



INDIAN JOURNAL OF
LEGAL REVIEW

VOLUME 6 AND ISSUE 9 OF 2026

INSTITUTE OF LEGAL EDUCATION



INDIAN JOURNAL OF LEGAL REVIEW

APIS – 3920 – 0001 | ISSN – 2583-2344

(Open Access Journal)

Journal's Home Page – <https://ijlr.iledu.in/>

Journal's Editorial Page – <https://ijlr.iledu.in/editorial-board/>

Volume 6 and Issue 9 of 2026 (Access Full Issue on – <https://ijlr.iledu.in/volume-6-and-issue-9-of-2026/>)

Publisher

Prasanna S,

Chairman of Institute of Legal Education

No. 08, Arul Nagar, Seera Thoppu,

Maudhanda Kurichi, Srirangam,

Tiruchirappalli – 620102

Phone : +91 73059 14348 – info@iledu.in / Chairman@iledu.in



ILE Publication House is the
**India's Largest
Scholarly Publisher**

© Institute of Legal Education

Copyright Disclaimer: All rights are reserve with Institute of Legal Education. No part of the material published on this website (Articles or Research Papers including those published in this journal) may be reproduced, distributed, or transmitted in any form or by any means, including photocopying, recording, or other electronic or mechanical methods, without the prior written permission of the publisher. For more details refer <https://ijlr.iledu.in/terms-and-condition/>

RACIAL AND ETHNIC DISCRIMINATION IN INDIA: A SOCIO-LEGAL ANALYSIS WITH SPECIAL REFERENCE TO NORTH-EAST COMMUNITIES

AUTHOR – ADV. SAKLA JAMATIA* & PRIYANKA TRIPURA**

* B.A. LL.B. (TRIPURA GOVT LAW COLLEGE) AND LL.M (CRIMINOLOGY) NATIONAL LAW UNIVERSITY, TRIPURA.

** B.A. LL.B. (TRIPURA GOVT LAW COLLEGE), LL.M (CRIMINOLOGY) NATIONAL LAW UNIVERSITY, TRIPURA AND ASSISTANT PROFESSOR AT DHAMMA DIPA INTERNATIONAL BUDDHIST UNIVERSITY, TRIPURA.

BEST CITATION – ADV. SAKLA JAMATIA & ASSISTANT PROFESSOR PRIYANKA TRIPURA, RACIAL AND ETHNIC DISCRIMINATION IN INDIA: A SOCIO-LEGAL ANALYSIS WITH SPECIAL REFERENCE TO NORTH-EAST COMMUNITIES, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 6 (9) OF 2026, PG. 69-80, APIS – 3920 – 0001 & ISSN – 2583-2344. DOI – <https://doi.org/10.65393/IJLRV6I98>

Abstract

It's a well-established that a racial and ethnic discrimination has occur in our country. Despite the constitutional ensuring of equality, dignity and fraternity in India, the problem of racial and ethnic discrimination still exists in our society. People from the Scheduled Tribes, North-East and minority groups often experience racial abuse in schools, workplaces, public places, and online platforms, and are often subjected to hate speech, discriminatory treatment, stereotyping and violence. This paper attempts to critically analyse the socially legal aspects of racial and ethnic discrimination in the context of the communities of the North-East India. The paper examines the constitutional protection granted by the Constitution of India and the statutory protection under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the Protection of Human Rights Act, 1993 and the Information Technology Act, 2000. The study also examine the response of our judiciary system, National Human Rights Commission (NHRC) and the recommendations of the Bezbaruah Committee in the redressal of racial discrimination and safeguarding of the vulnerable communities. It also considers India's international responsibilities with regard to instruments such as the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Universal Declaration of Human Rights (UDHR), ICCPR and ICESCR. The ongoing lack of legislation enforcement and social awareness is highlighted by recent reports of racial violence and harassment against people from the North-East region. This paper analyse that India has a wide constitutional and legal framework to prevent discrimination but a lack of a comprehensive anti-racism legislation has made protection and redressing the victims ineffective. The proposed Bill on Anti-Racism and Equality, 2026 is discussed as a forward-looking measure to promote institutional accountability, to protect the victims and for social equality. A stronger legal enforcement, public sensitisation, educational reforms and policy intervention are required to make the constitutional vision of "Unity in Diversity" a reality, concludes the study.

Keywords: *Discrimination, Constitutional Provision, Statutory Laws, Judicial response, International Law, North East Communities.*

I. INTRODUCTION

One of the biggest threats to human dignity, equality and social justice in today's society is

racial discrimination. Even in a heterogeneous country like India with people of different racial, ethnic, linguistic, cultural and regional

backgrounds, racial prejudice and ethnic discrimination exists between various vulnerable communities such as minority, marginalized and Scheduled Tribes. Social exclusion, racial slur, hate speech, harassment and violence, denial of equal opportunities, are all consequences of discriminatory attitudes and practices based on physical appearance, language, culture, place of origin and ethnic identity. People from Northeast communities, Scheduled Tribes, minorities and other marginalized populations frequently experience racial insults as well as exclusion, hate speech and discrimination in public spaces, educational institutions. Despite constitutional guarantees of equality, dignity and non-discrimination, racial and ethnic discrimination as provided in articles 14, 15, 19 and 21 of the Constitution of India, which is a serious human rights issue in contemporary India. India does not have a specific anti-racism law, but constitutional provision, statute, judicial decisions and international commitments that provide protection against racial and ethnic discrimination. Bharatiya Nyaya Sanhita 2023, Scheduled Tribes and Scheduled Castes (Prevention of Atrocities) Act, 1989 and Protection of Human Rights Act, 1993 are the acts that address the issue of Hate Speech, Intimidation, Violence and Discriminatory behaviour. India also has international instruments which further strengthen its commitment to equality and promotion of human rights, such as the United Nations Convention on the Elimination of All Forms of Racial Discrimination (ICERD). This research critically investigates the constitutional and statutory framework, judicial response, institutional mechanism, and new legislative amendments relevant to racial and ethnic discrimination in India.

