



National Campaign Against Torture

[A platform for action of the NGOs committed to stamp out torture in India]

C-3/441-C, Janakpuri, New Delhi-110058, India

Phone: +91-11-25620583

Email: info@uncat.org; Website: www.uncat.org

26 August 2020

Racism in India:

The need for criminalisation of racism and racial crimes

A Submission to the Committee for Reforms in Criminal Laws, MHA

Table of Contents

1. EXECUTIVE SUMMARY: CRIMINALISE RACIAL OFFENCES AS ASSURED BY THE GOVERNMENT OF INDIA TO THE COURTS AND THE PARLIAMENT	2
2. CONSTITUTIONAL AND LEGAL FRAMEWORK ON DISCRIMINATION BASED ON 'RACE' IN INDIA	5
2.1 CONSTITUTIONAL FRAMEWORK ON RACE	5
2.1 INADEQUATE PROVISIONS FOR CRIMINALISING AND PENALISING RACIAL OFFENCES	7
3. SCALE OF RACISM, RACIAL DISCRIMINATION AND RACIAL VIOLENCE IN INDIA	11
3.1 RACIAL VIOLENCE ON THE TIBETO-MONGOLOIDS FROM THE NORTH EAST INDIA	11
3.1.1. RACIAL ATTACKS PRIOR TO COVID-19 PANDEMIC	11
3.1.2. SPURT OF RACIST ATTACKS DURING COVID-19 PANDEMIC	17
3.2 RACIAL VIOLENCE AGAINST AFRICAN STUDENTS IN INDIA	31
ANNEXURE-1: ORDER OF THE DELHI HIGH COURT IN W.P.(C) 817/2014 DATED 04.11.2015	38
ANNEXURE-2: REPORT OF THE BEZBARUAH COMMITTEE TO LOOK INTO THE CONCERNS OF THE PEOPLE OF THE NORTH EAST LIVING IN OTHER PARTS OF THE COUNTRY DATED 11.07.2014	55
ANNEXURE-3: QUESTIONS IN RAJYA SABHA ON RACIAL DISCRIMINATION FACED BY PEOPLE FROM NORTH EAST	138
ANNEXURE-4: GAZETTE OF INDIA NOTIFICATION NO. S.O. 2339(E) DATED 21 SEPTEMBER 2010 MAKING ICERD A PART OF DOMESTIC LAW	159
ANNEXURE-5: INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (ICERD)	160



Racism in India
The need for criminalisation of racism and racial crimes

1. Executive summary: Criminalise racial offences as assured by the Government of India to the Courts and the parliament

India is a country of many races. Article 15, Article 16 and Article 29 of the Constitution of India prohibit discrimination on grounds of “race”. Section 153A of the Indian Penal Code (IPC) also refers to “race”. India ratified the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) in 1968 and vide the Gazette of India notification No. S.O. 2339(E) dated 21 September 2010, the Ministry of Home Affairs made ICERD applicable at domestic level under the Protection of Human Rights Act (PHRA) of 1993.

However, India has failed to define, criminalise and penalise racism, racial discrimination and racial violence as on date despite rampant incidents of racism, racial discrimination and racial violence in the country.

The Government of India vide its affidavit dated 8 July 2015 assured the Delhi High Court that “*The Ministry of Home Affairs is in process of finalising a comprehensive bill for insertion of new sections of 153c and 509A in Indian Penal Code (IPC) which will be introduced in Parliament after inter-ministerial consultation.*”¹ The High Court had registered a *suo motu* case on basis of the news reports relating to the unnatural death of a 20-year-old student, Mr. Nido Tania, from Arunachal Pradesh on 29.01.2014 in Delhi to ensure proper investigation into the matter and also to look into the allegations of harassment of people from North-Eastern States in Delhi.

Following the murder of Nido Tania, on 5 February 2014 the Ministry of Home Affairs also set up a committee under the Chairmanship of Shri M.P. Bezbaruah to look into the various kinds of the concerns of the people hailing from the North-Eastern States of India who are living in different parts of the country especially Metropolitan Cities and to suggest suitable remedial measures. The Bezbaruah Committee submitted its report on 11 July 2014 and it, *inter alia*, recommended amendments in the Indian Penal Code and Criminal Procedure Code (CrPC).

On numerous occasions, the Ministry of Home Affairs assured the parliament of India to criminalise and penalize racial attacks by amending the IPC. In a written reply dated 18 March 2015 in the Rajya Sabha, Kiren Rijiju, then Minister of State in the Ministry of Home Affairs stated that on the basis of the Bezbaruah Committee recommendations the Central government was considering to amend IPC and CrPC to deal more sternly with racial attacks against people from North

¹. Order of the Delhi High Court in W.P.(C) 817/2014 dated 04.11.2015



Racism in India
The need for criminalisation of racism and racial crimes

Eastern Region.² In another written reply dated 26 July 2017 in the Rajya Sabha, Kiren Rijiju further stated that a proposal was under examination by the Ministry for amendment of the IPC by insertion of two new provisions – Section 153C and Section 509A.³ Once again, these promises made in the parliament have not been kept.

Like the Tibeto Mongoloid looking North Eastern people, African nationals, mostly students, also regularly face racial discrimination in India. African diplomats based in New Delhi have consistently been raising racial attacks on their students in India. Following the murder of Masonda Ketanda Olivier, a Congolese student, in New Delhi on 21 May 2016, the heads of mission of 42 African countries threatened to boycott Africa Day celebrations in New Delhi.⁴

Despite the murder of Nido Tania of Arunachal Pradesh and Masonda Ketanda Olivier from Congo in racially motivated attacks and numerous others acts of racism, racial discrimination and violence including torture and other inhuman and degrading treatment, India has failed to criminalise racial offences. Racial crimes continue to take place but have intensified against the Tibeto-Mongoloid origin people, especially from the North East in the wake of COVID-19 which originated in Wuhan city of China. This submission recorded 30 incidents of racial attacks on the Tibeto-Mongoloid looking persons especially from the North East related to COVID-19 pandemic.

There is no country which is free from racism; and any government that refuses to criminalise racism, racial discrimination and racial violence actually condones and perpetuates the scourge.

The Committee for Reforms in Criminal Laws established by the Ministry of Home Affairs has been mandated *“to modernise and reform the substantive criminal laws and to align them with constitutional morality and social aspirations”, inter alia, by “.....vii. developing and applying principles for criminalisation and creation of offences,”* including by *“identifying offences requiring addition to I.P.C.”*

2. Reply dated 18 March 2015 by Minister of State in Ministry of Home Affairs Kiren Rijiju in the Rajya Sabha in Response to Unstarred Question No.2300

3. Reply dated 26 July 2017 by Minister of State in Ministry of Home Affairs Kiren Rijiju in the Rajya Sabha in Response to Starred Question No.107

4. Murder of Congolese national in Delhi: Envoys allege ‘Afro-phobia’, MEA rushes in, Indian Express, 26 May 2016,

<https://indianexpress.com/article/india/india-news-india/india-assures-safety-of-africans-singh-meets-their-envoys-2819102/>



Racism in India
The need for criminalisation of racism and racial crimes

It is indispensable that the Committee on Reforms in Criminal Laws takes into account the commitment already made by the Government to India criminalise and penalise offences which are not criminalised and penalised.

It is in this context that the racism, racial discrimination and racial violence must be criminalised and penalised. This submission by the National Campaign Against Torture recommends insertion of the following provisions to criminalise racism under the Indian Penal Code:

A. INSERT SECTION 52B IN THE IPC TO DEFINE RACISM AND RACIAL CRIMES

After section 52A, insert Section 52B to provide the following:

“52B.-Racism: Means any distinction, discrimination, prejudice, exclusion, restriction, preference, discrimination or antagonism based on race, colour, descent or national or ethnic origin or ethnic features or racial features or racial behaviour or food habits or racial customs or ways of living or any other customary practices.

B. INSERT SECTION 153C IN THE IPC

After Section 153B, insert Section 153C to provide the following:

“153C- Imputations, assertions prejudicial to human dignity. – Whoever, by words, either spoken or written, or by sign or by gesture or by visible representations or otherwise,

(a) promote or attempts to promote imputations, assertions on grounds racism or uses criminal force or violence, or

(b) participates in such activity intending to use criminal force or violence or knowing it to be likely that the participants in such activity will use criminal force or violence, against any person based on race, colour, descent or national or ethnic origin or ethnic features or racial features or racial behaviour or food habits or racial customs or ways of living or any other customary practices and such activity for any reason whatsoever causes or is likely to cause fear or alarm or a feeling of insecurity amongst members of such racial groups,

shall be punished with imprisonment which may extend to five years, or with fine, or with both.”



Racism in India
The need for criminalisation of racism and racial crimes

Explanation. — For the purposes of Section 153C and this section, calling of derogatory names viz. momo, chinki, chichi, chu chu, chowmein, pahari, jungle, pork, Chinese, Corona, Coronavirus, Bahadur or any derogatory remarks relating to race, culture, ethnic identity or physical appearances shall constitute punishable offence.”

C. INSERT SECTION 509 A IN THE IPC

After Section 509, insert Section 509A to provide the following:

“509A. Word, gesture or act intended to insult a member of particular racial group or any race.—Whoever, intending to insult any member of a particular or any race on grounds of race, colour, descent or national or ethnic origin or ethnic features or racial features or racial behaviour or food habits or racial customs or ways of living or any other customary practices or for any reason whatsoever, utters any words, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by member or members of any race or intrudes upon the privacy of member, shall be punished with simple imprisonment for a term which may extend to three years, and also with fine.

Suhas Chakma
Coordinator, National Campaign Against Torture

2. Constitutional and legal framework on discrimination based on ‘race’ in India

India is a multi racial country. The constitutional provisions and treaties ratified by India prohibit racial discrimination though the crimes related to racism have not been defined under the national laws.

2.1 Constitutional framework on race

Article 15 of the Constitution of India prohibits discrimination by the State, among others, on grounds of race. The provision provides that the State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them and that no citizen shall be subject to any disability, liability, restriction or condition with regard to access to public place such as



Racism in India

The need for criminalisation of racism and racial crimes

shops, public restaurants, hotels, places of public entertainment, the use of wells, tanks, bathing ghats, roads, places of public resort and places of worship.

Article 16 provides for “equality of opportunity in matters of public employment” and prohibits discrimination on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, in respect of any employment or office under the State.

Article 29 protects interests of minorities and prohibits denial of admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them.⁵

India has been one of the promoters of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and India had ratified the ICERD in 1968.⁶ Article 4 of the CERD provides that “*States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention*”.

Article 4 of the ICERD also makes it mandatory for the state parties, inter alia, “(a) criminalising and penalising by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof”.

Under Article 5 all states parties have undertaken to prohibit and eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, in the enjoyment of the human rights.⁷

⁵. See Articles 15, 16 and 29 of the Constitution of India

⁶. OHCHR Human Rights Indicators, available at:

<https://www.ohchr.org/EN/Issues/Indicators/Pages/HRIndicatorsIndex.aspx>

⁷. See International Convention on the Elimination of All Forms of Racial Discrimination, Art.5; available at: <https://www.ohchr.org/en/professionalinterest/pages/cerd.aspx>



Racism in India ***The need for criminalisation of racism and racial crimes***

The government of India vide the Gazette of India notification No. S.O. 2339(E) dated 21 September 2010, the Ministry of Home Affairs made ICERD applicable at domestic level under the Protection of Human Rights Act of 1993.

In Karma Dorjee v. Union of India, [(2017) 1 SCC 799], a Supreme Court bench held that “India being a signatory to the Convention is duty bound to enforce its obligations under the law. The provisions of the Convention are of significance while construing the nature and ambit of the constitutional guarantee contained in Article 15 of the Constitution. India’s obligations under an international convention designed to protect fundamental human rights must be read into the constitutional guarantee against racial discrimination. A consensus in the international community of nations, in which India is a vibrant participant, must infuse the content of our own constitutional guarantees.”⁸

2.1 Inadequate provisions for criminalising and penalising racial offences

Section 153A of the IPC penalises acts “Promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony.”⁹

Section 153B seeks to punish acts of making or publishing or asserting or counselling or propagating by words either spoken or written or by signs or by visible representations or otherwise any imputation or assertions targeting any class of citizens on grounds of religious, racial, language or regional group or caste or community and acts are prejudicial to national integration.

Both these sections are reproduced below:

“1[153A. Promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony.—(1) Whoever—

(a) by words, either spoken or written, or by signs or by visible representations or otherwise, promotes or attempts to promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill will between different religious, racial, language or regional groups or castes or communities, or

⁸. Karma Dorjee v. Union of India, [(2017) 1 SCC 799]; available at: <https://main.sci.gov.in/judgment/judis/44397.pdf>

⁹. See Section 153A IPC



Racism in India
The need for criminalisation of racism and racial crimes

(b) commits any act which is prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or castes or communities, and which disturbs or is likely to disturb the public tranquillity, 1 [or]

1[(c) organizes any exercise, movement, drill or other similar activity intending that the participants in such activity shall use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence, or participates in such activity intending to use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence, against any religious, racial, language or regional group or caste or community and such activity for any reason whatsoever causes or is likely to cause fear or alarm or a feeling of insecurity amongst members of such religious, racial, language or regional group or caste or community,]

shall be punished with imprisonment which may extend to three years, or with fine, or with both.

(2) Offence committed in place of worship, etc.—Whoever commits an offence specified in sub-section (1) in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine.]

1[153B. Imputations, assertions prejudicial to national integration.—

(1) Whoever, by words either spoken or written or by signs or by visible representations or otherwise,—

(a) makes or publishes any imputation that any class of persons cannot, by reason of their being members of any religious, racial, language or regional group or caste or community, bear true faith and allegiance to the Constitution of India as by law established or uphold the sovereignty and integrity of India, or

(b) asserts, counsels, advises, propagates or publishes that any class of persons shall, by reason of their being members of any religious, racial, language or regional group or caste or community, be denied, or deprived of their rights as citizens of India, or



Racism in India
The need for criminalisation of racism and racial crimes

(c) makes or publishes and assertion, counsel, plea or appeal concerning the obligation of any class of persons, by reason of their being members of any religious, racial, language or regional group or caste or community, and such assertion, counsel, plea or appeal causes or is likely to cause disharmony or feelings of enmity or hatred or ill-will between such members and other persons,

shall be punished with imprisonment which may extend to three years, or with fine, or with both.

(2) Whoever commits an offence specified in sub-section (1) in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine.]”

It is clear that the IPC has not defined acts of ‘racism’ or ‘offences of racism’ and therefore, offences of racism could not be penalised. Further, Section 153A of the IPC is simply inadequate to cover the acts of racism being faced by the citizens from the north eastern states in other parts of the country. The section penalises “*promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony*”. The provision is limited in scope as it only addresses those acts that cause enmity between different groups or classes thereby leaving acts of racial violence on individuals.

The legal vacuum to criminalise and penalise the acts of racism, racial discrimination and violence came to the fore following racial attacks on the Tibeto-Mongoloid looking persons inhabiting mainly in the North Eastern states as well as in Ladakh and Darjeeling region of West Bengal.

In the light of the spurt of attacks on the Tibeto-Mongoloid people from the North East India in the National Capital Region of Delhi, the Delhi High Court registered a *suo motu* case W.P.(C) 817/2014 against the Union of India and Others. In its order dated 12 February 2014, the Delhi High Court pointed out the legal vacuum and directed as under:

“We are further of the view that the Government of the National Capital Territory of Delhi as well as the Central Government should give thought to the possibility of bringing a legislation for preventing the natives of one State from harassing in any manner the migrants from any other Indian States or from indulging in hate crimes against them, including by amendment to the Protection of Civil Rights Act, 1955 and Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.”



Racism in India
The need for criminalisation of racism and racial crimes

However, amendments to the Protection of Civil Rights Act, 1955 which criminalises "untouchability and its practices as well as the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act cannot address all incidents of racial attacks as all victims of racism are not Scheduled Castes and Scheduled Tribes. For example, all Mongoloid looking people such as the Meitis of Manipur or Tibetans are not listed as Scheduled Tribes to be covered under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act of 1989.

The police are at loss which sections or which laws to invoke given the legal vacuum against acts of racism and racial discrimination. Police usually invoke Section 354 (assault or criminal force to woman with intent to outrage her modesty) and Section of 509 (insult to the modesty of women) if the victim is Mongoloid looking woman but there are no provisions when the victim is a male.

In order to address spurt of crimes against people from North-East States in Delhi and in the immediate aftermath of the murder of Nido Tania, a student from Arunachal Pradesh in south Delhi, the Ministry of Home Affairs set up a committee on 5 February 2014 under the Chairmanship of M.P. Bezbaruah, IAS (Retd), Member, North East Council to look into various kinds of concerns of the people hailing from North Eastern states of India who are living in different parts of the country especially in the Metropolitan cities and to suggest suitable remedial measure which could be taken up by the Government in light of the unfortunate death of Nido Tania. Having held series of meetings with all stakeholders and consideration of their numerous representations, the Bezbaruah Committee submitted its report to the Ministry of Home Affairs on 11 July 2014. The Committee categorised its recommendations into three categories viz. (a) immediate measures which need to be implemented within six months to one year; (b) short term measures which need to be implemented within a period of one to one and a half years; and (c) long term measures which need to be implemented within a period of one and a half to two years.¹⁰

¹⁰. Report dated 11 July 2014 of the Committee under Chairmanship of Shri M.P. Bezbaruah to look into various kinds of concerns of the people of the North East living in different parts of the country; available at:
https://www.mha.gov.in/sites/default/files/filefield_paths/ReportOfMPBezbaruahCommittee.PDF



3. Scale of racism, racial discrimination and racial violence in India

3.1 Racial violence on the Tibeto-Mongoloids from the North East India

3.1.1. Racial attacks prior to COVID-19 pandemic

Though India consists of various racial groups, Tibeto-Mongoloids are distinctly different from other racial groups and they face more racial violence than other groups.

A January 2013 study jointly sponsored by Jamia Milia University's Centre for North East Studies and Policy Research and National Commission for Women reported that not less than 60% of women who have migrated from North East India to four metros viz. New Delhi, Mumbai, Kolkata and Bengaluru have faced harassment and discrimination. Based on sample survey, the report concluded that Delhi ranked at the top with 81% respondents reporting harassment in the city, followed by Bangalore at 60% while Mumbai emerged as the safest city although there were reports of extortive behaviour by auto and taxi drivers.¹¹

As per information provided by the Ministry of Home Affairs in the Lok Sabha on 21.03.2017 about 925 cases of crimes against people of north eastern states were registered in four states viz. Delhi, Haryana, Karnataka and Maharashtra during 2012 – 2016. Overwhelming majority of them i.e. 830 cases (55 in 2012, 71 in 2013, 282 in 2014, 277 in 2015 and 145 in 2016) constituting 89.72% were registered in Delhi; 67 cases (18 in 2012, 4 in 2013, 11 in 2014, 7 in 2015 and 4 in 2016) constituting 7.24% were registered in Karnataka; 25 cases (2 in 2012, 9 in 2014, 5 in 2015 and 9 in 2016) constituting 2.70% were registered in Haryana and 3 cases (1 in 2014 and 2 in 2016) constituting 0.32% were registered in Maharashtra.¹²

Based on written and oral submissions by different groups, various individuals and institutional representatives, the Bezbaruah Committee concluded that most people from north eastern states living other Indian states, especially in metro cities faced attitudinal stereotypes and prejudices expressed in racial slurs,

¹¹. Press Release: 81% of North East Women Harassed in Delhi: Jamia Survey, 24 January 2013; available at: https://www.jmi.ac.in/upload/publication/pr5_2014January24.pdf

¹². See reply of Minister of State in the Ministry of Home Affairs Shri Kiren Rijiju to Starred Question No.330 in the Lok Sabha on 16.12.2014; available at: <http://loksabhaph.nic.in/Questions/QResult15.aspx?qref=10544&lsno=16> and Reply of Minister of State in the Ministry of Home Affairs Shri Kiren Rijiju to Unstarred Question No.3045 in the Lok Sabha on 21.03.2017; available at: <http://164.100.24.220/loksabhaquestions/annex/11/AU3045.pdf>



Racism in India
The need for criminalisation of racism and racial crimes

comments and contours such as “momo, chinki, chichi, chu chu, chowmein and Chinese” on a daily basis. It said repeated comments and contours cause hurt feelings and when resisted, physical attacks take place. Large number of north east people who made oral submissions to the Committee reported that verbal abuse, taunt and teasing because of their facial appearances was a common experience.¹³

The Bezbaruah Committee among others concluded that the number of attacks on people from the North Eastern states in Delhi was proportionately very high considering the small number of people from the region living in the city, and that the number of incidents of racial in nature, molestation, prejudices were growing.¹⁴

The Bezbaruah Committee summed up the major concerns in the following way:

“4. Major Concerns -summing up

4.1 Apart from the issues generally stated in the preceding section, during our various interactions numerous other issues and factors were brought out. Some of them are illustrated in brief, so that the concerns can be better appreciated:

(i) Most of the communities of the region barring some from Assam and Tripura have Mongoloid features. In fact while the North East region is often categorized as an entity, there is a vast diversity among the people of the North East. It is estimated that there are more than 247 ethnic communities and tribes in the North East each with own language or dialects different traditions, customs and practices and in fact almost different cultures.

(ii) Under the influences of modernization and spread of education aspirations of youth have soared. On the other hand, the area is

¹³. Report dated 11 July 2014 of the Committee under Chairmanship of Shri M.P. Bezbaruah to look into various kinds of concerns of the people of the North East living in different parts of the country; available at:

https://www.mha.gov.in/sites/default/files/filefield_paths/ReportOfMPBezbaruahCommittee.PDF

¹⁴. Report dated 11 July 2014 of the Committee under Chairmanship of Shri M.P. Bezbaruah to look into various kinds of concerns of the people of the North East living in different parts of the country; available at:

https://www.mha.gov.in/sites/default/files/filefield_paths/ReportOfMPBezbaruahCommittee.PDF



Racism in India
The need for criminalisation of racism and racial crimes

quite underdeveloped and, in fact, many of the rural and remote areas are economically backward. There are very little employment opportunities in the North East region to fulfill such aspirations. Therefore the youth are flocking to the urban areas even in their home states and many of them move to the Metros around India in search of whatever employment that they may get. Many people move out to find safer places because of violent situation at home. This trend is likely to continue for some time, or till such time that similar opportunities emerge in the North East itself.

