
CRITICAL RACE THEORY AND ITS APPLICATION IN THE INDIAN CONTEXT

Raviksha Bansal, Gujarat National Law University, Gandhinagar

ABSTRACT

This paper discusses the theoretical and critical methods of Critical Race Theory (CRT), which was initially conceived in the United States. It brings its fundamental principles to bear on the Indian socio-legal context—specifically concerning caste discrimination. CRT began life in the 1970s as a reaction against the perceived shortcomings of liberal legal strategies for confronting racial injustice. Based on the writings of such scholars as Derrick Bell, Kimberlé Crenshaw, and Richard Delgado, CRT is focused on structural determinism, interest convergence, intersectionality, and revisionist history in criticizing how the law perpetuates systemic inequality. Though CRT originated in the racial relations of American society, its analytic tools are amazingly applicable to India's deep-seated caste system. The paper contends that caste in India operates similarly to race in the U.S.—as a socially maintained and historically created hierarchy that ensures exclusion, violence, and marginalization, most notably against Dalits. Analyzing major Indian constitutional provisions and legal protections—Articles 15, 17, 46, 330, and the SC/ST (Prevention of Atrocities) Act—through a critical perspective, the paper identifies their shortcomings in ensuring substantive equality. By applying CRT to an Indian context, the article argues that legal change has generally been superficial and ineffective in deconstructing the entrenched socio-structural power of discrimination based on caste. The doctrine of intersectionality is particularly imperative in identifying the specific vulnerabilities of Dalit women who undergo multiply compounded oppression as a result of their caste and gender. Finally, the paper advocates for a paradigm shift in Indian jurisprudence—one that transcends formal equality and accepts transformative legal strategies directed towards structural change. CRT, while not a prescriptive solution, provides a compelling critique and an emancipatory methodology for reconsidering the law's role in reinforcing or eradicating caste hierarchies in India.

Introduction

Critical Race Theory (CRT) is an American intellectual and activist movement that started in the 1970s as a response to the perceived stagnation of the civil rights era of the previous decade. Founded by scholars and legal theorists, CRT was developed to critically examine and transform the relationship between race, racism, and power within American society. It challenged the limitations of traditional civil rights approaches by introducing new ideas and perspectives on how racial inequality is maintained.¹ CRT is not a unified doctrine but rather a movement by scholars of color whose work challenges the ways in which race and racial power are constructed and represented in American legal culture.²

One of its core beliefs is that racism is not an aberration but a regular, everyday experience for people of color in the United States. It critiques the idea of ‘color blindness’ in law and policy – arguing that such formal equality, which ignores race altogether, often perpetuates systemic discrimination rather than remedying it. Secondly, CRT highlights that racism persists because it benefits the white elites materially and the working-class whites physiologically. It argues that steps forward in racial justice often result from the self-interest of whites rather than from the desire to help blacks. Third, CRT holds that race is not a biological or fixed reality but a social construct – a fluid category used, manipulated, or retired based on convenience.³ These are the core principles that have guided the CRT movement, their main aim being not merely to understand but to transform the relationship between law and racial power.⁴

While CRT was developed to combat white supremacy and analyze race in America, its core ideas resonate profoundly with the social hierarchies of India. In Indian society, key social determinants include caste, color, gender, income, language, state, religion, etc. Among these, caste is one of the main sources of prejudice, and caste discrimination in India has many factors similar to the racial discrimination prevalent in America. Much like race in the United States, caste in India functions as a socially constructed hierarchy that has historically dictated access to education, dignity, economic opportunity, and justice.

¹ Richard Delgado and Jean Stefancic, *Critical Race Theory, Fourth Edition: An Introduction* (NYU Press 2023) 3.

² Kimberlé Crenshaw, Neil Gotanda and Gary Peller, *Critical Race Theory: The Key Writings That Formed the Movement* (The New Press 1995) xiii.

³ Delgado and Stefancic (n 1) 8–9.

⁴ Crenshaw and others (n 2) xiv.

