

# Intersectionality in Social transactions in India

## - B.R. Ambedkar's Vision

**K. S. Chalam \***

Chairman, Institute for Economic and Social Justice, Visakhapatnam

*\*Excerpts of Chief Guest Speech at Round Table Conference on, " Ambedkar and Intersectionality in Indian Society" organized by GRCR&D Centre, BRA Open University, Hyderabad , on 12<sup>th</sup> April 2025.*

Intersectionality as a method of studying the social transactions where in Oppression, Dominance and Discrimination are increasingly experienced by Black women in America is a new argument emerging to the growing social science subject matter. It is observed by scholars that several identities intersect black women overlapping with other forms of discrimination such as colour, gender, race and place of birth. It is often difficult to identify a particular bias as the reason for discrimination to address it so as to redresses their grievance. We need to examine the concept of intersectionality within the above terms of discrimination and suffering. The term intersectionality was coined by Kimberlie Crenshaw in her paper, "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Anti Racist Politics,"<sup>1</sup> in the year 1989. As professor of Law, Kimberlie Crenshaw found suits of intersectionality brought to courts and the increasing difficulty experienced by the black woman plaintiffs to prove the unfair treatment. Citing examples from General Motors, More Vs Hughes case where black women brought a suit when they lost jobs in the 1970s. The case shows the limitations of antidiscrimination laws remedial scope and normative vision. It may not be difficult to explain discrimination experienced by white women and black men, but the double discrimination of race and sex encountered by black women is broader than general category. It provides a distorted vision of racism if the privileged among the blacks are taken for scrutiny because it touches a subject of complex phenomenon touching several issues like age, ability, class, culture, religion, language, LGBT and other factors that associate with the act of discrimination. It is not just identity politics and the existing critical race theory is also short of recognizing the interrelationship among race, sex, and economic position etc of the victim. In fact one of the earliest sociologists in the USA who recognized the issue and theorized that race and class reinforce was WEB Du Bois, the Harvard professor. Interestingly, B.R Ambedkar had correspondence with Du Bois on several issues of discrimination is instructive now to reflect how it is relevant to understand double discrimination encountered by Dalit and lower caste women in India. The idea of intersectionality received international recognition under item 5 of Sustainable Development Goals of UNDP as a goal to achieve Gender Equality. The goal says 'end all forms of discrimination against all women and girls everywhere, elimination of violence against all women; undertake reforms to give women equal rights etc,' are some of the targets earmarked to be achieved by 2030. The UNDP

platform has given opportunity to discuss and debate about some of the issues that come under intersectionality , an issue that is basically originated in the legal framework of the USA.

The concept of intersectionality is relevant now to probe the issues of discrimination both at the work place, in public place, at home and in other circumstances of transactions. It is necessary that social scientists in India focus on this issue as mainstream social science discourse has failed to capture the nuances of black women in the USA. It is equally applicable to Indian Society and there seem to be total failure of the mainstream scholarship to project the issues for government and civil society action. One or two studies here and there do not signify the magnitude of the problem in relation to the size of victims particularly in recent times seen in terms of NCRB data. Caste, Tribe and Gender are significantly interacting in India and the application of intersectionality approach enhances the deep rooted prejudices built in to the system over a period of time. It is the failure of the mainstream social science discourse to capture the issues of marginalized communities of Blacks in America and Dalits , Adivasis and women in India that motivated the victimized scholars themselves to express their own narrative in their own terms and not others. In fact, Black scholars and activists started reflecting on the problems of Dalits in India as Isabel Wilkerson, the Pulitzer Prize winning author published a book on "Caste: the Origin of Our Discontents" in 2020<sup>2</sup> and several others are reported to have started writing projects on comparative studies. Isabel became famous for her saying that 'Caste is the bones, race the skin', though she maintains that caste and race are not synonymous.