(iii) According to study report of 2009 every year 10,000 North East youths came to Delhi for different purposes. There are many establishments which prefer to employ people from the North East with their oriental looks and knowledge of English. The people from the North East have a reputation for sincerity and reliability. The general impression is that they are willing to work for less remuneration. It appears that in some cases local citizens, especially the educated unemployed youth feel threatened. This feeling is accentuated particularly as they look different with their mongoloid features.

(iv) The nature of jobs and employment of a large number of the North East are low paid giving rise to other problems.

a) The economic background of most job seekers from the people from the North East is far from affluent and they, therefore, reside in rented accommodation which are, also mostly in the affordable lower middle class areas often called urban villages. The residents of such localities are as mentioned earlier, generally conservative. Frictions, therefore, arise because of difference in attitude.

b) In such a backdrop, the people from the North East tend to keep to themselves and there is very little interaction even between the landlords and the tenants.

c) Language and communication difficulties are also a major problem.

d) Due to the nature of work e.g. people from the North East working in shops and establishments in Malls and late working hours in the BPOs for which the workers have often to come home late. This often exposes them to the anti-social



Racism in India
The need for criminalisation of racism and racial crimes

elements as also make their movements suspicious in the minds of the neighbours.

e) Being away from home some young people also tend to get together very often playing loud music which disturbs the landlords and other tenants.

f) As a result, landlords and local communities often make allegations of some immoral activities and drug abuse. Isolated examples tend to multiply the wrong perceptions, leading to, in the minds of many such residents, a wrong image about the people from the North East in general.

g) It was submitted before the Committee that many landlords also consider the people from the North East as difficult tenants because of their food habits and resent pungent smell that North East cooking have due to the use of fermented seasonings like bamboo shoots and soya beans.

h) The rental systems that the North East people have to accept are also ad-hoc in nature with no proper lease or deed agreements leading to misunderstandings especially when it comes to tenures, premature or arbitrary termination of lease etc. Tensions also emerge in matters relating to the refund of advances.

i) There are also numerous cases of the young but gullible people from the North East falling prey to 'Agents' who lure them with promises of good jobs but end up either with poorly paid menial jobs or worse, thrown into human trafficking circles.

(v) As we have mentioned, the concerns of the people from the North East and incidents involving them can't be viewed in isolation of the conditions and situations that prevail in the various cosmopolitan metros of India. Discrimination, harassment, molestation and even rape and atrocities against women are not confined or directed only to people from the North East India. It happens to other people also including foreigners. The scale or the intensity at which they occur, however, varies from place to place. The Committee observed that the incidents are less pronounced in the other Metros such as Hyderabad, Chennai, Pune, Mumbai and Kolkata than in Delhi. Various reasons have been stated by the cross



Racism in India
The need for criminalisation of racism and racial crimes

section of the people with whom the Committee had interacted. The reports of the subgroups placed at Annexure 7 mention such reasons and the Committee has taken note of them in formulating the recommendations.

4.2 To take care of such concerns, very wide ranging solutions - short term, medium term and long term - have to be thought of. Many of the concerns relate to very complex socio-cultural issues and would require very comprehensive, focused attention of the law enforcing agencies, the society leaders, the civil society and the public policy makers. Based on the numerous submissions and suggestions received, we have tried to group some of the remedial measures that appear to be necessary and feasible under the following categories:

- (i) Creating awareness, which we take as a two way journey, though the primary focus is on creating awareness of the people outside North East about the least known and least understood region of the country.
- (ii) Quick, strong *and* fair action by law enforcing agencies.
- (iii) Institutional arrangements to provide guidance, help, information, counseling and orientation.
- (iv) Suitable legal/legislative measures to supplement the above efforts.

4.3 In making these recommendations, we have been guided by some overriding concerns. The primary objective has been to bridge the gap in understanding to integrate and not segregate the people of the North East India into the broader national identity of India and to build connectivity not only physical but also connectivity of minds.

4.4 This Committee would also not like to term each incident involving people from the North East as racial. Each case has to be seen on its merit, in the context and content of its occurrence. Nevertheless, the fact that acts - both overt or otherwise, of racial nature involving the people from the North East - are increasing has been forcefully brought before the Committee by all people/organizations we interacted with.

4.5 Numerous interactions that the Committee had with individuals and organizations confirmed these basic concerns. Summarizing all these submissions, Committee would like to illustrate basic issue.



Racism in India
The need for criminalisation of racism and racial crimes

4.6 While these concerns were voiced by different groups, various individuals and institutional representatives strongly argued that racial discrimination in various forms is the root cause of several manifested problems for the North East people in the metro cities. The Committee also received a few documents from different individuals and associations on the subject of racism-like. The study by (1) North East India Forum Against Racism Legal Team, (2) Shri Thang Khanial Nagaihte's article in the Economic and Political Weekly dated March 15, 2014 (3) Dr. Doma T Bhutia's paper on "Model National Legislation for the Guidance of Governments In the Enactment of Further Legislation Against Racial Discrimination."

4.7 These are placed at *Annexure 8 (a) to (c)*

4.8 These documents detail the racial experiences the North East people in the context of forms of racism as follows:

External Appearances: This refers to attitude associated with external appearances which include facial structures and colour of *skin*. This attitudinal stereo types and prejudices are expressed in racial slurs, comments and contours when persistently are labelled against individuals and groups in both overt acts and subtle ways tantamount to racial abuses. This nature of racism, it is pointed out by most groups and individuals we interacted with is faced by the North East people in Delhi NCR on daily basis in the form of racial slurs and comments include momo, chinkis, chichi chu chu, chowmein and Chinese. Repeated comments and contours causes hurt feels and when resisted, physical conflict take place e.g. the case of death of Nido Tania.

Institutional Racism: Institutional racism comes into play when victim of racist attacks seek to take remedy through the law. The racist prejudice is experienced here in form of attempts by the police to suppress or to make light of the crime, the tendency to cast aspersions on the character of the victim or complaints and refusal to register FIRs, or of putting unnecessary pressures on the victim to withdraw the case, etc. It is interesting to note that all the recent protests by the people from the North East are as much about police apathy as they are about racial prejudice experienced in everyday life. It is time to worry when the institutions of law-governed societies themselves become places where racism occurs.



Racism in India
The need for criminalisation of racism and racial crimes

4.9 The reports point out that such experiences are common also in places of study, hospitals and other public delivery institutions.”

3.1.2. Spurt of racist attacks during COVID-19 pandemic

Coronavirus (COVID-19) has affected the entire world and people whose physical features resemble the Chinese have been facing racism and acts of racial discrimination across India because of the origin of the virus in Wuhan, China.

In the wake of COVID-19 outbreak, there has been massive and unprecedented upsurge of acts of racism and racial discrimination across the length and breadth of the country.

Apart from being called “Corona”, “Chinese”, “Chinki”, glaring/staring/ogling while walking in the streets or shopping or sitting in public transport, India’s Mongoloid looking people were spat on and called “coronavirus”, forcibly quarantined despite showing no COVID-19 symptoms, denied entry into apartment complex or grocery stores, forced to leave apartment, threatened with eviction from their apartment, forced to leave restaurant to make others comfortable, none wanting to share transport etc.¹⁵

These incidents have taken place in upscale restaurants and campuses of prestigious institutions like Kirorimal College of Delhi University, Tata Institute of Social Sciences and the National Council of Educational Research and Training (NCERT), autonomous organisation of the government of India, which prepares school syllabus for students upto 12th Standards appearing for the Central Board of Secondary Education. The incidents had taken place across the length and breadth of the country such as Gujarat, Delhi, Tamil Nadu, Punjab, West Bengal and Maharashtra, showing that prejudices and acts of racism are not confined in particular areas.¹⁶

On 17 March 2020, Tapir Gao, a Member of Parliament raised the issue of racial discrimination against people from the North East states in the wake of the Covid-19 pandemic. He appealed to the Central government to give directives and advisories to respective state authorities to stop racial discrimination against

¹⁵. Coronavirus Pandemic: India’s Mongoloid Looking People Face Upsurge Of Racism, Rights and Risks Analysis Group, 26 March 2020, <http://www.rightsrisks.org/by-country/india/coronavirus-pandemic-indias-mongoloid-looking-people-face-upsurge-of-racism/>

¹⁶. Coronavirus Pandemic: India’s Mongoloid Looking People Face Upsurge Of Racism, Rights and Risks Analysis Group, 26 March 2020, <http://www.rightsrisks.org/by-country/india/coronavirus-pandemic-indias-mongoloid-looking-people-face-upsurge-of-racism/>



Racism in India

The need for criminalisation of racism and racial crimes

the people of northeast.¹⁷ On 18 March 2020, Union Minister Kiren Rijiju said that a strict advisory was being issued to all states to take action after some incidents of racial remarks against people belonging to the North East in some parts of the country were reported in the wake of the coronavirus outbreak.¹⁸ On 21 March 2020, the Ministry of Home Affairs-North East Division issued an Advisory to all states directing to take appropriate action when such cases of harassment are reported.

Yet, these measures of the Union of India were not enough for two reasons:

First, there is no law against racism in India. Police usually invoke Section 354 (assault or criminal force to woman with intent to outrage her modesty) and Section of 509 (insult to the modesty of women) if the victim is Mongoloid looking woman but the police does not know what provisions to invoke if the victim is male. None of the terms used against Mongoloid looking people such as “Momos”, “Chinkis”, “Bahadur”, Corona, “Coronavirus” etc are defined as offences in the Scheduled Castes and Scheduled Tribes Prevention Act. Further, all Mongoloid looking people are not Scheduled Tribes. The police are at lost which sections or which laws to invoke given the legal vacuum.

Second, key leaders of the Government of India have not made any statement against upsurge of racist attacks against Mongoloid looking people of the North East. Effectively, there is no public communication from either Prime Minister Narendra Modi or Home Minister Amit Shah or Minister of Development of North Eastern Region (DONER) Dr Jitendra Singh on the issue.

Some of the reported incidents of racist attacks during COVID-19 pandemic are highlighted below:

Case 1: Racist statements against the Nagas

On 17 July 2020, Mumbai-based animal rights activist Hema Chowdhary was arrested from her residence in Mumbai by the Nagaland Police in connection with a “racist” video uploaded on social media by her. Chowdhary was arrested in connection with a video posted on Youtube/ Facebook on 4 July 2020

¹⁷. Gao seeks central directives on racial discrimination against NE people in the backdrop of Covid-19, Northeast Today, 18 March 2020, <https://www.northeasttoday.in/gao-seeks-central-directives-on-racial-discrimination-against-ne-people-in-the-backdrop-of-covid-19/>

¹⁸. Centre Issuing Advisory after Incidents of Racial Remarks against People from NE States on Coronavirus, News18, 18 March 2020, <https://www.news18.com/news/india/centre-issuing-advisory-after-incidents-of-racial-remarks-against-people-from-ne-states-on-coronavirus-2541417.html>



Racism in India

The need for criminalisation of racism and racial crimes

following which a case was registered in Nagaland against her. The police said that in the video, Chowdhary made "derogatory statements against the Nagas conducing to public mischief and also promoting enmity between different groups of people, which is pre-judicial to maintenance of harmony".¹⁹

Case 2: 300 Manipuri nurses forced to return home from Kolkata due to racial discrimination and hostilities

In May 2020, about 300 nurses from Manipur were forced to return after resigning from their posts in hospitals in Kolkata in West Bengal to escape unbearable racial discrimination including racial slurs while rendering services amid the health emergency caused by the COVID-19. The nurses from the Northeast were called 'corona' for their physical appearances and hurled abuses. Sometimes, they were refused entry at their own society flat hostel after a prolonged duty in the hospitals. President of Manipuris in Kolkata (MIK) Kshetrimayum Shyamkesho Singh alleged that the nurses were even not allowed to use lifts or not allowed to come out to buy essential groceries.²⁰ Speaking to news agency ANI, one Manipuri nurse Cristella confirmed that the nurses from the Northeast had faced "discrimination and, racism and people sometimes spat on us".²¹

Case 3: Racial abuse against two North-eastern women

On 17 May 2020, two women from Northeast identified as Maria (23 years) and Jenny (21 years) were abused by one M Vignesh, an ambulance driver, while they were taking a walk on Azhagesan Road within the limits of the Saibaba Colony Police Station in the Coimbatore district of Tamil Nadu. The accused questioned them for walking there and asked them to go back to China. The women said they were from Manipur, not from China but the accused called them "corona spreaders" and pushed Maria.²²

¹⁹. After Hema Chowdhary's arrest, Nagaland cops warn social media users, EastMojo, 21 July 2020, <https://www.eastmojo.com/nagaland/2020/07/21/after-hema-chowdharys-arrest-nagaland-cops-warn-social-media-users>

²⁰. Manipur: Mocked as 'corona', 300 nurses leave Kolkata after facing racism, InsideNE, 20 May 2020, <https://www.insidene.com/manipur-mocked-as-corona-300-nurses-leave-kolkata-after-facing-racism/>

²¹. 'We face racism, people spit on us': Over 350 nurses in Kolkata resign, head back to Manipur, Times Now, 21 May 2020, <https://www.timesnownews.com/india/article/we-face-racism-people-spit-on-us-over-350-nurses-in-kolkata-resign-head-back-to-manipur/594887>

²². Racism: Ambulance driver accuses 2 Manipuri women of spreading COVID-19, asks them to go to China, Times Now, 18 May 2020, <https://www.timesnownews.com/mirror->



Case 4: Racial abuse and brutal beating of a 20-year-old girl from Manipur in Gurugram, Haryana and police inaction

On 10 May 2020, Ms Chong Hoi Misao, a 20-year-old girl from Manipur, was brutally attacked by some locals from Faizapur, Gurugram in Haryana just for passing through the locality. The victim had visited a friend in the area and was returning when she was stopped by an elderly woman who rudely interrupted her from passing through the road, stating that it was private property. She abused her in a racially-charged tone deterring her from passing by the street in front of her house. When the victim requested her to speak politely, she was again met with verbal abuse and was allegedly called 'corona'. After the altercation, all the family members of the woman, which included the daughter-in-law and her son, came forward and started hitting her with sticks. Some of the sticks even landed on the victim's head which rendered her unconscious. She was then rescued by some local people who then called up the police.²³

Based on media reports, the National Human Rights Commission (NHRC) took suo motu cognizance and called for reports from Chief Secretary, Haryana and Police Commissioner, Gurugram. The NHRC noted that the police officials, who reached the spot asked the victim to compromise the matter with the tormentors instead of initiating the requisite legal process. The NHRC further observed that "it is disgusting that a woman from North-Eastern part of her own country was subjected to racial discrimination and physical assault by a local family in the NCR region. Apparently, the police personnel failed to do justice with the situation and take necessary action. They should have realized the impact of trauma and mental agony, the woman was undergoing due to the tragic incident."²⁴

Case 5: Two Northeastern men tortured by police in Bangalore

On 20 April 2020, Samrat Pradhan (25 years), a business correspondent of a magazine and his cousin Amit Kar (25 years), working in a hotel, were allegedly tortured at the Hennur police station in Bangalore, Karnataka for 15 hours. They had stepped out to buy medicines and groceries when the police stopped them

[now/crime/article/racism-ambulance-driver-accuses-2-manipuri-women-of-spreading-covid-19-asks-them-to-go-to-](https://www.thequint.com/news/india/manipur-girl-racially-abused-assaulted-by-locals-in-gurugram)

[china/593776?utm_source=relatedarticles&utm_medium=widget&utm_campaign=related](https://www.thequint.com/news/india/manipur-girl-racially-abused-assaulted-by-locals-in-gurugram)

²³. Manipur Girl Called 'Corona', Assaulted by Locals in Gurugram, The Quint, 14 May 2020, <https://www.thequint.com/news/india/manipur-girl-racially-abused-assaulted-by-locals-in-gurugram>

²⁴. See NHRC Human Rights Newsletter, June 2020 available at https://nhrc.nic.in/sites/default/files/2020_06_EN.pdf



Racism in India
The need for criminalisation of racism and racial crimes

and hit them. While Samrat Pradhan is from Darjeeling, his cousin Amit Kar is from Nagaland. They alleged that several people also stepped out without pass or mask but from the entire crowd, they were singled out and people started calling them “coronavirus”. Then, they were taken to the Hennur police station and brutally beaten up.²⁵

Case 6: Two Manipuri youths denied entry at Starmarket Vanastalipuram in Hyderabad, Telangana

On 9 April 2020, two youths from Manipur were denied entry to buy groceries at Starmarket Vanastalipuram in Hyderabad, Telangana for looking like foreigners. They were stopped by two security guards outside the gate of the supermarket stating that they cannot enter under the “prevailing COVID-19 situation”, despite showing identification documents. When the Northeastern youths said they were Indians, not foreigners, and spoke in broken Hindi, the security guard asked them to speak in Telugu. Then, he asked the two Northeastern youths to step aside as they were causing “problems for other customers.” As the Northeastern youths begged the security guard not to discriminate against them, the latter asked them to wait for “Boss” who went for lunch to come. In the meanwhile, other customers did nothing to help them out.²⁶ After the videos of the incident went viral, the police registered an FIR and took the store manager and two guards into custody.²⁷

Case 7: Denial of entry to two Nagaland students at a grocery store in Mysuru, Karnataka

On 28 March 2020, two students from Nagaland were denied entry at a grocery store of a large retail chain in Mysuru, Karnataka on the ground that they were not Indians. According to the victims, they had waited in the queue for about 25 minutes but when their turn came, the staff at the gate did not allow them to

²⁵. Two NE residents ‘tortured’ in police station for 15 hours, Bangalore Mirror, 22 April 2020, <https://bangaloremirror.indiatimes.com/bangalore/crime/two-ne-residents-tortured-in-police-station-for-15-hours/articleshowprint/75282066.cms?prtpage=1>

²⁶. Videos of the denial of entry into the supermarket to two Manipuri youths in Hyderabad are available at <https://twitter.com/jtrichao/status/1247957079240761346>

²⁷. 2 from Manipur denied entry at Hyderabad supermarket, cops probe racism claim, India Today, 9 April 2020, <https://www.indiatoday.in/india/story/coronavirus-hyderabad-supermarket-denies-entry-to-2-from-northeast-1665051-2020-04-09>



Racism in India
The need for criminalisation of racism and racial crimes

enter stating that “foreigners” are prohibited to enter. The Nagaland youths produced their Aadhaar cards but even then they were denied entry into the More Megastore, a unit of More Retail Limited.²⁸ Within minutes, another employee of More Megastore came out and tried to snatch the mobile phone after warning the Nagaland youth not to record the video. People who were shopping at the store looked on but did not intervene.²⁹ After video of the incident went viral on social media, City Police Commissioner Chandragupta said an FIR was registered at the Krishnaraja police station and the manager and staff of the outlet were taken into custody.³⁰

Case 8: Arunachal Pradesh woman called “coronavirus” in Hyderabad, Telangana

On 26 March 2020, Leemi Keche, a journalist hailing from Arunachal Pradesh stated that while she was on her way to purchase medicine in the Banjara Hills area, road number 12, in Hyderabad, Telangana at least 15 random people called her 'Coronavirus'. The Hyderabad City Police took note of her tweet and assured to look into the matter.³¹

Case 9: Two Northeast girls threatened with eviction from their apartment in Ahmedabad, Gujarat

²⁸. Students from Northeast Denied Entry at Mysuru Supermarket, Case Filed against Outlet's Staff, News18, 29 March 2020, <https://www.news18.com/news/india/northeast-students-denied-entry-at-mysore-supermarket-case-registered-against-outlets-manager-staff-2556131.html>

²⁹. 2 Men From Nagaland Denied Entry To Mysuru Store Amid COVID-19 Scare, NDTV, 29 March 2020, <https://www.ndtv.com/karnataka-news/coronavirus-2-men-from-nagaland-denied-entry-to-mysuru-store-amid-covid-19-scare-2202617>

³⁰. Students from Northeast Denied Entry at Mysuru Supermarket, Case Filed against Outlet's Staff, News18, 29 March 2020, <https://www.news18.com/news/india/northeast-students-denied-entry-at-mysore-supermarket-case-registered-against-outlets-manager-staff-2556131.html>

³¹. What a shame! Over a dozen people call Arunachal woman 'coronavirus' in Hyderabad, The New Indian Express, 28 March 2020, <https://www.newindianexpress.com/cities/hyderabad/2020/mar/28/what-a-shame-over-a-dozen-people-call-arunachal-woman-coronavirus-in-hyderabad-2122437.html>
The tweet of Leemi Keche (@keche_leemi) is available at <https://twitter.com/hydcitypolice/status/1243550921549729793>



Racism in India
The need for criminalisation of racism and racial crimes

On 23 March 2020, an incident of racial discrimination against a group of women from Northeast India living in Ahmedabad, Gujarat was reported.³² A video clip of the incident, which had gone viral in social media, showed a group of women from the Northeast India crying as the housing society they were living tried to forcefully evict them for "bringing coronavirus in India". In the video, a police official, reportedly from Gujarat Police, can be seen reassuring the women that they are safe and do not have to go anywhere.³³