II. DEFINITION AND FEATURES OF RACIAL DISCRIMINATION

The term “racial discrimination” is defined under international convention, which refers to unjust or unequal treatment of individuals or a group of particular community base on race, sex, ethnic, colour or origin⁵⁷. The term “racism” as we use it today refers to injustice related to acknowledged racial differences; it is used as a justification for blaming or condemning individuals or groups; it is also used to achieve further liberation or empowerment of those who are thought to have been treated unfairly on the basis of race. The idea of racism is used to criticize or place blame on certain people or groups.⁵⁸

The following are some of the significant features of racial discrimination, which are discussed below:

a. Direct Discrimination

When a person's is treated less favorably (unjust) than another in a comparable circumstance due to their race, colour, descent, nationality or ethnicity, or immigration status, this is known as direct discrimination.⁵⁹

b. Indirect Discrimination

Indirect discrimination may be less evident in nature. It can occur when employers or service providers implement policies, rules, or procedures that seem to treat everyone equally but really disfavor some people because to their race, color, descent, national or ethnic origin, or immigration status. Indirect discrimination may occur if the requirement is unreasonable given the circumstances of the situation.

c. Forms of Harassment

Harassing someone based on their ethnicity or colour is illegal. Racial slurs, rude or disapproving comments about someone's ethnicity or colour, or the display of racially inappropriate symbols are a few examples of harassment. Harassment is illegal when it occurs frequently or severely

⁵⁷ International Convention on the Elimination of All Forms of Racial Discrimination available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial> (last visited on March 10/03/2026).

⁵⁸ Hugh LaFollette (ed.), PRACTICAL ETHICS 246 (Oxford University Press, Great Clarendon Street, 2003).

⁵⁹ Australian Human Rights Commission available at: <https://humanrights.gov.au/resource-hub/by-resource-type/publications/race/racial-discrimination> (last visited on March 10/03/2026).

enough to create a hostile or offensive work environment or when it leads to an adverse employment decision (such as the victim being fired or demoted), even though the law does not forbid simple teasing, casual remarks, or isolated incidents that are not very serious in nature. The harasser may be a coworker, the victim's person in charge, a supervisor in another department, or a client or customer who is not an employee of the firm.⁶⁰

III. CONSTITUTIONAL AND STATUTORY FRAMEWORK THAT PROHIBITS RACISM IN INDIA

Racism is not specifically regulated in India. The Indian legal system, however, outlaws race discrimination on the basis of race, ethnicity, color, language, place of birth and cultural identity through a statutory provision, judicial principles and constitution law.⁶¹ The basic rights, equality, and dignity of people and communities subjected to racial or ethnic discrimination are the goals of this legislation.

a) Constitutional law Provision that Prohibiting Racial Discrimination in India

India has a vigorous constitutional framework against all types of discrimination, including racial and ethnic discrimination, the Indian Constitution upholds the values of equality, dignity, and social justice. Although the Constitution does not precisely refer to "racial discrimination", the concept is prohibited by several fundamental rights and constitutional articles. Article 14 of the Indian Constitution provides for equal protection of the law and equality before the law for all citizens of India. This clause is the cornerstone of the anti-discrimination provisions of the Indian constitution. It ensures equal treatment of all people, irrespective of their race, ethnicity, colour or geographical location. The equal protection concept requires the State to behave in a fair and reasonable manner and forbids arbitrary discrimination. Landmark case of Chiranjit Lal Chowdhary the hon'ble Supreme Court state

that equality under the law is guaranteed to all the person irrespective of race, colour, nationality or ethnic etc in India.

The State is expressly forbidden under Article 15 from discriminating against any person on the basis of race, religion, caste, sex, or place of birth. The constitutional commitment to end racial discrimination in public life is evident in the use of the term "race". This guarantee is further specified under Article 15(2), which forbids limitations on access to public spaces including stores, lodging facilities, dining establishments, and public entertainment place.

Equal opportunity in subjects pertaining to public employment is guaranteed under Article 16 of our constitution. It prohibited discrimination on the basis of race, caste, religion, sex, descent, place of birth, residency, or any amalgamation under government employment. This clause attempts to stop discriminatory behaviours against underrepresented racial or ethnic groups and to guarantee equity and inclusivity in public institutions.

Vigorous liberties, such as freedom of speech and expression, movement, housing, and occupation, are guaranteed under Article 19. For members of minority and ethnic communities who could experience social exclusion or limitations due to their identity, these rights are especially important for an individual. The clause preserves the state cultural variety and increases democratic engagement.

