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**From Vedic Origins to Modern Challenges: India's Diversity and Discrimination Saga**

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**ABSTRACT:**

This article delves into the intricate relationship between diversity and discrimination in India. It traces the historical origins of racial and caste-based discrimination, from the Vedic period to the British colonial era, shedding light on the enduring impact of these prejudices on Indian society. The article also examines contemporary manifestations of discrimination, including colorism, hate crimes, and racial abuse against various communities, highlighting the challenges faced by marginalized groups.<sup>1</sup> While acknowledging the dark shadows of discrimination, the article also discusses India's legal framework, including the Constitution and key legislative measures, aimed at combating discrimination and promoting equality. It explores how these legal provisions serve as a foundation for addressing discrimination and fostering a more inclusive society.<sup>2</sup> Moreover, the article emphasizes the global dimension of racial discrimination, as it affects Black foreigners studying and working in India. These experiences underscore the urgency of awareness, education, and legislative measures to combat racism in all its forms. Ultimately, the article concludes by advocating for a collective commitment to eliminate the biases that persist in society, fostering a more harmonious and inclusive India where the worth of every individual is measured by their character and actions, rather than their race or caste.<sup>3</sup>

**INTRODUCTION:**

India, a land steeped in ancient history and a rich tapestry of cultures, has been shaped by centuries of migrations and encounters with diverse groups from around the world. From the earliest migrations of African people to the Aryan influx in 1500 BCE, India's history is marked by a complex interplay of races, cultures, and languages. While this diversity has given rise to a unique and vibrant tapestry of customs, traditions, and physical features, it has also, at times, been marred by discrimination and racism.<sup>4</sup>

Discrimination in ancient India has a deep link with the contemporary racism and colourism that plagues present India. Numerous hate crimes against SC/ST community, name calling and racial slurs towards North-East Indians and African nationals living in India for working purpose pose a threat to India's equitable societal growth.<sup>5</sup>

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<sup>1</sup> digitalcommons, <https://digitalcommons.calpoly.edu/cgi/viewcontent.cgi?article=1043&context=socssp>, (last visited Sep. 10, 2023).

<sup>2</sup> Devansh Sharma, Nikunj Arora, What is Article 15 of the Indian Constitution, ipleaders, (Sep. 20, 2023, 9:29 AM), <https://blog.ipleaders.in/article-15/>

<sup>3</sup> org, <https://www.un.org/esa/socdev/egms/docs/2009/Ghana/inclusive-society.pdf>, (last visited Sep. 20, 2023).

<sup>4</sup> courses.lumenlearning, <https://courses.lumenlearning.com/suny-hccc-worldcivilization/chapter/the-indo-aryan-migration-and-the-vedic-period/>, (last visited Sep. 20, 2023).

<sup>5</sup> Neha Mishra, India and Colorism: The Finer Nuances, 14 WASH. U. GLOBAL STUD. L. REV. 725 (2015), [https://openscholarship.wustl.edu/law\\_globalstudies/vol14/iss4/14](https://openscholarship.wustl.edu/law_globalstudies/vol14/iss4/14)

In recent years, India has grappled with issues of colourism, exemplified by the controversy surrounding skin-lightening products. These issues stress the urgent need for awareness, education, and legislative measures to combat racism in all its forms.

Despite these challenges, India has also witnessed significant legal and societal efforts to combat racial discrimination. The Indian Constitution, with its commitment to equality and justice, forms the bedrock of anti-discrimination measures. Additionally, laws such as the Caste Disabilities Removal Act of 1850 and the Prevention of Atrocities Act of 1989 play crucial roles in safeguarding the rights of marginalized communities.<sup>6</sup>

As India continues to evolve and embrace its diverse heritage, this article explores both the challenges and the opportunities that lie ahead in the ongoing struggle against racial discrimination. It highlights the importance of celebrating India's unity in diversity while confronting the deep-seated prejudices that still persist, emphasizing that the fight against racism is not just a legal obligation but a moral imperative for a harmonious and inclusive society.