Case 10: A woman from Manipur spat on and called 'coronavirus' in New Delhi

On the night of 22 March 2020, a 25-year-old woman from Manipur was spat on called a 'corona' by a man in Mukherjee Nagar area of North-West Delhi. The woman was going to her home in Vijaynagar after buying grocery from the local market when the incident happened. In her complaint to the police, she stated that a man in his early 50s passed lewd comments on her and when she objected, he spat on her and managed to escape after shouting "Corona". On the basis of her complaint, an FIR was registered under IPC section 509 at Mukherjee Nagar police station and police started scanning all the CCTV camera of the area to ascertain the identity of the accused. Chief Minister of Delhi Minister Arvind Kejriwal expressed his dismay over the incident and asked the Delhi Police to find the culprit and take strict action.³⁴ The accused was later arrested by police on 25 March.³⁵

Case 11: Indian Idol fame Meiyang Chang called "coronavirus" on the street

³². Verbally abused, spat at, harassed: Northeastern citizens come under attack amid coronavirus panic, India Today, 23 March 2020, <https://www.indiatoday.in/india/story/verbally-abused-spat-at-harassed-northeastern-citizens-come-under-attack-amid-coronavirus-panic-1658826-2020-03-23>

³³. The video is available at: <https://twitter.com/anujironi/status/1241782165282549765>

³⁴. Delhi man spits at Manipuri woman, calls her 'corona'; FIR filed, Indian Express, 23 March 2020, <https://indianexpress.com/article/cities/delhi/delhi-man-spits-at-manipuri-woman-calls-her-corona-fir-filed-6327844/>

³⁵. Delhi man arrested for spitting at Manipuri woman, calling her 'corona', The Indian Express, 25 March 2020, <https://indianexpress.com/article/cities/delhi/delhi-man-who-spat-at-called-manipuri-woman-corona-arrested-6331471/>



Racism in India
The need for criminalisation of racism and racial crimes

On 22 March 2020, Indian Idol fame Meiyang Chang, an Indian Chinese, shared his ordeal of facing racial discrimination amid the coronavirus spread. Two guys on a speeding bike in Mumbai called him “coronavirus”.³⁶

Case 12: Activist Ms Alana Golmei called “coronavirus” at NCERT campus in Delhi

On 21 March 2020, Alana Golmei, hailing from Manipur and chairperson of “North East Support Centre and Helpline” in New Delhi which helps victims of racial attacks, was called “Coronavirus” in the campus of the National Council of Educational Research and Training (NCERT), an autonomous organisation of the Government of India which prepares school syllabus for students upto 12th Standards. Ms Golmei stated that a group of four-five NCERT staff were standing and as she and her friend from Meghalaya came closer to them, one of them said: “Coronavirus aa gaya [Coronavirus has come]”.³⁷

Case 13: Nine Naga youths forced to spend 24 hours in quarantine centre in Gujarat because of their physical features

On 20 March 2020, 24-year-old Cathy Chakhesang and her eight colleagues from Nagaland working at a dental insurance company’s call centre had to spend the night in a government quarantine facility meant for suspected patients of the coronavirus disease allegedly because of their Mongoloid looks. They had no physical symptoms of the disease, no foreign travel history, no apparent contact with any laboratory-confirmed Covid-19 patient and none of them ticked any of the boxes that qualify people to be treated as a suspect case. Someone anonymously complained to the Ahmedabad police that these youths from Nagaland could be infected by the novel coronavirus because of their physical features. Police landed up in their office informed the employer that some public had complained about the Naga youths saying that they were carrying the virus because they look like Chinese. The police then allegedly summoned an ambulance, which ferried them to a sports club that has been turned into quarantine centre by the Ahmadabad Municipal Corporation. Chakhesang and her colleagues had to spend the night in the quarantine ward and were let go

³⁶. Meiyang Chang Shares Ordeal of Racial Discrimination Amid Coronavirus Outbreak, MSN New available at <https://www.msn.com/en-in/entertainment/celebrity-news/meiyang-chang-shares-ordeal-of-racial-discrimination-amid-coronavirus-outbreak/ar-BB11ziIV?li=AAgfYGb>

³⁷. Racial taunts: People from Northeast are now called ‘coronavirus’, East Mojo, 21 March 2020, <https://www.eastmojo.com/coronavirus-updates/2020/03/21/racial-taunts-people-from-northeast-are-now-called-coronavirus>



Racism in India

The need for criminalisation of racism and racial crimes

only on the midnight of 21 March 2020. Ahmedabad police commissioner Ashish Bhatia confirmed the incident.³⁸

Case 14: Racial discrimination of people from northeast in Chennai, Tamil Nadu

On 20 March 2020, the North East India Welfare Association in Chennai complained to the Police Commissioner AK Viswanathan alleging racial discrimination against people of Northeast origin in Chennai after the outbreak of the Covid-19. The Association alleged that two incidents of racial profiling and discrimination had taken place in Velachery and Besant Nagar locality of the city in the past one week and demanded setting up of a 24/7 Helpline for assistance of North-east people in the city.³⁹

Case 15: North East students face racial discrimination in Punjab

In March 2020, a video of a group of students from northeast India studying in Punjab went viral on social media wherein they narrated personal accounts of discriminations and racism they faced. The students narrated how people have now retorted to call them “coronavirus”. The students claimed that the locals tease them by calling them “coronavirus”. One of the students stated that many of the locals tease them.⁴⁰ In the video, the students shared instances where people labelled them as “coronavirus” because of their appearance like Chinese. They appealed to everyone to refrain from such hurtful behaviour as it not only has an impact on their being, but also on their studies and education.⁴¹

Case 16: None wanting to share transport with Ranchungailiu Gonmei in New Delhi because of her looks

³⁸. Covid-19: Naga youths forced to spend 24 hours in Gujarat quarantine – despite no travel, no symptom, Scroll, 22 March 2020, <https://scroll.in/article/956919/covid-19-naga-women-forced-to-spend-24-hours-in-gujarat-quarantine-despite-no-travel-no-symptoms?fbclid=IwAR3ck5nNhMblopqClzXGsyKBjaOiZEw7iBsF4EXsbs2-awVkcQ0y5HI0d0>

³⁹. Covid-19 outbreak in Chennai: ‘People from northeast being targeted’, Times of India, 21 March 2020, http://timesofindia.indiatimes.com/articleshow/74740859.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst

⁴⁰. Stop Calling Us Coronavirus & Chinky: NE Students in Punjab Decry ‘Racism’, InsideNE, 16 March 2020, <https://insidene.com/2020/03/16/stop-calling-us-coronavirus-chinky-ne-students-in-punjab-decry-racism/>

⁴¹. Racism During Crisis? Northeastern Students Tired Of Being Called ‘Coronavirus’, idiva, 18 March 2020, <https://www.idiva.com/news-opinion/news/northeast-indians-face-racism-ask-not-to-be-called-coronavirus-in-emotional-viral-video/18007601>



Racism in India
The need for criminalisation of racism and racial crimes

On 18 March 2020, Ranchungailiu Gonmei, 23 years, who is pursuing her Master's in English literature from Delhi University shared discrimination faced by her. Gonmei stated that she was returning from Hansraj College and no one wanted to sit in the same e-rickshaw with her because of her Mongoloid looks.⁴²

Case 17: Student from Darjeeling called “coronavirus” in Kolkata, West Bengal

On 17 March 2020, a 22-year-old student of Jadavpur University, hailing from Darjeeling faced racial abuse in Lake Gardens area in Kolkata where he stays. The victim was waiting to catch an auto rickshaw when a group of people repeatedly called him “coronavirus”. They even shouted on his face and looked stared at him with disgust.⁴³

Case 18: 74 year old cancer patient Rinzin Dorjee and his daughter Tsering Yangzom denied entry at Apartment complex in Mumbai, Maharashtra as alleged Chinese

On 16 March 2020, 74-year-old Rinzin Dorjee and his daughter Tsering Yangzom from Northeast India were denied entry in Shree Sainath Housing Society at Mulund (East), Mumbai on the suspicion that they hail from China. Mr Dorjee was a frequent visitor to Mumbai for his cancer treatment and had been staying at the Housing Society for the last three months. However, on 16 March the security guard did not allow him and his daughter to enter the society alleging that they might be infected with the virus. The daughter claimed that the society denied them entry despite showing valid documents.⁴⁴

Case 19: Girl from Meghalaya made to leave Delhi restaurant to make others comfortable

⁴². Racial taunts: People from Northeast are now called ‘coronavirus’, East Mojo, 21 March 2020, <https://www.eastmojo.com/coronavirus-updates/2020/03/21/racial-taunts-people-from-northeast-are-now-called-coronavirus>

⁴³. On Kolkata streets, students from Darjeeling face racial slurs linked to coronavirus, Indian Express, 17 March 2020, <https://indianexpress.com/article/education/on-kolkata-streets-students-from-darjeeling-face-racial-slurs-linked-to-coronavirus-6317822/>

⁴⁴. Mumbai: Amid coronavirus outbreak, Mulund society calls North-East man 'Chinese', denies entry, The Free Press Journal, 18 March 2020, <https://www.freepressjournal.in/mumbai/mumbai-mulund-society-calls-north-east-man-chinese-denies-entry>



Racism in India
The need for criminalisation of racism and racial crimes

In an opinion piece published in *East Mojo* on 16 March 2020, Pallavi Ghosh, a senior editor at CNN- News 18, wrote about a horrific incident of racial discrimination she was witness to in a restaurant at the upscale Pandara Market of Delhi. The editor had gone to the restaurant to pick up some takeaway when she noticed a girl (from Shillong, Meghalaya) was eating her meal inside the restaurant. A group of ladies walked in and took offence in seeing the girl with Mongoloid features dinning at the restaurant. They created a scene and demanded that the girl be asked to leave or they would call the health department and the police. The helpless girl pleaded that she is not Chinese but from Shillong which is a part of India. Eventually the girl left the restaurant crying.⁴⁵

Case 20: Zosang Pachau, Mizo student called “coronavirus” in Delhi

On 15 March 2020, one Zosang Pachau, a 24-year-old student at the University of Delhi and a native of Mizoram, was harassed while on the way to college. He stated that he was getting on the metro when a group of young men started pointing at him and commented ‘*Corona virus aagaye*’ [coronavirus has come here]. Pachau has been living in Delhi for the last five years.⁴⁶

Case 21: 21-year-old girl student of Presidency College from Darjeeling called “coronavirus” in Kolkata, West Bengal

On 14 March 2020, a 21-year-old girl, an undergraduate student from Darjeeling, allegedly faced social discrimination in Kolkata. Recounted the incident, the victim stated that she was walking from Sealdah to Moulali on AJC Bose Road on the afternoon of 14 March 2020 with three of her batch mates, all from Darjeeling and Siliguri, when a group of men standing on the roadside commented ‘*coronavirus esheche* (here comes coronavirus)’ after they saw them.⁴⁷

Case 22: Student from Darjeeling faces social ostracisation in Kolkata bus, West Bengal

⁴⁵. Racism amid coronavirus: Northeast people at the receiving end, *East Mojo*, 16 March 2020, <https://www.eastmojo.com/opinion/2020/03/16/racism-amid-coronavirus-northeast-people-at-the-receiving-end>

⁴⁶. Amid coronavirus pandemic, India faces another danger, *South China Morning Post*, 15 March 2020, <https://www.scmp.com/week-asia/health-environment/article/3075268/amid-coronavirus-pandemic-india-faces-another-danger>

⁴⁷. On Kolkata streets, students from Darjeeling face racial slurs linked to coronavirus, *Indian Express*, 17 March 2020, <https://indianexpress.com/article/education/on-kolkata-streets-students-from-darjeeling-face-racial-slurs-linked-to-coronavirus-6317822/>



Racism in India
The need for criminalisation of racism and racial crimes

On 14 March 2020, a 21-year-old undergraduate student from Darjeeling allegedly faced social discrimination when people did not sit near him on a crowded bus. According to the student, he was returning from college on a private bus when people refused to sit near him throughout the 30-minute journey. He was gawked at throughout the journey.⁴⁸

Case 23: Pamziuliu Gonmei, Assistant professor, Delhi University called “Chinese, Corona” in Delhi

On 10 March 2020, Pamziuliu Gonmei, a 26-year-old Assistant Professor at the University of Delhi faced racial discrimination based on her looks. Reportedly, a young boy at India Gate walked past her and said, “*Ye toh Chinese hai, Corona, Corona* [She is Chinese, Corona, Corona]”. On another occasion two boys pointed out to her and said, “*Ye Corona* [She is Corona]” while she was walking in her colony in Mukherjee Nagar.⁴⁹

Case 24: Advocate Ms Bandana from Northeast called “corona” during Holi, Delhi

On 10 March 2020, Ms Bandana from the North East and an advocate practicing at the Saket District Court, Delhi was alleged called “corona” during Holi. She said that there have been many such instances when people racially targeted her.⁵⁰

Case 25: Namguilung Panmel from Manipur called “coronavirus” in Pune, Maharashtra

On 9 March 2020, Namguilung Panmel, a native of Manipur reportedly faced racial slurs at Undri, Pune in Maharashtra. Panmel went out to buy some food when some man at the back of the queue began yelling at the shopkeeper in Marathi, calling him “coronavirus”. Everyone present smirked. And, later that evening, while he was returning from a friend’s place a traffic cop stopped him and asked for his documents and licence. The policeman imposed him a fine for not wearing a helmet, but that he had let all the other helmetless riders off and

⁴⁸. On Kolkata streets, students from Darjeeling face racial slurs linked to coronavirus, Indian Express, 17 March 2020, <https://indianexpress.com/article/education/on-kolkata-streets-students-from-darjeeling-face-racial-slurs-linked-to-coronavirus-6317822/>

⁴⁹. Racial taunts: People from Northeast are now called ‘coronavirus’, East Mojo, 21 March 2020, <https://www.eastmojo.com/coronavirus-updates/2020/03/21/racial-taunts-people-from-northeast-are-now-called-coronavirus>

⁵⁰. Being called corona: People from Northeast allege racial targeting in Delhi, India Today, 19 March 2020, <https://www.indiatoday.in/india/story/coronavirus-outbreak-in-india-northeast-racial-targeting-delhi-1657276-2020-03-19>



Racism in India
The need for criminalisation of racism and racial crimes

commented ‘Woh log toh local aadmihai, tum toh China se ho na, kiskopataterapaas coronavirus haikinahi (they are locals, you are from China, who knows if you are infected or not)’.⁵¹

Case 26: Northeast woman called ‘coronavirus’ near Delhi University, hit by water balloons

On 3 March 2020, a woman from Northeast and her friend were reportedly hit by water balloons and called ‘Coronavirus’ by two men on a bike at Kamla Nagar near Delhi University’s North Campus. Police officials confirmed the incident and said that an FIR was registered at Roop Nagar police station under IPC sections 188 (disobedience to order duly promulgated by public servant) and 354 (assault or criminal force to woman with intent to outrage her modesty). A senior police official confirmed that the complainant had mentioned she was called “Coronavirus” by those who threw the balloons at her.⁵²

Case 27: North East students at Tata Institute of Social Sciences, Mumbai allege racial discrimination because of COVID-19

On 17 February 2020, students from North Eastern states studying at the Tata Institute of Social Sciences (TISS) in Mumbai complained of racial discrimination in and around the campus in the wake of the coronavirus outbreak in China. The Northeast Students’ Forum of the TISS alleged that some of the members of the forum had been accused of carrying the deadly virus, which originated in China, owing to their facial features. The Forum asked the institute’s administration to intervene in the matter to ensure the safety of students from the Northeast.⁵³

Case 28: Northeast student called “coronavirus” at Kirori Mal College, Delhi University

⁵¹. Northeast community fends off racist attacks with coronavirus label, Pune Mirror, 9 March 2020,

<https://punemirror.indiatimes.com/pune/cover-story/northeast-community-fends-off-racist-attacks-with-coronavirus-label/articleshow/74542293.cms>

⁵². Delhi: Northeast Woman Called 'Coronavirus' Near DU, Hit By water Balloons, Republic World, 10 March 2020, <https://www.republicworld.com/india-news/city-news/delhi-northeast-woman-called-coronavirus-near-du.html>

⁵³. Amid coronavirus scare, Northeast students at TISS allege racial prejudice, Hindustan Times, 17 February 2020, <https://www.hindustantimes.com/india-news/amid-coronavirus-scare-northeast-students-at-tiss-allege-racial-prejudice/story-SVbeQW08qNW55MQ9RF0JOM.html>



Racism in India
The need for criminalisation of racism and racial crimes

On 11 February 2020, a student of Kirori Mal College hailing from northeast India was being harassed and called 'Coronavirus' on campus. On 6 February 2020, the student had gone to the canteen for lunch along with a friend. While they were waiting for the food, there was a group of three male students standing. Without any provocation, two of the students started throwing racial slurs at the girl. She alleged that they made racially motivated comments such as "Look, the corona is here!" and was called "coronavirus!".⁵⁴ The student made a complaint to the authorities over the incident of harassment and racial slurs faced on campus.

The North East Students 'Cell had also written to the College Principal alleging that there have been recurring incidences of racial discrimination against students from the north-east in the college campus. It asked the principal to take concrete action against the students who made such racially derogatory remarks.⁵⁵

Case 29: Naga woman made to leave apartment in Mumbai, Maharashtra as alleged Chinese

On 10 February 2020, a 23-year-old woman who had just arrived in Mumbai from Nagaland went to visit a friend staying in a housing society in Chembur in Mumbai. The woman was wearing a mask. A local resident shot a video of the Naga woman suspecting her to be a Chinese national suffering from novel coronavirus. At around 8.30 PM when she rang the apartment's doorbell a male resident of the building started shooting a video of her. The neighbour sent the video to the owner of the flat, who had gone to Kerala and within minutes, the host received the video from her Kerala-based landlord, who questioned her about the visitor. The host, also a 23-year-old woman from Nagaland, studying TISS in North East Mumbai. It led to a heated argument and the girl from Nagaland eventually had to leave the apartment.⁵⁶

Case 30: Ms Hmingtei Chhangte from Mizoram screamed at as "Chinese" in Pune, Maharashtra

⁵⁴. North-east students face racism in kirori mal college, DU Express, 2 March 2020, <https://duexpress.in/north-east-students-face-racism-in-kirori-mal-college/>

⁵⁵. Students from Northeast complain of racism at Kirori Mal College, Times of India, 11 February 2020, <https://timesofindia.indiatimes.com/city/delhi/students-from-northeast-complain-of-racism-at-kmc/articleshow/74071475.cms>

⁵⁶. Coronavirus: Naga woman mistaken for Chinese in Mumbai, made to leave building, E-pao, 16 February 2020, <http://e-pao.net/GP.asp?src=13..170220.feb20>



Racism in India

The need for criminalisation of racism and racial crimes

On 7 February 2020, Ms Hmingtei Chhangte, a young IT professional from Mizoram and based in Pune was subjected to humiliation in Reliance Mart, Aundh Pune after a shopper in the same aisle created a ruckus, saying she could be a carrier of COVID-19⁵⁷ when Ms Chhangte went for grocery shopping there. A lady covered her face every time the Mizo lady passed by and tried to avoid her while also making some comments. Ms Chhangte posted the video of the incident where a woman can be seen arguing with Chhangte and accusing her of spreading the coronavirus by not covering her face. Narrating the experience, she said *"The woman was making comments directed towards us suggesting we are Chinese. And when I confronted her she started to scream at us. This can happen to anyone from the Northeast"*.⁵⁸

3.2 Racial violence against African students in India

African origin people, most students studying in India, face racial discrimination and acts of racial violence in India regularly.

On 12 June 2020 a single-judge bench of Justice Rajiv Narain Raina of the Punjab and Haryana High Court pulled up the Punjab Police for using a racist slur while referring to an African national in official documents. The court said the use of the term 'n****' in the challan papers presented before the trial court in a narcotics case *"is a highly offensive word across the globe and no one has any business to use it, and much less the police."*⁵⁹

The attacks on the African students have been so serious that on 4 February 2016, African diplomats in New Delhi issued a protest note following incidents in which African students in India were attacked by mobs.⁶⁰ Thereafter, the heads of mission of 42 African countries threatened to boycott Africa Day celebrations in

⁵⁷. People from north eastern States face racism, 'Chinese' slur in Pune, the Hindu, 11 March 2020,

<https://www.thehindu.com/news/national/other-states/people-from-north-eastern-states-face-racism-chinese-slur-in-pune/article31035275.ece>

⁵⁸. Amid coronavirus pandemic, India faces another danger, South China Morning Post, 15 March 2020, <https://www.scmp.com/week-asia/health-environment/article/3075268/amid-coronavirus-pandemic-india-faces-sanother-danger>

⁵⁹. HC Rebukes Punjab Police for Racist Slur Against African National, The Quint, 15 June 2020, <https://www.thequint.com/news/india/high-court-rebukes-punjab-police-for-racist-slur-against-african-national>

⁶⁰. Diplomats protest over attack on Africans in India, Daily Nation, 4 February 2016, <https://www.nation.co.ke/kenya/news/diplomats-protest-over-attack-on-africans-in-india-1166954>



Racism in India
The need for criminalisation of racism and racial crimes

New Delhi to protest against the continued racist attacks on their citizens in India following the murder of a Congolese national in Delhi.⁶¹

Africans continue to face racial discrimination and racial violence in the absence of any law criminalising racism.