The right to life and personal liberty is guaranteed by Article 21, which has been cited by judges to encompass the right to live in security, privacy, and dignity. The dignity and personal liberty protected by this article are directly violated by acts of racial harassment, hate speech, violence, and discriminatory treatment. The judiciary has stated again and time again that constitutional morality is inextricably linked to dignity.

⁶⁰ U.S Equal Employment Opportunity Commission *available at*: <https://www.eeoc.gov/racecolor-discriminationUS>(last visited on March 10/03/2026).

⁶¹ The Constitution of India.

Article 29 provide safeguard of cultural and educational rights, minorities rights to preserve their language, writing, and culture are safeguarded under this constitution. In a diverse country like India, where many ethnic and indigenous groups of people have unique cultural identities in thier own, this clause is very crucial. It protects communities against cultural prejudice and coerced assimilation.

Article 51A(e) Essential Obligation comes under state policy (DPSP) mention every citizen is required to uphold unity and the spirit of common brotherhood across religious, linguistic, regional, and sectional divides. It forbids actions that foster prejudice, animosity, and intolerance between various groups.

All these above articles of our constitution explicitly protect citizen from racial crime, if a person's fundamental rights been infringed a constitutional remedy has provided under article 32 of constitution of India, "ubi jus ibi remedium" where there is a legal right of an individual, there is a legal remedy for it if the rights are infringed.

b) Statutory Provision (The Bharatiya Nyaya Sanhita Act, 2023)

While "racism" does not have a specific definition in the Bharatiya Nyaya Sanhita, 2023, there are several laws that can be used to counter racial hatred, ethnic violence, hate speech, intimidation and discriminatory behaviour. These rules are important to maintaining the peace of the community and protecting the dignity of those of a marginalized racial/ethnic group.

The penal law that defines, explains, illustrates and provides punishment for the offences under this act. Whoever commits any unlawful activities to disrobe the harmony of the nation or violate someone personal life will be punishable in accordance with this law. Under section-196 of BNS provide punishment for promoting enmity between groups on grounds of race, sex, faith, residence etc. If a person is likely to disturb the public tranquillity based on religious, racial, language or regional groups he/she is committing a crime under this law. If a person

either by words, spoken or written or by signs language or visual representation (image, diagrams or tangible objects to portray concepts) or using electronic means to mock, slur, or discriminate, shall be held punishment with imprisonment extend to three years or fine or both for the offence. If such offence is committed in the place of religious worship or ceremonies, the offender shall be punished with fine and imprisonment which may extend to five years. The offence is cognizable (can arrest without warrant), and non-bailable.

Section 197 has been used to punish speech or declarations that are harmful to national integration. Actions which threaten the unity and integrity of the nation by fostering hatred or prejudice against individuals of a specific racial, linguistic or ethnic group may also be sanctioned under this article. It strives to ensure unity of the society and constitutional fraternity. While mainly related to religious beliefs, Section 299 could also be relevant in cases where racial or ethnic abuse is linked to cultural or group identity. An insult, which aims at the identity and dignity of a community, may be a violation of this Article when committed on purpose.

If racist threats, verbal abuse, or intimidation are directed at people based on their appearance, ethnicity, or regional identity, then Section 351 can be utilized. Harassment and intimidation of minority group members should cause a degree of fear and insecurity, and is an offence in the eyes of the law. The offence of deliberate insults which is punished at section 352 is likely to cause a breach of peace. This law could apply to racial insults, racist comments, and humiliation of individuals from specific ethnic groups.

c) Cyber Hate Speech and Online Abuse

Racial abuses that are either perpetrated via social media or electronic communication or online forums may also be held under the Information Technology Act, 2000 along with the relevant provisions of the Bharatiya Nyaya Sanhita. With the increasing incidence of internet-based hate speech, cyber legislation

has become an integral part of combating racial prejudice in modern-day India.

d) The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989

The Scheduled Tribes (STs) and Scheduled Castes (SCs) (Prevention of Atrocities) Act, of 1989 was enacted to prevent atrocities and discrimination against the members of STs and SCs. Social exclusion, caste violence, untouchability, humiliation, economic exploitation and denial of basic human rights continued to be perpetrated against the members of SC and ST communities despite the Constitution of India which gave them certain protection in Articles 14, 15, 17, 21 and 46 of the Constitution of India. This special law was enacted because the ordinary criminal law was found to be too mild and was not sufficiently suitable to deal with the very nature and number of such offences.

The primary aim of the Act is to stop the atrocities committed by the lower castes and to give protection, dignity and justice to the marginalised communities. Section 3 of the Act prescribes several offences against SCs and STs such as making of intentional insult, intimidation, social boycott, denial of access to land, forced labour, sexual violence, denial of access to public places etc. for the purpose of humiliating or oppressing any person on the basis of his/her caste identity. The Act sets out stiff penalties and tougher punishments for these crimes.

The bill also includes some significant procedural protections. It empowers the establishment of Special Courts and Exclusive Special Courts for speedy trial of offences. There are provisions for special Public Prosecutors to handle the prosecution effectively, and provisions on victim compensation, rehabilitation, witness protection and legal aid for access to justice. The Act places responsibilities on State Governments for monitoring implementation, organizing

awareness programmes and preventing atrocities.

The act has been clarified as to its scope and significance through a series of judicial decisions. The Supreme Court in *State of Karnataka v. Appa Balu Ingale*,⁶² the Apex Court emphasized the importance of eliminating social discrimination and upholding dignity, reinforcing the spirit behind such protective legislation.

