

**Report on One Day Conference
Held on 21 March 2016 at IIC, New Delhi**

**Deepening Diversity & Democracy in India
Working Towards Addressing Racial Discrimination &
Call for an Anti-Racial Law**



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Introduction

India is a land of great diversity consisting of 29 States and 7 Union Territories. The term “Unity in Diversity” has often been used to promote country’s immense socio-cultural diversity and to bind people and states together as one. India has diverse communities settled in vastly different regions. According to the Indian Government “All the five major racial types - Australoid, Mongoloid, Europoid, Caucasian, and Negroid find representation among the people of India.”The Constitution of India helps India constitute its diverse components into one functional reality with its principles of human rights, federalism and separation of powers.

Tackling racial discrimination issue in India

United Nations International Convention on Elimination of All Forms of Racial Discrimination, defines the *term "racial discrimination" as any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.*

The root cause of racism and racial conflict is the false identification of the body with the person. International conflicts, religious conflicts, sexual conflicts, and many other conflicts are rooted in this misunderstanding. Each body has a multitude of different labels and characteristics. Due to identifying the body as the self, we wrongly consider the person to be the labels associated with his/her body. Being unable to see past the labels to the person himself, we end up in a world of barriers and conflicts.

A study by India’s premier National Human Rights Commission revealed that 54 percent of people from Northeast states of India living, working in capital felt that New Delhi is the most “unsafe place” in terms of ethnic intolerance while 67 percent feel that they were victims of ethnic/racial discrimination. Also the violence against Northeast people in the city, as per data provided by Union Home Ministry, has risen around 226 percent in the year 2014.As per the Bezbaruah Committee Report submitted in 2014, 86 percent of migrated Northeasters have faced discrimination or harassment with immense psychological and physical impact. This and other forms of racial discrimination that exists in country must be addressed.

India signed the "United Nations Declaration on the Elimination of All Forms of Racial Discrimination" in 1967.The Convention on the Elimination of All Racial Discrimination was adopted by the UN General Assembly in 1965. With rising racial discrimination and attack and xenophobia, it is time that we as a nation make it into a law and hence call for an anti-racial law.

Every year 21st March is observed as International Day to End Racial Discrimination. To commemorate the occasion a conference had been conducted on the theme of Deepening Diversity and Democracy in India: Working Towards Addressing Racial Discrimination & Call for an Anti-Racial Law on 21st March 2016 from 9 am to 5pm at Conference Hall No 1 at India International Centre (IIC), New Delhi 110003. Following is the report for the same.

Programme Schedule

Deepening Diversity & Democracy in India: Working Towards Addressing Racial Discrimination & Call for an Anti-Racial Law

Venue: **India International Centre (IIC)**, 40 Max Mueller Marg, Delhi

Date: Monday 21st March 2016

Convened by Control Arms Foundation of India, Multiple Action Research Group, NEIFAR & NEIWIP

9 am	Registration
9.30-11am	Programme : Inaugural Session I
	<ul style="list-style-type: none"> • Welcome by Ms. Binalakshmi Nepram, Secretary General, CAFI • Introduction to the meeting by Ms Anju Talukdar, Director, MARG • Introduction of NEIFAR work by Mr David Boyes, Freelance Development Consultant & Founder member NEIFAR and Dr Alana Golmei, Northeast Helpline and Support Centre • Statement by Mr Suhas Chakma, Director, Asian Centre for Human Rights <p style="text-align: center;"><i>Short film on find way to racial discrimination</i></p>
11-11.30 am	Tea Break
11.30am-1pm	Session No II – Understanding Diversity, Democracy & Race Relations in India. Chair: Dr. Zuchamo Yanthan, Asst Prof. School of Social Sciences, IGNOU
	<ul style="list-style-type: none"> • Dr Nafees Ahmad, Assistant Professor Faculty of Legal Studies, South Asian University • Ms Sanhita Ambast, International Legal Advisor, S Asia, International Commission of Jurists • Mr Jonson , All India Nigerian Students and Community Association • Dr Lianboi Vaiphei, Asst Professor, Indraprastha College, Delhi University • Dr Umakant, PhD Independent Scholar and Human Rights Advocate, New Delhi • Q & A <p style="text-align: center;"><i>Short film on find ways to racial discrimination</i></p>
1pm	Graphics on Addressing Racial Discrimination by Mr Sharad Sharma, World Comics
1.15-2 pm	Lunch Break
2-3.30 pm	Session III –Causes & Cases of Racial Discrimination& Institutional Mechanisms to address the same. Chair: Mr Ravinder Pal Singh, Peace and Security Analyst
	<ul style="list-style-type: none"> • Dr Kaushikee, Associate Prof. Nelson Mandela Centre for Peace & Conflict Resolution, Jamia Millia Islamia • Dr Alana Golmei, Northeast Helpline and Support Centre • Mr Lakpachui Siro, Co-Founder of FUNICH (Forum For Understanding the Naga-India Conflict and Human Rights) • Mr Jamal Kidwai, Director, AMAN Trust
	<ul style="list-style-type: none"> • Statement by Mr Cung Dawt, Program Officer, Chin Human Rights Organisation (CHRO) • Q & A <p style="text-align: center;"><i>Short film on find ways to Racial Discrimination</i></p>
3.30 – 5pm	Session IV - Understanding India and Global Efforts to Mitigate Racial Discrimination & Way Forward for an Anti-Racial Law- Chair : CAFI, MARG & NEIFAR
	<ul style="list-style-type: none"> • Testimony by Mr Peter Hidangmayum, Delhi University & Ms Shivangi Kaushik, LSR, Delhi University • Ms Kalyani Mathur, Lady Shri Ram College, Delhi University

	<ul style="list-style-type: none"> • Ms Ambalika Roy, Program Manager, MARG • Q & A <p><i>Short film on find ways to pledge to end racial discrimination</i></p>
4.55 pm 5.00 pm	Vote of thanks by Ms Omita Sharungbam, Control Arms Foundation of India Tea

Speeches

The objective of the conference was to begin a dialogue on race and racial discrimination in India by canvassing diversity in the world’s largest democracy. It was an amalgamation of academicians, students and civil society from various walks of life. By commemorating the



International day for the Elimination of Racial Discrimination the meeting was aimed at indicating the existence and prevalence of racial discrimination within the country and a call for requisite solutions. It was a call for an Anti-Racial Law with reference to United Nations Convention on the Elimination of Racial Discrimination (CERD)

which affirms that the existence of discrimination based on race, color, or ethnic origin is repugnant to the ideals of any human society. India has ratified CERD on 3rd December 1968. However, in India, work on CERD leaves much to be desired.