Case 1: Attacks on two African students at Roorkee Institute of Technology, Uttarakhand in July 2020

On 15 July 2020, two African students were brutally assaulted by a large group of security guards in the campus of Roorkee Institute of Technology (RIT) in Uttarakhand following which they had to be hospitalized.⁶² Ibrahim, a dual citizen of Nigeria and Guinea, used to go out to get food which was disallowed by the administration in view of the COVID-19 pandemic. According to Shehzad Ali, Sub Inspector of Police Station Bhagwanpur, the college administration had previously called the police to have Ibrahim removed from the campus but the police advised the administration against it and asked them to take it up with the relevant embassy. Discontent with the police response, the authorities wrote to the private security guard agency “Hawk Commando” that was associated with the college. The agency then, on the request of the college authorities, sent 18 men to forcefully remove Ibrahim from the campus. The videos widely shared on social media showed that Ibrahim was dragged from the second floor to the ground floor by about 30 security guards and assaulted. When Benjamin, a Ghanaian citizen and a friend of Ibrahim’s, went to help Ibrahim, he too was attacked by the security guards who hit him with bamboo sticks. Following the outcry, eight persons including the Director of the institute, the Registrar and the field officer of the security agency were arrested.⁶³

Case 2: Mob attack on Africans in Dwarka area of West Delhi over rumors of cannibalism in November 2018

⁶¹. Murder of Congolese national in Delhi: Envoys allege ‘Afro-phobia’, MEA rushes in, Indian Express, 26 May 2016,

<https://indianexpress.com/article/india/india-news-india/india-assures-safety-of-africans-singh-meets-their-envoys-2819102/>

⁶². Roorkee: Six employees of a college held for assaulting two African students, The Indian Express, 17 July 2020, <https://indianexpress.com/article/india/roorkee-eight-college-employees-arrested-for-assaulting-african-student-6509161/>

⁶³. The Quint, <https://www.thequint.com/news/hot-news/2-african-students-brutalised-in-roorkee-college-director-nabbed>



Racism in India
The need for criminalisation of racism and racial crimes

On 22 November 2018, four Tanzanian women and two Nigerian men were attacked by mobs at various areas in Dwarka, Delhi, over rumours that they were cannibals. The Delhi Police rescued four Tanzanian women identified as Assifa, Riziki, Fatima and Esta and two Nigerian men identified as Nwaogu and Ogbuewu. It was rumored that a 16-year-old local boy was kidnapped by Africans for cannibalism.⁶⁴

Case 3: Brutal mob attack on African students in Greater Noida in March 2017

On 27 March 2017, four Nigerian nationals identified as Precious Amalcima, his brother Endurance Amarawa and Ibgiya Malu Chukwuma were brutally attacked by a mob of 600-700 locals at Pari Chowk in Greater Noida in Uttar Pradesh's Gautam Budh Nagar following the death of a 12 boy Manish Khari. The mob believed Khari, a resident of NSG Black Cat Enclave, died of a drug overdose allegedly supplied by his Nigerian neighbours. All three sustained injuries from punches, kicks and hitting with steel dustbins, chairs and sticks and required hospitalization. On 29 March, an African woman identified as Maria Burendi was assaulted by around half a dozen men when she was returning from Delhi in a cab to her apartment in Greater Noida.⁶⁵

Case 4: Over a dozen African nationals attacked in Mehrauli area in South Delhi in May 2016

On 26 May 2016, at least four African nationals - two men and two women - were injured in the attack on at least 12 Africans in Rajpur Khurd village in south Delhi. They were attacked by locals who allegedly objected to the "free lifestyle" of these men and women. Police had said that there were four attacks within a span of an hour which hinted that they may have been carried out in a planned way. In two cases, the complainants were women — one Ugandan national and the other South African national while in the other two, the complainants were

⁶⁴. SHOCKING! Mobs attack Tanzanians, Nigerians in Delhi's Dwarka, accuse them of being "cannibals", Times Now, 23 November 2018;

<https://www.timesnownews.com/india/article/delhi-racist-attack-mob-tanzania-nigeria-cannibals-dwarka-kakrola/319355>

⁶⁵. Attacks on African students in Greater Noida: We are used to this treatment, say Nigerians, Kenyans, Indian Express, 30 March 2017;

<https://www.firstpost.com/india/attacks-on-african-students-in-greater-noida-we-are-used-to-this-treatment-say-nigerians-kenyans-3359210.html>



Racism in India
The need for criminalisation of racism and racial crimes

Nigerian men.⁶⁶ Six African nationals said they were racially abused by the residents of Maidangarhi and Rajpur Khurd villages. Police registered four separate FIRs and said the attacks were not planned.⁶⁷ On 30 May, Delhi Police arrested five persons identified as Babu (32 years), Om Prakash (24 years), Rahul (24 years), Ajay (25 years) and Kunal (20 years).⁶⁸

Case 5: Congolese youth beaten to death in Vasant Kunj area, South Delhi in May 2016

On 20 May 2016, a 29-year-old man from Congo was allegedly assaulted and beaten to death by three intoxicated men following an argument over hiring an autorickshaw in Kishangarh near Vasant Kunj in south Delhi. The trio had an argument with the Congolese man, Masonda Ketada Olivier, after they insisted on boarding the same autorickshaw. The trio then assaulted Olivier, chased him, and hit him on the head with stones. The police arrested one of the attackers, Mobin Azad Saifi, eight hours after the crime with the help of CCTV camera footage from the area. The footage showed the three fleeing after attacking Olivier. Saifi's past criminal record helped investigators identify him while examining the video footage.⁶⁹

Case 6: Tanzanian student stripped and assaulted by locals in Bengaluru, Karnataka in March 2016

On 26 March 2016, a 21-year-old Tanzanian student was beaten and then stripped of all her clothes by a group of locals on Hesaraghatta Road in Bengaluru, Karnataka after they assumed she was part of an incident in which a Sudanese man had run over a local woman, who died on the spot. According to

⁶⁶. Racial attacks: Delhi has a history of violence against 'Nigerians', The Hindustan Times, 28 March 2016; <https://www.hindustantimes.com/delhi/racial-attacks-delhi-has-a-history-of-violence-against-nigerians/story-YiNjciurWdLSjDbwUa3QYO.html#:~:text=At%20least%20four%20men%20and,of%20these%20men%20and%20women.&text=In%20two%20cases%2C%20the%20complainants,the%20other%20of%20South%20Africa>.

⁶⁷. Worst 15 minutes of my life, says wife of African attacked in Delhi, Hindustan Times, 29 May 2016; <https://www.hindustantimes.com/delhi/those-were-the-worst-15-minutes-of-my-life-abused-african-recalls-delhi-horror/story-9H5bEUbDPMc1yGrDP0A8nK.html>

⁶⁸. Five held for attacks on African nationals in south Delhi: Police, Indian Express, 30 May 2016; <https://indianexpress.com/article/india/india-news-india/attack-on-africans-in-south-delhi-two-arrested-three-others-detained-2824500/>

⁶⁹. 29-year-old Congolese man killed in Delhi, police probe racism angle, The Hindustan Times, 30 May 2016; <https://www.hindustantimes.com/delhi/23-year-old-african-national-beaten-to-death-in-delhi-s-vasant-kunj/story-zwkp2CXII5yE2DQfOdDSCM.html>



Racism in India
The need for criminalisation of racism and racial crimes

victim, she arrived on the scene after 30 minutes of the incident but the locals dragged her out of the car and thrashed her. She tried to get on a bus in order to escape the assault but passenger on the bus pushed her back into the mob that assaulted her. She was allegedly stripped of her clothes and paraded naked.⁷⁰

Case 7: Two Nigerian nationals attacked in Dwarka Mor in West Delhi in March 2016

On 20 March 2016, two Nigerian nationals identified as Ewvwrirhe Isaac, a football coach and his roommate Aliyu Abdul, were brutally assaulted with cricket and baseball bats after Isaac protested and scolded a child for hurling a water-filled balloon on him in Dwarka Mor area in West Delhi. The victims were attacked by a group of 12 local young men at their rented house.⁷¹

Case 8: Attacks on Africans by mob in Byrathi near Kothanur in Bengaluru, Karnataka in March 2015

On the intervening night between 9 and 10 March 2015, a mob of locals attacked several African nationals in Byrathi near Kothanur in Bengaluru. Several Africans, including four persons from Ivory Coast sustained injuries in the attacks. The injured persons included John, a businessman in Ivory Coast who was visiting his sister, Henry (22 years), a student of Kristu Jayanti College, David and his three friends Sako, Merveil and Abdel who assaulted while they were walking down the road. The assaults were triggered allegedly after locals were annoyed at high speed, high-decibel driving by an unidentified rider, said to be an African national, and a “rashly-driven” car, also with foreigners in it. Though the two vehicles escaped the barrage of stones that was thrown on them, it was unsuspecting Africans in the area who bore the brunt.⁷²

Case 9: Three African students brutally thrashed by mobs at Rajiv Chowk Metro station in October 2014

⁷⁰. Tanzanian student stripped, assaulted by locals in Bengaluru, Indiatoday.in, 3 February 2016; <https://www.indiatoday.in/india/story/african-student-stripped-assaulted-by-locals-in-bengaluru-306852-2016-02-03>

⁷¹. Nigerian man assaulted with bats for protesting Holi balloon in Delhi, Indian Express, 24 March 2016; <https://indianexpress.com/article/cities/delhi/nigerian-man-assaulted-for-protesting-holi-balloon-in-delhi/>

⁷². Mob runs amok targeting Africans in Bengaluru, The Hindu, 10 March 2015; <https://www.thehindu.com/news/cities/bangalore/three-african-national-beaten-up/article6978369.ece>



Racism in India
The need for criminalisation of racism and racial crimes

On 1 October 2014, three African nationals were brutally thrashed by a mob allegedly after an altercation. According to Central Industrial Security Force (CISF) personnel posted at the metro station, an argument had broken out between the Africans and some local students when they were trying to enter a train. The victims Mapaga and Yohan from Gabon and Guira from Burkina Faso suffered injuries in the attack before being rescued by a team of CISF personnel.⁷³ They were later admitted at Ram Manohar Lohia hospital for treatment.⁷⁴

Case 10: Midnight raid on African women at Khirki Extension in south Delhi in January 2014

On the intervening night of 15 and 16 January 2014, a mob of the Aam Admi Party (AAP) members led by then Law Minister Somnath Bharti conducted a raid on African women residing at Khirki Extension in south Delhi. The raid was conducted to allegedly uncover a racket of prostitution and drugs, allegedly involving Nigerians and Ugandans.⁷⁵ They allegedly barged into the houses of the African women and assaulted them. In her statement recorded in camera under Sec 164 CrPC before the Magistrate on 21 January 2014 one of the African women assaulted in a midnight raid accused Somnath Bharti of having led the group that barged into her house and attacked them. She said they were attacked by Indians who were led by Somnath Bharti and they were harassed, beaten and the mob was holding long sticks. She said the mob threatened to kill them if they do not leave India.⁷⁶

⁷³. Nigerians beaten up at Rajiv Chowk metro station, The Hindustan Times, 2 October 2014; <https://www.hindustantimes.com/delhi/nigerians-beaten-up-at-rajiv-chowk-metro-station/story-0592EqnYgx3NhTfPH66mmN.html#:~:text=Chaos%20prevailed%20at%20the%20Rajiv.after%20an%20altercation%2C%20police%20said.&text=%E2%80%9CThe%20Nigerians%20and%20the%20group,Chowk%20going%20towards%20South%20Delhi>

⁷⁴. 7 Instances When African Students Were Attacked in India, The Indian Express, 4 February 2016; <https://www.newindianexpress.com/nation/2016/feb/04/7-Instances-When-African-Students-Were-Attacked-in-India-888651.html>

⁷⁵. FIR made in Ugandan women 'raid' case, Tribuneindia.com, 20 January 2014; <https://www.tribuneindia.com/2014/20140120/delhi.htm#1>

⁷⁶. Somnath Bharti led the people who attacked me, says Ugandan woman, Firstpost.com, 22 January 2014; <https://www.firstpost.com/india/somnath-bharti-led-the-people-who-attacked-me-says-ugandan-woman-1352807.html>



Case 11: Brutal attack on Chadian software engineer in Bangalore in July 2013

On 9 July 2013, Wandoh Timothy, 44 years, a software engineer from Chad and married to a Keralite woman, was beaten up by a mob in a suspected racist attack in Banaswadi area of Bangalore, Karnataka. He was attacked for asking two youths on a bike to make way for his scooter. The biker duo and passersby rained blows on him and he was even hit with a stone on his back. Timothy was badly injured in the attack. Police arrested the prime accused A Prabhu and his friend Narasimha.⁷⁷

Case 12: Fatal attack on Burundian student Yannick Nihangaza in Jalandhar, Punjab in April 2012

On 21 April 2012, Yannick Nihangaza, a Burundian national, who was pursuing a B.Sc. in computers at Lovely Professional University near Jalandhar, was attacked in Defence Colony, Jalandhar by nine local youths, who had an altercation with some African students outside a liquor shop. The African students who were involved in the altercation dodged the local youths and fled from spot but Yannick who had nothing to do with the altercation or the other group of African students, was brutally thrashed by local youths. The brutal attack had left him with severe head injuries and in coma from which he never recovered. He passed away on 1 July 2014 in Burundi a fortnight after having been airlifted to his home country Burundi with the help of Pujab government. On 24 October 2013 seven of the accused were convicted and sentenced to 10 years rigorous imprisonment by a Jalandhar court for attempt to murder while two accused absconded and did not stand trial.⁷⁸

⁷⁷. Cops pressuring me to go in for compromise: Chadian techie, Times of India, 24 July 2013; <https://timesofindia.indiatimes.com/city/bengaluru/Cops-pressuring-me-to-go-in-for-compromise-Chadian-techie/articleshow/21287826.cms>

⁷⁸. Two years after Jalandhar attack, Burundi youth dies, Times of India, 4 July 2014; <https://timesofindia.indiatimes.com/india/Two-years-after-Jalandhar-attack-Burundi-youth-dies/articleshow/37789159.cms#:~:text=PATIALA%2FJALANDHAR%3A%20Yannick%20Nihangaza%2C,at%20his%20home%20on%20Tuesday.&text=%E2%80%9CYannick%20passed%20away%20in%20the,%2CE2%80%9D%20Ntibateganya%20confirmed%20from%20Burundi.>

\$~17

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 817/2014

COURT ON ITS OWN MOTION

..... Petitioner

Through:

Versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Rajeeve Mehra, ASG with Mr. Sumeet Pushkarna, Ms. Sara Sundaram, Advs. along with Mr. Suresh Kumar, J.S., MHA & Ms. Damyanti, J.S., DONER, Min. of Dev. of NE Region.
Mr. Siddharth Luthra, ASG with Mr. Dayan Krishnan, Standing Counsel (Crl.) for Govt of NCT of Delhi along with Mr. P. Karunakaran, DCP, South East Delhi, Mr. Robin Hibu, Joint C.P. Mr. P.K. Sharma, Adv. with Mr. Jaideep Tandon, Adv. for CBI.
Ms. Zubeda Begum, Standing Counsel (Civil) with Ms.Sana Ansari, Adv. for Govt. of NCT of Delhi.
Mr. Mehmood Pracha, Standing Counsel for AIIMS.
Mr. Upamanyu Hazarika, Sr.Adv. with Mr.Dharitry Phookar, Mr.Paul Roy Paske, Ms.Liyi Marli Noshi, Mr.C.P.Nautiyal, Advs.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

%

12.02.2014

1. This Court has *suo moto* taken up this issue and is spending

considerable judicial time thereon as the recent incidents, in our view, are indicative of a disturbing trend, which threatens the integrity of the country, of intolerance to movement of people within the country when The Constitution of India, in Article 19(1)(d)&(e) recognises and confers on all citizens the right to move freely throughout the territory of India and to reside and settle in any part of the territory of India and Article 301 thereof provides that trade, commerce and intercourse throughout territory of India shall be free. No native of any State of India can be allowed to, by harassing, offending and by other criminal acts, prevent people from another State to settle and carry on any business or vocation therein. Today, when the boundaries between countries and restrictions on movement internationally are disappearing, it is unfortunate that a small cross section of society is attempting to put up barriers to movement within the country. The Constitution of India does not provide for, India as a confederation of States, broken up into fragments by narrow domestic walls but as a Union of States. There are bound to be cultural differences between people of different States of India. Such differences are the essence of humanity. The said differences, rather than becoming a source of hatred or conflict and separating us, should be respected and harnessed to bring a collective

strength that can benefit the entire country. If this country is to survive and to be at peace, each of us has to respect the rights of others and cultivate the ability to live together. Tolerance, is a requirement for survival. Mahatma Gandhi said “No culture can live if it attempts to be exclusive”.

2. Mr. Siddharth Luthra, ASG appearing for Delhi Police has in Court handed over a report in compliance of the directions contained in the order of 10th February, 2014.

3. The said report furnishes:

(i) Status of the case, last and next date of hearing, total number of witnesses, total number of witnesses examined and the reasons for delay qua the 26 cases mentioned in the impleadment application allowed on 7th February, 2014;

(ii) average number of post mortems conducted per day by each of the 13 hospitals in Delhi and the difficulties/constraints faced by each of the said hospitals; and,

(iii) details of measures taken on ground level to prevent offences against persons belonging to North-Eastern States.

4. On perusal, we find the trials in the 26 cases of harassment of people from North-Eastern States in Delhi to be pending for 4-5 years. We are of

the view that in the face of the recent spurt in cases of harassment and crimes against people from North-East States in Delhi, it is essential to expedite the trials and decision in the said cases, so that the conviction if any therein, can act as a deterrent. Mr. Siddharth Luthra, ASG has furnished a list of the Courts where the said cases are pending. **We direct the Courts where the said cases are pending, to expedite the disposal thereof and of other cases of like nature. The Registrar General to communicate this order to the concerned and other Courts.** We may notice that though Mr. Rajeeve Mehra, ASG, in the draft suggestions placed by him before this Court has suggested constitution of a designated Court to try cases of offences against the people of North-East Region but we are of the opinion that a quicker decision in the cases can be achieved by giving direction on the administrative side to the concerned Courts, rather than designating one Court only for trial of all such cases.

5. Except Rao Tula Ram Memorial Hospital, none of the other hospitals have expressed any difficulty in conducting post mortem examination and have reported that save for cases where report of viscera examination from the CFSL/FSL Laboratories is required, the post mortem reports are given within 48 hours, except for unforeseen circumstances. However Mr.

Siddharth Luthra, ASG maintains that the post mortem reports of cases where viscera examination is not required are received within 5 to 15 days. **The Delhi Police to identify the said discrepancy and to take steps for ensuring that the reports reach the Investigating Officers immediately on the same being furnished by the hospitals and to report about the same; when the hospitals state that they furnish the reports within 48 hours, why it takes 5 to 15 days to reach the Investigating Officers.** Rao Tula Ram Memorial Hospital has given the reasons of, shortage of staff, availability of only one specialist to conduct the post mortems and to attend to the Court duties and there being no sanctioned posts of senior residents in the hospital, for the delay in issuing the post mortem reports. **The concerned governmental agency to immediately take steps for remedying the said difficulties being faced by the Rao Tula Ram Memorial hospital and to report on the said aspect on the next date of hearing.**

6. As far as the post mortems entailing viscera examination, reports whereof take as much as one year, the only solution is of expediting the setting up of Forensic Laboratories in each of the Districts of Delhi and for which a decision has already been taken. Ms. Zubeda Begum, counsel for

the Govt. of NCT of Delhi (GNCTD) states that a meeting in this regard has been scheduled for 17th February, 2014. However, of the three proposed Forensic Laboratories, land for two has not even been identified as yet and the land for the third, though identified not been allotted/handed over. The construction of the Laboratories is likely to take a long time. We are of the view that the prevailing situation can ill afford to wait for such a long time. **We direct the GNCTD to in the interregnum set up such Laboratories in hired accommodation or in some other available accommodation of the Delhi Government and take other measures for enhancing the capacity of existing Laboratories.**

7. **We are of the view that the existing CFSL Laboratories should also be reappraised for inducting modern technology and for enhancing its capacity. We direct so and further direct all purchases of required equipment to be completed at the earliest, latest within four months.**

8. Mr. Upamanyu Hazarika, senior counsel, after perusing the measures taken by the Delhi Police to prevent offences against people from North-Eastern States in Delhi has suggested setting up of a separate helpline for the said purpose. He states that the calls made by persons from North-Eastern States in Delhi to the general police helpline at Telephone No.100 are not

well received owing to language differences and not of any assistance. Though Mr. Siddharth Luthra, ASG has explained to us the mechanism of the reception of the calls made at telephone No.100 and the action thereon and has also contended that the existing facility is sufficient to deal with the situation but on our suggestion and on the instructions of Mr. P. Karunakaran, DCP, South East Delhi present in the Court states that the Commissioner, Delhi Police is agreeable to setting up of such a separate helpline but requires six weeks' time for the same. **The Delhi Police to immediately take steps for having the said separate helpline operational within six weeks of today and to give wide publicity to the same.**

9. Mr. Upamanyu Hazarika, senior counsel has further suggested setting up of a separate cell for dealing with crime against the persons of North-Eastern States in Delhi on the lines of the Women's Cell which according to him has been successful in curbing the crimes against women.

10. Mr. Siddharth Luthra, ASG informs that steps for setting up of special police unit into operation have already been initiated and the same will function in SPUW&C premises, Nanak Pura and mostly the staff of North-East Region will man this unit.

11. **We hope and presume that the Delhi Police will implement the**

measures which it has informed it has taken, particularly of patrolling of localities having residences of people from North-Eastern States and in view whereof we are not issuing any direction in that regard at this stage.

12. Mr. Siddharth Luthra, ASG also informs that a recruitment drive for personnel belonging to North-East Region in Delhi Police will be undertaken shortly and since the same is likely to take time, a request has been made to the Home Secretary, Government of India to induct police personnel belonging to North-Eastern Region on deputation basis in Delhi Police.