There are attempts by scholars to project the issue of intersectionality and its quantification in their studies. Though reports of the government agencies and NGO activists are available in the public domain, they are hardly capturing the imagination of the prominent or dominant intellectuals who have easy access to media in India to portray the agony. One prominent group that came up in the name of Subaltern studies after post colonial upsurge in academic publications originated in England and has gathered some heat. The explosion of publications for the growing market in English after the Cultural Studies helped some scholars to reach international standards and market appear to have been collapsed after two decades. It appears that the internal contradictions of selecting topics and ideas and the overindulgence of some Bhadrakol scholarship with little space for the subaltern experiences (with one or two) resulted in the disintegration of the project. Now the intellectual space for studies on intersectionality , a term more suitable to Indian social conditions than anywhere else is thrown open for scholars to explore academic ventures. However,

the limitations of the experiences of intersectionality of black women in America to replicate it in India need to be recognized before getting deep in to it.

Though, black women in USA and dalit women in India share common categories of abuse and shameful treatment both in public and private space, Dalits in general are subjected to more and deep rooted prejudices. It is a fact that Blacks and Whites in America are settlers where as Dalits are Native Indians. If you read Babasaheb Ambedkar's writings particularly his unpublished writings and speeches, one can notice how he looked at the whole problem of Untouchables in historical, sociological and ethical considerations. He has noted that caste system in India is beyond the human civility not seen in any part of the World. Black Americans whether men or women were not subjected to discrimination in Africa in their native countries but treated as slaves in foreign land where they were brought in chains as a minority group. Even in the USA, there are no cases of untouchability, the most heinous human practice observed even in temples in India. No Black American has ever considered as untouchable in a church. The Constitution of India is not the same as that of United States of America with 7 articles. The founding fathers of America had neither consulted the Native Americans nor the black slaves in making their constitution. The Indian Constitution as we discuss below is comprehensive and widely consulted with all stake holders.

### **Ambedkar and Concept of Intersectionality**

In the well known address to the Jat-Pat-Todak Mandal prepared by Ambedkar to be delivered on invitation, but not materialized owing to the cancellation of the conference itself on the ground that the views expressed in the speech was unbearable to the conference. It was later published as "Annihilation of Caste" in 1936.<sup>3</sup> This is one of the most significant statements on the caste system in India thus far and has vehemently argued for its annihilation. It is in this document with a reply to Mahatma Gandhi who said caste has nothing to do with religion and sastras in response to Ambedkar's speech published in 'Harijan' journal, Ambedkar had clearly stated the differences between him and the Mahatma on the caste system. It is known by 1936 that Mahatma Gandhi and Babasaheb Ambedkar had continuous dialogue and confrontation from that of Round Table conference in 1931 to that of Pune Pact in 1932. He was already nominated to the Bombay Legislative Council in 1926, was Professor of Government Law College and then Principal with a stint of practice at the High Court of Bombay High Court, had enough knowledge in theory and practice of social struggles in India. Therefore, the idea of intersectionality brought out by Black Women in the USA had its precedence and resonance in the writings of Ambedkar. In fact, socialist leaders like Madhulimaye compared the 'Annihilation of Caste' with 'Communist Manifesto'. Murzaban Jal a Marxist Scholar compares Ambedkar with Gramsci and laments the failure of Brahmin scholar's to understand the intensity of caste in Asia as part of Asiatic Mode of Production.

The disappointment of the mainstream Social Sciences discourse both in India and USA can be reflected in terms of the regrets expressed both by Ambedkar in the early part of twentieth century and Kimberlie Crenshaw in 1989. We have noticed that there were 150 books published on caste by 1986<sup>4</sup>. However, the number of publications and the journals on Caste and Social system in India today has reached vast proportions with huge market now. Yet, they seem to have