The caste system is divided into four hierarchical varnas – Brahmin, Kshatriya, Vaishya, and Shudra – alongside a fifth group, the Panchamas, who fall outside the system. The Dalits belonged to this group and were labeled the “untouchables”. Each varna was assigned a traditional occupation, and the Panchamas were required to do all those jobs that, although necessary, were too polluting for the other varnas.⁵ Even though untouchability was outlawed after independence, the Dalits continue to face systemic discrimination, prohibiting them from leading a life of dignity.

More prevalent in rural India, the “untouchables” are often forbidden from crossing the line that divides their part of the village from the part occupied by higher castes; they are not allowed to use the same wells, visit the same temples, or drink from the same cups. Dalit children are usually made to sit at the back of the classrooms and are often mistreated, creating an obstacle to their education.⁶ Not just the villagers, but also the state officials discriminate against them by allocating poorer resources and facilities to them and reinforcing “untouchability”. These practices do not stop even in times of life-endangering natural disasters. Various instances of widespread abuses, including social ostracism, denial of entry into public spaces, caste-based violence, and the persistence of manual scavenging, have been documented for years.⁷ These patterns of exclusion and subordination are not aberrational but embedded deeply in the everyday experiences of Dalit communities – mirroring CRT’s insight that racism (or in this context, casteism) is endemic and normalized.

Dalits remain at the bottom of India’s socioeconomic hierarchy. Many are marginal farmers or landless labourers who get stuck in the vicious debt cycle due to the exploitative practices of moneylenders. They form a considerable chunk of the poverty statistics of the country and are unable to better their condition because of their caste. They have very few employment opportunities, and their children are unable to get a proper education due to constantly being discriminated against by the teachers and the students. They also face many instances of caste-based violence and are often unable to get proper healthcare.⁸ These patterns strongly echo the dynamics CRT exposes in American racial politics – suggesting that, although CRT originated

⁵ Sharjeel Sabir, “Chimerical Categories: Caste, Race, and Genetics” (2003) 3 *Developing World Bioethics* 174.

⁶ “Caste Discrimination: A Global Concern” (*Human Rights Watch*, 2001)

<<https://www.hrw.org/reports/2001/globalcaste/caste0801-03.htm>> accessed March 22, 2025.

⁷ *ibid.*

⁸ “Dalits in India” (*Minority Rights Group*, October 16, 2023) <<https://minorityrights.org/communities/dalits/>> accessed March 22, 2025.

in a different context, its core analytical tools can be translated to help critique the caste-based injustice in India.

Understanding Critical Race Theory

Origin

Critical Race Theory (CRT) developed during the late 1970s and early 1980s as a response to the insufficiency of the conventional civil rights approaches in meeting deeply rooted racial disparities in the United States. It began to take root first in American law schools, specifically as an offshoot of the Critical Legal Studies (CLS) movement, which challenged the objectivity and neutrality of legal rationality.⁹ However, scholars of CRT—many of whom were themselves people of color—felt that CLS did not adequately consider the particular and persistent function of race in structuring social hierarchies and legal frameworks.¹⁰ And so CRT emerged not as simply a theory of law but as a movement that integrated scholarship, activism, and critical pedagogy to examine the structural and ideological bases of racial power. The movement is most commonly traced back to the writings of Derrick Bell, the first of many Black tenured professors at Harvard Law School, who critically addressed the confines of civil rights lawsuits.¹¹ Within his renowned book *Race, Racism and American Law* (1973), Bell challenged the prevailing legal strategies that applauded courtroom victories such as *Brown v. Board of Education* while disregarding the lived lives of Black Americans, especially in education, housing, and work.¹² In the early 1980s, when Harvard Law School didn't hire another Black scholar to replace Bell upon his resignation, students launched "The Alternative Course" to carry on his teachings—this event is commonly known as the institutional birth of CRT.¹³

Main Themes

The CRT movement includes four main themes:

1. Interest Convergence and Racial Realism

⁹ Delgado and Stefancic (n 1) 4.

¹⁰ Crenshaw and others (n 2) xiii-xiv.

¹¹ *ibid.* xxi.

¹² *ibid.* xx.

¹³ *ibid.* xxii.