As per the present context, the term race and racial discrimination remains ambiguous within the country. Though the Constitution of India enshrines the ideals of equality and liberty through Article 14 and 15, the usage of the term race is in context of the country’s colonial hangover. The State has failed to acknowledge the existence of racial discrimination meted out to its own citizens and to foreign nationals living in India.



Ms Binalakshmi Nepram, founder, Manipur Women Gun Survivors Network, noted that commemoration is not about recalling the day but also to discuss this critical issue and seek a solution. She emphasized that not just a law, but a National Action Plan against Racial Discrimination is required. She further stressed that it is not about just racism on streets of Lajpat Nagar but racism in boardroom, racism in appointment or any form of racism. There is a need for a holistic solution looking for. It has to be understood that the issue of racism is not just when Indians are attacked within the country. Article 15 equally protects other nationals too who are living in India, she said.



Ms Anju Talukdar, Director, Multiple Action Research Group (MARG) recalled that article 14 and 21 protect all people from any kind of racial discrimination. She further stated that while fighting racial discrimination, there is a need to dwell on diversity in a diverse way.



Mr Suhas Chakma, Director, Asian Centre for Human Rights, recommended that it is essential to push the Government of India to place the amendment which has already been adopted by the Ministry of Home Affairs before the Parliament. He urged on a debate on that which results in legal provisions. Once legal provisions are in place, he argued, of course, it is all on mechanism of creating awareness about the issue. If it is not done, then racial discrimination cannot be eliminated.



Dr. Umakant, Phd independent Scholar and Human Rights Advocate, stressed that it is quintessential to look at caste as much as it is about race in terms of discrimination. He noted, that about 47,000 cases of caste based atrocities are reported to the police each year. However, these are only tip of the iceberg. He further questioned the nature of verbal slurs in Hindi, suggesting that most of them are based on caste lines and it is required to fight against this normalization. He recommended that a legislation, due diligence and accountability are a must to tackle the issue at hand.



Mr Ahamefule Arinze Nelson, President, All India Nigerian Students and Community Association (AINSCA), noted that the government is not paying heed to the cry of the people. While complimenting the diversity of the gathering he argued that the ones present are victims, how to reach to the perpetrators? He emphasised on the fact that enough has been said and action is, what is required.



Mr Jamal Kidwai, Director, Aman Trust, said that in such a deeply divided and diverse society like India, participation of marginalized group is the essential way in which racial discrimination can end. Unless there is a participation in civil society of groups which are marginalized, their voices will not be heard. And their interest will not be articulated in manner. Similarly, he noted that political participation in different state institutions is essential.



Ms Ambalika Roy, Program Manager, MARG, talked about various laws within India and in other countries which aim to tackle discrimination. She argued that various Articles of India Constitution do, aim to tackle discrimination. However, it is limited to institutional discrimination. She suggested that a separate law should cater to penalize the private bodies such as landlords and peers who are equally at fault.



Mr Ravinder Pal Singh, security analysis, taking cue from the short film “Don’t freak I’m a Sikh” he stressed that the society tends to freak out by the other. He suggested that the other is as much as a person who deserves dignity, safety, respect, rights. He suggested that legislation on racism will be a package of

challenges which need to address barriers such as castism, communalism, cultural nationalism, cultural biases, and xenophobia among several others.



Mr Paul Diwakar, He argued that anti- racial law and anti-discrimination based on caste law are two swings of a pendulum. Prising the UN International convention on the Elimination of All Forms of Racial Discrimination he stressed that India does not have such a law which identifies, addresses, which has mechanisms that can monitor and have more peculiarly penal and promotive aspects to address discrimination. In terms of recommendations he suggested that first; there is a need to visualize the various forms of discrimination. Describing reverse discrimination, he suggested that there should be cognisance of discrimination, that some races are excluding some other races. Second; there is a need to push the state for a clear framework. Third; solidarity between the proponents of caste and race based discrimination which can together bring about substantial equality. Finally; smooth implementation of such legislation.

Dr Nafees Ahmad, Assistant Professor, South Asian University, drew from his personal experiences of discrimination; he said that these were an arbitration of the entire situation. He is a strong believer of the constitution. While talking about an anti racial legislation he suggested that few questions need to be addressed including, the kind of law that is being looked at. The ideology of racial discrimination and the psychology behind it. His recommendations included; enactment of a specific law, work of law enforcement agency, separate parliamentary committee on race, monitoring and reporting on race, anti-discrimination bodies, need to speak out against intolerance in the country.



Ms Sanhita Ambasht, International Legal Adviser, South Asia, International Commission of Jurists, noted that apart from UN International convention on the Elimination of All Forms of Racial Discrimination (CERD), India has also ratified other UN conventions including; Convention on the Elimination of All of Discrimination against Women (CEDAW), International Covenant on Civil and Political Rights, The United Nations Conventions on the Rights of the Child, United Nations Conventions against Torture and International Convention on Economic, Social and Cultural Rights. She added that CERD includes some innovative measures such as civil penalties, some positive steps to ensure that full equality is in place, talks about affirmative action. At the same time she argued that India faces its special challenges in terms of horizontal discrimination and it would be interesting to see how the Constitution responds. She ended on a positive note that the courts in India have responded positively to pass judgements against racism. Some of the ones that she talked about were; the PIL in Supreme Court against sardarji jokes, discussions around Article 377 and a disability bill.



Mr Sharad Sharma, cartoonist, spoke about the role of media. He suggested that mainstream media is not representing the entire population; electronic media on the other hand is more powerful. While talking about print media he drew from his personal experiences suggesting that there is a gross misrepresentation of information, only one perspective is reflected. While talking about northeast, he shared that only one reporter covers the entire region of northeast. He also stressed on the fact that mainstream media is more concerned with ‘feel good’ news rather than the deep local issues. He showcased some of his cartoons including ‘bad teacher’, ‘1093’, ‘what is wild’, ‘bus ride’, and ‘post mortem’. His collection of cartoons was a result of workshops held in villages of northeast. He added that only 1% of the cartoons were on conflict while most of them were related to the local issues.