### **Diversity in India:**

India's history of diversity begins with prehistoric migrations. People from various African countries and regions migrated to the Indian subcontinent, settling in different parts of the land. These early migrations laid the foundation for the indigenous groups that would later emerge.<sup>7</sup> Around 1500 BCE, a significant migration occurred with the arrival of the Aryans from central Asia. This migration brought a new cultural influence to India, known as Brahmanisation. The Aryans introduced Sanskrit as a language and laid the groundwork for what would become Hinduism. Their arrival marked a significant cultural shift in India.<sup>8</sup>

Dravidians were another indigenous group in South India. They had their own distinct languages and cultures, which contributed to the diversity of the subcontinent. The coexistence of Aryan and Dravidian cultures resulted in a synthesis of ideas and traditions.

During the periods of the Mauryan and Gupta dynasties, India experienced migrations of people from various parts of Asia. These migrations brought with them new ideas, technologies, and cultural practices, further enriching India's diversity.<sup>9,10</sup>

The Islamic invasion and migration during the conquests of the Delhi Sultanate and from other Muslim countries introduced Islamic culture and religion to India. This period saw the blending of Hindu and Islamic traditions, leading to the development of a unique Indian Islamic culture. The arrival of European colonizers, primarily the British, marked another significant phase in India's history. The colonial era brought not only the influence of European culture but also

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<sup>6</sup> ohchr, <https://www.ohchr.org/en/press-releases/2009/10/committee-elimination-racial-discrimination-considers-report-india>, (last visited Sep. 20, 2023).

<sup>7</sup> wikipedia, [https://en.wikipedia.org/wiki/History\\_of\\_India](https://en.wikipedia.org/wiki/History_of_India), (last visited Sep. 20, 2023).

<sup>8</sup> courses.lumenlearning, *Supra* note 4, at

<sup>9</sup> Steever, S.B., ed. (2019). *The Dravidian languages* (2nd ed.). Routledge.

p. 1. [doi:10.4324/9781315722580](https://doi.org/10.4324/9781315722580). ISBN 9781315722580.

<sup>10</sup> wikipedia, [https://en.wikipedia.org/wiki/Dravidian\\_peoples](https://en.wikipedia.org/wiki/Dravidian_peoples), (last visited Sep. 20, 2023).

internal migrations within India as people moved in search of livelihoods or were displaced due to various factors.<sup>11</sup>

Over time, these migrations and interactions between different groups of people led to the emergence of diverse customs, traditions, and physical features among the Indian population. The fusion of various cultural elements gave rise to a rich and varied tapestry of lifestyles, art forms, cuisines, and religious practices across different regions of India.

In summary, India's diversity is deeply rooted in its history of migrations and interactions among various ethnic, cultural, and religious groups. These migrations have shaped the country's identity and have contributed to the mosaic of customs, languages, and traditions that make India one of the most diverse nations in the world. This diversity is not only a source of pride but also a testament to India's ability to adapt and synthesize different influences over millennia.

### **Vedic Period and Discrimination**

The earliest form of racism can be located back to the period of Vedas. The Aryans introduced the cast system as a form of segregation based on works. They divided the society into four Varnas namely, **Brahmins** were the uppermost superior and they were the priests and “Purahits”, hermits, they were declared as the messengers of Gods, **Kshatriyas** were the Kings, rulers and warriors of the society, and in Varna hierarchy they were treated as the second most superior, after them comes **Vaishyas**, who were the merchants and traders, and the then the lowest caste **Sudras** were untouchables and the outcasts and their main work was to do all the dirty works. Sometimes Sudras and untouchables are differentiated by many scholars. Some like to call Untouchables the fifth caste.<sup>12</sup> They undertook the unpleasant responsibilities connected to illness and contamination, which included tasks like handling funeral aftermath, managing sewage, and processing animal hides. Brahmins were seen as the epitome of purity, while untouchables were seen as the symbol of impurity.<sup>13</sup> Any form of physical interaction between these two groups was strictly forbidden. Brahmins were so dedicated to this custom that they deemed it necessary to cleanse themselves if even the shadow of an untouchable crossed their path.<sup>14</sup> They were subjected to heinous exploitations and labelled as impure and **Black Tribes**.<sup>15</sup> The Aryans separated themselves from the Non-Aryans (Dasyus) by meticulously using this segregation principle. However, it's essential to understand that the concept of race, as we know it today, with its emphasis on physical characteristics and genetic differences, did not exist in the same way during the Vedic period. The divisions and hierarchies in Vedic society were primarily based on occupation, birth, and social roles.