13. **Since the last special recruitment drive for recruitment of persons from North-Eastern Region in Delhi Police was undertaken way back in the year 2003, we direct that immediate steps should be taken in this regard by giving vide publicity thereto in the vernacular languages not only in Guwahati, Assam but in the entire North-Eastern Region. We are further of the view that posting of sufficient number of persons from North-Eastern States in each of the 11 Districts of the Delhi Police at the level of interaction with the public and in investigation will go a long way in building confidence in the people of North-Eastern States in Delhi, in Delhi**

Police and also in familiarizing the remaining personnel of Delhi Police with the people and culture of the North-Eastern States. We hope that the Directors General of Police (DGs) of the eight North-Eastern States to whom also a request in this regard is informed to have been sent, will co-operate in immediately deputing their personnel to Delhi Police. **We direct accordingly. For the said purpose, the eight North-Eastern States i.e. Sikkim, Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura are impleaded as respondents in this petition.**

14. **We are further of the view that the GNCTD as well as the Central Government should give thought to the possibility of bringing a legislation for preventing the natives of one State from harassing in any manner the migrants from any other Indian States or from indulging in hate crimes against them, including by amendment to the Protection of Civil Rights Act, 1955 and Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. To quote Marcus T. Cicero, the Roman philosopher, politician, lawyer, “The safety of the people shall be the highest law”.**

15. We have during the hearing enquired from all the appearing counsels the reason if any for spurt of crimes against the people from North-East

States in Delhi. No explanation has been forthcoming. We are of the view that an immediate study in this regard is required, to determine whether such crimes are for the reason of the victims thereof being from North-Eastern States and the reasons therefor. **The Central Government as well as the GNCTD either in tandem or separately to undertake such studies, as we are of the view that without identifying the disease, no fool-proof cure thereof can be found.**

16. We have also enquired from the counsels whether any hostel facility exists for girl students and working women from North-Eastern States in Delhi. The Joint Secretary, Department of North-Eastern Region present in Court informs that such a hostel with 390 seats exists at Jasola, Delhi and 200 seats whereof are still lying vacant and that a proposal for construction of two more hostels, one at Jawahar Lal Nehru University with 520 seats and another at Delhi University with 450 seats is under active consideration.

17. Mr. Upamanyu Hazarika, senior counsel informs of difficulties faced by girl students and working women from North-East States in seeking admission to the hostel at Jasola, Delhi.

18. **Mr. Upamanyu Hazarika, senior counsel and the Joint Secretary assure us that they will hold consultation to alleviate the said**

problems/difficulties.

19. Mr. Rajeev Mehra, ASG to inform the status of the proposal for construction of the two other hostels.

20. A number of contemporaneous newspapers and magazine articles have opined that one of the root causes of altercation entailing persons of North-Eastern Region in Delhi, is the failure of the other residents of Delhi to recognize them as Indians and addressing them as belonging to another country and mocking at their differences and which angers such persons of North-Eastern Region.

21. The Central Government as well as the GNCTD to immediately take steps through print and electronic media to remove the said misconception and to build awareness in the other residents of Delhi of the grievances of the people from North-Eastern Region.

22. We further direct the Delhi Legal Services Authority to:

(a) under its outreach programme or otherwise devise programmes for making people from North-Eastern States in Delhi aware of their legal rights and to render the requisite legal aid to them;

(b) devise and hold workshops to educate other residents of

Delhi, sensitizing them about the grievances of the persons from North-Eastern States in Delhi; and,

(c) hold workshops to provide interface between people from North-Eastern States and Delhi Police.

23. Court notice be issued to the impleaded North-Eastern States through their Resident Commissioners in Delhi.

24. List for further consideration/monitoring on 5th March, 2014.

CHIEF JUSTICE

RAJIV SAHAI ENDLAW, J.

FEBRUARY 12, 2014

‘bs’..

\$~23.

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 817/2014**

COURT ON ITS OWN MOTION

..... Petitioner

Through: Mr.U.Hazarika, Sr.Adv. with Mr.Paul
Roy Paske, Ms.Dharitry Phookan, Advs.

Versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr.Sanjeev Narula, Adv. with
Mr.Ajay Kalra, Adv. for UOI.

Mr.Sanjeev Bhandari, Spl.P.P. for CBI.

Mr.Rahul Mehra, Adv. with Mr.Amrit Singh,
Mr.Jamal Akhtar, Adv. for GNCT of Delhi.

Ms.Kankana Arandhara, Adv. for State of Assam.

Mr.Amit Kumar Khurana, Adv. for Mr.Vipul
Raheja, Adv. for State of Meghalaya.

Mr.K.Enatoli Sema, Adv. with Mr.Amit Kumar
Singh, Adv. for State of Nagaland.

Mr.Gopal Singh, Adv. with Mr.Dhirendra Kumar,
Adv. for State of Tripura.

S.I.Lalit Chauhan, P.S.Roop Nagar

S.I.Mahendra Koli, P.S.Subzi Mandi

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

04.11.2015

%

1. On the basis of the news reports relating to the unnatural death of a 20 year old student, Mr. Nido Tania, from Arunachal Pradesh on 29.01.2014 in Delhi, this court has taken up the matter suo motu to ensure proper

W.P.(C) No.817/2014

Page 1 of 5

investigation into the matter and also to look into the allegations of harassment of people from North-Eastern States in Delhi.

2. We have heard at length Shri Upamanyu Hazarika, the learned Senior Counsel and Sh.Sanjeev Narula, standing counsel for UOI; Sh.Sanjeev Bhandari, the learned counsel for CBI, Sh.Rahul Mehra, Sr. Standing counsel for Govt. of NCT of Delhi; Sh.Amit Kumar Khurana, the learned counsel for State of Meghalaya; Sh.K.Enatoli Sema, the learned counsel for State of Nagaland; Sh.Gopal Singh, the learned counsel for State of Tripura as well as Sh.Dharmesh Sharma, Member Secretary, Delhi State Legal Services Authority.

3. In response to the orders passed by this court from time to time, various status reports have been filed on behalf of the Union of India, Ministry of Home Affairs furnishing the details of the investigation into the death of Shri Nido Tania and the steps taken to address the problems faced by the students and other people from North-Eastern States in Delhi.

4. Further, the Ministry of Home Affairs set up a committee under the Chairmanship of Shri M.P. Bezbaruah, IAS (Retd.), Member North-Eastern Council to look into the various kinds of the concerns of the people hailing from the North-Eastern States of India who are living in different parts of the country especially Metropolitan Cities and to suggest suitable remedial measures in the light of the death of Shri Nido Tania. The Terms of Reference of the Committee was –

- (i) To examine the various kinds of concerns regarding security of the people hailing from the North Eastern States.
- (ii) To examine the causes behind the attack/violence and discrimination against the people from the North Eastern States.

- (iii) To suggest measure to be taken by the Government to address these concerns.
- (iv) To suggest remedies to address these concerns including legal aspect of the issues.

5. After taking into consideration various aspects and after detailed consultation, the Committee submitted its report to the Ministry of Home Affairs on 11.07.2014 with recommendations in the three following categories:-

- (a) Immediate measures – need to be implemented within six months to one year.
- (b) Short term measures – need to be implemented within a period of one to one and a half years.
- (c) Long term measures – need to be implemented within a period of one and a half years to two years.

6. Though the recommendations of the Committee were mostly with reference to Delhi, it was clarified by the Committee that the said recommendation should be applicable to other areas of the country as well, suitably adjusted to the local conditions. In pursuance of the report of the Committee, the Ministry of Home Affairs called upon the State Governments, Union Territories, University Grants Commission and various other Departments to submit the action taken report. On the basis of the response received from them, the Union of India has placed on record the action taken report of the Ministry of Home Affairs (N.E. Division) stating that the recommendation of M.P. Bezbaruah Committee is being

implemented by various departments and Ministries of the Government. It is also stated that legislative amendments to Indian Penal Code by inserting Sections 153-C and 509-A has been undertaken and special police initiatives, facilities for legal assistance for improving the awareness of North-East, etc. are also being implemented.

7. On behalf of State of Assam, an affidavit has been filed on 05.10.2015 by the Extra Assistant Commissioner stating that the report of M.P. Bezbaruah Committee has been forwarded to the State of Assam to take necessary action on the recommendations of the Committee and explaining the action taken by the State of Assam post submission of the report of the Committee.

8. In the light of the detailed report of Shri M.P. Bezbaruah Committee and the action taken reports dated 17.04.2015 filed by the Union of India and State of Assam dated 05.10.2015 stating that the recommendations of the Committee are being implemented, we do not think it necessary to keep the writ petition pending any longer.

9. Accordingly, the report of Shri M.P. Bezbaruah Committee and the action taken report submitted on behalf of Union of India dated 17.04.2015 (filed in this Court on 08.07.2015) and the affidavit filed on behalf of the State of Assam dated 05.10.2015 explaining the action taken on the recommendations of the Committee are taken on record and made part of this order.

10. The writ petition is accordingly disposed of with a direction to the Union of India to continue to comply with all the directions issued by this court from time to time during the pendency of this petition for the security

and welfare of North-Eastern people in Delhi and to implement the report of Shri M.P. Bezbaruah Committee in its entirety.

CHIEF JUSTICE

JAYANT NATH, J

NOVEMBER 04, 2015
'kks'

**REPORT OF THE
COMMITTEE UNDER THE
CHAIRMANSHIP OF
SHRI M.P.BEZBARUAH
TO LOOK INTO THE
CONCERNS
OF THE PEOPLE OF
THE NORTH EAST
LIVING IN OTHER PARTS
OF THE COUNTRY**

FOREWORDS

The Committee would like to put on record its appreciation for the sincere efforts put in by the team of Ministry of Home Affairs (MHA) officials which enabled the Committee to perform its onerous task without hassle. Shri S. Saha, Deputy Secretary, MHA handled the numerous logistical problems with quiet efficiency and coordinated the drafting of the report under great pressure. Shri Ajay Kanoujia, Director, MHA was always available to provide help and assistance to the Committee. Committee would also like to thank the MHA team of Smt. Sreemathi Ghosh, Shri H. K. Arora, Shri Debasis Banerjee, Shri U. P. Srivastava, Shri Ajay Kumar and Shri Anuj Tyagi who put in very hard work ungrudgingly which enabled the Committee to submit its report within the stipulated time.

We would also like to thank all those individuals/organizations within the country and abroad who in writing, or in personal interaction or in internet communications provided us very valuable suggestions and information. We are grateful for their input. The list is too long to be mentioned individually but we would like to express our gratefulness to all of them.

Committee would also like to thank Shri Robin Hibu, Joint Commissioner of Police for helping the Committee during the meetings by giving his valuable suggestions/opinions. We would also like to thank Nagaland House and our member Shri Alemtemshi Jamir for allowing it to be the home of the Committee for most of its work and organizing hospitality for all the meetings so smoothly.

INDEX

Sl. No.	Topics	Page No.
1.	Introduction	1
2.	Background	4
3.	Various kinds of concerns of the people from the North East	7
	(a) Sense of insecurity and vulnerability	8
	(b) Cultural conflict and wrong perception	9
	(c) Discrimination in daily life	9
	(d) Verbal abuse and racial comments and violence	9
	(e) Discrimination and harassment at workplace	10
	(f) Discrimination and Apathy of the law enforcing agencies	10
4.	Major concerns – Summing up	10
5.	Framework of action to be taken to address the concerns	15
	(a) Legal measures	16
	(b) Strengthening Law Enforcement Agencies	26
	(c) Special Police Initiatives	31
	(d) Creating awareness and bridging the gap of misunderstanding	35
	(e) A visible face of the North East in Delhi	38
	(f) The bonding power of sports	40
	(g) Educating the people about the North East	42
	(h) The rich culture of the North East as means of integration	44
	(i) Promoting tourism a means of creating awareness and understanding	45
	(j) Information & Broadcasting and Media to focus on the North East	47
	(k) Role of the Private Sector	48

	(I) Role of the Universities	49
6.	What People from North East have to do	50
	(a) Orientation	50
	(b) Language and Communication difficulties	51
	(c) Role of the State Bhawans	52
	(d) Organizing workers on North East platform	53
7.	Accommodation and Problems of rent	54
8.	Need for Co-ordination	55
9.	People's Representatives can lead the way	56
10.	Implementation	56
11.	Extract of main recommendations	58

REPORT OF THE NORTH EAST COMMITTEE

1. Introduction

1.1 The Ministry of Home Affairs set up a committee under the Chairmanship of Shri M.P. Bezbaruah, IAS (Retd.), Member North Eastern Council to look into the various kinds of concerns of the people hailing from the North Eastern States of India who are living in different parts of the country especially the Metropolitan cities and to suggest suitable remedial measure which could be taken up by the Government in light of the unfortunate death of Sh. Nido Tania, a student from Arunachal Pradesh ***Annexure 1.***

1.2 Initially, a Committee was constituted and notified on 5.2.2014 with five members including the Chairman. The Chairman was authorized to nominate representatives from the North Eastern States not included in the initial notification. Subsequently three more representatives of Civil Society and Students Organizations were included as members and the Chairman nominated three members as per authority given to him. The final composition of the Committee is as under; copies of the notifications are at ***Annexure 2.***

Sl.No.	Name		Designation
1.	Shri M.P.Bezbaruah	-	Chairman
2.	Shri Alemtemshi Jamir	-	Member
3.	Shri H.W.T.Syiem	-	Member
4.	Shri P.Bharat Singh	-	Member
5.	Shri Tape Bagra	-	Member
6.	Dr. H.T.Sangliana	-	Member
7.	Shri D.M.Jamatia	-	Member
8.	Dr.(Ms.) Doma Bhutia	-	Member
9.	Shri J. Maivio	-	Member
10.	Shri J.T.Tagam	-	Member
11.	Representative of North East India Forum Against Racism	-	Member
12.	Representative of North East Helpline	-	Special Invitee

Shri Robin Hibu, Jt. CP was nominated as representative of MHA to assist the Committee and Shri S.Saha, Deputy Secretary, MHA, as Member Secretary

1.3 The Terms of Reference of the Committee was –

- i. To examine the various kinds of concerns regarding security of the *people* hailing from the North Eastern States.
- ii. To examine the causes behind the attack/violence and discrimination against the people from the North Eastern States.
- iii. To suggest measure to be taken by the Government to address these concerns.
- iv. To suggest remedies to address these concerns *including legal aspect of the issues*.

1.4 Members of *the* Committee had its preliminary meeting at Guwahati on 12.02.2014. It was decided that the Committee would meet in Delhi from 18th to 22nd February, 2014 and chalk out a programme to meet interested parties/persons at Delhi. Accordingly MHA was requested to give due publicity about the Committee inviting interested persons/organizations to submit their views and suggestions on a designated e-mail – mpbcom.northeast@gmail.com.

1.5 The Committee also decided to visit other cities viz., Hyderabad, Chennai, Bengaluru, Pune, Mumbai and Kolkata where there were substantial students and working populations from the North East Region, and where some incidents were reported earlier. The Committee decided to meet in Delhi from 16th March, 2014 onwards for interactions with various groups/individuals, wrap-up discussions and finalization of the report.

1.6 The Committee also decided to open an email account where suggestions on the issue could be sent. Accordingly, an email account namely, mpbcom.northeast@gmail.com was opened.

1.7 For wider publicity Press releases were given through MHA Media about the Committee and its terms of reference, inviting anyone who is interested in making any suggestions on the issue to send the same to the Member Secretary of the Committee or through email. Details of various Press Releases is at **Annexure 3**.

1.8 The Committee received numerous suggestions during its interactions through email on this site as also in writing to the Member Secretary. All such suggestions were carefully examined and as appropriate taken into consideration while drafting the report. The Committee also took note of various suggestions contained in articles/reports that appeared in the media. All these materials are too numerous to be appended to the report. However some sample of the interest taken by various organizations like the Naga Hoho, North East Students' Organisation are at **Annexure 4**.

1.9 The Committee held its meetings in Delhi from 18th to 22nd February, 2014 as per schedule. Subgroups of the Committee visited Hyderabad, Pune and Mumbai. The Committee met again on 7th March, 2014 in Delhi to continue interactions.

1.10 However, as the Lok Sabha elections were announced in the meantime and the Code of Conduct became operative, the Committee was advised to keep its working in abeyance with effect from 7th March, 2014. Immediately after the elections, the Committee again scheduled its meetings from 2nd June, 2014 and continued interactions/meetings with Universities, Ministries/Departments, Individuals, Organisations, etc.

1.11 The Committee interacted with more than 800 individuals from different student organisations of North East studying in Delhi, Ministries/Departments, Senior Government Officials of six states, Police of other States, Delhi Police, Academicians, MPs from North East States, Lawyers, Doctors, Proctors, Resident Welfare Associations, NGOs etc. The detailed list of the people, organisations and offices are at **Annexure- 5**.

1.12 On the basis of discussions held and suggestions received, the report has been prepared. Considering the urgency and importance of the issues, the Committee has been at pains to ensure that the report is submitted within the time given to it, though its working was disrupted and delayed due to circumstances beyond its control. It has been a very hectic work, the issues are very wide and complex, the views are very divergent. Within such constraints the Committee has tried to look at the issues objectively, dispassionately and exhaustively.

1.13 As the largest number of **incidents were reported from** Delhi and largest concentration of North Eastern people is in Delhi, **the Committee's recommendations and observations often refers to Delhi. However, the Committee would like to clarify that all such recommendations should be applicable to other areas of the country as well**, suitably adjusted to the local conditions. For example even though the North East Centre in Delhi has been detailed, such Centres as well as support Centres should be set up in all the Metropolitan areas. Similarly, for convenience of expression we have generally referred to Metropolitan areas, but it should be taken as including our concern for other areas of the country.

1.14 The Report of the Committee has been broadly formatted in the following manner, keeping in view the mandate given to the Committee.

- (i) A general background
- (ii) Enumeration of the **main Concerns**
- (iii) Examination of the concerns to find **the root causes for violence** etc.
The supporting documents for the findings have been serially annexed.
- (iv) Putting the measures needed to address the concerns into **broad main categories.**
- (v) Making detailed recommendations for each category in **order of priorities.**
- (vi) A summary of the recommendations with proper reference to the text.
For easy reference the recommendations have been highlighted in the text.

2. Background

2.1 A study of the concerns of the people of North East India, living in different parts of the country specially in the Metropolitan areas is not just a matter of delving into the nature and issues of discrimination or assuaging and alleviating the feelings of insecurity felt by them. It encompasses the larger issue of National Integration of the people of India with its amazing diversity. The issues and the concerns of the people of the North East in the Metros have, therefore, larger and deeper implications for the entire process of building the unity and integrity of the nation. Such issues become all the more pertinent for the people of North East

India when it is viewed from the perspective that all the States of the North East, barring Sikkim and Mizoram, are affected by insurgency and separatist movements. The tensions and the turmoil are further accentuated as the people still have a deep sense of alienation and deprivation. Partition of India made the region isolated from the rest of the country, being tenuously linked by the 'chicken neck' corridor and affected the process of its economic development. The North East is in a relative condition of economic underdevelopment as compared to the rest of the country. The vision 2020 document of the North Eastern Council mentions that partition put the region in "economic imprisonment."

2.2 Often, the question is raised as to why special measures are needed for the North East people as such reprehensible incidents as we are dealing with are part of the metro life and other citizens also face such problems. There is no doubt that women in general have an acute sense of threat perception in the metropolitan areas, as also elsewhere. Yet the Committee feels strongly that special attention to the cases of people from North East is deserved for several reasons. First, the number of incidents involving the people from the North East is proportionately very high considering the small number of people from the region living in Delhi. Second, the number of incidents of racial nature, molestation, prejudices, specially directed towards North East communities, are also seen to be growing. There is growing perception within the people from the North East communities that they are particularly targeted for reasons of their difference in physical features. Third, because of such incidents, a large number of youths from the region grow up in the Capital with negative feelings. Their widespread experience of being subjected to taunts, humiliation and racial attacks in the capital city and other metros make them feel bitter, angry and frustrated. Fourth, what is more worrisome is the messages that goes back from such experiences to the North East region. They fuel the already strong feeling of alienation among the youth and encourage separatist movements. The feeling that the authorities are apathetic to such concerns aggravates such tendencies.

2.3 The strength of the Indian nation is its wide diversity. All our recommendations for increasing two way exchange and understanding of the people of the North East and the rest of India has one primary objective- i.e. the ethnic and cultural difference of the North East should be a cause for

celebration and not for raising barriers. They are meant to integrate the North East with the rest of India and not to segregate.

2.4 While trying to look at various kinds of concerns including the concern for security of the persons hailing from the North Eastern States, the Committee tried to look at the following aspects, viz.,

- (a) The profile of the people from the North East living in Delhi and other metropolitan areas;
- (b) Their experiences in their day-today life or in their work places, in their place of studies; and
- (c) The reasons behind the acts of violence, racial profiling and discrimination against the people from the North Eastern States.

2.5 The Committee found that there was no consolidated database of the people from the North East working, studying, living in Metropolitan areas. A study report conducted by the Centre for North Eastern Studies and Policy Research, Jamia Millia Islamia observes that there is a growing outflow of people from the region. The total number of people from the North East in various parts of India, it says, has increased from 0.4 million in 1981 to 0.6 million in 1991 and then to 1.1 million in 2001. These numbers are increasing rapidly for a range of reasons including better opportunities for education, sense of safety, and employment in Delhi, Tamil Nadu, Karnataka, Andhra Pradesh etc. are major destinations for them. The people from the North East work as teachers, doctors, engineers, waiters, beauticians and call centre workers etc.

2.6 According to this study, over 414,850 people from the North Eastern Region have migrated from 2005 to 2010. Delhi is one of the most preferred destinations, with over 200,000 people from the North East. Until 2000, the report says most people who moved out from North Eastern Region to the Metropolitan areas were those who worked in the Central Government or pursued higher studies. This composition has changed, thereafter and a large number of people came to work in private companies and to pursue general studies. More than 3 lakh persons from North Eastern States are reported to be living in Bangalore City. They are basically concentrated in the eleven localities and the rest of them are scattered across the city. Majority of them belong to the age group of 20-40 years.

2.7 This report and others that we have referred to in the following pages indicate few things- (i) that the people move out of the region because of uncertain law and order situation; (ii) that the number is growing fast in recent times; and (iii) the nature and composition of such people, their socio-economic and educational background etc. is changing. The report, however, does not give any basis for such observations nor about the authenticity of the same. This could however be taken as an indication of the very large number of people coming to the major cities.