Dr. Kaushikee, Assistant Professor, Jamia Millia Islamia, spoke about some of the causes of discrimination and about some of the institutional mechanisms that can be used to tackle discrimination. She spoke elaborately on the problematic of ‘othering’. It is based on assumptions about the others which usually disseminate in the form of stereotypes, racial slurs, biases etc. She said that society creates and perpetuates stereotypes which can lead to discrimination and persecution of groups and individuals, where one indulges in generalization which stomps on the uniqueness of that individual. These assumptions become more problematic when seen as facts. It violates the need for an identity on an individual. She further argued that structural violence when seen within cultural violence is extremely dangerous. Giving the example of caste based discrimination she suggested that, caste is a structure which gets justified through cultural violence.

As for recommending mechanisms to tackle discrimination, she spoke about creating awareness through the medium of education. She stressed on the need of peace education, especially among young children. One example she gave was of the new anti-ragging law of the UGC, set to be implemented in the next academic session. She said, the new law penalizes the usage of racial slurs such as, the ones used against biharis.



Dr. Zuchamo Yanthan, Asst Prof. School of Social Sciences, IGNOU, chaired the second session which was on understanding diversity. He argued that diversity is more than tolerating differences; it is about practicing respect of those who are different from your own. He stressed on the need to build alliances to bridge the gap constructed by discrimination.



Mr David Boyes, Freelance Development Consultant & Founder member NEIFAR, recalled that the Bezbaruah committee has recognized racial discrimination issue is pan Indian and not only for the people from Northeast. His recommendation was that elimination of racial

discrimination should not end with a talk about northeast but include people from other communities. Taking cue from the killing of Nido Tania in 2014 he stressed that something concrete should come out from this meeting, the momentum should not die here.



Dr Lianboi Vaiphei, Assistant Professor, Indraprastha College, Delhi University, talked about ‘unity in diversity’ in India. She stated that soldiers from northeast were recruited during World War I as indentured labourers; they were used to carry the arms for the British. Talking about a pre independence scenario, she argued that even then people from northeast were a minority but they were not discriminated against. She stressed that even though India is the birthplace of several religions, it is difficult for them to accept diversity. She argued against the problematic misguided media representation, which for instance, portrays people from south India as madrasis with a comical and a strange accent.



Dr Alana Golmei, Northeast Helpline and Support Centre, talked about the various cases she has personally investigated and the ones that are close to her heart. She argued that the problem arises with the very fact that the existence of racism is discounted in the Indian state. She further argued that according to a report 86% of the people living in New Delhi have complained they face racial discrimination. While speaking about her cases, she said that police has shown extreme insensitivity to the cases. More often than not, they have claimed that the oppressed women were of loose character, questioned their dressing sense, they went on to the extent of calling women from northeast mentally unstable. She said that in most cases the police have failed to file a report and the only tool that comes handy at such a time is protesting in front of the police station.



Mr Lakpachui Siro, Co-Founder of Forum for Understanding the Naga-India Conflict and Human Rights (FUNICH), shared some of his personal memories which, he said, had a deep psychological impact on his personality. He grew up to despise the Indian army based on these memories. He suggested that such is the case with most people from Northeast. He also spoke about misappropriation of funds by the Indian Army. He went on to stress that there has been a surge in out-migration of people from northeast. He suggested that most people migrate in search of education or better job opportunities. He said there is anger among the people and one of the reasons is the lack of respect they get. He stressed to the fact that there is a need to heal the wounds of people; it is something that government of India is not doing. ‘What is right is right, Justice is justice’. He ended with a quote from Martin Luther King: “Our lives begin to end the day we become silent about things that matter.”



Mr Cung Dawt, Program Officer, Chin Human Rights Organisation (CHRO), spoke about the plight of Chin refugees in India. He suggested that India is not the signatory of United Nations Refugees Convention. He argued that the state is bound to protect the life and liberty of all of its

citizens, yet out of the six thousand refugees from Burma, the ones from Chin face apathy of the State. He went on to stress that the refugees should be safe in educational institutions and even at work place. A safe environment should be provided for children. A legal framework should be put in place. Finally he argued that it should be the duty of the state to protect not only its own citizens but foreign nationals living on its soil.



Mr Manjit Singh, President, Delhi Sikh Gurudwara Committee, Delhi, spoke on the behalf of the 2 percent of the population of the country. He spoke in detail about the contribution of the sikh community at the time of any disaster, be it flash floods in Utrakhand, helping people on the Syria border or providing Langer to all those protesting at Jantar Mantar in New Delhi. He said that children of the community are made fun of in schools. He stressed that people are making millions out of the santa banta jokes. Finally he spoke about the PIL pending in Supreme Court of India against these racist jokes. He extended his support to the issue of eliminating racial discrimination in India.

Testimonies



Mr Peter Hidangmayum, Delhi University, In his testimony, Peter gave the example of the JP movement which led to declaration of emergency in 1975. He said that in this movement, as a sign of protest against caste based discrimination, people removed the sacred thread. Also, people stopped using their surnames. He said, taking inspiration from this, he too will remove his surname. He went on to describe the plight of Irom Sharmila who has been fasting for about 15 years to repeal AFSPA. Sharing his experience he said that the treatment of landlords in Delhi is particularly a heart breaking situation. He finally, urged the gathering to come up with requisite solutions for fighting racial discrimination in the country.



Ms Shivangi Kaushik, a final year student from Lady Shri Ram College for women, Delhi University, New Delhi. She shared her and her friend's experiences in Delhi. She said that some times, her friends cannot get a cab because they are 'objectionably' dressed. At other times, they are not included in class activities. Finally, she spoke about the apathy of the police officers who refused to file a complaint of one of her friends, and spoke to her other classmate from Delhi.



Ms Kalyani Mathur, Control Arms Foundation of India, spoke about a draft plan for a National Action Plan against Racial Discrimination. She looked at the already established Plans in other countries including a Joint Action Plan between Brazil and USA, a plan by Ireland and one by Canada. She suggested that India should look at these plans while formulating a National Action Plan of their own. The recommendations given by her included; investigation and documentation of cases, Victim

assistance, change in the educational curriculum, training of the police personnel among others.