failed to capture the intersectionality of caste, sex, age, colour, place of birth, social practices etc in their studies. The annual reports published by the Ministry of Social Justice and the National Crime Records Bureau touch upon some of these aspects. But, rarely do the studies of scholars capture the composite nature of the problem. An attempt was made by K.S.Chalam<sup>5</sup> to conceptualize the Composite Index of Discrimination (CID) based on the data culled out from the Report of Justice Punnnayya Commission in Andhra Pradesh in 2001. The index is composed of 4 important indicators of caste discrimination that is universal in India. They are: 1. Restriction of Temple Entry 2. Two Glasses System 3. Restriction of Dhobi/Barber services and 4. Restriction of common Drinking Water sources. The results of the study were published in an article and the summary was reproduced in the book 'Political Economy of Caste in India'. There are also studies on labour market discrimination, gender discrimination, atrocities, untouchability etc. But, there appears to be few empirical studies on intersectionality in India as enunciated theoretically by Black women, though studies by Uma Ckavarathy, Rege and others are attempts to capture with this idea. However, the quantity and quality of the studies as of now is insignificant in view of the size of the dalit, adivasi, service caste victims and marginalization of even upper caste women in India. It is perhaps due to the lack of theoretically sound methodological framework that should cover the major aspects of intersectionality as applicable to Indian conditions. As noted above for example, Blacks do not suffer the insults of two glass system. It is in this context, it is instructive to examine the vision of Ambedkar who was the harbinger of studies on intersectionality of Hindu caste, gender, work, colour, ethnic origin, language, religion and other factors that are not so significant in the USA.

### **Multi Dimensional Nature of Caste Discrimination**

The intersectionality of Indian society as a unique tradition in the World surviving with the active support of the few professionals with the connivance of the ruling elite was systematically analyzed by JotiRao Phule in his "GulamGiri" book and memorandums submitted to the British India officers during the 19<sup>th</sup> century before the birth of Ambedkar in Maharashtra. Along with this modern approach to democratic form of protest portend Ambedkar and he has noted the contributions of protest poets like Namdev, Chokmela etc in Maharashtra. In fact, the Justice Party struggle against the hegemony of the Brahmin in the Madras presidency had its bearings in the struggles of Sri Narayana Guru, Vemana, Veera Brahmendra Swamy, Periyar etc., in the South and Ravidas, Kabir and Sikh Gurus and others against the caste tyranny in the North have already raised issues of intersectionality. The content of protest poetry consist of how Brahminical Hinduism is responsible for discrimination, oppression, untouchability, patriarchy, exploitation and other disabilities perpetuated in the name of purity and pollution. Dr Ambedkar being exposed to western education and free society with ideological orientation of the Fabian Socialists at London School of Economics got the message and has critically articulated the caste tyranny and presented it at the Round Table conferences at London. Most of his writings have remained unpublished during his lifetime.

Though Gandhi had a quarrel with Ambedkar as to who should represent untouchables at the Round Table Conference, Ramsay McDonald the British Prime Minister being a Fabian

Socialist and First Labour head of Government in the UK agreed with Ambedkar for the constitution of separate electorates in Indian Elections. This led Gandhiji to go on fast unto death and the episode ultimately forced Ambedkar to sign an agreement with Gandhi in 1932. This popular Poona Pact can be considered as a 'Social Contract' between Savarnas represented by Gandhi and Ambedkar representing the Avarnas of Dalits and others has a potential message for the forthcoming 1935 Government of India Act. The castes of untouchables listed in the 1911 census based on 10 tests of untouchability were attached to the Act to be called henceforth as Scheduled Castes and Tribes and down with the term depressed classes thereafter.

There are several dimensions of struggles that the depressed classes have waged under the leadership of Ambedkar. It is reported that the failure of the Cripps mission in 1942 where in Ambedkar seem to have met the Cripps mission with M.C Rajah and later dissolved the ILP. Ambedkar was nominated to the Viceroy's Executive Council as Labour Member (Minister) in July 1942. Ambedkar should have continued as Minister or Executive Council Member till 1947 in the natural course but, joined Nehru government after getting elected to the Constituent Assembly from Bengal in 1946. He spoke on the objective resolution moved by Nehru in November and noted that "coming as the resolution does from Pandit Jawahar Lal Nehru, who is reputed to be socialist, this resolution; I should have expected him much further than he has done in that part of the resolution"<sup>6</sup>. It is here he lamented that the resolution speaks only about rights and does not speak of remedies. After realizing that the Constituent Assembly may not take on itself the issues relating to the minorities ie, scheduled castes and tribes, he has prepared a document on the lines of a Constitution and got it submitted to the CA by the SC Federation in 1947. It is popularly known as "States and Minorities" consisting of the issues of the lower castes and the problems of Federation after the adoption of 1935 Act. The issues of intersectionality can be found in the document.