3. Various kinds of concerns of the people from the North East

3.1 About the concerns of the people from the North East, the Hon'ble High Court of Delhi, in its judgment dated 12th February, 2014 has made the following observations:

"We have, during the hearing, enquired from all the appearing counsels the reasons, if any, for spurt of crimes against the people from North-East States in Delhi. No explanation has been forthcoming. We are of the view that an **immediate study in this regard** is required, to determine whether such crimes are for the reason of the victims thereof being from North-Eastern States and the reasons therefor. The Central Government as well as the Government of National Capital Territory of Delhi, either in tandem or separately, to undertake such studies, as we are of the view **that without identifying the disease, no fool-proof cure thereof can be found**".

3.2 The Committee is not aware of any detailed study as indicated by the Hon'ble High Court being undertaken so far. **To have a long term solution of this problem, the Committee feels that implementation of the Hon'ble High Court's directives will go a long way in dealing with the matter.**

3.3 The Committee also tried to understand in its interactions if the incidents that involved the North East people are caused by factors endemic in the system or if they are specifically directed against the people from the North East. The submissions made by many and the facts presented before the Committee helped it to understand the root causes.

3.4 The Committee examined the following studies on the problems and concerns of the people from the North East:

- (a) Study Report on Discrimination and Challenges before Women from the North East India conducted by Jamia Millia Islamia as mentioned above.
- (b) Report of the Task Force constituted by the Ministry of Human Resource Development to promote educational opportunities and welfare of students from the North East region belong to Scheduled Castes and Scheduled Tribes and OBCs.
- (c) Report on Migration from North East to urban centres; a Study of Delhi Region by V.V. Giri Labour Institute.
- (d) A Research Report on North East Migration and Challenges in National Cities by North East support centre & Helpline.
- (e) Study Report on the status of Northeast India citizens living, working and studying in India's metropolitan cities by Manipur Women Gun Survivors Network and Northeast India Women Initiative for Peace.

3.5 According to the report at (d), in 2009-2010, 86% of the North East people said they faced racial discrimination in metro cities of India.

3.6 According to the report at (e), out of *the* total people who moved outside northeast, around 85% numbering 275,250 left to pursue higher education while 15% numbering 139,600 went out in pursuit of employment. The large movement began after 2000 and became more in last two or three years that came with purpose of higher studies and hunt of employment opportunities.

3.7 These reports are placed in **Annexures 6 (a) to (d)**

From these reports, we can broadly identify the basic concerns as follows:

3(a) Sense of Insecurity and vulnerability:

As mentioned in the V. V. Giri Institute Report, the people coming from the North East come into a social atmosphere which is different from their lifestyles back home and face the challenge of adjusting to the totally changed situation. They feel insecure and often are vulnerable to the problems in a large city. The report says that even if they try to adjust to the new atmosphere, their Mongolian

features and their pale often make them distinct in public places and even their easy going, friendly outlook is often misunderstood. Such experiences drive them to stick together with their known friends and relatives.

3(b) Cultural conflict and wrong perception:

The nature of cultural conflict was brought out in our interactions with some of the residents welfare associations. Most of the places where the people from the North East tend to settle down because of availability of affordable accommodation, are primarily urban villages. People in these areas have benefited from the real estate boom but basically continue to be very strongly rooted to conservative rural traditions. They find the behaviour of the boys and girls from the North East, their modern and western dress and their free mixing to be directly in conflict with their notion of social behavior. They feel that such behavior would have adverse impact on their children and therefore try to control or regulate the same. Conflicts arise in such cases. In our interaction with RWA and others in Metros, it was reported that the lifestyle of some people from the North East sometimes create a wrong perception about morality.

3(c) Discrimination in daily life:

The Jamia Millia University Report mentions that about two-thirds of the women surveyed frequently suffered varying forms of discrimination in their daily lives. Most common forms of discrimination relate to over-charging of taxi/auto fares, passing lewd comments, teasing, molestation and being mistaken as foreigners at tourist places, museums etc. Discrimination, sexual harassment, physical assault by the local landlord /property dealers are also seen as major common concerns of many people, particularly women, from the North East.

3(d) Verbal abuse and racial comments and violence:

Very large number of people the Committee interacted with and very large number of people surveyed in the studies mentioned above have reported that verbal abuse, taunt and teasing because of their appearances was a common experience.

3(e) Discrimination and harassment at the work place:

Though the workers from the North East are considered to be hardworking, sincere and reliable, the Committee received many complaints of lack of job security, arbitrary job condition, termination of job etc, mostly in the unorganized sectors. Many of them also suffered discrimination or harassment.

3(f) Discrimination and apathy of the law enforcing agencies:

Most vocal complaints from the North East people have been about the behavior and attitude of the police. Most of them did not trust police and were bitter about the attitude of discrimination and harassment faced when they go for registering cases.

4. Major Concerns –summing up

4.1 Apart from the issues generally stated in the preceding section, during our various interactions numerous other issues and factors were brought out. Some of them are illustrated in brief, so that the concerns can be better appreciated:

- (i) Most of the communities of the region barring some from Assam and Tripura have Mongoloid features. In fact while the North East region is often categorized as an entity, there is a vast diversity among the people of the North East. It is estimated that there are more than 247 ethnic communities and tribes in the North East each with own language or dialects different traditions, customs and practices and in fact almost different cultures.
- (ii) Under the influences of modernization and spread of education aspirations of youth have soared. On the other hand, the area is quite underdeveloped and, in fact, many of the rural and remote areas are economically backward. There are very little employment opportunities in the North East region to fulfill such aspirations. Therefore the youth are flocking to the urban areas even in their home states and many of them move to the Metros around India in search of whatever employment that they may get. Many people move out to find safer places because of violent situation at home. This trend is likely to

continue for some time, or till such time that similar opportunities emerge in the North East itself.

(iii) According to study report of 2009 every year 10,000 North East youths came to Delhi for different purposes. There are many establishments which prefer to employ people from the North East with their oriental looks and knowledge of English. The people from the North East have a reputation for sincerity and reliability. The general impression is that they are willing to work for less remuneration. It appears that in some cases local citizens, especially the educated unemployed youth feel threatened. This feeling is accentuated particularly as they look different with their mongoloid features.

(iv) The nature of jobs and employment of a large number of the North East are low paid giving rise to other problems.

- a) The economic background of most job seekers from the people from the North East is far from affluent and they, therefore, reside in rented accommodation which are, also mostly in the affordable lower middle class areas often called urban villages. The residents of such localities are as mentioned earlier, generally conservative. Frictions, therefore, arise because of difference in attitude.
- b) In such a backdrop, the people from the North East tend to keep to themselves and there is very little interaction even between the landlords and the tenants.
- c) Language and communication difficulties are also a major problem.
- d) Due to the nature of work e.g. people from the North East working in shops and establishments in Malls and late working hours in the BPOs for which the workers have often to come home late. This often exposes them to the anti-social elements as also make their movements suspicious in the minds of the neighbours.
- e) Being away from home some young people also tend to get together very often playing loud music which disturbs the landlords and other tenants.

- f) As a result, landlords and local communities often make allegations of some immoral activities and drug abuse. Isolated examples tend to multiply the wrong perceptions, leading to, in the minds of many such residents, a wrong image about the people from the North East in general.
 - g) It was submitted before the Committee that many landlords also consider the people from the North East as difficult tenants because of their food habits and resent pungent smell that North East cooking have due to the use of fermented seasonings like bamboo shoots and soya beans.
 - h) The rental systems that the North East people have to accept are also ad-hoc in nature with no proper lease or deed agreements leading to misunderstandings especially when it comes to tenures, premature or arbitrary termination of lease etc. Tensions also emerge in matters relating to the refund of advances.
 - i) There are also numerous cases of the young but gullible people from the North East falling prey to 'Agents' who lure them with promises of good jobs but end up either with poorly paid menial jobs or worse, thrown into human trafficking circles.
- (v) As we have mentioned, the concerns of the people from the North East and incidents involving them can't be viewed in isolation of the conditions and situations that prevail in the various cosmopolitan metros of India. Discrimination, harassment, molestation and even rape and atrocities against women are not confined or directed only to people from the North East India. It happens to other people also including foreigners. The scale or the intensity at which they occur, however, varies from place to place. The Committee observed that the incidents are less pronounced in the other Metros such as Hyderabad, Chennai, Pune, Mumbai and Kolkata than in Delhi. Various reasons have been stated by the cross section of the people with whom the Committee had interacted. The reports of the sub-groups placed at **Annexure 7** mention such reasons and the

Committee has taken note of them in formulating the recommendations.

4.2 To take care of such concerns, very wide ranging solutions – short term, medium term and long term – have to be thought of. Many of the concerns relate to very complex socio-cultural issues and would require very comprehensive, focused attention of the law enforcing agencies, the society leaders, the civil society and the public policy makers. Based on the numerous submissions and suggestions received, we have tried to group some of the remedial measures that appear to be necessary and feasible under the following categories:

- (i) Creating awareness, which we take as a two way journey, though the primary focus is on creating awareness of the people outside North East about the least known and least understood region of the country.
- (ii) Quick, strong *and* fair action by law enforcing agencies.
- (iii) Institutional arrangements to provide guidance, help, information, counseling and orientation.
- (iv) Suitable legal/legislative measures to supplement the above efforts.

4.3 In making these recommendations, we have been guided by some overriding concerns. The primary objective has been to bridge the gap in understanding to integrate and not segregate the people of the North East India into the broader national identity of India and to build connectivity not only physical but also connectivity of minds.

4.4 This Committee would also not like to term each incident involving people from the North East as racial. Each case has to be seen on its merit, in the context and content of its occurrence. Nevertheless, the fact that acts- both overt or otherwise, of racial nature involving the people from the North East - are increasing has been forcefully brought before the Committee by all people/organizations we interacted with.

4.5 Numerous interaction that the Committee had with individuals and organizations confirms these basic concerns. Summarizing all these submissions, Committee would like to illustrate basic issue as follows:

4.6 While these concerns were voiced by different groups, various individuals and institutional representatives strongly argued that racial discrimination **in various forms is the root cause of several manifested problems for the North East people in the metro cities**. The Committee also received a few documents from different individuals and associations on the subject of racism-like. The study by (1) North East India Forum Against Racism Legal Team, (2) Shri Thang Khanial Nagaihte's article in the Economic and Political Weekly dated March 15, 2014 (3) Dr. Doma T Bhutia's paper on "Model National Legislation for the Guidance of Governments in the Enactment of Further Legislation Against Racial Discrimination."

4.7 These are placed at **Annexure 8 (a) to (c)**

4.8 These documents detail the racial experiences the North East people in the context of forms of racism as follows:

External Appearances: This refers to attitude associated with external appearances which include facial structures and colour of *skin*. This attitudinal stereo types and prejudices are expressed in racial slurs, comments and contours when persistently are labeled against individuals and groups in both overt acts and subtle ways tantamount to racial abuses. This nature of racism, it is pointed out by most groups and individuals we interacted with is faced by the North East people in Delhi NCR on daily basis in the form of racial slurs and comments include momo, chinkis, chichi chu chu, chowmein and Chinese. Repeated comments and contours causes hurt feels and when resisted, physical conflict take place e.g. the case of death of Nido Tania.

Institutional Racism: Institutional racism comes into play when victim of racist attacks seek to take remedy through the law. The racist prejudice is experienced here in form of attempts by the police to suppress or to make light of the crime, the tendency to cast aspersions on the character of the victim or complaints and refusal to register FIRs, or of putting unnecessary pressures on the victim to withdraw the case, etc. It is interesting to note that all the recent protests by the people from the North East are as much about police apathy as they are about racial prejudice experienced in everyday life. It is time to worry when the institutions of law-governed societies themselves become places where racism occurs.

4.9 The reports point out that such experiences are common also in places of study, hospitals and other public delivery institutions.

5. Framework of Action to be taken to address the concerns

5.1 The people from the North East have many concerns and we have tried to capture and reflect on some of them.

5.2 It will be evident from the foregoing analysis that the most serious concern – a concern that should shake the conscience of all right thinking Indians, is the rise in incidents of racial nature. Such incidents have to be firmly dealt with before this cancerous growth afflicts the future of India. **The Committee deliberated on five main components which are crucial for tackling this matter. These are placed in order of priority as follows.**

- (i) **First, the existence of a clear, stringent law that make such acts/incidents of varied nature punishable.**
- (ii) **Second, strong and determined law enforcement agency which can prevent occurrence of such incidents and when they occur investigate quickly and professionally to bring the culprits to book.**
- (iii) **Third, adequate support systems for the victims.**
- (iv) **Fourth, an efficient system for delivery of justice fairly and quickly.**
- (v) **Fifth, socio-economic and cultural initiatives to handle the wider issues of educating the people creating awareness and removing wrong perceptions so that occurrence of such incidents is minimized.**

5.3 In the following pages we have examined each of these issues and made detailed recommendations for taking appropriate action.

5(a) Legal Measures

5(a)(1) The Committee received many suggestions for a stringent law to be put in place. There were many writings in newspaper and magazines drawing attention to the importance of legal measures. As a representative sample of the views we can quote an article in Times of India on February 10, 2014 titled “Racism, our dirty secret” “For the ‘social mindset’ to change, the law must first treat, and be seen treating, crimes – including non-racist crimes – against northeast Indians seriously. It is how law enforcers deal with cases in which ethnic or racial minorities are victims and complainants that will determine whether India confines itself to benign discrimination.”

5(a)(2) The Committee has examined at great length the need for a suitable law that take care of the incidents of racial nature that the people from the North East experience. The Committee also had detailed discussions with Secretary Legislative, Govt. of India and other officials of the Ministry and also with other organizations. Shri Jamatia, member of the Committee who is also Secretary, Law, Govt of Tripura and Dr Bhutia another Member and Advocate and the North East India Forum Against Racism were requested to help the Committee with their inputs on the subject. Their reports are placed at **Annexure 8 (a) and (c)**. The Delhi Policy Group also submitted, on our request, a summary of the existing provisions and also a note on the anti racial laws provision in other countries. The legislative department of government of India also furnished a summary of all the existing laws relating to crime of racial nature. This is placed at **Annexure 9**.

5(a)(3) The Committee looked at the problem from the following angles:

- (i) What are the existing rules, laws etc to deal with the type of concerns that the people from the North East have or most specifically to deal with acts of racial nature?
- (ii) Are these provisions adequate to take care of the concerns of the people from the North East ?
- (iii) What more needs to be done?

5(a)(4) The existing legal provisions are broadly summed up as follows: (Ref Note from Delhi Policy Group)

1. The Constitution of India.

a) **Article 14**-‘Equality before law -The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.’

(b) **Article 15**-‘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, 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 palaces 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.’

c) **Article 16**-‘Equality of opportunity in matters of public employment:

(1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State;

(2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect or, any employment or office under the State.’

However, there is little legislation to operationalize Constitutional provisions against racism. Amongst the existing laws are:

2. The Criminal Law Removal of Racial Discrimination Act, 1949: Repealing Section 56 of the Indian Penal Code which discriminated between Indian and European/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 (Prevention of Atrocities)

Act, 1989: Seeks to prevent the commission of offences of atrocities against members of the Scheduled Castes and Scheduled Tribes. Recently, several measures have been taken in order to enhance its scope so as to include more persons under its ambit. For instance, the Scheduled Caste/ Scheduled Tribes Amendment Bill of 2013 sought to introduce new offences and new categories of persons under the Act.⁴ Further, in 2012, the Ministry of Home Affairs recommended that all States notify the term "Chinkri" as an offence under the Act.⁵

Problem:

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.

4. 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.

Section 153 A of the Indian Penal Code, 1860: 'Promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony.--(1) Whoever--(a) by words, either spoken or written, or by signs or by visible representations or otherwise, promotes or attempts to promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill- will between different religious, racial, language or regional groups or castes or communities, or (b) commits any act which is prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or castes or communities, and which disturbs or is likely to disturb the public tranquility, 2[or](c) 2[organizes any exercise, movement, drill or other similar activity intending that the participants in such activity shall use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence, or participates in such activity intending to use or be trained to use criminal force or violence or knowing it to be likely that the

participants in such activity will use or be trained to use criminal force or violence, against any religious, racial, language or regional group or caste or community and such activity for any reason whatsoever causes or is likely to cause fear or alarm or a feeling of insecurity amongst members of such religious, racial, language or regional group or caste or community,] shall be punished with imprisonment which may extend to three years, or with fine, or with both...'

This section is limited in scope since it only addresses those acts that cause enmity between classes. While racist remarks/heckling certainly fall under Section 153 A, and it should be rigorously applied to recent events, it does not deal with racist violence.

5(a)(5) The Committee is in broad agreement with the following observations of the Delhi Policy Group:

"The attacks in Delhi went far beyond discrimination, they comprised acts of extreme violence (both general and gendered). While it can be justifiably argued, and statistically proved, that North-Eastern Indians are no more unsafe in Delhi than are other citizens given the high rates of violence in the city, including rape, it is also the case that there are clear racist overtones to acts of violence against North-Easterners, as indicated by the taunts that accompany sexual harassment and brawls against them. One way of dealing with this problem is to add relevant provisions in the IPC and CRPC. For instance, persons committing heinous offences such as murder or rape against citizens from the North East should not just be charged under the general provisions of murder or rape but also under specific provisions that recognize such crimes as racially motivated. Further, Section 153 A7 of the IPC may be amended in order to specifically deal with the issue of hate speech against persons from the North East. This can be done by incorporating illustrations to the section".

5(a)(6) We find that while there are many laws there is no one clear law that covers the type of incidents that the North East people are exposed to. In absence of a clear, precise law the agencies entrusted with enforcing law are also at a

disadvantage in taking action. Therefore, the perpetrators of such crimes are left free to repeat their misdeeds.

5(a)(7) The Hon'ble High Court of Delhi in its judgments dated 12th February, 2014 made the following observation:

“We are further of the view that the GNCTD as well as the Central Government should give thought to the possibility of bringing a legislation for preventing the natives of one State from harassing in any manner the migrants from any other Indian States or from indulging in hate crimes against them, including by amendment to the Protection of Civil Rights Act, 1955 and Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. To quote Marcus T. Cicero, the Roman philosopher, politician, lawyer, “The safety of the people shall be the highest law”.

5(a)(8) We had therefore, following scenario before us:-

- i. The direction of the Hon'ble High Court of Delhi.
- ii. Suitable amendments to the existing provisions in IPC/Cr. PC etc. to reflect the concerns of the people from the North East.
- iii. An omnibus act that assimilates all the existing provisions in one act and make that act stringent.
- iv. An anti-racial law for the whole country.

5(a)(9) As pointed out by the Hon'ble High Court, it is beyond doubt that there is **need for a law that covers the type of experiences that the North East people have. The direction of the Hon'ble High Court would be the practical solution to the problem. The committee recommends that immediate and serious examination as per the directions of the Hon'ble High Court is taken up.**

5(a)(10) The Committee has received a “Report on a comprehensive law on specific and comprehensive law for protection of North Eastern people (India) against racial discrimination” from legal Committee of North East India Forum against Racism. The report is placed at **Annexure 8 (a)**. The report examines the issues in details and in P. 13-14 has provided a draft framework for such a legislation. These should be taken into account while framing the new law.

5(a)(11) The Committee also considered the second alternative of amendment of Section 153 of IPC. We asked the questions – how can the concerns of the North East People be specifically put into such laws? The most common demand is to make words like ‘Momos’, ‘Chinkis’, ‘Chinese’, ‘Chichi Chu Chu’, or any derogatory remarks relating to race, culture, identity or physical appearances to be made punishable. There is no doubt that these words in themselves may not be violative of the law. In fact, the context and connotation of such expressions is what hurts the sentiments. How to incorporate such concerns into laws needs to be closely examined. One suggestion is to put such concerns as illustrations appended to the main section of the Act and also to amend the main text to include racial discrimination, taunt and words that reflect racial prejudices that hurt the sentiment of a particular group. The Committee had requested one of its member Shri Jamatia to examine this specific issue and he has suggested a draft amendment which is placed below---

THE CRIMINAL LAW (AMENDMENT) ACT, 2014

No. _____ of 2014

[_____, 2014]

AN ACT further to amend the Indian Penal Code and the Code of Criminal Procedure for protection of citizens from racial atrocities.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Criminal Law (Amendment) Act, 2014.
- (2) It shall be deemed to have come into force on the _____ day of _____, 2014.

CHAPTER II

AMENDMENTS TO THE INDIAN PENAL CODE

2. In the Indian Penal Code (hereinafter in this Chapter referred to as the Penal Code), in Section 153-B, the word “racial” wherever appears be deleted.

(a) After Section 153-B of the Penal Code, the following section shall be inserted, namely:

“153-C. Imputations, assertions prejudicial to human dignity. Whoever, by words either spoken or written or by signs or by visible representations or otherwise.

(i) attempts or promote to attempt on the ground of race or place of origin or such other grounds relating to racial features or to racial behaviour and culture or to racial customs or way of living or any other practices or uses criminal force or violence, or

(ii) participates in such activity intending to use criminal force or violence or knowing it to be likely, participants in such activity will use criminal force or violence against the member of any race or of a particular racial origin or a class of person from a particular group or from any racial origin and such activity for any reason whatsoever causes or is likely to cause fear or alarm or a feeling of insecurity amongst the members of that racial groups shall be punished with imprisonment which may extend to five years with fine."

After Section 509 of the Penal Code, the following section shall be inserted, namely :

Amendment of
Section 509

"509-A. Word, gesture or act intended to insult a member of a particular racial group or of any race.

Whoever intending to insult any member of a particular or any race for whatever reason or for reason of their place of origin, racial features, behavioural pattern, customs, practises or dresses, utters any word, makes any sound or gesture or exhibits any object intending that such word or sound shall be heard or that such gesture or object be seen by such members or intrudes privacy shall be punished with imprisonment for a term which may extend to three years with fine."