Recommendations

Based on the discussion at the conference participants made the following recommendations for addressing racial discrimination:

- The need for research to define the parameters of race and racial discrimination in India.
- Awareness raising campaigns to comprehend discrimination in institutions and in everyday life.
- Intensifying public education to incorporate tolerance and promotion of respect for other ethnicities.
- Increased political participation in state of the marginalised societies.
- A separate law which addresses the various socio-cultural-political and economic types of discrimination.
- A National Action Plan against Racial Discrimination as an alternative plan to address racial discrimination.
- The need for accountability of law enforcing agencies.
- Mechanisms to increase reporting, investigation, documentation and monitoring of cases of racial discrimination.
- Programmes to provide reparations for the victims of racial discrimination.
- Training programmes for public officials.



Experts and academicians participated and shared their views on racial discrimination at the conference on 21 March 2016

Background Paper

Aim of the conference is to address the issue of deepening diversity, understanding racial discrimination and ways to address this in India through research improved and strengthened civil society responses and initiatives, engaging local authorities and government structures & global efforts to address the issue and the call for an anti-racial law. This will help in ensuring inclusive diverse India true to its Constitution and as in signed in UN Convention to End Racial Discrimination. Noted scholars, parliamentarians, survivors of discrimination, media, women & other organisations, think tanks, legal organisations, institutions, universities and other important stake holders will be a part of this very important proceeding.

Understanding Concept of Diversity and Racial Discrimination

(Disclaimer- This Information has been culled out from different sources)

Introduction

The concept of diversity encompasses acceptance and respect. It means understanding that each individual is unique, and recognizing our individual differences. These can be along the dimensions of race, ethnicity, gender, sexual orientation, socio-economic status, age, physical abilities, religious beliefs, political beliefs, or other ideologies. It is the exploration of these differences in a safe, positive, and nurturing environment. It is about understanding each other and moving beyond simple tolerance to embracing and celebrating the rich dimensions of diversity contained within each individual.

It is extremely important to support and protect diversity because by valuing individuals and groups free from prejudice, and by fostering a climate where equity and mutual respect are intrinsic. "Diversity" means more than just acknowledging and/or tolerating difference.

Racism is a product of the complex interaction in a given society of a race-based worldview with prejudice, stereotyping, and discrimination. Racism can be present in social, practices, or political systems (e.g., apartheid) that support the expression of prejudice or aversion in discriminatory practices. The ideology underlying racist practices often includes the idea that humans can be subdivided into distinct groups that are different in their social behaviour and innate capacities and that can be ranked as inferior or superior. Today, the use of the term "racism" does not easily fall under a single definition. It is usually found in, but usage is not limited to, law, the social and behavioural sciences, humanities, and popular culture.

Racist ideology can become manifest in many aspects of social life. Social actions can be based in human ideas and associated with xenophobia, otherness, segregation, hierarchical ranking, supremacism, and related social phenomena.

Racism and racial discrimination are often used to describe discrimination on an ethnic or cultural basis, independent of whether these differences are described as racial. According to a United Nations

convention, there is no distinction between the terms "racial" and "ethnic" discrimination. The UN convention further concludes that superiority based on racial differentiation is scientifically false, morally condemnable, socially unjust and dangerous, and there is no justification for racial discrimination, anywhere, in theory or in practice.¹

Types of Racial Discrimination

People can experience racial discrimination in a variety of different ways. In its most overt form, racial discrimination can occur as a result of stereotyping, prejudice and bias. Racial discrimination also occurs in large measure through subtle forms of differential treatment.

Prejudice and overt bias

Racial discrimination may occur because of overt prejudice, hostility or negative feelings held by someone about a racialized person or group. Unfortunately, people are still treated unequally, such as by being refused a job or apartment, simply because of overt bias towards them based on race and related grounds.

Stereotyping

In addition, people may experience racial discrimination because of stereotyping. Stereotyping typically involves attributing the same characteristics to all members of a group, regardless of individual differences. It is often based on misconceptions, incomplete information and/or false generalizations. In most cases, stereotypes assume negative characteristics about a group. Even those who are well meaning and not overtly biased can nevertheless stereotype.

Racial profiling

Racial profiling is a form of stereotyping that has particular implications for racialized persons. The Commission has defined racial profiling as any action undertaken for reasons of safety, security or public protection that relies on stereotypes about race, colour, ethnicity, ancestry, religion or place of origin rather than on reasonable suspicion, to single out an individual for greater scrutiny or different treatment. Race only needs to be a factor in the conduct alleged to constitute profiling.

Some considerations that help determine whether racial profiling occurred include:

- Statements that indicate stereotyping or prejudice such as racial comments;
- A non-existent, contradictory or changing explanation for why someone was targeted;
- The situation unfolded differently than if the person had been White; or
- Deviations from normal practices or an unprofessional manner.

Subtle forms of racial discrimination

Subtle and subversive discrimination has also been identified as one of the most common ways racialized people experience unequal treatment. Subtle forms of discrimination can often only be

¹ <https://en.wikipedia.org/wiki/Racism>

detected upon examining all of the circumstances. As well, contrasting how a racialized person was treated with how others were treated in a comparable situation, or looking for patterns of behaviour will help to determine whether subtle discrimination was at play. While comments about race may sometimes be made, this is not necessary for a finding that subtle racial discrimination has occurred. Racial discrimination need only be one of the reasons for the treatment received.

There are many examples of subtle forms of racial discrimination. In employment, it can take the form of failing to hire, train, mentor or promote a racialized person. Racialized persons may find themselves subjected to excessive performance monitoring or may be more seriously blamed for a common mistake. And, normal differences of opinion or failing to get along with a co-worker may be treated as more serious when a racialized person is involved.

Subtle racial discrimination can occur in a variety of other contexts as well. In housing, racialized persons may be turned away as tenants, or may not be granted equal access to maintenance and repairs. Issues also arise in services and facilities including malls, restaurants, movie theatres, education services and healthcare services.