In the case of *Subhash Kashinath Mahajan v. State of Maharashtra*⁶³ hon'ble SC added a few safeguards to the proceedings that are to be followed before any misuse of the Act takes place, such as a preliminary inquiry prior to arrest. But the judgment was widely criticized for the possibility that it would dilute protection for the victims of SC and ST. In 2018, Parliament subsequent to that amended the Act to bring it back to its former protective purpose and to make it clear that there was no requirement for prior approval or preliminary inquiry to register offences.

In *Prathvi Raj Chauhan v. Union of India*,⁶⁴ the Supreme Court held that the constitutional validity of the 2018 Amendment was justified, and reminded the state of its significance in safeguarding the rights of the marginalized sections against atrocities and discrimination based on caste.

In the case of *Swaran Singh v. State through Standing Counsel and Ors.*⁶⁵ Deliberate insult or humiliation of a member of a Scheduled Caste or Scheduled Tribe in public is an offence under the SC/ST Act, the Supreme Court ruled. The verdict explained that verbal abuse and humiliation in public directly infringes on the dignity of a person from a marginalised community.

Therefore, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 plays an important role as a legal instrument to fight structural discrimination and to achieve social

⁶² AIR 1993 SC 1126.

⁶³ AIR 2018 SC 1498.

⁶⁴ AIR 2020 SC 1036.

⁶⁵ 2008 (3) ACR 2674 (SC).

justice in India. While there are ongoing issues around implementation, trials and underreporting, and social stigma, the Act has proven to be an important tool for protecting the constitutional rights, dignity, and equality of historically oppressed communities.

IV. NATIONAL HUMAN RIGHTS COMMISSION AND PROTECTION AGAINST RACIAL DISCRIMINATION IN INDIA

For safeguarding people and communities from racial and ethnic discrimination in India the National Human rights Commission plays a critical role. The Protection of Human Rights Act, 1993 introduced Commission for the protection of human rights relating to equality, dignity, liberty and justice enshrined in the Constitution of India and international human rights instruments. While India does not have a specific anti-racism statute, the NHRC acts as a mechanism to address complaints of racial discrimination, ethnic violence, hate speech, police brutality and custodial assault, and abuse of human dignity. The Commission has the power to inquire into violations of human rights, to intervene in judicial proceedings, evaluate the protection of rights in the Constitution, and draft recommendations for the amendment of the Constitution. The powers of the Commission have been derived primarily from Sections 12 and 13 of the Act.⁶⁶

The NHRC has in many instances expressed concern regarding instances of racial discrimination and harassment faced by individuals from the Northeast India, tribal communities, minorities and other marginalised groups. It has expressed that discrimination on the basis of physical appearance, race, language or region breeds a sense of disadvantage for the people concerned and is contrary to Article 14, 15, 19, 21 of the Constitution of India. The Commission is authorized to recommend compensation, disciplinary action against public function, interim relief and

rehabilitation to the victim of violation of human rights under Section 18 of the Protection of Human Rights Act, 1993. The NHRC also carries out awareness creation, research and social sensitisation activities to foster peace among communities and prevent discriminatory acts.

NHRC organizes National Seminar and Public Consultation on Racism in the 2001 at Bangalore. Mr. Swami Agnivesh, of Bandhua Mukti Morcha argued that 'Caste' and 'Race' might be theoretically distinct but both were types of prejudice. Not to accept this and not to fight against it would be anti-national. He added that the discrimination occurred not just amongst Hindus but also amongst Muslims, Christians, Sikhs, Jains and Buddhists too. Temples, wells, and many other public locations in States like Haryana and Rajasthan were still today designated on the basis of caste. 86% of bonded labour in the country originate from lower castes, more than 90% of the rape victims are victims of castes discrimination, more than 90% of the prostitutes are also from the lower classes. He voiced strong views that this subject should be considered at the World Forum and the Commission should take it up vigorously on behalf of all the people of this country.⁶⁷

V. THE BEZBARUAH COMMITTEE RECOMMENDED⁶⁸

The Ministry of Home Affairs appointed a committee in February 2014 under the chairmanship of Shri M.P. Bezbaruah, member of the North Eastern Council, to look into the problems being faced by citizens of North Eastern States residing in different parts of the country, particularly in urban centres and recommend necessary corrective measures that can be taken by the Government. The Committee made several recommendations such as legislations, special policing programmes, sensitisation of the people of the region and addressing housing grievances to ensure safety and security of the North

⁶⁶ The Protection of Human Rights Act, 1993 (No. 10 of 1994).

⁶⁷ NHRC holds National Seminar and Public Consultation on Racism available at: <https://nhrc.nic.in/media/press-release/150> (last visited on March 18/04/2026).

⁶⁸ Bezbaruah Committee available at: last visited on March 20/03/2026).

<https://www.pib.gov.in/newsite/PrintRelease.aspx?relid=133765®=3&lang=2> (last visited on March 20/03/2026).

Easterners in Delhi and the other parts of the country.

The following are all suggestions that have been approved and are being slowly implemented.