These concepts were introduced by the late Derrick Bell, one of the first creators of CRT. Derrick Bell's *Interest Convergence* theory argues that racial justice for minorities is only pursued when it serves the interests of the white majority, especially white elites. This theory contradicts the notion that legal progress for racial minorities is motivated by altruistic moral concern; rather, it is motivated by strategic self-interest.¹⁴

In his 1980 essay *Brown v. Board of Education* and the Interest-Convergence Dilemma, Bell analyzed the landmark 1954 Supreme Court ruling that invalidated segregation in public schools.¹⁵ Bell contended that *Brown* was not adjudicated largely on the basis of moral indignation at racial injustice but because desegregation was in America's general interest at the time of the Cold War, when America needed to present a vision of racial progress overseas in order to counter Soviet criticisms.¹⁶ Hence, for Bell, even landmark victories in civil rights law must be critically analyzed in terms of **who** it benefits and **why** such change was allowed by the system. This theory goes against the liberal assumption that justice is neutral and inevitable and is considered radical.

Racial Realism is Bell's darker perspective that racism is a permanent and indestructible aspect of American life. In place of expecting complete racial equality, Bell urges minorities to fight against racism even when it is eternally embedded and find worth in the unity of struggle, dignity, and solidarity. This theory says that racism is not a short-term deviation that can be cured with improved laws and greater openness of mind. Rather, it is systemic and structural, built into the very institutions that organize society, including the legal system, the economy, and the political system. Instead of working towards a myth of racial equality that is ultimately unattainable, Bell believes that a more realistic strategy of racial justice is called for. He proposes that activists and scholars aim to contain and offset the damaging impacts of racism instead of seeking to eliminate it. Bell believed that racial subordination is so deeply ingrained within American culture and institutions that to assume permanent progress is naive.¹⁷

¹⁴ Delgado and Stefancic (n 1) 22-23.

¹⁵ "Brown v. Board of Education (1954)" (*National Archives*, September 29, 2021) <<https://www.archives.gov/milestone-documents/brown-v-board-of-education>> accessed March 24, 2025.

¹⁶ Derrick A Bell, "Brown v. Board of Education and the Interest-Convergence Dilemma" (1980) 93 *Harvard Law Review* 518.

¹⁷ Derrick Bell, 'Racial Realism' in Kimberlé Crenshaw and others (eds), *Critical Race Theory: The Key Writings That Formed the Movement* (The New Press 1995) 302.

2. Revisionist History

One of the key methodologies used by Critical Race Theory (CRT) is what Richard Delgado and Jean Stefancic call revisionist history. Revisionist history is the process of reinterpreting historical events—especially those involving race and law—in terms that contradict the prevailing narratives offered in mainstream legal and social discourse.¹⁸

Historical legal tradition will stress landmark victories, like *Brown v. Board of Education* or the Civil Rights Act of 1964, as unambiguously progressive racial steps and often will frame them as morally motivated correctives to historical wrong. CRT prefers a more cynical and sophisticated interpretation of such events. Revisionist history does not take legal victories at face value; rather, it inquires into who really benefited, what the compromises were, and if the seeming victories shattered underlying trends of inequality.¹⁹ Here, history is not seen as a neutral account but rather as a contested ground on which power, interests, and ideology influence both occurrences and interpretations. According to CRT scholars, most mainstream legal histories tend to downplay the experiences of marginalized people and often ignore the ways in which racial subordination was maintained through policy and law shifts.²⁰

Cheryl Harris's essay *Whiteness as Property* reworks legal history on the subject of property rights to explain how whiteness itself became a constructed, protected, valuable entity under American law. By following laws—from slave law statutes to laws governing land ownership—through the ways in which they favored white identity, Harris illustrates how not only were racial hierarchies codified within legal institutions, but they sustained them.²¹ Racial realism seeks to expose the ideological role of legal storytelling, which tends to portray racial progress in terms of linear, benevolent, and absolute narratives.²² It also aims to strengthen marginalized groups by authenticating counter-narratives—the histories and memories shared among marginalized communities that contradict dominant narratives of the past. In the words of Delgado, sharing these repressed narratives enables CRT to "give voice to the

¹⁸ Delgado and Stefancic (n 1) 10.

¹⁹ *ibid.* 11.

²⁰ *ibid.* 10-12.