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<sup>11</sup> Tang Shan1, Jia Haitao2., British colonial expansion through the Indian diaspora:

the pattern of Indian overseas migration, vol. 2, no.1, Cappadocia Journal of Area Studies (CJAS), 57, 59, 2020, <https://dergipark.org.tr/tr/download/article-file/1835916>.

<sup>12</sup> Audrey Smedley, The scientific debate over “race”, britannica, (Sep. 19, 2023, 9:29 AM), <https://www.britannica.com/topic/race-human/The-scientific-debate-over-race>

<sup>13</sup> UShistory.org, <https://www.ushistory.org/civ/8b.asp>, (last visited Sep. 07, 2023).

<sup>14</sup> *Id.*, at 860.

<sup>15</sup> Joshita Mohanty, *Unfolding the Reality of Racism in India*, iPleaders, (Sep. 7, 2023, 9:29 AM), <https://blog.ipleaders.in/unfolding-reality-racism-india/>

Racism, as a modern ideology rooted in the belief of racial superiority and inferiority, developed much later in history, particularly during the period of European colonialism. While there were prejudices and inequalities in ancient Indian society, they were fundamentally different in nature from the racism that emerged in later centuries.

### **British Period and Racism**

The British colonial period in India (1858-1947) had a significant impact on the social, economic, and political fabric of the country, including issues related to racism and discrimination. While the primary goal of British colonialism was economic exploitation and political control, it also brought about various forms of racial discrimination and prejudice. To the white-skinned and red cheek Britishers, the dark-skinned Indians were mere objects of exploitation. Even the British literature and writings from the colonial period often portrayed Indians in a derogatory and racially prejudiced manner, perpetuating stereotypes and biases. Several groups were labelled as impure and untouchables only because of their skin tone and colour.<sup>16</sup> The caste system took its most toxic form during this period. The British Army recruited only the comparatively light-skinned people, and other dark-skinned ones were left with odd jobs. The untouchables were denied to enter any place holy and drink water from the same wells as the upper castes. Gandhiji named the Dalits "Harijans" (people of God). The 19<sup>th</sup>-century Anti-Caste movement was led by Jyotiba Phule. B.R. Ambedkar drafted Constitution and tried to eradicate the caste system legally by adding the provisions of all the fundamental rights irrespective of caste, creed, sex, religion, and place of birth.

### **Promotion of Colourism: The Fair and Lovely Case**

The Fair and Lovely case in India centered on the controversy surrounding Hindustan Unilever Limited's (HUL) skin-lightening cream. Criticized for promoting colourism, the product's advertising implied that fairer skin was more desirable, sparking a backlash for perpetuating harmful stereotypes. In response, HUL rebranded the product as "Glow & Lovely" in 2020, removing terms like "fairness" and "whitening."<sup>17</sup> The case sparked global discussions on beauty standards and racism. Despite the rebranding, it underscored the ongoing need for greater awareness and inclusivity in the beauty and advertising industries, challenging deeply ingrained biases related to skin colour.

### **Hate Crimes Due Fuelled by Discrimination**

- **Abuse Against SC/ST Community-**

Instances of racist abuse against SC and ST individuals often involve derogatory slurs, humiliation, and violence. Such incidents can occur in both rural and urban settings, affecting people's access to education, employment opportunities, and even basic

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<sup>16</sup> Wolpert, Stanley A.. "British raj". Encyclopedia Britannica, (Sep. 7, 2023, 9:29 AM), <https://www.britannica.com/event/British-raj>.

