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How India flip-flopped over caste and race at the UN

Manoj Mitta, TNN 4 October 2009, 12:32am IST

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The latest session of the UN Human Rights Council, which concluded on Mahatma Gandhi's birth anniversary, has challenged India's 13-year-old position on caste. This is because of Nepal's unexpected endorsement of a proposal

to expand the definition of descent-based discrimination to include caste.

India's predicament may be bad. But it is worsened by its shifting position on equating caste with race as a form of descent-based discrimination. India spared no effort to keep caste out of the resolution adopted at the 2001 Durban conference against racism. But there was a time it insisted -- at another UN forum -- on the similarity between caste and race. But that was more than 40 years ago and it was a time when India was upholding the Mahatma's legacy and was in the forefront of the international campaign against apartheid in South Africa.

Here are India's flip-flops on caste as a form of descent-

based discrimination:

- In 1965, India proposed the historic amendment to introduce descent in the "Convention on Elimination of all forms of Racial Discrimination" or CERD. It cited its own experience with caste. K C Pant moved the amendment as a



A Brahmin priest in 24 Parganas in West Bengal forbids non-Brahmins from crossing his path as he carries the 'Narayana Shila', a stone worshipped as Lord Narayana.

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member of the Indian delegation and admitted that "certain groups, though of the same racial stock and ethnic origin as their fellow citizens, had for centuries been relegated by the caste system to a miserable and downtrodden condition".

- In 1996, India performed a somersault when it submitted its CERD report. It insisted that caste, though perpetuated through descent, was "not based on race" and therefore did not come under the Convention's purview. It freed itself of any "reporting obligation" on the situation of Dalits and tribals. It said it was prepared to provide information about them only "as a matter of courtesy". But the CERD panel maintained that descent "does not solely refer to race" and that the situation of Dalits and tribals "falls within scope of the Convention."

- At the 2001 Durban conference against racism, former Supreme Court judge K Ramaswamy, himself a Dalit, dissented from the Indian government position in his speech as a member of India's Human Rights Commission. "It is not so much the nomenclature of the form of discrimination that must engage our attention but the fact of its persistence that must cause concern," he said. He added that "the debate on whether race and caste are co-terminus or similar forms of discrimination is not the essence of the matter." Government representative Omar Abdullah contradicted him saying:

"We are firmly of the view that the issue of caste is not an appropriate subject for discussion at this conference."

- In 2002, just a year on from Durban, the CERD panel issued a "general recommendation" confirming its interpretation that descent included "discrimination based on forms of social stratification such as caste and analogous systems of inherited status, which nullify or impair their equal enjoyment of human rights."

- In 2009, India's state of self-denial suffered a body blow when the UN Human Rights Council issued draft principles and guidelines on discrimination based on work and descent and recognized caste as a factor. The draft said, "This type of discrimination is typically associated with the notion of purity and pollution and practices of untouchability and is deeply rooted in societies and cultures where this discrimination is practised."

This is the document that Nepal supported, putting India in a fix.

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