CHAPTER III

AMENDMENTS TO THE CODE OF CRIMINAL PROCEDURE, 1973

In the First Schedule to the Code of Criminal Procedure, under the heading "I. OFFENCES UNDER THE INDIAN PENAL CODE".-

(a) after the entries relating to Section 153, the following entry shall be made :

1	2	3	4	5	6
153-C	Imputations, assertions prejudicial to human dignity	Imprisonment which may extend to five years with fine	Cognizable	Non-bailable	Any Magistrate

(b) after the entries relating to Section 509, the following entry shall be made :

1	2	3	4	5	6
509-A	Word, gesture or act intended to insult a member of a particular racial group or any race	Imprisonment which may extend to three years with fine	Cognizable	Bailable	Any Magistrate

5(a)(12) The committee recommends this amendment of Section 153 of IPC as the second alternative.

5(a)(13) The Committee recommends that either a new law should be promulgated as directed by the Hon'ble High Court of Delhi or IPC should be amended- in that order of preference. Whatever legislation is decided upon should have among other things the following specific provisions –

(1) the offence should be cognizable and non-bailable.

(2) The investigation of the FIR should be completed compulsorily in 60 days by a Special Squad, investigated by a police officer not below the rank of Deputy SP/ACP. A special prosecutor should be appointed to handle all such cases of atrocities.

(3) The trial should be completed in 90 days.

5(a)(14) The question of anti racial law for the whole country was also strongly voiced by some Groups. Reservations were also expressed by other groups about the need and efficacy of such a law in the context of the specific problems of the North East People. The Committee has examined the issue from two relevant angles: (a) the necessity of such a law in the light of national and international commitment of Government of India and (b) how the concerns of the people from the North East would be addressed by such a law. The issues involved are very wide and need very detailed examination. The Committee did not have the expertise nor the time to go into the question in great depth and to come out with a firm view, but it examined the question objectively in the light of its specific mandate about the concerns of the North East people.

5(a)(15) We are of the firm opinion that government should ensure that any crime of racial nature is viewed very seriously. Recognition of the problems of racial discrimination in all its dimensions should be an essential part of the political discourse a democratic system like India. India's Constitution enshrines the highest principles of respect and commitment for human rights. Any international commitment that the country has must be discussed and debated and acted upon within those Constitutional parameters.

5(a)(16) **We felt that within the broad framework of our Constitution the legal, strategic and philosophical aspects of the demand for an anti-racial law should be debated and in the long run a suitable decision should be taken. For the immediate short run problems of the North East people, the steps enumerated by us above for a specific law or specific amendment to the IPC should be taken up.** We have however placed at *Annexure 8(a)*, a note on the framework for a anti-racial law received from North East Forum against Racism to form part of the debate mentioned above.

5(a)(17) During discussions, few important aspects on the issue came up:

5(a)(18) First, enforcement of the existing legal provisions is a crucial need because laws will be insufficient unless they are properly enforced. For this purpose, we have recommended systematic and specific reforms in the functioning of the Police Stations, steps for speedy and proper investigation and steps for speedy trial.

5(a)(19) Second, it is essential to ensure that the existing provisions are fully made use of by the affected people. We were told that even for SC & ST atrocities Act, there are very few cases relating to the North East. There is a need to create awareness about the existing laws and also about the steps taken by the Police to ensure that they are properly enforced. We have recommended use of the Information Technology system for reaching out to the largest number of affected people. **In addition, a booklet should be prepared containing all the provisions, how to register cases, where to go in case of difficulties and how to monitor that the system operates effectively.**

5(a)(20) Third, along with awareness programmes and proper enforcement, the Committee feels that the system of providing legal aid and assistance to the affected people should be strengthened to enable the victims to take full advantage of the redress available. The facilities for legal assistance through DSLSA and others should be made systematic. It should also be linked to the State Bhawans, the Police network and the proposed North East Facilitation Centre.

5(a)(21) Fourth, along with all the legal steps that can be taken, the Committee feels **that sensitizing the law enforcing agencies about the people and the**

culture of the North East will go a long way in creating a suitable atmosphere.

5(a)(22) **Facilities for legal assistance:** The Committee had a discussion with Delhi State Legal Service Authority (DSLISA). Following the directions of the Hon'ble High Court, DSLISA has taken many initiatives for outreach programmes to make the people of the North East aware of their legal rights and render requisite legal assistance. It was mentioned that they have, for the purpose of assisting the people from the North East, –

- (i) tried to recruit advocates from the North East to render legal assistance;
- (ii) tried to get translators to facilitate the North East people;
- (iii) trying para legal volunteers including people from the North East and NGO groups;
- (iv) creating awareness campaign by various means like street play, etc. and
- (v) placing judicial officials in eleven districts for expeditious disposal of cases.

5(a)(23) We recommend the following steps:

- i. Panel of lawyers for legal assistance and consultation through – mobile phone, e-mail, Whats App etc.
- ii. NE lawyers practicing at Delhi at different Courts may be given the preference to form a panel 50 percent members of panel may be women lawyers.
- iii. Legal awareness training for the North East Representatives from eight North East States.
- iv. Legal awareness campaign in vulnerable areas like – Munirka, Safdarjung Enclave, Janakpuri, Kotla Mubarakpur, Malviya Nagar, Mukherjee Nagar, Gandhi Vihar, Chirag Delhi, Gurgaon, etc.
- v. Lecture on legal rights during freshers meet at Delhi University, Jamia University and JNU Campus.
- vi. Dissemination of information on legal rights to NE youths through pamphlets, brochures, CDs etc.

- vii. Dedicated Facebook page / Whats App connectivity for providing legal assistance through social media.
- viii. Pro-active initiative for victim compensation and monetary assistance for to and fro journeys from North East
- ix. Monthly review meetings on action taken on North East youth related problems / complaints and further course of action.
- x. Appointing North East practising lawyers as DSLSA member as well as Coordinator for North East people on the behalf of DSLSA.
- xi. The DLSA assistance is available only for the people below the poverty line. Such assistance should be available for people of the North East above the poverty line also in suitable cases.

5(b) Strengthening Law Enforcement Agencies

5(b)(1) The Committee's terms of reference also require it to examine the causes behind such incidents/violence etc. To properly understand the reasons for such violence or discrimination, it was necessary to examine the nature of incidents relating to the people from the North East. To do so objectively and rationally and to find out why such incidents happen, it was also essential to get a profile of the people from North East in Delhi and other areas. Many questions arise e.g.

- (i) Do such incidents relate more to some communities or people from some states more than others?
- (ii) If some communities/states have more cases, do the incidents have some relevance to the total number of people of that community residing in Delhi?
- (iii) Do they happen more in localities in which they reside or in work place or in general in and around the cities or in the educational campus?
- (iv) What are the types of incidents they have encountered etc

5(b)(2) Unfortunately, no such profiling of the people or of the cases is available. So far as general profiling of the people of the North East in Delhi is concerned, we discussed at length the desirability and the mode of getting such a profile.

5(b)(3) There was overwhelming opinion that some sort of registration of the people from the North East would be helpful in coordinating various welfare,

security and other related measures. After examining all the suggestions received on this issue, the Committee would like to **suggest a process of comprehensive, computerized database for keeping track of the people from the North East. This recommendation is part of a wider proposal for creating a North East Centre covering many other aspects of the problems that are being discussed. A comprehensive proposal on the North East database is at Annexure 10.** However, leaving aside the non availability of factual information, it can be broadly stated on the basis of submissions made by various organizations and individuals that the people from the North East in Delhi can be grouped under the following categories:

- a) Students both in (a) hostels and accommodation provided by the institutions and (b) staying outside the campus in rental accommodation.
- b) People on paid employment both in the organized and unorganized sectors primarily middle and lower level jobs in service, hospitality and IT Sectors like security guard, restaurant, nurses, call centers etc.
- c) People in Government jobs.
- d) People in Central Government services and higher jobs.

5(b)(4) Almost every group talked about experiencing discrimination, prejudices, taunt of racial nature etc at different times.

5(b)(5) In some cases, such experiences did not result from overt acts or malicious intent but to taunts, teasing etc. resulted from ignorance. They do however cause deep sense of hurt and create great psychological dent. Such incidents, reflect a deep malaise which the Indian society has to deeply ponder about. Various steps to create awareness that we have suggested are expected to help in improving the situation so far as the people from North East are concerned but the efforts to remove the deep rooted prejudices in society have to be taken up on a much wider scale. Because of the limited nature of mandate of this Committee and the limited time available, we have refrained from looking at those deeper and wider problems and have focused on how such ignorance or lack of awareness affect the people from the North East in the metros. The measures that the Committee has suggested are aimed at creating two way understanding and awareness - in a sense connecting the minds of the people of the region and of those outside.

5(b)(6) The overt acts of discrimination, molestation, prejudices etc against people from the NE following from the inability to appreciate the differences or from deliberate attempts to hurt mentally and physically are of more serious concern. To enable us to arrive at a sensible and rationale way to tackle such acts of deliberate indulgence in acts in violation of existing laws and rules, we felt that it was essential to quantify the incidents, find out the number of incidents, their nature, communities involved and so on. We requested the MHA for such details for all the metropolitan cities and we also requested the Police Commissioner when we had interactions with him. Unfortunately, such profiling of incidents involving the people from the North East are not available. We were rather surprised to find a crime statement for the last few years (**Annexure - 11**) showing figures of cases involving the people from the North East which shows only 261 cases were registered in all the police stations. The Commission of SC/ST also mentioned that only very negligible number of cases are registered under relevant Acts by people from the North East. Such statements conflict with all the sentiments expressed by almost every North East group and individuals and with the reports that keep appearing in the media. On the other hand, we have noted that the North East Special Police Unit which started functioning from the 14th February 2014 to 9th July, 2014 has already received 359 cases. Out of which, 103 FIR has been and rest are under enquiry. We have not been able to find any definite answer for this contradiction but we can only summarize on the possible and plausible reasons for such discrepancies.

5(b)(7) First, the people from North East, even when they are victims of such incidents, do not feel encouraged to approach the police station for a variety of reasons some of which relate not only to the people of North East but for people in general also.

5(b)(8) Secondly, they are deterred from taking such action because even if FIR is lodged, they fear subsequent harassment by police. Most people have mentioned the fact that action on such cases registered are often delayed, that investigation often is flawed, making the hope of getting justice even more distant and uncertain. Many people also have mentioned that they faced hardships and financial difficulties as they are required to go again and again to police station for recording of evidence etc. The Committee had taken up this matter with the National Commission for Women and the Commission made two suggestions:

- a) If the witness records evidences before a Magistrate, he is not required to again go for examination by the police station. This fact needs to be widely circulated and brought to the notice of all concerned including the DSLSA.
- b) The Commission also expressed its willingness to consider proposal for financial support in such cases. The modalities for making such support available to the persons who require it needs to be worked out.

5(b)(9) Third, The most common reason for the number of cases registered with the police not being in tune with the extent of the problem as widely reported is the difficulty in getting the FIR lodged. Getting an FIR lodged, it is mentioned, can be a harrowing experience. The people don't consider it worthwhile to go through all the hassles. Problems are often faced about the jurisdiction of police stations, unfriendly reception in police stations and often further exposure to taunt and teasing at the police station itself. We have no doubt that at the core of the problems faced by the people from the North East is the deficiency in enforcement of law. Any remedy must touch the issues of practical police reforms, constant supervision and strict accountability at the cutting edge levels of the law and order administration. Subject to such overall reforms, the Committee feels, police administration can and should take some steps to redress grievances of the people from the North East.

5(b)(10) Subsequent to the order of the Hon'ble High Court of Delhi, Delhi Police has taken a number of steps to streamline police administration and investigation of the cases relating to the people from the North East. The status was also reviewed by various agencies. We have placed at **Annexure 12 (i) to (iv)** reports of the following review meetings:

- (i) Meeting of Hon'ble Minister for Human Resource Development with Commissioner of Police and other senior officials on 22.5.2012.
- (ii) Standing Order of Delhi Police No. 383/2014.
- (iii) Meeting held under the Chairmanship of Union Home Secretary on 25.02.2014.
- (iv) Review meeting in the Ministry of DoNER on 05.2.2014

5(b)(11) Even before the incident of death of Nido Tania, the Ministry of Home Affairs had issued an Office Memorandum on 10th May, 2012 and 3rd June, 2014 on the subject of discrimination and racial profiling faced by Indian citizens of North Eastern States in some parts of the country. The Office Memoranda, among other things, invite attention to the following aspects:

- a) Sensitization and training of the police personnel/law enforcement agencies;
- b) Minimizing delays in investigation of cases of atrocities against SCs/STs;
- c) Improving the quality of investigation;
- d) Recruitment of sufficient number of persons belonging to SCs/STs/minorities as police personnel, programmes;
- e) Creating awareness among vulnerable sections of the society and legal recourse open to them;
- f) Adopting appropriate measures for swift and salutary punishment to public servants found guilty of neglect of duty and violence against SCs/STs;
- g) Setting up of special courts; and
- h) Improving the effectiveness of schemes developed for the welfare and rehabilitation of SCs/STs who are victims of crime.

5(b)(12) **The Office Memorandum also talks about ‘Zero Tolerance Policy’, so far as the crime against the people from the North Eastern States is concerned, need for proactive action in cases like eve teasing, stalking, passing derogatory remarks, etc., desirability of outreach programme from the Police side, regular quarterly meetings with the community leaders and formation of Area Security Committees.** Government also pointed out that very serious view would be taken against police officers for dereliction of duties in such cases.

5(b)(13) These are all commendable initiatives but the fact that many incidents keep happening and many complaints of police inaction or harassment keep coming perhaps indicate that there are gaps in implementation. The order of the Hon’ble High Court of Delhi about creating a separate cell for dealing with crimes against persons from the North Eastern States in Delhi has some very specific

directives. We have been informed that these directives have been implemented by Delhi Police. We felt that many of the steps taken have remained isolated and are not widely known. **We recommend that a comprehensive, clear, readable booklet, not just compilation of all government orders on all major instructions on steps taken by Police for redressing the problems of the people from the North East, be prepared, printed and widely circulated. Every Police Station must have a copy of it readily available.**

5(b)(14) It is however, essential to ensure that such measures do not remain as ad hoc reactions to an emergent situation but are made part of a system, are transparent and ensure that the system fixes accountability in case of failure and provide for constant monitoring. In this connection, we would like to make the following further specific recommendations to supplement that has been done so far. **The review taken by the DoNER Ministry should be made a part of the system of regular review.**

5(c) Special Police Initiatives

5(c)(1) A large number of initiatives have been taken up. They need to be constantly monitored and followed up. At least for sometime one nodal officer of the rank of IGP should be placed in MHA for this purpose. His duties and functions should be clear and sufficient powers should be given to make him effective. We have suggested a model of functions at **Annexure 13**.

5(c)(2) The North East Special Police Unit should have the power of a police station so that at one point officer in charge could register cases and give directions to various police stations instead of routing it through various officers who have jurisdiction over those police stations. Home Department of GNCTD of Delhi should issue notification giving jurisdiction to North East Special Police Unit for whole Delhi for investigation, arrest etc.

5(c)(3) It has also been felt that justice to be effective needs to be dispensed promptly. A few cases settled quickly with deterrent punishment would go a long way in preventing recurrence of such incidents. **Therefore, the Committee would strongly suggest creation of Fast Track Courts for handling the cases relating to the North East people, particularly those which are racially**

motivated and heinous crimes against North East women and children. We are aware that commenting on a similar suggestion by the Additional Solicitor General, the Hon'ble High Court of Delhi had opined that "a quicker decision in the cases can be achieved by giving direction on the administrative side to the concerned courts, rather than designating one court only for trial of all such cases". There is no doubt that getting the existing courts to dispose cases expeditiously would be a good solution. **However, we also feel that having designated courts would give some urgency and importance to the matter and may be appropriately considered.**

5(c)(4) Specially designated public prosecutors should be appointed for cases involving people from the North East. They should also be properly trained and sensitized.

5(c)(5) The Committee was informed by a large number of affected people that investigations of cases filed by the North East people are often tardy. It was mentioned by Delhi Policy Group during discussions that only in about 13 percent cases the complainants get justice. There is a tendency in the lower levels of the police force to persuade the victims to compromise the case or to make settlement. We have suggested various measures, some of which are already under the plans of the police department as mentioned above, to strengthen action at the police station level. However, we feel that creation of a **special squad supervised by the North East Special Police Unit** would go a long way in speedy justice in criminal cases. The squad could be manned by the people specially selected for such purpose and could be specially trained and sensitized about the problems of the North East people.

5(c)(6) Relief Corpus Funds for helping heinous crime victims. Expenses for dead body disposal, attending Court from North Eastern States to Delhi, honorarium for social workers.

5(c)(7) Counseling Centre with Delhi Police Special Unit for North East Region at Nanakpura, Delhi may be made properly functional to involve North East NGOs in its operation on the pattern of counseling of Special Police Unit for Women & Children of Delhi Police.

5(c)(8) Empanelling of lawyers preferably from North East for legal counseling of the cases/trials of North East crime victims.

5(c)(9) It is learnt that a proposal for creation of 318 posts for the Special Unit for North East region, is pending with the Government. This should be sanctioned immediately and special recruitment may be carried out from the North Eastern States. It is learnt that earlier recruitment drive in North East was not very successful. Therefore, we suggest that the following measures may be taken in all future recruitment in the North East:

- (a) Information relating to special recruitment may be given to all the 8 North Eastern States two months in advance.
- (b) Effective dissemination of recruitment advertisements through:-
 - i. Advertisement in vernacular papers.
 - ii. Repeated advertisement through local TVs/Cable TVs. Special scroll messages at the local cable TV channels.
 - iii. Repeated announcement at All India Radio in local dialects at news hours.
 - iv. Request to the State Directorate of Information and Public Relations (DIPR) and State Bhawans at Delhi for wide publicity, in particular.
 - a. To request all the Zila Parishad Members for repeated announcements through Gram Panchayat Sabha meetings at Panchayat Offices.
 - b. Information to the District Commissioners and District SPs for wide publicity.
 - c. The District SPs should also be requested to send the information to all the Police Stations, Chowkis, Check gates and Battalion headquarters for wide publicity.
- (c) DGPs of 8 North Eastern States may be asked to appoint one local officer at Police Headquarters as a Nodal Officer for coordinating recruitment of Delhi Police in their respective States.
 - (i) Nodal Officers should have one dedicated helpline during office hours manned by police personnel who can communicate in the local languages/dialects of the State.
 - (j) One senior officer preferably from North East may be appointed as in charge to coordinate the recruitment of all the North Eastern

States and he will coordinate with all the Nodal Officers from the Police Headquarters of all the 8 North Eastern States to carry out the recruitment drive.

- (k) Out of the total number of vacancies 30 percent may be kept reserved for female candidates.
- (l) The proposed written examination for the special recruitment may be held at the North Eastern States' Capitals instead of Delhi only.
- (m) Special advertisement drive for recruitment of North East youth for Delhi Police may be carried out in local newspapers and audio visual media of North East to attract maximum candidates.
- (ix) North East the special cell should have, on the pattern of Special Police Unit for Women and Children (SPUWC) Unit the requisite logistics/infrastructure having jurisdiction all over Delhi. It should have :-
 - North East officers in visible positions. Other officers should be specially trained or sensitized on North East issues.
 - Designated Public Prosecutors preferably North East lawyers.
 - Time bound investigation within 90 days.
 - CFSL (Central Forensic Science Laboratory) may be advised to take immediate action in sensitive North East related cases and give reports at the earliest.
- (x) The Special Helpline for North East youths, 1093 should synchronize with PCR 100 number so that Complaints of North East people may be brought to the notice of DCP/SPUWC for North East and Chief Coordinator for North East. This number should be the helpline for North East in every Metro.
- (xi) Delhi Police Special Unit for North East should have data bank of all the crimes against North East people and do the analysis for further action. This unit should also monitor investigation/trial stages of the cases against North East people on fortnightly basis.
- (xii) There should be compulsory refresher training for the police personnel who are posted with Special Unit for North East for efficient handling of North East related cases/counseling etc.

- (xiii) All ranks of Delhi Police should be sensitized during basic training, promotional training, specialized training etc. For that purpose the basic training module and syllabi should be redesigned with North East contents.
- (xiv) As far as possible and subject to the overall norms of the department Delhi Police officials from North East may be posted at those places where North Eastern students and employees reside in large numbers.
- (xv) Delhi Police should take pro-active initiative for involving North East people in activities of RWAs, Market Associations, Taxi and Auto Associations etc. The security committees should be functional and must meet every quarter, and it should include a representative of District Magistrate and of the North East people.
- (xvi) Interactive media campaign should be taken up in North Eastern States for highlighting the steps taken by Delhi Police for security of North East people with the help of print/audio visual media.
- (xvii) MHA should facilitate close coordination between Delhi Police and Ministry of DoNER, so that help and assistance as needed and possible are available for proper implementation of many of these initiatives.

5(d) Creating awareness and promoting understanding

5(d)(1) We have looked at the issue of creating awareness in wider dimensions. Firstly, the aim to make the rich culture, history, geography, tradition, crafts, etc. of the North East known to the people outside.

5(d)(2) Secondly, such awareness creation aims to remove common misunderstanding about the people of the North East. It tries to emphasize on the differences as an integral part of the strength of the Indian nationality.

5(d)(3) Third, the objective is to motivate the important media to move away from stereo-type depiction of the North East to sensitive, understanding and positive descriptions.

5(d)(4) From our interaction with various Ministries of Government of India like I&B, Culture and MHRD, we find that the Ministries are aware of and sensitive to the concerns of the people of the North East. In recent times, a large number of initiatives have been taken by each of the Ministries and notes on such initiatives

have been placed at **Annexure- 14(a) to (c)** for information of all concerned. In addition, we are making a few more suggestions to supplement what has been initiated.