<sup>17</sup> KC Archana, 22-YO Mumbai Girl Who Started A Petition Against Fair & Lovely, Before Product's Name Changed, India Times, (Sep. 7, 2023, 9:29 AM), <https://www.indiatimes.com/trending/human-interest/fair-and-lovely-chandana-hiran-516645.html>

human rights. Discrimination against them is not just social but also institutional, as they are often denied equal access to resources and opportunities. The NCRB (**National Crime Records Bureau**) recently released a report claiming on a daily basis an average of 2 Dalits get assaulted in India, 2 Dalits get murdered in India and 3 Dalit women get raped in India. According to the NCRB report between 2006 and 2016, the crime rate against Dalits rose from 16.3 crimes per 10,000 Dalits to 20.3 crimes. In the same time span, the number of pending police investigations for these crimes rose from 8382 to 16,654. The pending trials rose by 50%.<sup>18</sup> The recent **tragic gang rape case** of a 19-year-old Hathras girl by four upper-caste men, in 2020 shocked whole India. The four of them were charged under sections 376 (rape), 376 (D) (gang rape), and 302 (murder) of the Indian Penal Code along with offences under the SC/ST (Prevention of Atrocities) Act. However, three of them were acquitted and only one of them was punished with life imprisonment and a fine of 50,000/-.<sup>1920</sup>

Eliminating racial abuse against SC/ST community calls for collective commitment to knock down the years old deep rooted caste-based prejudices that continue to plague India, hindering the Nation's growth.<sup>21</sup>

- **Discriminatory Abuse Against North-East Indians-**

Discriminatory abuse against North-East Indians in India is a distressing issue that highlights the persistent racial prejudices and discrimination faced by people from the north-eastern states of the country. These regions are culturally and ethnically diverse, with distinct features that sometimes make North-Easterners stand out in other parts of India. Unfortunately, this distinctiveness has often led to racial profiling, abuse, and discrimination.<sup>22</sup>

North-East Indians frequently experience verbal abuse, racial slurs, and sometimes even physical violence based on their appearance, language, or cultural practices. This discrimination not only affects their physical and emotional well-being but also limits their access to education, employment opportunities, and social inclusion.

The murder of a 20-year-old Arunachal Pradesh boy Nido Tania in 2014 due to lung injuries after being beaten to death is the most tragic case to date. A shopkeeper passed some racial slurs towards the boy, to which he objected and the argument resulted in

<sup>18</sup> NCRB Report Shows Rise in Atrocities Towards Dalits and Adivasis, News Click, (Sep. 7, 2023, 9:29 AM), <https://www.newsclick.in/NCRB-Report-Shows-Rise-Atrocities-Towards-Dalits-Adivasis>

<sup>19</sup> Rajesh Singhal, Aneesha Mathur, Hathras case: UP court drops gang-rape charges as it convicts 1, acquits 3, India Today, (Sep. 7, 2023, 9:29 AM), <https://www.indiatoday.in/law/story/hathras-gangrape-murder-case-court-drops-rape-charges-2341765-2023-03-02>

<sup>20</sup> Rajesh Singhal, Aneesha Mathur, Hathras case: UP court drops gang-rape charges as it convicts 1, acquits 3, indiatoday, (Sep. 7, 2023, 9:29 AM), <https://www.indiatoday.in/law/story/hathras-gangrape-murder-case-court-drops-rape-charges-2341765-2023-03-02>

<sup>21</sup> nhrc, <https://nhrc.nic.in/media/press-release/nhrc-holds-open-house-discussion-prevention-atrocities-and-other-forms>, (last visited Sep. 12, 2023).

<sup>22</sup> E P, Abdul Azeez et al. "You people have brought the virus here': Othering experience of northeastern people amid COVID-19 in Delhi, India." *International social science journal*, 10.1111/issj.12343. 11 Jun. 2022, doi:10.1111/issj.12343

his death. The police initially charged the accused under IPC section 302 for murder; however, CBI dropped that charge and further framed charges against him under SC/ST Atrocities Act, 1989. However, devastatingly the Court also dismissed him of all charges, as there was no motive behind the racial slur.<sup>23</sup> Creating safe spaces, offering support networks, and fostering a more inclusive society are essential steps to combat racial abuse against North-East Indians. Promoting cultural exchange and celebrating the diverse heritage of the North-East can help bridge the gap and build a more harmonious and inclusive India where every citizen is treated with respect and dignity, regardless of their ethnicity or regional origin.