- All States and Union Territories have already received advisories instructing them to set up stringent procedures to deal with crimes against residents of the Northeastern States.
- The right steps are being taken by the Union Territories and State Governments to follow these guidelines.
- Delhi Police, Gurgaon Police, Bengaluru Police have to set up special helplines to assist citizens of the Northeast.
- Nodal Officers have been appointed to respond to their complaints.
- To address matters of the citizens of the North Eastern Region, the Delhi State Legal Services Authority (DSLISA) has also appointed Legal Services Counsel, comprising of women advocates.
- Changes in the IPC have also been suggested in accordance with the recommendations of the Bezbaruah Committee.
- These changes focus on laws which encourage conduct that is contrary to human dignity as well as words, gestures or acts which are intended to offend members of a particular racial group.

VI. ANTI-DISCRIMINATION BILL 2016⁶⁹

An Anti-Discrimination and Equality Bill 2016, was introduced in India by Dr. Shashi Tharoor which aims at providing a comprehensive legislation against discrimination in India. It seeks to enhance the constitutional protections of equality as guaranteed by Articles 14, 15, 16 and 17 by filling in the gaps in existing legislation and broadening the scope of the protections against discrimination in both the public and private sectors. The Bill is far-reaching and inclusive as it has a broad definition of the many "protected characteristics", which are defined to include caste, race, ethnicity, sex, gender identity, sexual

orientation, religion, disability, age, marital status, food preference, skin tone and place of birth/residence. This aligns with a cross-cultural approach to discrimination, in which people may experience many and at the same time, experience more than one form of disadvantage.

One of the important aspects of the Bill is its definition of discriminatory practices. It defines direct discrimination as discrimination that is intentional based on prejudice or stereotypes, and indirect discrimination as discrimination by policies which are neutral but have a disproportionate negative effect. It also covers related forms of harm as harassment, victimisation, boycott, segregation and discriminatory violence, thus providing a broad coverage.

The Bill is contrasted with existing legal regimes in that it places positive obligations on people and institutions. Employers, landlords, service providers and public bodies have a "duty to prevent discrimination" – they must take positive steps to prevent discrimination and treat everyone fairly. Plus, the diversification concept brings positive actions to promote disadvantaged groups participation, like special recruitment, training and scholarship actions. To ensure transparency and accountability, organisations must also publish a "Diversity Index".

The Bill proposes Central Equality Commission and State Equality Commissions to guarantee implementation. They have authority to investigate complaints, track compliance, give guidelines and raise awareness. They operate with powers akin to civil courts, and are meant to be autonomous, with participation of the judiciary, academia and civil society.

The Bill contains strong remedies and enforcement powers. If someone has been discriminated, they can seek relief from the State Equality Commission, such as compensation, injunctions, policy changes or diversity training.

⁶⁹ ANTI-DISCRIMINATION AND EQUALITY BILL, 2016 available at: https://shashitharoor.in/private_member_bills_details/10%22 (last visited on March 10, 2026).

In instances of aggravated discrimination (e.g., violence or segregation) greater penalties and exemplary damages are set. The Bill also provides for victims to apply to the magistrate for a protection order to stop additional harm occurring.

The Bill introduces progressive changes on the procedural level, including the burden of proof on the respondent once the prima facie case is established, the possibility of granting interim relief, and of safeguarding privacy through in-camera proceedings. It also guarantees that information is available for substantiation, thus making the process more victim-friendly. The Bill scope also covers artists who are public or private, recognizing that there can be a disparity in services and treatment in other areas such as employment, housing, institutional and service delivery etc. It does, however, allow for limited exceptions to balance conflicting rights, including the rights of religion and speech protected by the constitution, and it leaves in place current affirmative action policies.

VII. THE ANTI-RACISM AND EQUALITY BILL, 2026⁷⁰

The proposed Anti-Racism and Equality Bill, 2026 brings some significant changes in the Indian law and institutions to reduce racial and ethnic discrimination in the country. The Bill aims to create a comprehensive anti-discrimination approach which specifically empowers a criminal approach against racial harassment, hate speech, racial profiling, discriminatory denial of services and racially aggravated acts of violence.

The sweeping definition of “racial discrimination” in the Bill covers discrimination on the basis of: Race or ethnicity; Language; Descent; Cultural identity; Physical appearance; Place of origin. Discrimination on any of the following grounds will be prohibited in public places, at the workplace, in schools, in the provision of housing and in electronic communications: The Bill will

ban discriminatory behaviour in respect to any of the following: public places, places of work, schools, provision of housing, and electronic communications.

The Bill also calls for the creation of Special Courts to speedily try offences in relation to racial discrimination and hate crimes. It also establishes mechanisms for the protection of victims and witnesses such as compensation, rehabilitation, medical assistance, language interpretation and the appointment of Special Public Prosecutors.

A second big measure is to establish a National Anti-Discrimination Commission to receive complaints, keep track of implementation, and suggest corrections. The Bill also makes it a duty to act to prevent discriminatory practices on the part of establishments and public servants.

The proposed law is drafted in accordance with India international obligation under International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and it seeks to reinforce constitutional principles of equality, dignity, fraternity and social justice.

