

6.2 Intersectional Experiences

Survivors' access to justice is shaped by intersecting social locations such as caste, religion, gender identity, disability, migration status, and class. These intersections often result in partial, delayed, or discriminatory treatment within the criminal justice system, even when laws appear formally neutral. Caste-based sexual violence functions as a tool of social control. Dalit, Bahujan, and Adivasi women face systemic disbelief, police refusal to register FIRs, pressure to compromise, and intimidation by dominant-caste perpetrators. Judicial processes often depoliticise caste, treating violence as "individual crime" rather than recognising it as structural atrocity, despite protections under the SC/ST (Prevention of Atrocities) Act. These survivors experience compound marginalisation: gendered violence layered with caste exclusion. Courts may dilute charges, delay trials, or grant bail easily to perpetrators. Language barriers, geographic remoteness, and lack of legal aid further obstruct meaningful participation in judicial proceedings.

For Muslim women, sexual violence is often embedded in communalised environments, including riots, targeted harassment, and moral policing. Judicial responses frequently display bias through heightened scrutiny of survivors' character, silence around communal motives, and reluctance to recognise sexual violence as part of collective or pogrom-like harm. The sexual violence against Muslim women in communal riots are frequently documented by alternative media.

Transgender and gender non-conforming persons face legal invisibility and procedural exclusion. Police and courts may misgender survivors, refuse to file complaints, or deny applicability of sexual offence laws. The judiciary often lacks frameworks to recognise sexual violence beyond cisgender, heteronormative assumptions. The Trans Bill reduces punishment for sexual offenders of trans persons and has been facing serious protests and backlash from the community.

Class shapes access to justice through the ability to secure legal representation, attend repeated hearings, and withstand prolonged trials. Survivors from economically precarious backgrounds are more likely to face case withdrawal, forced settlements, or exhaustion-driven silence, while perpetrators with resources exploit delay as a strategy. Migrant workers, refugees, and internally displaced persons often lack documentation, stable residence, or local networks. These factors contribute to non-registration of cases, jurisdictional confusion, and heightened vulnerability to coercion, especially when perpetrators are employers, landlords, or state actors.

Survivors with physical, intellectual, or psychosocial disabilities encounter ableist barriers such as assumptions of incapacity, credibility deficits, and inaccessible court procedures. Consent is frequently misunderstood or denied altogether, leading to under-reporting and judicial dismissal.

The Story of Bilkis Bano

- <https://rsisinternational.org/journals/ijrias/articles/bilkis-bano-case-study/>

- <https://www.aljazeera.com/news/2024/1/9/why-did-indias-supreme-court-send-bilkis-banos-rapists-back-to-jail>
- <https://theleaflet.in/civil-justice/bilkis-bano-judgment-a-detailed-explainer>

India's New Criminal Law Offers Little Protection Against Sexual Assault To Men & Trans Men

<https://article-14.com/post/india-s-new-criminal-law-offers-little-protection-against-sexual-assault-to-men-trans-men--66d525fcde7a1>

Power and Abuse in the Trans Community

<https://journals.sagepub.com/doi/10.1177/26318318241306267>

Sexual Assault Against Transgender: The Definitional Void And The Absurdity Of Indian Penal

Provisions <https://www.livelaw.in/lawschool/articles/sexual-assault-against-transgenders-and-indian-criminal-laws-285326>

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