²¹ Cheryl I Harris, "Whiteness as Property" (1993) 106 Harvard Law Review 1707.

²² Delgado and Stefancic (n 1) 12.

silenced" and challenge the belief that law is a liberatory or neutral power.²³

3. Critique of Liberalism

The principles of liberalism have never aligned with CRT, and critical race scholars have often expressed their dissatisfaction with liberalism in addressing America's racial problems. The core values of liberalism – color blindness, formal equality, incremental change, and neutrality have been often criticized by CRT scholars and have been noted to be inadequate in addressing the deep-rooted systems of racial oppression.²⁴

CRT criticizes formal equality, a key principle of liberalism, for advocating that all individuals be treated under the same law, regardless of their histories or social realities. This approach often ignores the legacy of structural inequality and disadvantages faced by minority groups and treats unequals as equals, reproducing injustice.²⁵

Another key target of critique is the policy of color blindness, which holds that it is wrong to take any note of race, even if it is to remedy a historical wrong. This principle is even seen in certain Supreme Court opinions in America, which damages the fight for racial justice. Critical race theorists believe that although such liberal policies might be helpful in combating 'on the face racism, i.e., such racial harms that everyone notices and condemns, it will not address the racism deeply embedded in our thought processes and social structures that continue to keep minorities in subordinate positions. They believe that the only solution to combat this deeply embedded racism is through aggressive and color-conscious policies that aim at benefitting minorities.²⁶

CRT also questions the faith of liberals in incrementalism – the belief that change must be slow and gradual. This approach often delays important justice for marginalized communities and offers them mere symbolic victories rather than any substantive change. CRT theorists believe urgent and substantive change is required to properly combat racial subordination in America.

²³ *ibid.* 48.

²⁴ Delgado and Stefancic (n 1) 26.

²⁵ *ibid.* 27.

²⁶ *ibid.* 27-28.

“Neutrality of principles” is also questioned by CRT scholars. They argue that principles such as “meritocracy”, “individual rights”, or “equal opportunities” are not actually objective and universal but deeply rooted in dominant cultural norms and operate to protect existing power structures instead of dismantling them. These principles fail to take note of an individual’s reality and how their access to opportunities – or lack thereof – is because of their poor wealth, privilege, and racial identity.²⁷

4. Structural Determinism

Structural determinism is a foundational concept in Critical Race Theory as it deals with the idea that legal and social structures are inherently limited in their ability to accommodate racial justice because they are built upon and reproduce the very hierarchies they claim to dismantle. For example, only one term, “racism”, is used to address numerous different types of race-based crimes; this fails to honor their differences and makes it difficult to fully understand these crimes. If we do not understand them to begin with, how are we expected to solve them. CRT scholars have pointed out that our system is inherently ill-equipped to redress certain types of wrongs. They argue that racism is not just a result of personal prejudice or bad laws, but it is structurally embedded in the institutions of society. So, to effectively combat racism such structures must be broken down, their faulty race-neutral policies and ideas replaced with more race-conscious reasoning, and a transformative change must be achieved – not just a procedural one.

Intersectionality

Apart from these four main themes of CRT, there is one other twin theme – intersectionality which was developed by Kimberlé Crenshaw, a renowned scholar, civil rights advocate, and a key figure in the development of Critical Race Theory.²⁸ Intersectionality, a term coined by Crenshaw, refers to the examination of race, sex, class, national origin, and sexual orientation in combination with each other, and how this affects individuals in different settings. For

²⁷ Crenshaw and others (n 2).

²⁸ “Kimberle W. Crenshaw” (*Columbia Law School*) <<https://www.law.columbia.edu/faculty/kimberle-w-crenshaw>> accessed March 23, 2025.

example, analyzing whether a black female or gay Native American is in a more disadvantaged position because of being part of two marginalized communities.²⁹