The proposed Anti-Racism and Equality Bill, 2026, is a bill that provides for strict penalties against racial and ethnic discrimination. Violations of the law by any person who is committing racial harassment, hate speech, discriminatory denial of services, racial profiling or ethnic violence could result in imprisonment and fines. For discrimination and verbal racial abuse imprisonment up to 3 years and fine, racial harassment, hate speech and online racial abuse up to 2 years imprisonment with fine. Repeated offences or serious offences may imprisonment can be up to 7 years and monetary fines will be increased. Violence, grievous hurt or death in connection with serious offences: punishment shall be applicable as per relevant provisions of Bharatiya Nyaya Sanhita, 2023 along with penalties prescribed in the proposed Bill. The Bill also aims to enhance

⁷⁰ THE ANTI-RACISM AND EQUALITY BILL, 2026, available at: <https://sansad.in/getFile/Bills/Texts/RSBill/Texts/Asintroduced/24e3192026103504AM.pdf?source=legislation> (last visited on March 20, 2026).

protection from racial and ethnic discrimination through compensation, rehabilitation, and institutional accountability for the victims. The key initiatives in the framework of anti-racism policies focused mainly on improving anti-discrimination measures in learning environments and public spaces. In response to this, the University Grants Commission (UGC) formulated the Promotion of Equity in Higher Education Institutions Regulations, 2026 (PEHER) which aims to address discrimination based on caste and identity by setting up Equal Opportunity Centres, grievance redressal mechanisms and equity committees at the Higher Education Institutions.⁷¹ The Supreme Court however issued a temporary stay on the 2012 regulations and showed its apprehensions about the 2012 regulations due to the lack of specificity and possibility of misuse.⁷²

Although parliament has introduced Anti-Racism and Equality Bill, 2026 which is aimed to prevent racism and ethnic prejudice in our nation but hasn't been enacted as legislation. The Bill has been sent to Parliament for consideration but has yet to be approved and signed by the President.

VIII. INTERNATIONAL LEGAL OBLIGATIONS

Preventing racial and ethnic discrimination is not only enshrined in India Constitution but also supported by several international human rights commitments. India has ratified a number of international conventions and treaties that place obligations on it to protect individuals against discrimination, to promote equality and to secure human dignity and is a responsible part of the international community. The most important international instrument is the United Nations International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)⁷³ adopted in 1965. India became a party

to the Convention in 1968 and thus its commitment to eradicate and eliminate racial discrimination in all its forms. The Convention calls on State Parties to guarantee equality before the law, to prevent inciting racial hatred, to ensure that there are effective remedies for victims of racial discrimination. India also ratified the Universal Declaration of Human Rights (UDHR),⁷⁴ which states that equality, dignity and non-discrimination are fundamental rights. Article 1 of the Declaration states that all human beings are born free and equal in dignity and rights, and have equal enjoyment of the law without distinction. Article 7 of the Declaration says the same. Moreover, India has ratified the International Covenant on Civil and Political Rights (ICCPR)⁷⁵ as well as the International Covenant on Economic, Social and Cultural Rights (ICESCR),⁷⁶ which both ban discrimination based on race, colour, language, religion and national origin.

These international commitments affect the interpretation of the Indian constitution and enhance the legality of individuals and communities' rights against racial and ethnic discrimination.

IX. RECENT RACIAL DISCRIMINATION INCIDENTS IN INDIA

Anjel and Michael Chakma, students from Tripura, who came to Northern Indian city of Dehradun for higher studies, recently came under the scanner for a violent incident in the city. They were allegedly attacked with racist insults by a group of men while visiting a local market on 9 December. The brothers protested and it devolved into a violent attack. Michael Chakma was injured in the head and Anjel Chakma had serious stab wounds and died after 17 days in hospital. Five people have been arrested by the police, but police officials have

⁷¹ Law Trend, "Supreme Court Puts 2026 UGC Anti-Discrimination Regulations in Abeyance; 2012 Rules to Continue" available at: <https://lawtrend.in/supreme-court-puts-2026-ugc-anti-discrimination-regulations-in-abeyance-2012-rules-to-continue/> (last visited on March 20, 2026).

⁷² Utkarsh Anand, "SC stays UGC's 2026 equity regulations, warns of social division and misuse", *Hindustan Times*, Jan 29, 2026, available at: <https://www.hindustantimes.com/india-news/sc-stays-ugc-s-2026-equity-regulations-warns-of-social-division-and-misuse-101769674355010.html> (last visited on March 20, 2026).

⁷³ UN General Assembly, *International Convention on the Elimination of All Forms of Racial Discrimination*, GA Res 2106 (Dec 21, 1965).

⁷⁴ UN General Assembly, *Universal Declaration of Human Rights*, GA Res 217 A (Dec 10, 1948).

⁷⁵ UN General Assembly, *International Covenant on Civil and Political Rights*, GA Res 2200A(XXI) (Dec 16, 1966).

⁷⁶ UN General Assembly, *International Covenant on Economic, Social and Cultural Rights*, GA Res 2200A(XXI) (Dec 16, 1966).

denied that they had any racial motive, which has been strongly disputed by the victim family.