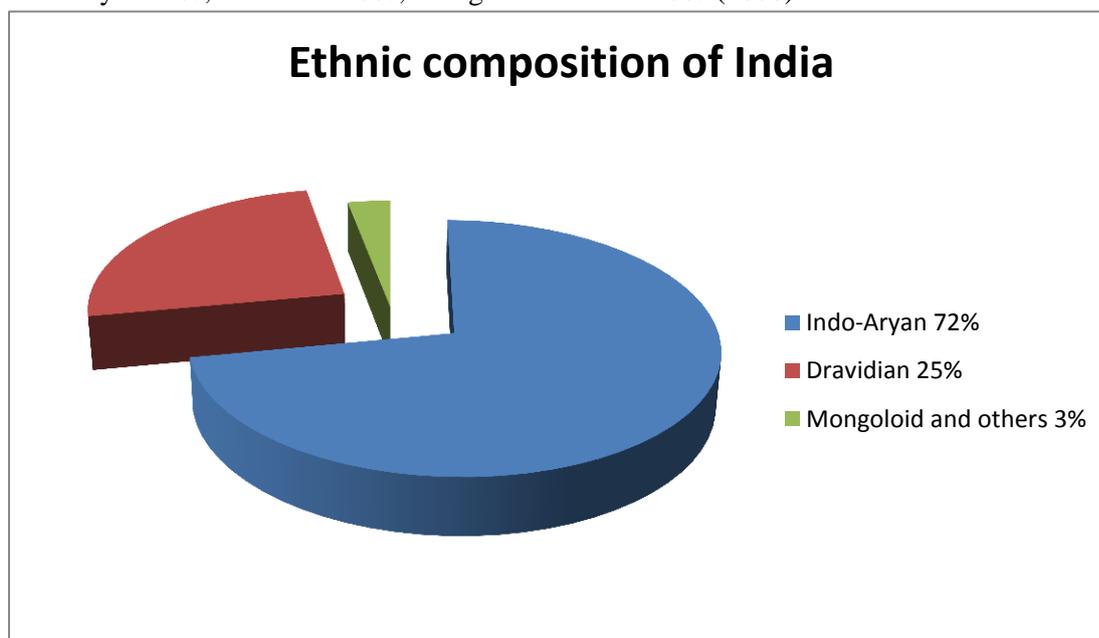
1. Individual discrimination
2. Structural Discrimination
3. Reverse Discrimination



A Nigerian participant sharing his experiences that he and his community face in India with other participants during conference

Ethnic groups in India

Indo-Aryan 72%, Dravidian 25%, Mongoloid and other 3% (2000)²



Provisions within the Indian Constitution on addressing the issue

Article 14 Constitution of India	The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India
Article 15 Constitution of India	Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.— (1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, and place of birth or any of them. (2) No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to— (a) Access to shops, public restaurants, hotels and places of public entertainment; or (b) The use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public.
The Criminal Law Removal of Racial Discrimination Act 1949	Outdated and archaic law. To Repeal Section 56 of the Indian Penal Code which discriminated between Indian and Europe-American convicts. The section demanded a sentence of ‘transportation for life’ for convicted Indians as opposed to the relatively simple manual labour that was awarded to their European counterparts. ³
The Scheduled Castes and Scheduled Tribes	The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 to ensure more stringent provisions for prevention of

² http://www.indexmundi.com/india/demographics_profile.html

³ http://www.delhipolicygroup.com/uploads/pages_file/1062_Brief_Note_for_Bezbaruah_Committee_on_Racial_Discrimination_Law.pdf

(Prevention of Atrocities) Act, 1989	Atrocities against Scheduled Castes and the Scheduled Tribes. Further, in 2012, the Ministry of Home Affairs recommended that all States notify the term “Chinki” as an offence under the Act. ⁴ However, many citizens from the North East states are not members of the Scheduled Castes or Scheduled Tribes community and hence cannot seek protection under this Act.
Section 153 A of the Indian Penal Code, 1860	Deals with the offence of promotion of enmity between classes on the grounds of religion, race, place of birth, residence, language, etc. The Committee also considered the second alternative of amendment of Section 153 of IPC.

Measures to tackle racial discrimination⁵

1) Investigation & Documentation of all Cases

- Mechanisms to ensure that acts of racial discrimination are investigated
- Immediate steps to ensure the availability of and access to justice and effective legal remedies for cases of racial discrimination. Remedies shall be easily accessible, prompt and impartial; they must also be affordable, not unnecessarily bureaucratic and geographically accessible
- Individuals and groups have a right to: - Raise allegations of discrimination on the ground of race - Have those claims investigated and - Have access to appropriate remedies
- Measures for judicial and non-judicial remedies to be made widely known, easily accessible, expeditious and not unduly complicated
- Guidelines for the prevention, recording, investigation and prosecution of racist or xenophobic incidents, assessment of the level of satisfaction among all communities concerning their relations with the police and the administration of justice system, and recruitment and promotion in the judicial system of persons belonging to various racial or ethnic groups

2) Pursuing Legal Cases

- Measures to ensure that those who have committed acts of racial discrimination are punished. The obligation to prosecute and punish should cover all the actual perpetrators and the masterminds behind the violations
- Programmes to improve access to law and justice to every person within the State’s jurisdiction, particularly in areas populated by persons belonging to the most vulnerable social groups, who are often unaware of their rights
- Measures to ensure that persons coming into contact with the police, the courts and the prison system do not face racial discrimination by judicial and law enforcement authorities

3) Education & Awareness

⁴ <http://pib.nic.in/newsite/PrintRelease.aspx?relid=135764>

⁵ <http://www.ohchr.org/Documents/Publications/HR-PUB-13-03.pdf>

- Programmes for promoting greater awareness and understanding of the prohibition of racial discrimination; Campaigns to ensure that the general public is made aware of the legislation combating racial discrimination
- Campaigns aimed at eliminating prejudices, stereotypes, social or cultural patterns and other attitudes that jeopardize the right of persons to live as equals and that perpetuate racial discrimination
- Campaigns to raise awareness in schools so as to change the mindsets of pupils, and to promote tolerance and respect for diversity in education
- Educational programmes to ensure that the teaching of the principles of equality and non-discrimination is integrated in formal and non-formal education, in an effort to dismantle notions of superiority or inferiority based on prohibited grounds and to promote dialogue and tolerance between different groups in society
- Programmes to promote a greater knowledge of and respect for the heritage and culture of groups facing racial discrimination
- Communication policies that raise awareness of the richness that racial diversity brings to society and of the legal consequences of discrimination; States have a duty to raise public awareness about racial discrimination and to ensure that public and private educational establishments provide education aimed at combating it
- Programmes for promoting greater awareness and understanding of the prohibition of racial discrimination; Campaigns to ensure that the general public is made aware of the legislation combating racial discrimination
- Campaigns aimed at eliminating prejudices, stereotypes, social or cultural patterns and other attitudes that jeopardize the right of persons to live as equals and that perpetuate racial discrimination
- Campaigns to raise awareness in schools so as to change the mindsets of pupils, and to promote tolerance and respect for diversity in education
- Educational programmes to ensure that the teaching of the principles of equality and non-discrimination is integrated in formal and non-formal education, in an effort to dismantle notions of superiority or inferiority based on prohibited grounds and to promote dialogue and tolerance between different groups in society