Crenshaw's theory of intersectionality addressed a critical blind spot that existed in both feminist and antiracist theory and put a special focus on analyzing race-based and gender-based oppression together, instead of exclusively. Crenshaw argued that traditional legal and political frameworks treat race and gender as mutually exclusive categories and fail to capture how these identities intersect to shape lived experiences. Intersectionality responds to this by proposing that identities do not just add together, instead, they interact in complex ways that create unique forms of oppression.³⁰ Crenshaw has criticized both antiracist and feminist discourses for centering around the privileged members of their respective groups – Black men and white women – thus marginalizing Black women and other women of color. By failing to acknowledge them, both movements risk erasing the very people they claim to represent.³¹ Other scholars have expanded her theory and used it as a foundational tool within CRT to address not just race and gender, but also class, sexuality, language, immigration status, and disability.³² They note that intersectionality helps in resisting essentialism – the idea that all members of a marginalized group experience the world in the same way. It instead focuses on the interlocking systems that produce these complex and layered forms of disadvantage.³³ Intersectionality is particularly powerful in legal analysis because it reveals how some seemingly neutral laws often harm those who exist at the margins of multiple social identities. For example, a law that protects women might ignore the specific vulnerabilities of poor, immigrant women of color, whose experiences differ from the dominant narratives of gender-based violence that are popular in society. Thus, intersectionality moves beyond the single-axis frameworks and exposes how multiple systems of domination interact.

Analyzing SC/ST Laws With The Lens Of CRT

Since independence, many constitutional and legal safeguards have been implemented by the government to protect and safeguard the interests of Dalits and other marginalized communities in India, aiming to eliminate caste-based discrimination and violence that has been prevalent

²⁹ Delgado and Stefancic (n 1) 59.

³⁰ Crenshaw and others (n 2) 357-359.

³¹ Kimberle Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color" (1991) 43 Stanford Law Review 1241.

³² Delgado and Stefancic (n 1) 62-63.

³³ *ibid.* 65.

in Indian societies for decades. However, despite the formal existence of these protections, the socio-economic and political conditions of Dalits have not improved substantially. They still have to face many caste-based acts of violence and discrimination that bar them from living a life of dignity.³⁴ This gap between legal intent and social reality shows that there are some structural limitations in the effectiveness and efficiency of these laws. In this section, various SC/ST safeguards are critically analyzed using the key themes of Critical Race Theory.

1. Article 17 (Abolition of Untouchability) and Scheduled Caste and Scheduled Tribe (Prevention of Atrocities Act), 1989³⁵

Article 17 of the Indian Constitution provides for the provision for the total abolition of untouchability, making it an offense under the law, and the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act (1989) protects against caste-based violence and discrimination. On the face, these laws appear to be significant legal victories aimed at dismantling century-old caste-based oppression, however, on further inspection, it is revealed that these laws are very surface-level and fail to address the deeper, systemic factors that sustain those practices. Untouchability may have been abolished by law, but it is thriving in social and institutional forces, especially in rural areas where enforcement of such laws is weak.³⁶ This aligns with the CRT principle of **structural determinism** – which holds that law is bound by its own institutional logic and is unable to essentially challenge the structure it is embedded in. CRT suggests that these laws are absorbed by the system without leading to substantive change because the legal and social structures themselves are not transformed. Melissa Goodnight in her paper, “*Critical Race Theory in India: Theory Translation and the Analysis of Social Identities and Discrimination in Indian Schooling*” notes that caste atrocities persist not because laws are absent, but because dominant caste ideologies are woven into the fabric of the legal, educational, and bureaucratic systems themselves.³⁷

³⁴ “Caste Discrimination: A Global Concern” (*Human Rights Watch*, 2001) <<https://www.hrw.org/reports/2001/globalcaste/caste0801-03.htm>> accessed March 22, 2025.

³⁵ Jayant Minj, “Constitutional Safeguard for Dalits” [2022] *International Journal of Civil Law and Legal Research*.

³⁶ “Caste Discrimination: A Global Concern” (*Human Rights Watch*, 2001) <<https://www.hrw.org/reports/2001/globalcaste/caste0801-03.htm>> accessed March 22, 2025.

³⁷ Melissa Rae Goodnight, “Critical Race Theory in India: Theory Translation and the Analysis of Social Identities and Discrimination in Indian Schooling” (2017) 47 *Compare: A Journal of Comparative and International Education* 3.