The incident has also triggered protests in various cities and brought back the issue of discrimination against the people of the North-Eastern states in the metros. People from the area can frequently be ridiculed for their physical appearance, asked what countries they are from, and bullied in the street, in schools and in the workplace. Structural barriers to discrimination are also at play, e.g. stereotypes about food habits and cultural differences causing problems with housing. This means that many migrants from the North-East are likely to be located in certain neighbourhoods for safety and social support. Anjel Chakma killing has been likened to earlier cases, such as that of Nido Tania who was killed in Delhi in 2014, leading to nationwide outrage. Notwithstanding such incidents, activists say that many cases of racial discrimination go unreported.⁷⁷

The tragedy has brought back calls for an anti-racism law in India. After Nido Tania death, the government had set up the Bezbaruah Committee, which recognised the extent of racism in society, and recommended enacting certain laws to tackle it, including a dedicated anti-racism law. Many of these recommendations, however, are not fully carried out. Activists say that laws like those for caste atrocities could help victims and enhance accountability. At the meantime, the Anjel Chakma family remains in anguish and confusion, fueled by the recent conflict between pursuing opportunities and keeping their own people safe in the North-East region in India. On Feb 2026 Delhi incident, a video showing Harsh Singh and Ruby Jain, his wife, verbally abusing three women from Arunachal Pradesh known as 'momo sellers' went viral in the national media, sparking a racial abuse incident in Malviya

Nagar, New Delhi. The disagreement started with an argument about the installation of an air conditioner, and worsened into racist comments. Delhi Police filed an FIR for intimidation and instigating hatred. Chief Minister Rekha Gupta condemned the act and pledged assured strict action for the same. Union Minister Jyotiraditya Scindia demanded action as well. Although the accused apologised, many questioned it as a sign of the deeper racism in the society against the North-Eastern communities.

A juvenile has been arrested and operations to arrest more accused are underway in the case of assault on two persons from the Northeast India nearby the Saket District Court in Delhi. The Delhi Police said that the attack happened on March 8 in Malviya Nagar in a park, in which a woman from Manipur and a transgender person from Assam were attacked.⁷⁸

According to reports, a gang of youths made racially derogatory remarks at the victims. The violence then erupted, with the victims reportedly beaten, punched and whipped with belts and facing racist abuse.

A case has been registered with the police and police are supporting the victims. However, Meghalaya Chief Minister Conrad K. Sangma expressed his dismay over the incident and said that "actions must be taken in a strict manner." The case has sparked fresh worries over the safety of the residents of the north-eastern region in Delhi.⁷⁹

On April 2, Arunachal Pradesh dance troupe was alleged to have been racially abused at a hospital in Patna, Bihar, causing a furore. According to an attendant, he was able to stop them from using a public washroom and demanded their ID and derogatory slurs such as 'Momos', 'Chinki' and 'Chinese' with laughter. The incident was videotaped by one of the women,

⁷⁷ Abhishek Dey, "How do we look Indian?: Student's killing puts spotlight on racism in India", *BBC*, 8 January 2026, available at <https://www.bbc.com/news/articles/c931qx3lepro> (last visited on January 8, 2026).

⁷⁸ Saikat Kumar Bose, "Don't Paint Us As Delhi's Darinde Couple": Accused in Delhi Racial Abuse Case" *Indian News*, February, 25, 2026, available at [https://www.ndtv.com/india-news/harsh-singh-ruby-jain-malviya-nagar-arunachal-women-racial-abuse-heat-of-the-moment-man-who-rationally-](https://www.ndtv.com/india-news/harsh-singh-ruby-jain-malviya-nagar-arunachal-women-racial-abuse-heat-of-the-moment-man-who-rationally-abused-arunachal-women-apologises-11132980)

[abused-arunachal-women-apologises-11132980](https://www.ndtv.com/india-news/harsh-singh-ruby-jain-malviya-nagar-arunachal-women-racial-abuse-heat-of-the-moment-man-who-rationally-abused-arunachal-women-apologises-11132980) (last visited on February 10, 2026).

⁷⁹ Atiqul Habib, "Delhi Police register case, one juvenile held in alleged assault on Northeast residents" *Indian Today NE*, March, 09, 2026, available at <https://www.indiatodayne.in/manipur/story/delhi-police-register-case-one-juvenile-held-in-alleged-assault-on-northeast-residents-1356945-2026-03-09> (last visited on March 10, 2026).

who was also concerned about the safety of visiting Northeastern.⁸⁰

The video clip immediately went viral and elicited strong responses from all over the Northeast, especially Nagaland and Arunachal Pradesh. Several called on the authorities for action, even the Bihar Police, but not a single FIR has been lodged yet. Some said the incident was an act of policy to verify ID, while the majority of people criticized the act as unfair and prejudiced. The episode has sparked fresh calls for racial discrimination against communities of Northeastern states in India.

X. JUDICIAL RESPONSE

In New Delhi, the Supreme Court urged the Chief Justice of the Delhi High Court to adopt a comprehensive policy ensuring timely adjudication of sensitive cases, particularly those involving racial discrimination against people from the North-East. A bench led by Chief Justice Surya Kant, along with Justices Joymalya Bagchi and Vipul M. Pancholi, emphasized the need for prioritization and out-of-turn hearings in such matters. The plea highlighted delays in trials, citing the 2014 killing of Nido Tania, a student from Arunachal Pradesh, despite completed investigations. While disposing of the plea, the Court requested administrative measures for faster trials. Earlier, the Court remarked that identification based on race, region, sex, or caste is regressive. It also declined a PIL concerning violence against North-Eastern citizens, linked to the 2025 death of Anjel Chakma in Dehradun, suggesting referral to appropriate authorities.⁸¹

The *Karma Dorjee and Others v Union of India and Others*⁸² case is one landmark in the history of racial discrimination in India. The Supreme Court decision to enforce all the recommendations of the Bezbaruah Committee and to ensure that India's international human

rights commitments are incorporated in its domestic laws, further strengthened India's commitment to building an inclusive society. The judgment is not just about the immediate problem of discrimination against the citizens of the North-East but also sets the framework for a systemic change and a way forward for long-term vigilance and governance, which will help in establishing equality and dignity of citizens as per the promises of the Constitution.