Dr Ambedkar as Chairman of the drafting committee of the Constitution of India in his Farewell address on 25<sup>th</sup> November 1949 humbly thanked everyone who contributed to the collective involvement in the making of the Constitution. He has further noted that, "I feel however good a Constitution may be, it is sure to turn out bad because those who are called to work it, happen to be a bad lot. However bad a Constitution may be it may turn out to be good if those who are called to work it, happen to be good lot."<sup>7</sup> This speech is considered as one of the classic addresses of our Parliamentary democracy where Ambedkar envisioned the scope of Constitution for expansion quoting Jefferson that "each generation as a distinct nation". It is here he has underlined the fact that 'we are going to enter in to a life of contradictions ...how long shall we continue to deny equality in our social and economic life? If we continue to deny it for long, we will do so only by putting our political democracy in peril... Those who suffer from inequality will blow up the structure of political democracy.' The most significant point that Ambedkar brought in to the domain of our conscience is that we are cherishing a delusion of believing that we are a nation, how can people divided in to several thousands of castes be a nation?. The castes are antinational. This is the crux of the problem of intersectionality that Ambedkar as Scholar statesman unfastened for the generation of scholars and leaders to ponder over to find

solutions. I think this message has not been taken seriously either by his followers or the academics who interrogate him to identify issues for collective action. In fact, critiques are trying to limit him to the Constitution making to call him a false god without considering the totality of his mission starting from his first academic paper on castes in 1916 and till his parinirvan through Nagpur conversion in 1956. Those who can perceptively read his last message in the Constituent Assembly should feel that the struggle is beyond the four walls of Parliament. Some of the issues of discontent in the caste society were clearly laid in the 'States and Minorities,' document submitted to the Constituent Assembly.

### Limitations of Intersectionality in India

It is necessary to reflect here about the limitations of intersectionality of Black women in the USA and its application here in India. Though Oppression, Domination and Discrimination are common to both blacks and Dalits, Blacks do not suffer from the indignity of untouchability even in places of worship. Blacks as African American slaves and the Whites as oppressors are settlers there while the Native Americans as indigenous Americans are thrown in to some kind of tribal sovereignty making them as original people in the American Constitution. Perhaps Ambedkar knew that the CA may not accommodate his concerns, he prepared the document that constitute all the important aspects of discrimination, 21 rights and the remedies in times of invasion of the fundamental rights including economic rights. It is here Ambedkar noted that land be nationalized and the implementation of the Industrial policy of 1945 U.K Labour government in India, making provision for nationalization of industry, mixed economy and state socialism. The proposed preamble noted in the document consists of 5 objects including blessings of self government and good governance. This document had in its consideration intersectionality of Indian social system. Therefore, Ambedkar championed the issues relating to the upper caste women who were treated as low as the dalits without any right to inherit property. There used to be two dharmasastras in India that speak about family law and inheritance as Mitakshari in some parts and Dayabhaga in the Eastern part of India. Nehru in consultation with the Law Minister Ambedkar wanted to bring reforms in Hindu Law. A committee was appointed under B.N.Rao to submit a report as back as in 1941 and it was taken up for discussion in the Parliament in 1947. Dr Ambedkar as a scholar and legal expert prepared a huge Bill bringing all the issues of women inheritance and status was in fact echoed already by B.N. Rao committee and accepted by Nehru. But, it was not accepted in the Constituent Assembly due to the vehement opposition from the Hindu fundamentalists. Nehru expressed his helplessness and Ambedkar took it as a challenge and resigned. However, Ambedkar has skillfully kept some of the important issues that were dear to him as part of Directive Principles of State Policy in the Constitution. They are not available to Black Americans except the Bill of Rights and few amendments brought through civil society struggles of Martin Luther Jr. and others.