“A nation-state that has... a system of laws designed to proscribe and punish acts of discrimination on the basis of caste... does little to combat [Dalits’] discrimination.”³⁸

2. Reservations in Employment and Education: Article 15(4), Article 16(4), and Article 46³⁹

Article 15(4) empowers the State to make special laws for the advancement of any educational and social backward classes or for SC/STs. Article 16(4) allows the State to make provisions for reservation with respect to any backward classes to ensure representation in the matters of services under the State. Article 46 comes under the Directive Principle of State Policy (DPSP) and aims at promoting education and protecting the economic interests of SCs and STs.⁴⁰ All these laws seek to promote equality of opportunity for Dalits and other backward classes and preserve their economic and educational interests. But in reality, do these laws protect the interests of the marginalized group or are they subjected to cater to the interests of the elites. Derrick Bell’s **interest convergence** theory suggests that dominant groups only support the rights of minorities when it aligns with their own interests. In India, reservation laws have been continuously subjected to backlash from the upper caste and political resistance, often perceived as a threat to the interests of the dominant castes. This leads to incremental implementation and legal challenges that diminish the effectiveness of these policies.⁴¹ Additionally, the ongoing caste-based violence and continued economic marginalization show that reservations alone cannot address the structural inequalities pointed out by CRT. The focus on formal equality, offering quotas and legal protection, fails to address the systemic barriers that prevent full participation, such as social exclusion and caste-based discrimination in hiring.

3. Article 15(5) and Education Rights⁴²

Article 15(5) empowers the State to make special provisions for SC/STs in educational institutions, including private institutions.⁴³ This measure aims to target the structural

³⁸ *ibid.* 11.

³⁹ Minj (n 35).

⁴⁰ *ibid.* 21.

⁴¹ Goodnight (n 37) 9-10.

⁴² Minj (n 35).

⁴³ *ibid.* 20.

disadvantages faced by Dalit communities in accessing education. However, CRT's critique of **liberalism** questions whether reforms like these are sufficient to disrupt the deep-seated caste privilege. Liberalists often challenge such laws, advocating for meritocracy and equal opportunity instead. But such an approach fails to account for the historical caste-based deprivation that these communities have gone through – and are still going through. Such a **color-blind** ideology has been criticized by CRT scholars as it misses the material realities prevalent in society. For example, here, the social stigma faced by Dalit students, segregation in schools, and lack of institutional support, might be ignored by adopting a color-blind approach. To efficiently fight caste discrimination, CRT would argue that just a legal guarantee is not enough, and active actions must be taken on the ground level to achieve systemic change.

4. Articles 330 and 332⁴⁴

Articles 330 and 332, included in Part XVI of the Indian Constitution, provide for the reservation of seats for SC/STs in the House of the People and the Legislative Assemblies. These political protections aim at ensuring Dalit representation in the government.⁴⁵ But the ground reality remains that this policy is not effectively implemented, and often the seats reserved for them remain empty. Many Dalits who contest for political office in village councils and municipalities for such seats get threatened with physical abuse and even death to get them to withdraw from the campaign.⁴⁶ While these reservations do attempt to ensure representation, the real political power often remains with the dominant caste groups, and Dalit representatives face systemic challenges in advocating for their communities. All this aligns with CRT's theory of **interest convergence** and highlights that the mere presence of such reservations in legislative bodies does not guarantee that their concerns will be addressed effectively, as the larger structures of caste-based political dominance remain intact.

⁴⁴ *ibid.*

⁴⁵ *ibid.* 21.

⁴⁶ "Caste Discrimination: A Global Concern" (*Human Rights Watch*, 2001) <<https://www.hrw.org/reports/2001/globalcaste/caste0801-03.htm>> accessed March 22, 2025.