- **Racial Discrimination Against Black Foreigners**

Racial abuse against Black African students of teachers who generally come in India for the purpose of studying and teaching Universities has become a concerning issue in recent years. India was ranked among the top four most racist countries, along with Bangladesh, Jordan and Hong Kong in a 2013 map based on the World Value Survey measuring the social attitudes of people in various countries.<sup>24</sup> India also ranked as one of the least hospitable places for foreigners in another map, which is ironic as in India there is a culture of treating guests as Gods.<sup>25</sup> In 2017 Imran Uba, an African student studying in India was beaten so badly that he had to be hospitalized. He was accused to had eaten a classmate, which was not only false, but this accusation goes on to show the popular prejudicial mentality of thinking all Africans as cannibals. Masonda Ketada Olivier another African man from Democratic Republic of the Congo died after being assaulted by three men, with bricks and stones at New Delhi in 2016.<sup>26</sup>

Some common manifestations of racial discrimination against Black foreigners in India include:

**Verbal Abuse and Stereotyping:** Black individuals often encounter racial slurs, derogatory comments, and stereotyping based on their skin colour. They are sometimes referred to using offensive terms, which perpetuate harmful stereotypes.

**Housing Discrimination:** Black foreigners may face challenges in finding suitable accommodation due to landlords refusing to rent to them based on their skin colour or nationality.

**Unequal Treatment:** In public spaces, Black foreigners have reported instances of unequal treatment, including being denied entry to certain establishments or experiencing heightened scrutiny from law enforcement.

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<sup>23</sup> Kajal, <https://www.kajalmag.com/india-is-the-most-racist-country-i-have-been-to-an-african-americans-pov/>, (last visited Sep. 07, 2023).

<sup>24</sup>*Id.*, at 863.

<sup>25</sup>*Id.* at, 863.

<sup>26</sup> Harry Stevens, Let's talk about racism | India is open to foreigners if they are white, Hindustan Times, (Sep. 7, 2023, 9:29 AM), <https://www.hindustantimes.com/india-news/let-s-talk-about-racism-india-is-open-to-foreigners-if-they-are-white/story-EjiKF6iFgmMZqFYR3hrcLI.html>

**Employment Discrimination:** Black expatriates have faced difficulties in securing employment, with some employers exhibiting a bias against hiring them based on their skin colour.

**Cultural Insensitivity:** Lack of cultural understanding and insensitivity towards the traditions and customs of Black foreigners can lead to discomfort and discrimination.

It's important to note that these issues do not reflect the sentiments of all Indians, as many people in India are welcoming and inclusive. However, racial discrimination persists as a problem that needs to be addressed through education, awareness campaigns, and legislative measures. India's diverse society can benefit greatly from embracing and celebrating the cultural richness that Black foreigners bring to the country while combating racial prejudice and discrimination in all its forms.

### India's Anti-Discriminatory Laws

- **Indian Constitution**

Under the Indian Constitution, there are several provisions that aim to prevent racial discrimination and promote equality. While the Indian Constitution doesn't explicitly use the term "race" or "racial discrimination," it addresses discrimination based on various grounds, including ethnicity, religion, and place of birth. Here are some key provisions:

**Article 14:** Article 14 of the Indian Constitution guarantees equality before the law and equal **protection of the laws for all citizens, regardless of race, caste, religion, sex, or place of birth.** It is a fundamental right that underpins the fight against discrimination.<sup>27</sup>

**Article 15:** Article 15 of the Indian Constitution prohibits discrimination on grounds **of religion, race, caste, sex, or place of birth.** It states that the state shall not discriminate against any citizen on these grounds.<sup>28</sup>

**Article 16:** this article provides **Equal employment opportunity** for both men and women is granted under.<sup>29</sup>

**Article 17:** this article enshrines the most important provision that **abolishes untouchability** and makes such practice punishable under the law.<sup>30</sup>

**Article 21:** this article speaks against the **deprivation of life and personal liberty.**<sup>31</sup>

**Article 46:** it ensures the protection of the **SC/ST community** and special care to the economic and educational needs.<sup>32</sup>

**Article 51 (A) (e):** it states the duty of citizens regarding harmony and brotherhood and the abolition of any **derogatory practices against women.**<sup>33</sup>

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<sup>27</sup> INDIA CONST. art. 14.