XI. MAJOR RECOMMENDATIONS

The following are some suggestions for amendments or new legislation that our legislature should use to help prevent, control or curtail racial abuse in our society.

1. India needs to have a new and specific anti-discrimination law for racial/ethnic discrimination. There should be clear definitions provided on the law of racial discrimination, hate speech, racial profiling and ethnic harassment, and strict penalties and remedies for the victim.
2. The existing constitutional protection of the rights of the people as enshrined in Articles 14, 15, 19 and 21 should be better enforced. Measures to ensure protection for vulnerable communities like residents of Northeast India, members of the Scheduled Tribes and ethnic minorities, who are often victims of discrimination in education, employment, housing, and public spaces should be included.
3. The Government should ensure the speedy investigation and disposal of cases of racial violence, hate crime and ethnic discrimination by the establishment of special anti-discrimination cells and fast-track courts. Delayed Justice creates loss of faith in the system.
4. There should be a compulsory sensitization training for police officials, public servants,

⁸⁰ Sumedha Kirti, "Chinki, Momo, Chinese: Video of Northeast Dance Team's Racial Abuse at Patna Hosp Sparks Outrage" *News 18*, April, 04, 2026, available at <https://www.news18.com/cities/patna-news/viral-video-northeast-dance-racial-abuse-patna-hospital-chinki-momo-chinese-10013869.html> (last visited on April 4, 2026).

⁸¹ Debby Jain, "Racial Discrimination: Supreme Court Urges Delhi HC CJ to Consider Policy Decision for Expedious Trials in Sensitive Cases" *Live Law*,

March. 11, 2026, available at <https://www.livelaw.in/top-stories/supreme-court-calls-for-expeditious-trials-in-sensitive-cases-racial-discrimination-delhi-hc-chief-justice-to-consider-policy-decision-528547> (last visited on April 4, 2026).

⁸² AIR 2017 SC 113.

educational institutions and employers on racial equality, cultural diversity and human rights. Awareness campaigns need to be carried out across the country to remove the stereotypes and prejudices.

5. The victim compensation system should provide prompt legal aid, compensation, psychological counseling, and rehabilitation for a victim of racial and ethnic discrimination. The protection of victims and witnesses should also be guaranteed.
6. Equality, multiculturalism and constitutional values should be taught in educational curricula. Increasing the representation of ethnic minorities in public institutions, media and decisions making processes will help to foster inclusiveness and marginalisation will be diminished.
7. The Government has a responsibility to reinforce the regulations and monitoring of cyber-crimes to prevent racial abuse, hate speech and discriminatory messages on social media platforms while ensuring freedom of expression and constitutional morality.
8. Take effective steps to fulfil international obligations related to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and bring domestic laws into line with international human rights standards and norms in order to ensure equality, dignity and justice for all communities.
9. There should be an independent statutory body to oversee incidents of racial and ethnic discrimination, to make recommendations for policy changes, to investigate cases and to hold authorities to account for bringing about action to protect minority rights.
10. The concept of “Unity in Diversity” have to be translated from a constitutional ideal to social reality. Such law enforcement efforts, along with social consciousness and political will, can help create an India where every person is treated with dignity, equality and

respect regardless of race/ethnicity, language or place of origin.

XII. CONCLUSION

Although India Constitution guarantees equality, dignity, fraternity and social justice, racial and ethnic discrimination is a great hurdle. The abuse suffered by Northeast Indians, STs, minorities and other marginalised groups reiterate the fact that prejudice, stereotyping, hate speech, social exclusion and violence still exist in today society. India has yet to put in place a specific law to eliminate racial discrimination, but there is important legal ground in India to tackle discriminatory practices in the Constitution, in judicial rulings, in statutory provisions and in international human rights obligations. An attempt is made to address hate speech, intimidation, violence and discriminatory conduct in the Constitution of India (Article 14, 15, 16, 19, 21 and 29) and legislations such as the SC and ST (Prevention of Atrocities) Act, 1989, the Protection of Human Rights Act, 1993 and relevant provisions of the Bharatiya Nyaya Sanhita, 2023. The judiciary and other institutions such as the National Human Rights Commission have been vital to the cause of human dignity and in safeguarding the vulnerable communities. However, there is a lack of implementation, under-reporting of offences, delayed justice and a lack of specific anti-racism framework to strengthen legal protection. The proposed Anti-Racism and Equality Bill, 2026 is a welcome step towards the recognition of racial discrimination as a serious problem of human rights, which is best tackled in a comprehensive way through the enactment of a law. India democratic and constitutional vision of ‘Unity in Diversity’ can only be achieved through improved legislations, effective enforcement of the law, awareness creation, institutional accountability and social change that ensures dignity, equality and justice for everybody irrespective of their race, ethnicity, language and cultural identity.



GRASP - EDUCATE - EVOLVE



INSTITUTE OF LEGAL EDUCATION

(Managed by L TO J LAW ASSOCIATES)

NO. 08, ARUL NAGAR, SEERA THOPPU,
MARUDHAANDA KURICHI, SRIRANGAM - 620102,
TAMILNADU, INDIA.

ISSN 2583-2344



9 772583 234004