5. The SC/ST (Prevention of Atrocities) Act, 1989⁴⁷

The Prevention of Atrocities Act aims at protecting Dalits from various forms of physical, verbal, sexual, and other caste-based crimes but fails to provide a special provision for Dalit women.⁴⁸ Kimberlé Crenshaw's **intersectionality** principle highlights how different social factors like race, gender, class, etc combine to oppress an individual.⁴⁹ Dalit women are singularly positioned at the bottom of caste, class, and gender hierarchies. They are essentially "thrice-alienated", occupying the lowest rung of Indian society and facing a disproportionate amount of exclusion from legal protection, economic resources, and public education.⁵⁰ Both this 1989 Act and laws that aim to protect women from gender-based violence, fail to account for Dalit women who lead such crime statistics. Sexual abuse and other forms of violence are more prominent against Dalit women and they are continuously exploited and taken advantage of. They are also unable to have access to healthcare, education, and subsistence wages as compared to women of higher castes or even Dalit men.⁵¹ CRT's intersectionality approach would critique the legal system for treating caste and gender-based violence as separate issues and would advocate for laws that combine these issues and provide relief to Dalit women.

Conclusion

This paper has explored Critical Race Theory as a distinctive tool developed for analyzing the intersections of race, power, and law, and has studied it in the Indian context, particularly in examining the legal frameworks governing Scheduled Castes (SCs) and Scheduled Tribes (STs). Originating in the 1970s in the United States, CRT challenged the liberal principles of neutrality, color-blindness, and incrementalism in social reform, arguing that racism is permanent, structural, and driven by the interests of the privileged. Through the works of foundational thinkers like Derrick Bell, Kimberlé Crenshaw, and Richard Delgado, CRT

⁴⁷ Minj (n 35).

⁴⁸ *ibid.* 21.

⁴⁹ Kimberle Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color" (1991) 43 Stanford Law Review.

⁵⁰ Goodnight (n 37) 9-10.

⁵¹ "Caste Discrimination: A Global Concern" (*Human Rights Watch*, 2001) <<https://www.hrw.org/reports/2001/globalcaste/caste0801-03.htm>> accessed March 22, 2025.

introduced concepts such as structural determinism, intersectionality, and revisionist history which helped in analyzing Indian caste realities.

This paper has highlighted that although various constitutional and legal provisions exist to safeguard the interests of Dalits, it has done little to actually improve their socio-economic condition. Various CRT concepts helped in analyzing these laws and identifying gaps that create an obstacle in the path of elimination of caste-based discrimination. CRT teaches us that formal rights are not enough to dismantle historical and systemic oppression. Thus, there is a need to reimagine legal interpretation and account for intersectional and collective harms, empower Dalit narratives in legal discourse and education, and design affirmative action and anti-discrimination policies that target structural transformation, not just representation, as the goal.

Although CRT is in no way a ready-made solution, it does provide critical tools that help to interrogate existing frameworks, ask uncomfortable questions, and insist that law confront rather than conceal the realities of oppression. In the Indian context, this signifies rethinking of caste as an anomaly, but rather as a system that the law must consciously and radically dismantle.

Bibliography

Bell DA, “Brown v. Board of Education and the Interest-Convergence Dilemma” (1980) 93 Harvard Law Review 518

“Brown v. Board of Education (1954)” (*National Archives*, September 29, 2021) <<https://www.archives.gov/milestone-documents/brown-v-board-of-education>> accessed March 24, 2025

“Caste Discrimination: A Global Concern” (*Human Rights Watch*, 2001) <<https://www.hrw.org/reports/2001/globalcaste/caste0801-03.htm>> accessed March 22, 2025

Crenshaw K, “Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color” (1991) 43 Stanford Law Review 1241

Crenshaw K, Gotanda N and Peller G, *Critical Race Theory: The Key Writings That Formed the Movement* (The New Press 1995)

“Dalits in India” (*Minority Rights Group*, October 16, 2023) <<https://minorityrights.org/communities/dalits/>> accessed March 22, 2025

Delgado R and Stefancic J, *Critical Race Theory, Fourth Edition: An Introduction* (NYU Press 2023) 3

Goodnight MR, “Critical Race Theory in India: Theory Translation and the Analysis of Social Identities and Discrimination in Indian Schooling” (2017) 47 Compare: A Journal of Comparative and International Education

Harris CI, “Whiteness as Property” (1993) 106 Harvard Law Review 1707

Minj J, “Constitutional Safeguard for Dalits” [2022] International Journal of Civil Law and Legal Research

Sabir S, “Chimerical Categories: Caste, Race, and Genetics” (2003) 3 Developing World Bioethics 174