4) Module

- Steps to better gauge the existence and extent of racial discrimination in the administration and functioning of the criminal justice system, and to establish anti-discrimination monitoring services within the administration of justice

5) Training

- Organizational training courses addressed at those responsible for recruitment and promotion procedures to ensure compliance with standards of non-discrimination and equal opportunity

- Training programmes for public officials to eliminate discriminatory behaviour on the part of public servants and racial profiling by law enforcement officers. These measures should be supplemented by requiring that these education and training processes be constant and sustained, as well as institutionalized, to guarantee continuity
- Organizational training courses addressed at those responsible for recruitment and promotion procedures to ensure compliance with standards of non-discrimination and equal opportunity
- Training programmes for public officials to eliminate discriminatory behaviour on the part of public servants and racial profiling by law enforcement officers. These measures should be supplemented by requiring that these education and training processes be constant and sustained, as well as institutionalized, to guarantee continuity
- Training programmes to ensure the elimination of racial or xenophobic prejudice on the part of judges, other judicial personnel and jury members, and to ensure a fair and impartial application of the law

6) Victim Assistance

- Programmes to provide reparations for the victims of racial discrimination. Such reparation requires, whenever possible, full restitution to the previous situation, compensation for damages, rehabilitation, satisfaction and guarantees of non-repetition
- Programmes to ensure that adequate legal assistance is available to victims of discrimination seeking legal remedies.

Example of Government of India addressing Racial Discrimination against the People of Northeast

Bezbaruah Committee

The Bezbaruah Committee, headed by M.P. Bezbaruah, Member, North Eastern Council, was set up in February 2014 after the death of Nido Tania, a 19-year-old student from Arunachal Pradesh, who died in Delhi on January 29, 2014. The Committee's mandate was to listen to the issues raised by people from Northeast India living in other areas of the country, especially metro cities. The recommendations of the committee are:⁶

1. New or strict law:

Committee recommended that either a new law should be promulgated to take care of the incidents of racial nature or the Section 153 of IPC should be amended. In any case, the offence should be cognizable and non-bailable. The FIR should be completed within 60 days by a Special Squad. Special prosecutor should be appointed to handle such cases. Trial should be completed in 90 days.

Amendment of IPC would insert following "Word, gesture or act intended to insult a member of a particular racial group or of any race". That means, any word, gesture or act intended to insult any

⁶ <http://www.assams.info/articles/m-p-bezbaruah-committee-recommendations>

member of a particular or any race for whatever reason or for reason of their place of origin, racial features, behaviour pattern, customs, dresses shall be punished with imprisonment for a term which may extend to three years with fine.

2. Facilities for legal assistance: Panel of lawyers for legal assistance and consultation through mobile phone, email etc. NE lawyers would be given preference and 50% members of the panel may be women. Legal awareness training for NE representatives, legal awareness campaign in vulnerable areas. Lecture on legal rights during fresher's meet at major universities. Dissemination of information on legal rights to NE youths. Pro-active initiative for victim compensation and monetary assistance.

3. Strengthening Law Enforcement Agencies: Sensitization and training of the police personnel, minimizing delays in investigation, improving quality of investigation, recruiting sufficient number of persons from SC/ST/minorities as police personnel etc.

4. Special Police initiatives: Creation of fast track courts, North East Special Police Unit should have the power of a police station, creation of special squad supervised by the North East Special Police Unit, specially designated public prosecutors for cases involving people from North East. Special helpline for North East Youths 1093 to be synchronised with PCR 100 number. Data bank of all crimes against North East people.

5. Educating people about North East: Educating future generations on the history and culture of North East by inserting suitable text in the text books. NCERT should introduce certain aspects of the "Northeast ethos" into the curriculum. Teachers training institutes would make their syllabus to sensitize their trainees on the NE India.

6. Creating awareness: Prime coverage to NE in media facilities under Information & Broadcasting ministry. Resources of NE as visible faces in the visual media. Media should be careful while covering racial cases. Wide publicity to sport schemes for north east. indigenous games of NE to be promoted. Promoting tourism as a means of creating awareness and understanding.

