and Anti-Discrimination Bill, 2016 was the most recent attempt to draft a single equality law. It was introduced as a private member bill by Shashi Tharoor. Nevertheless, none of these bills directly address prejudice in the fields of public health, housing, work, education, or other sectors; nor do they address intersectional, structural, or systematic discrimination. Because of this, CLPR designed the Equality Bill, 2019 as a comprehensive law that forbids discrimination based on a variety of attributes and imposes duties to advance equality. The Equality Bill, 2019 aims to create Equality Courts for legal complaints, with a focus on civil litigation remedies—with the exception of slavery, which is classified as a criminal offense in accordance with the Supreme Court's ruling in *Tahseen Poonawalla v. Union of India & Ors.*²¹ Six chapters comprise the bill: Definitions, Prohibited Conduct, Prohibition of Discrimination in Certain Areas, Duty to Promote Equality, Equality Courts, and the Equality Commission.²²

²¹ *Tahseen Poonawalla v. Union of India & Ors.* (2018) 9 SCC 501

²² Aadhirai S, Deekshitha Ganesan and Jayna Kothari. Centre for Law & Policy Research. *An Overview of the Equality Bill*, 2019

The sanctions for inciting radical views of society based on gender, ethnicity, caste, and other traits, as well as making the offense of false victimization illegal, are the only aspects of this measure that are still outstanding. This is vitally important to stop the abuse of the legal protections for minority groups and other groups of individuals that are typically thought of as oppressioncentric. In addition, the dispersed litigation results in an abundance of cases for judges to consider, adding to the already heavy workload on the Indian judiciary as the number of cases pending in the Supreme Court is 72,062, in the High Courts it is 59,45,709 and in the District Courts it is 4,19,79,353 — which is alarming.²³

9. CONCLUSION

In a nutshell, intersectionality helps one to be relieved of the fact none of the factors determining exploitation left in the fight for justice and equality. It forms the basis to address multiple axis discrimination against diverse communities worldwide. The right-wing politicians believe that intersectionality is the way to a new caste system placing non heterosexual and non-whites on top directly stating that no society still incorporates the various forms of marginalization side lining the ones they believe on top. Contrary to this, the leftists persist in the belief that intersectionality started to address the black women's suffrage in America but should continue to create a political chaos all religion based targeted at the ones considered to be at top by them - the white, heterosexual males in particular. When considered on their own, these viewpoints reiterate the necessity for reasonable interpretations of the term and legislation that prioritize the overarching well-being of society and its citizens. In the Indian context, this is extremely significant because Indians were erstwhile beginning to identify intersectional discrimination in their legal interpretations a little over two decades ago. While creating a moderately proactive structure at this point will not only make it easier for society to accept, it will also fairly symbolize the somewhat dispersed anti-discrimination laws in India. The legislation as proposed in the record will give right-wing supporters a means of forbidding legal abuse and victimization while establishing fair channels of justice. Regarding the left-wing backers, an equality law will give them a platform to discuss and potentially address their issues of oppression stemming from various identities.

²³ Aishwarya Pratap Singh. The Hindu Business Lines. *A Burdened Judiciary Needs Help*, November 23 2022