The orthodox elements in parliamentary democracy have been undermining the issues of equality, justice; liberty and fraternity seem to have gained ascendancy both in parliament and judiciary to undermine the issues of intersectionality in India. It is strange to find that the Judiciary has invented a doctrine called Basic Structure to protect the property of a



mathadipathi of Kerala, KesavandaBharati. It is a mystery and Magic as per Upendra Baxi<sup>8</sup> that the BSD is still being discussed while the inhuman practice of lynching in the name of cow, caste and tradition are perpetuated under the nose of the apex court. It is strange that any structure to use a metaphor, rests on a foundation and the Indian judiciary has taken for itself the doctrine without looking at foundation of Indian Constitution that was federalism, diversity, freedom of expression and equality of opportunity and not preferential treatment for the few. Even the Vice President of India Jagdeep Dhankar a former Constitution lawyer himself questioned the validity of BSD and made controversial statements against Supreme Court for lack of its accountability.<sup>9</sup> Yet, the issues of discrimination and division of people in the name of caste are being perpetuated with active support of shrewd dwija intellectuals both among the civil society and in judiciary with subversion of constitutional morality. It is here the indulgence of not only secular civil society organizations but also academics with sound theory and empirical evidence needed. It is not just a legal or moral issue, it is the very existence of life of the majority of people men and women, who are marginalized with dubious and corrupt and false propaganda. This is not a small issue to be considered as a research topic for study, but a gigantic civilizational issue that needs the indulgence of groups of scholars to engage in the development of theoretical and realistic approach to encounter a global issue. In fact more than anyone in India, Ambedkar was the first person to see the unique identity of Manu and Hitler through Nietzsche. In his unpublished writings it is stated that, "if there is any difference between Manu and Nietzsche, it is this. Nietzsche was genuinely interested in creating a new race of men which will be race of Superman as compared with the existing race of men. Manu on the other hand, was interested in maintaining the privilege of a class who had come to arrogate to itself the claim of being Superman."<sup>10</sup>

### The Future of Diversity?

It is in this context, we may reflect how Donald Trump has abolished the age old rights obtained by the blacks and other minorities through protracted struggles in USA in the month of March 2025. The USA programme of Diversity, Equality and Inclusion (DEI) has been in use to facilitate entry of blacks and minorities in to educational institutes and employment. He has been doing the undoing in association with his fellow German origin Musk. It has already started affecting the blacks and other minorities and with the active support of the judiciary it might wipe out the very existence of black population in America.

The American Dream of millions of Indians is shattered with fellow Indian origin American policy makers limiting the entry of the first generation educated Indians with visa restrictions. It is instructive to note that already the American

people have started reacting against the policies of Trump-Musk in a very innovative economic means of protest at the sales outlets that seem to have adversely affected the demand for goods of the oligarchy of the few, as noted by Biden. There are several issues open now for study by scholars. This is going to be a continuous agenda of research for activist scholars and others to engage and enlighten the people in general and social Sciences scholarship in particular.

### End Notes

1. Kimberlie Crenshaw, "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Anti Racist Politics," The University of Chicago Legal Forum, 140, 1989, pp 139-168
2. Isabel Wilkerson, Caste: the Origin of Our Discontents, Random House, New York, 2020
3. Ambedkar B.R, Dr.Babaseb Ambedkar: Writings and Speeches, Dr Ambedkar Foundation, New Delhi , 2014 Vol I 'Annihilation of caste' and other writings
4. Chalam.K.S. Education and Weaker Sections, Inter India Publications, New Delhi, 1988
5. Chalam.K.S, "Offences and Atrocities against Scheduled Castes in Andhra Pradesh: An Empirical Investigation", Social Action, Vol. No. 54, January – March 2004.
6. Ambedkar B.R, Dr.Babaseb Ambedkar: Writings and Speeches, Dr Ambedkar Foundation, New Delhi, 2014 , Vol 13 p 8
7. Ambedkar ... Vol 13 p 1210
8. Baxi Upendra, "understanding the mystery and miracle of the basic structure", NUJS Law Review, October – December, 2023 1 and NUJS L. Rev. 4 (2023)
9. Editorial, The Times of India, daily 18 April, 2025, Visakhapatnam.
10. Ambedkar B.R, Dr.Babaseb Ambedkar: Writings and Speeches, Dr Ambedkar Foundation, New Delhi, 2014 , Vol 3 p 123