List of Participants

S.NO.	NAME OF PARTICIPANT	ORGANIZATION/COLLEGE
1.	Dr. Nafees Ahmad	SAU- New Delhi
2.	Priyanka Tiwari	IP College For Women
3.	Kelsang.D.Bhutia	IP College For Women
4.	Omita Devi	CAFI
5.	Kalyani Mathur	LSR
6.	Tim Nees	EU Delegation
7.	Anju Talukdar	MARG
8.	Radhika Modi	IP College For Women
9.	Shiwani	IP College For Women
10.	Shashi	CAFI
11.	Rajesh Kr Sharma	MARG
12.	Renuka Shrinivasan	EU Delegation
13.	David Boyes	NEIFAR
14.	Alana Golmei	NESCH
15.	Sanhita Ambast	ICJ
16.	Phuntsok	IP College For Women
17.	Anne V. Chatterjee	EU Delegation
18.	Nadeem Ahmad	CAFI
19.	Zuchamo Yanltan	NEIFAR
20.	Stefan Mentschel	RLS
21.	Shivani Malik	IP College For Women
22.	Shivangi Kaushik	CAFI
23.	Beetriz Lonenzo	Embassy Of Spain
24.	Suhas Chakma	ACHR
25.	Dr. Lianboi	IP College For Women
26.	Tina Vaiphei	IP College For Women
27.	Salruatsangi	IP College For Women
28.	Cung Daust	Chin Human Rights
29.	Dr. Umakant	Independent Scholar
30.	P.A.Victorson Pou	NESA.SVC. DU
31.	Ar. Richardson Singh	NESA.SVC. DU
32.	Priyanka Elengban	SVC (Sri Venkateshwara College)
33.	Malunnganbi Soram	SVC (Sri Venkateshwara College)
34.	Saikhom Bbln	SVC (Sri Venkateshwara College)
35.	Syed Mohammad	SVC (Sri Venkateshwara College)
36.	Thuankinlakshami Paunai	SVC (Sri Venkateshwara College)
37.	Kaulourei Kamei	SVC (Sri Venkateshwara College)
38.	Shining Pannei	SVC (Sri Venkateshwara College)
39.	Khamgophi Mahonao	SVC (Sri Venkateshwara College)
40.	D.S. Shemi	SVC (Sri Venkateshwara College)
41.	K.Kakho Thaoli	SVC (Sri Venkateshwara College)
42.	Anish Langpoklakpam	SVC (Sri Venkateshwara College)
43.	N. Roshni Devi	SVC (Sri Venkateshwara College)
44.	Mekolan Lougjam	SVC (Sri Venkateshwara College)
45.	T. Manjnla Devi	JNU
46.	Oyindrila Chattopadhyay	JNU
47.	Papori Bora	JNU
48.	Gitika	JNU
49.	Thangjam Gunabanta	JNU
50.	Shivani	JMI

51.	Iqram Singh	Faculty Of Law, DU
52.	Lakpachui Siro	FUNICH
53.	Kahosmgam Zimik	NPUCL
54.	H. Peter	D.U.
55.	G. Bishwor Sharma	H.L.MTTCA
56.	Prof. S.S. Bhakri	I.U.N.U.S
57.	S.M Bindra	NAI (New Parss Assam India)
58.	Ahamefule Arimze Nelson	President- All India Nigerian Students And Community Association (AINSCA)
59.	Prince Obinna.C. Benjamin	Judicial Member(AINSCA)
60.	Koho Johnson	(AINSCA)
61.	Vipin kumar	CAFI
62.	Suhani	Student
63.	Ningombam Bupendra Meitei	The Nehruvian
64.	Jamal Kidwai	AMAN Trust
65.	Arushi Sharma	MARG
66.	Ambalika Roy	MARG
67.	Rita Roy	SAPA
68.	N.Paul Diwakar	NCDHR
69.	Beena Paelial	NCDHR
70.	Js Jolly	DSGMC
71.	Ankur	MARG
72.	Sandhya Bajaj	
73.	Manjit Singh	DSGMC
74.	Binalakshmi Nepram	CAFI
75.	Umesh Chandra	CAFI
76.	Ramajor	CAFI

Media Coverage

Deepening Diversity and Democracy in India

Control Arms Foundation of India in partnership with Multiple Action Research Group (MARG), Northeast India Women Initiative for Peace and NEIFAR commemorated the International day for the Elimination of Racial Discrimination under the theme of Deepening Diversity and Democracy in India: Working Towards Addressing Racial Discrimination & Call for an Anti-Racial Law on 21st March at IIC, New Delhi. To read more please visit: <http://kanglaonline.com/2016/03/deepening-diversity-and-democracy-in-india/>

Working Towards Addressing Racial Discrimination & Call for an Anti-Racial Law

21st March is observed globally as International Day to End Racial Discrimination. Racial discrimination cases occur on daily basis in India. Of the various incidents, the violence against Northeast people in the city, as per data provided by Union Home Ministry, has risen around 226

percent in the year 2014. As per the Bezbaruah Committee Report submitted in 2014, 86 percent of migrated Northeasters have faced discrimination or harassment with immense psychological and physical impact. This and other forms of racial discrimination that exists in country must be addressed. To read more please visit:

http://epao.net/epSubPageExtractor.asp?src=news_section.Press_Release.Press_Release_2016.Working_Towards_Addressing_Racial_Discrimination_Call_for_an_AntiRacial_Law_20160320



Northeast Students from different colleges of Delhi participated and shared their experiences on racial discrimination at the conference



General Assembly

Distr: General
November 1963

Eighteenth session
Agenda item 43

Resolution adopted by the General Assembly⁷

**1904 (XVIII). United Nations Declaration on the Elimination
of All Forms of Racial Discrimination**

The General Assembly,

Considering that the Charter of the United Nations is based on the principles of the dignity and equality of all human beings and seeks, among other basic objectives, to achieve international co-operation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out in the Declaration, without distinction of any kind, in particular as to race, colour or national origin,

Considering that the Universal Declaration of Human Rights proclaims further that all are equal before the law and are entitled without any discrimination to equal protection of the law and that all are entitled to equal protection against any discrimination and against any incitement to such discrimination,

Considering that the United Nations has condemned colonialism and all practices of segregation and discrimination associated therewith, and that the Declaration on the Granting of Independence to Colonial Countries and Peoples proclaims in particular the necessity of bringing colonialism to a speedy and unconditional end,

Considering that any doctrine of racial differentiation or superiority is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination either in theory or in practice,

Taking into account the other resolutions adopted by the General Assembly and the international instruments adopted by the specialized agencies, in particular the International Labour Organisation and the United Nations Educational, Scientific and Cultural

⁷ <http://www.un-documents.net/a18r1904.htm>

Organization, in the field of discrimination,

Taking into account the fact that, although international action and efforts in a number of countries have made it possible to achieve progress in that field, discrimination based on race, colour or ethnic origin in certain areas of the world continues none the less to give cause for serious concern,

Alarmed by the manifestations of racial discrimination still in evidence in some areas of the world, some of which are imposed by certain Governments by means of legislative, administrative or other measures, in the form, inter alia, of apartheid, segregation and separation, as well as by the promotion and dissemination of doctrines of racial superiority and expansionism in certain areas,

Convinced that all forms of racial discrimination and, still more so, governmental policies based on the prejudice of racial superiority or on racial hatred, besides constituting a violation of fundamental human rights, tend to jeopardize friendly relations among peoples, co-operation between nations and international peace and security,

Convinced also that racial discrimination harms not only those who are its objects but also those who practise it.