<sup>28</sup> INDIA CONST. art. 15.

<sup>29</sup> INDIA CONST. art. 16.

<sup>30</sup> INDIA CONST. art. 17.

<sup>31</sup> INDIA CONST. art. 21.

<sup>32</sup> INDIA CONST. art. 46.

<sup>33</sup> INDIA CONST. art. 51 (A).



**Directive Principles of State Policy:** Although not legally enforceable, the Directive Principles of State Policy (Part IV of the Constitution) guide the state in making policies and laws. They include principles related to the promotion of social and economic justice, including the welfare of Scheduled Castes and Scheduled Tribes.

**Reservation in Educational Institutions:** In addition to reservations in jobs, there are reservations in educational institutions at the state and central levels to ensure that marginalized communities have access to quality education.

- **Anti-Discrimination and Equality Bill, of 2016<sup>34</sup>**

This bill that guarantees protection to the SC/ST community. It provides measures for redressal and provisions for compensation and exemplary awards.<sup>35</sup>

- **The Caste Disabilities Removal Act, of 1850<sup>36</sup>**

The Caste Disabilities Removal Act of 1850 in India aimed to abolish certain social and legal disabilities imposed on lower-caste individuals, marking an early effort to combat caste-based discrimination and promote equality.

- **YO Mumbai Girl Who Started A Petition Against Fair & Lovely, Before Product's Name Changed, s), 1989<sup>37</sup>**

The Prevention of Atrocities Act (Scheduled Caste and Scheduled Tribes) of 1989 in India is a critical legal instrument combating discrimination and atrocities against marginalized communities, contributing to anti-racism efforts. It enlists 22 offences as discriminatory - safe hygienic conditions, denial of access to drinking water, edible food, access to hospitals, entry into temples education, etc. Section 14 of the SC/ST Act provides for speedy trial courts.

## CONCLUSION:

India's historical tapestry is woven with threads of migration, diversity, and cultural exchange. Yet, alongside its cultural richness, the nation has grappled with the persistent specter of discrimination and racism.

This article has traversed India's historical journey, uncovering the origins of caste-based discrimination, which dates back to the Vedic period and deepened during British colonial rule. Its impact endures, affecting marginalized communities like the Scheduled Castes and Scheduled Tribes. Contemporary India confronts fresh challenges, notably colorism, deeply ingrained in societal beauty ideals. The Fair and Lovely case has spotlighted this struggle to redefine beauty beyond skin color. Hate crimes remain a troubling issue, with violence against the Scheduled Castes and Scheduled Tribes being an alarming reality. Recent incidents, like the Hathras tragedy, underscore the urgent need for societal introspection and legal reforms.

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<sup>34</sup> Anti-Discrimination and Equality Bill, of 2016

<sup>35</sup> Joshita Mohanty, Supra note 03, at

<sup>36</sup> Caste Disabilities Removal Act, of 1850

<sup>37</sup> KC Archana, 22-YO Mumbai Girl Who Started A Petition Against Fair & Lovely, Before Product's Name Changed, *indiatimes*, (Sep. 7, 2023, 9:29 AM), <https://www.indiatimes.com/trending/human-interest/fair-and-lovely-chandana-hiran-516645.html>

Racial discrimination, not confined to Indian soil, affects Black foreigners studying and working in the country, emphasizing the global dimension of this issue.

India's legal framework, grounded in the Constitution and fortified by laws like the Caste Disabilities Removal Act of 1850 and the Prevention of Atrocities Act of 1989, provides a foundation for combatting discrimination.

In conclusion, India stands at a crossroads, where diversity is both a source of strength and a challenge. The battle against racism and discrimination calls for collective commitment, education, and empathy. As India moves forward, embracing its unity in diversity, it must confront and eradicate the biases that persist in society, fostering a more inclusive nation where every individual's worth is defined by their character and actions, rather than their race or caste.