Convinced further that the building of a world society free from all forms of racial segregation and discrimination, factors which create hatred and division among men, is one of the fundamental objectives of the United Nations,

1. Solemnly affirms the necessity of speedily eliminating racial discrimination throughout the world, in all its forms and manifestations, and of securing understanding of and respect for the dignity of the human person;
2. Solemnly affirms the necessity of adopting national and international measures to that end, including teaching, education and information, in order to secure the universal and effective recognition and observance of the principles set forth below;
3. Proclaims this Declaration:

Article 1

Discrimination between human beings on the ground of race, colour or ethnic origin is an offence to human dignity and shall be condemned as a denial of the principles of the Charter of the United Nations, as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights, as an obstacle to friendly and peaceful relations among nations and as a fact capable of disturbing peace and security among peoples.

Article 2

1. No State, institution, group or individual shall make any discrimination whatsoever in matters of human rights and fundamental freedoms in the treatment of persons, groups of persons or institutions on the ground of race, colour or ethnic origin.
2. No State shall encourage, advocate or lend its support, through police action or otherwise, to any discrimination based on race, colour or ethnic origin by any group, institution or

individual.

3. Special concrete measures shall be taken in appropriate circumstances in order to secure adequate development or protection of individuals belonging to certain racial groups with the object of ensuring the full enjoyment by such individuals of human rights and fundamental freedoms. These measures shall in no circumstances have as a consequence the maintenance of unequal or separate rights for different racial groups.

Article 3

1. Particular efforts shall be made to prevent discrimination based on race, colour or ethnic origin, especially in the fields of civil rights, access to citizenship, education, religion, employment, occupation and housing.

2. Everyone shall have equal access to any place or facility intended for use by the general public, without distinction as to race, colour or ethnic origin.

Article 4

All States shall take effective measures to revise governmental and other public policies and to rescind laws and regulations which have the effect of creating and perpetuating racial discrimination wherever it still exists. They should pass legislation for prohibiting such discrimination and should take all appropriate measures to combat those prejudices which lead to racial discrimination.

Article 5

An end shall be put without delay to governmental and other public policies of racial segregation and especially policies of apartheid, as well as all forms of racial discrimination and separation resulting from such policies.

Article 6

No discrimination by reason of race, colour or ethnic origin shall be admitted in the enjoyment by any person of political and citizenship rights in his country, in particular the right to participate in elections through universal and equal suffrage and to take part in the government. Everyone has the right of equal access to public service in his country.

Article 7

1. Everyone has the right to equality before the law and to equal justice under the law. Everyone, without distinction as to race, colour or ethnic origin, has the right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual, group or institution.

2. Everyone shall have the right to an effective remedy and protection against any discrimination he may suffer on the ground of race, colour or ethnic origin with respect to his fundamental rights and freedoms through independent national tribunals competent to deal with such matters.

Article 8

All effective steps shall be taken immediately in the fields of teaching, education and information, with a view to eliminating racial discrimination and prejudice and promoting understanding, tolerance and friendship among nations and racial groups, as well as to propagating the purposes and principles of the Charter, of the Universal Declaration of Human Rights, and of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

Article 9

1. All propaganda and organizations based on ideas or theories of the superiority of one race or group of persons of one colour or ethnic origin with a view to justifying or promoting racial discrimination in any form shall be severely condemned.
2. All incitement to or acts of violence, whether by individuals or organizations against any race or group of persons of another colour or ethnic origin shall be considered an offence against society and punishable under law.
3. In order to put into effect the purposes and principles of the present Declaration, all States shall take immediate and positive measures, including legislative and other measures, to prosecute and/or outlaw organizations which promote or incite to racial discrimination, or incite to or use violence for purposes of discrimination based on race, colour or ethnic origin.

Article 10

The United Nations, the specialized agencies, States and non-governmental organizations shall do all in their power to promote energetic action which, by combining legal and other practical measures, will make possible the abolition of all forms of racial discrimination. They shall, in particular, study the causes of such discrimination with a view to recommending appropriate and effective measures to combat and eliminate it.

Article 11

Every State shall promote respect for and observance of human rights and fundamental freedoms in accordance with the Charter of the United Nations and shall fully and faithfully observe the provisions of the present Declaration, the Universal Declaration of Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples.

1261st plenary meeting
20 November 1963

Control Arms Foundation of India (CAFI) founded 10th September 2004 in New Delhi by a group of concerned citizens to address rising armed violence and weaponisation in India. Every year 5000 Indians are shot dead due to weapons misuse. CAFI leads work in India on humanitarian disarmament and gender. CAFI conducts research, writing, and advocacy relief work to ensure safety and security for all. CAFI efforts have been awarded Best Humanitarian Initiative of the Year Award 2010, Sean Macbride Peace Prize 2010, CNN IBN Real Heroes Award 2011 and CNN IBN Indian of the year Award in special category for 2011. In 2013, London-based Action on Armed Violence named us on list of 100 most influential people in the world in armed violence reduction. We were also presented with Devi Awards in 2014, L’Oreal Paris Femina Women Awards 2015 and Young Women Achievers Award by Young FICCI Ladies Organization in 2015.

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Multiple Action Research Group (MARG)

Since 1985 MARG has been engaged in the legal empowerment of disadvantaged and marginalized groups through legal awareness, socio-legal research, advocacy initiatives and legal aid. MARG has extensive experience in conducting legal literacy workshops on laws relating to constitutional rights, livelihood, protection of women from violence, personal laws, political participation through panchayats and discrimination.

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North East India Forum Against Racism (NEIFAR)

North East India Forum Against Racism- as the name indicates is a forum formed in the aftermath of a series of racial attacks on Northeast people in the metro cities of India in the last few years which culminated to the brutal killing of Nido Tania and Richard Loitam and subsequent continuous assaults and rape cases in the capital of the country.

Northeast Women Initiative for Peace (NEIWIP) is a network of women organizations that are working for peace in the northeast region of India. NEIWIP brings together women from all over Northeast states to strategize an action plan for building peace, providing justice and political rights in the region ruptured by years of conflict. The network has organized the South Asian Women's Peace & Security Conference on 21-22 September, 2015 at Delhi, India where women leaders congregated from the entire South and Southeast Asia region to draft a National Action Plan on Women, Peace & Security which has been submitted to the Indian Government.