5(d)(5) For this purpose, the Committee wanted to interact and discuss with the senior editors of the newspapers and electronic media as they are the ones who determine the policies of the newspapers/media. **Such a meeting was not possible but we would suggest that MHA/I&B Ministries may suitably convey the Committee's views to them.**

5(d)(6) The committee feels that exposure is essential both ways and actual experiences of living and sharing is more important than just reading or hearing. **We have proposed cultural exchange programmes for students in schools and colleges. Such programmes should be properly organized and funded by the concerned departments. It would be useful if on completion the students are encouraged to write reports or prepare projects as part of their work.**

5(d)(7) The North East has very strong presence of army and Central Armed Police Forces. They come into contact with locals and when they are dispersed they carry their impressions with them. Unfortunately, use of army for civil assistance for long periods in the region and the use of much criticized Armed Forces Special Power Act – which was argued before us as a discriminatory - have often created hiatus between local population and the armed forces. **It is, therefore, essential also to sensitize the armed forces personnel. MHA in consultation with Ministry of Defence should work out the modalities for such sensitization.**

5(d)(8) During our meeting with Delhi Administration, the Chief Secretary had explained the many steps taken by the Administration to provide help, protection and support as well as to sensitize the key functionaries. We have separately recommended measures to link Delhi Administration to the North East Special Police Unit and North East website. **It would go a long way if Delhi Administration could examine the possibility of sensitizing the public service providers at the grass root level, CISF personnel and other security**

personnel in metro etc., licensing authorities of various public services and so on.

5(d)(9) The Republic Day parade and the cultural tableau get the greatest attention of the entire nation. We are aware that North East is getting good exposure in this event. It would still be worthwhile to **suggest that effective participation of the North East and imaginative cultural presentation receive special attention. It would also be very useful for the I&B Ministry to especially brief the TV, Radio Commentators covering the event on the most effective way of presenting the North East.**

5(d)(10) The Committee has received quite a few proposals aimed at creating awareness about the North East and also to facilitate cultural exchanges and understanding. We have explained to them that the Committee is not a body for implementation of schemes nor is it a recommending body. However, the Committee did have interaction on the following projects given to it and felt that keeping the overall objective of creating awareness and understanding all worthwhile initiatives should be encouraged:

- (i) A half-marathon run in Delhi on the North East theme
- (ii) A North East train across the country.
- (iii) Books and videos on the North East
- (iv) Concept note for North East travel/tourism magazine.

5(d)(11) Copies of all these proposals are in ***Annexure 15 (i) to (iv)***. The MHA officials were advised to send these copies to the Ministry of DoNER for appropriate examination and necessary action. **We would like to mention that we found the intent and the content of these proposals very suitable and worth pursuing. They are innovative and likely to create good impact. There are many other good examples, initiatives which should be encouraged, and Ministry of DoNER should explore the need for taking up suitable schemes for this purpose.**

5(d)(12) As a large number of initiatives have been taken by the Ministries and some more have been recommended by us, it is essential to keep track of implementation of those proposals. **We, therefore, recommend that a nodal officer should be designated in these Ministries particularly in**

MHRD/Culture/I&B and Sports and Tourism to monitor implementation of the many proposed schemes. The nodal officer should also have links to Ministry of DoNER/NEC, as well as weblink to the proposed North East Centre data bank.

5(e) A Visible face of the North East in Delhi.

5(e)(1) While talking of the concerns of the people of North East, it is necessary to keep in mind that the North East is very diverse and the physical homogeneity of the region hides tremendous diversity. The only generalization that can be made about the NE, it is often said, is that no generalization can be made.

5(e)(2) Within that broad diversity, the Committee tried to find general pattern of experiences of people from the North East. We realized that in Delhi or any other metro there is no visible North East face- Institutions or otherwise. The State Bhawans work independently and the various associations from different States have only a loose common platform. Many of the associations within one State again are based on communities or tribes.

5(e)(3) **The Committee, therefore, would like to recommend the establishment of a North East Centre in Delhi.** We have received many suggestions for facilitating a two way exchange of ideas and information and to create understanding of the culture, lifestyle, and traditions of the North East people. Quite a lot of initiatives have been taken in recent times by various Ministries and other organizations. We have a feeling **that there is a need for sustained, systematic and continuous exposure of the North East to the rest of India and the world.** A question may arise as to why we need another institution. We would like to clarify that while recommending the establishment of the Centre, we are not pushing the existing initiatives to the background. Broadly, at present, there are following types of institutions:-

- a. Purely culture institutes like IGNCA, which partly promote the North East.
- b. Cultural-cum- intellectual initiatives for creating awareness and think tank like the Jamia Centre or the North East Centre in JNU.
- c. Organizations representing the separate States of the North East like the State Bhawans.

5(e)(4) We have felt that there is need to strengthen all such initiatives and to make them broad based. **In the long run, however, the need for a comprehensive organization, which goes beyond all the partial initiatives, was strongly felt. The approach, therefore, should be to strengthen the existing ones in the short run and in the long run to build a comprehensive umbrella organization as outlined below:**

5(e)(5) The Centre should be an autonomous institution preferably in PPP mode with carefully planned, very high level of responsible management. It should be **given a name evocative of the rich culture and tradition of the North East.** It should have the following functions or wings, but the list is only illustrative:-

- i. A comprehensive database and arrangement for networking. A detailed proposal for establishing such database has been placed at **Annexure-10** . The proposed networking should be extended to cover social networking in addition to security networking, with the objective of sharing information and creating bonding with various organizations. **This database centre should be immediately started by DoNER within its existing facilities even before the permanent centre becomes operational.** The Centre should have provision for permanent exhibition and sale of North East handicrafts, handlooms and cuisine. It should be linked to Dilli Haat for this purpose.
- ii. The Centre should also have facilities for cultural performances, dance, theatre, art exhibition. For cultural purposes, the centre should function as an outreach of Indira Gandhi National Centre for the Arts.
- iii. It should also have one wing of the extension of the national museum depicting products from the North East which are not on display at the national museum.
- iv. The Centre should have, link to the database facilities for 24x 7 assistance to the North East people in distress. This facility should be linked to the North East police cell as well as to the State Bhawans and also to other prominent NGO Organizations which are scrutinized and approved by the Centre – (a concept note is at **Annexure- 6(d)**).
- v. It should have a continuous orientation programme for new arrivals, on life in the metro cities. The orientation centre should also have

facilities for spoken Hindi classes/Local languages on voluntarily basis. Similarly, facilities should be created where necessary for people to learn languages/dialects of the North East if they wish.

- vi. The Centre should also provide facilities for voluntary registration of people from the North East and create a basic profile. To encourage such registration some incentives may be provided in utilization of the facilities in the centre.
- vii. The Centre should have professional trauma care facility as well as counseling for those who are in distress.
- viii. The centre should provide the first point of contact for legal advice and shall have connection to DSLSA.
- ix. The Centre should also have practical outreach research and documentation on the problems of the people of the North East in Delhi. Such research facilities need not duplicate the existing excellent facilities in institutions like Centre for North East in Jamia Millia, North East Centre in JNU etc., but should be ideally linked to them.

5(e)(6) It has been brought to our notice that a Centre of North Eastern Culture within the Centre for Cultural Resources and Training (CCRT), an autonomous institution under the Ministry of Culture Government of India is under process. A status note on the centre is placed at **Annexure-16**. It appears to us that the concept of the Centre is much narrower than the one outlined above. The process of development so far seem to have been very bureaucratic. **We would like to recommend that the proposal should be reviewed in the light of our recommendation for a more comprehensive North East Centre and both institutions could be merged.**

5(f) The bonding power of sports

5(f)(1) The Committee feels that sports can be used as a tool for creating understanding sports also is a binding and bonding factor. North East also has the advantage in having great pool of talents in sports. The Committee, therefore, had a detailed discussion with Secretary, Ministry of Youth Affairs and Sports and its officers. The Ministry made a presentation on all the steps that have been initiated for the North East by the Ministry. The presentation is at **Annexure-17**. On the

basis of our discussions with the Ministry, we would like to make the following observations:

- (i) The Ministry has taken up many useful schemes for the North East **which should be given wide publicity.**
- (ii) More important than having the schemes, **is to ensure their proper implementation.** The Committee was informed, for example, that a project worth Rs. 400 crore was being held up for requisite approvals from the State Government. **The Committee, therefore, feels that Ministry of DoNER/North Eastern Council could evolve a system to monitor progress of the Sports Ministry's schemes** in the region and also to coordinate with the State Governments for speedy implementation.
- (iii) During our discussions, the Ministry offered the following:
 - (a) If there are talents in the States who are not covered within the structure of the schemes, they can be taken up for special coaching in special institutions outside the region.
 - (b) The Ministry can **set up a National Institute/Centre of Excellence in the North East in the pattern of the Laxmi Bai National Institute.**
 - (c) The Ministry **would set up two nodal officers to coordinate North East related schemes.**
 - (d) The Ministry **would be willing to sponsor prize money tournaments, if any such tournament could be tied up.**
 - (e) The Ministry also **offered all assistance including subsidies to attract private franchise tournaments to the North East.**
 - (f) The Ministry informed that facilities created during Commonwealth Games in Delhi are available for the communities. They would give wide publicity in the educational institutions. This facility can also be put up in the North East Website.

5(f)(2) In addition to the above measures, the Committee would like to **recommend the following:**

- (i) **All the above** suggestions should be given wide publicity.
- (ii) **The Sports Ministry Website should be linked to the North East Centre Website as proposed by us.**
- (iii) **Ministry of DoNER/North Eastern Council and the Sports Ministry should institutionalize mechanism for review and implementation of the decisions.**
- (iv) In addition, the Committee recommends that the **Ministry should take steps to hold regular national/international events in the North East as such events create greater harmony and better understanding.**
- (v) The **Ministry should**, therefore, review the **status of present facilities** and make an assessment if they are suitable for such events. If not, **one such facility should be created in every state of the North East**, for example, cricket in one, football in another, tennis in somewhere else.
- (vi) Indigenous games of the North East should be promoted.

5(g) Educating the people about the North East

5(g)(1) One of the most persistent suggestions placed before the Committee was to educate the future generation on the history and culture of the North East by inserting suitable text in the text books. We had detailed discussions with the Ministry of Human Resources Development (MHRD) on this issue and officers of MHRD including Secretary, Higher Education, Secretary, Primary Education, UGC, NCERT etc. were present.

5(g)(2) MHRD impressed upon us that the Ministry was aware of the important role played by the education system in creating awareness and in sensitizing the people about the North East. The Ministry assured that they have taken a number of initiatives in this regard. The note received from the Ministry is placed at **Annexure 14B**. MHRD also informed that NCERT had edited text books for secondary level on the basis of recommendations of the Mrinal Miri Committee.

They also informed that the text books at every level from Class III had included adequate mention of the North East.

5(g)(3) During discussions, it was emphasized and generally accepted by the MHRD that the question was not just to put in a few instances of North East history or a few North East heroes in the text books. The idea was to bring in the North East ethos in the entire gamut of education, in a sensible manner and in the context of India. It was felt that suitable innovative ways should be devised to integrate each aspect of the North East into the consciousness of the people outside. Some of the broad agreements that emerged are –

- (a) NCERT would continue to review the matter in the light of wider issues as discussed. The Committee recommends that when the next review takes place, these concerns should be adequately reflected.**
- (b) All teachers training institutes would be advised to make their syllabus** in a way that can sensitize the trainees on the North East.
- (c) The metro universities outside the North East could make projects on North East as mandatory part of course curricula. Even in schools, project work on North East related themes should be built into the system.**
- (d) The Ministry agreed to consider a scheme to select good teachers from the North East to train teachers in training institutions outside North East to sensitize them on the North East.**
- (e) Action taken by the Ministry on these recommendations should be uploaded to a North East link within the Ministry's website.**

5(g)(4) Large migration of students for higher education in Delhi and other metros has been a prominent feature in recent times. One reason for such exodus is the absence of Institutions of excellence in the North East. The Ministry of Human Resources Development placed before the committee all the steps taken by the committee or being contemplated to promote such institutions. Nevertheless, **detailed socio-economic study of the nature of students migration from the North East would be worthwhile as it will provide valuable insight for planning of higher education in the region.**

5(g)(5) Earlier, for example, many students used to Delhi at school level for getting education in institutions like the Delhi Public School. Now, DPS has many

branches/franchise in the North East and presumably it has helped retaining many students within the region. Similarly, many foreign private universities are opening campus in India- and also in the North East. Many private Indian institutions, though not all of them of desired quality and standard have opened centres in the North East.

5(g)(6) Most students come to Delhi because they have a fascination for the brand image of the Delhi University, JNU, St. Stephens, Hindu College etc. A question can be asked, if foreign universities can come and lure students **why can't DU/JNU or even some colleges open campus/centers in the North East.** Horizons of education and learning **systems has changed tremendously and unbelievably in recent times. We believe such benefits in brand, quality and experience that the Delhi institutions provide can be made available in the North East. MHRD/UGC may find it worthwhile to explore such out of the box solutions in the context of huge migration of students from the North East.**

5(h) The rich culture of the North East as a means of integration

5(h)(1) The North East is a rich mosaic of culture. Culture can play an important role in bridging gaps in understanding. Presentation of North East culture has been mostly stereotype – ignoring the rich variety, depth and very modern imageries. The Committee had a meeting with the Ministry of Culture to understand its role in the matter.

5(h)(2) The Ministry presented all the steps taken by it and also mentioned the efforts to popularise North East Culture through the Zonal Centres. It also mentioned that many schemes were delayed in implementation, like the project of Science City in Guwahati, and proposed Buddhist Cultural Institute in Arunachal Pradesh for matters resting with State Governments. The Committee would like to make the following suggestions:

- i. **For speedy implementation of projects, MHA, DONER, Min of Culture should evolve some mechanism of monitoring and coordination. Even NEC can help monitoring locally with the State Government. As this issue has come up in respect of other Ministries also DONER should examine the issue very carefully and**

device some pragmatic mechanism for coordination with all Ministries on implementation of schemes in the North East.

- ii. To improve perception about the North East, the cultural programmes should also target the lower and middle class in metros. The ongoing programmes generally are considered to be elitist. The zonal Cultural Centres could consider organising such cultural festivals in selected RWAs areas every year.
- iii. While many ad hoc cultural activities on North East take place – and they should continue – it is felt that in Delhi (as also in other metros) one major festival should be organised on fixed date every year. NDMC had offered to organise it, and the Delhi Municipal Organisation also expressed willingness. NDMC had suggested that Pragati Maidan as venue. MHA, Ministry of Culture, Min. Of Tourism and DONER should jointly sponsor and make it a yearly mega event and put it in the National, International Calendar of Festivals.
- iv. All the North Eastern States should also have a Calendar of Cultural events in Delhi and other Metros, as well as within the State – preferably on a fixed date every year.

5(i) Promoting Tourism as a means of creating awareness and understanding

5(i)(1) Tourism is a very useful means for creating more awareness about people and places. In the process of creating awareness it also creates income and employment to the local people.

5(i)(2) The North East has a great comparative advantage in tourism resources. The region really reflects what modern tourists look for, i.e. having unique experience. It is a pity that tourism growth in the region is still dismal. The would not like to go into great details about the potential of tourism and would only like to make a few generic suggestions purely in tune with the mandate of the Committee. **These suggestions may be taken up by Ministry of Tourism and Ministry of DoNER for implementation.**

- (i) The revised **and redesigned Incredible India campaign should have a special focus on North East preferably with a proper branding.**
- (ii) The North Eastern Council had prepared a Master Plan for Tourism Development of the North East, which, it is reported, is languishing. **A strong monitoring of its implementation by a High Level Committee should be taken up and projects identified in the Master Plan should be made eligible for priority funding.**
- (iii) Tourism is a private sector driven industry and therefore the Ministry of Tourism/Ministry of DoNER should take steps to ensure that the private sector play a lead role. It is necessary to involve **prominent tour operators of the country in promoting the North East by arranging intensive visit to the region and then follow up by aggressive marketing. Ministry of Tourism/Ministry of DoNER may take up such schemes for promotion of North East.** We believe that this way of promoting Tourism in the North East may be the effective way.
- (iv) Focused media exposure of North East in the tourism sector is presently missing. **The Committee received a sample of a project (Annexure 18) by a person from the North East,** aimed to project North East tourism in a professional, systematic, continuous manner to the outside world. The Committee feels that any worthwhile initiative should be looked into and encouraged. The Committee suggests that **the Ministry of Tourism/Ministry of DoNER may look at the concept for necessary action within their policy frame work.**
- (v) Tourism is an ideal instrument for creating understanding and harmony. The North Eastern States should be encouraged to promote tourism in a focused manner. For this purpose, the Committee feels that the **continuation of the LTC scheme for North East would go a long way in creating awareness.**
- (vi) As Bollywood plays such a prominent role in forming images in minds of people, DoNER Ministry should consider a **suitable scheme of incentives for encouraging to use North East locales**

for Bollywood pictures. Such incentives may also encourage popular serials in TVs to look at the North East, even to include North East stories in such serials.

(vii) The Ministry of DoNER should sponsor a **massive campaign in collaboration with MHA, Ministry of Tourism and National Integration Council on 'Understanding Your North East'**. It should be carefully designed for maximum impact and properly scrutinized for factual authenticity.

(viii) Ministry of DoNER should also try to associate respectable and popular icons from the field of culture, sports, music, etc. to be their brand Ambassadors for the North East to promote this campaign.

5(j) Information & Broadcasting and Media to focus on the North East

5(j)(1) Considering that media in the present age is the most important instrument for creating and spreading awareness the Committee had a detailed discussion with the I&B Ministry. The Ministry made a detailed presentation on all the steps taken by all the agencies of the Ministry. The Committee appreciated the awareness of the Ministry about the problems of the North Eastern States. We would like to make the following further suggestions :

- i. **The steps taken by the Ministry should be given due publicity. For this purpose, among other things, creation of a North East website was suggested.**
- ii. **Timely implementation of many of the initiation is important. Therefore, there should be regular and systematic interaction for coordination between MHA / I&B and DONER.**
- iii. **While the DD Channels / AIR within North East are serving a very useful purpose it is important for the media to reach out to put the North East on the National centre stage. How to sensitize the national media about the North East is something for I&B to consider-- at the least prime coverage should be given to the North East Region in the media facilities under its control. It should provide uplink facilities to all the States. The police forces in these States should be provided with O.B. vans.**

- iv. **The Ministry assists 170 Community Radio stations across the country. They are very useful media for creating awareness. As I&B Ministry financially supports them, it can ensure that North East inputs are carried by these stations. I&B, MOT, DONER could jointly create materials for such sensitization.**
- v. **Resources from the North East should be selected as visible faces in the visual media.**
- vi. **National Quiz Programme of DD/AIR, or talent shows should consciously try to bring inputs from the North East including personnel.**
- vii. **Some buildings/institutions of public importance should be named after North East landmarks – rivers, hills, tribes, icons.**

5(k) Role of the Private Sector

5(k)(1) The Committee has suggested a number of measures to create awareness about the North East and also about sensitization of the service providers about the North East. We tried to expand the horizon of activities to the private sector as well and to interact with industry organizations to see if the process could be carried across the country by the private sector. Because of paucity of time we could not have wide ranging discussions with all but had a meeting with the representative of FICCI. **We recommend the following initiatives offered by FICCI and hope that MHA and Ministry of DoNER would carry this initiative to other organizations like CII, ASSOCHAM, PHD CHAMBER etc.:**

- i) **The industry news letters can regularly focus on the concerns of the North East to the members of the associations.**
- ii) **FICCI can place brochure/materials on the North East if such materials are provided by Ministry of DoNER in each conference that they hold across the country as part of the background materials.**
- iii) **MHA or the Ministry of DoNER should design some attractive readable materials on ‘Understanding Our North East’. It will be even better if it could be linked up**

with Ministry of Tourism so that awareness is followed by experience of the tourists. Such materials should be provided to the industry organizations for action as above.

- iv) Private Sector can also play a very important role in recruitment of youth from the North East. Industry organizations can sensitize their members suitably on this social responsibility.

5(l) Role of the Universities

5(l)(1) Universities have a very important role to play in the process of mutual understanding. While the tensions are less pronounced in the academic environment, there is still much to be done.

5(l)(2) Delhi University has been proactive in initiating the following activities which could be also taken up by other Universities in the Metros of India.

- i. Promoting Cultural awareness through Orientation sessions for students, where North East students should be encouraged to participate.
- ii. Setting up of a Website for information and guidance.
- iii. Appointment of Nodal officer for North East in every college
- iv. Setting up a North East Cell in the University.
- v. Setting up admission help desks.
- vi. Conducting Security coordination meetings.
- vii. Organising Self defense classes along with promoting participation in **NCC and NSS** activities
- viii. Programs to organise Street plays on NE region of India.

5(l)(3) The Vice Chancellor, Delhi University also shared his desire to take a train of 1000 students to the North East for cultural experience.

5(l)(4) Jawaharlal Lal Nehru University (JNU) also has an elaborate grievance redressal mechanism.

5(l)(5) The CNES (Centre for North East Studies) at Jamia Millia has been doing commendable work on research and sensitization about the North East such endeavour should be spread to other Universities. Similarly the North East India

study program at JNU is another welcome initiative. They are doing courses on North East for UG students – catering to the knowledge domain and prolonged process of engaging with students from the North East. Such study Centres could be made more proactive and given new directions to delve into and documenting the History of the North East India which at present is focused only on the issues of secessionism and insurgency. There are other more interesting aspects of history that have linked the region to the rest of India starting from interpretation of the events of the Mahabharata to the presence of the Moghuls as also the period of British rule culminating in World War –II. There could also be documentation of Folk tales of the North East. The Universities can provide the necessary resources of manpower and framework otherwise for writing appropriate books on the North East that may eventually be reading material at graduate, Postgraduate and even PhD levels.

5(l)(6) Programs for students of Universities in the Metros to go for projects in North East region should also be initiated with the help of UGC.

5(l)(7) The Universities could also play a proactive role in recruiting eligible people from the North East region to the faculty and various categories of post in the Universities. The Delhi University at present reportedly has about 4000 vacancies to be filled up.

5(l)(8) The Madras University with the support of the Tamil Nadu Government has been proactive in preventing ragging in the colleges and institutions. Such policies should be adopted by all other Universities.

5(l)(9) The Universities should have orientation programme for the students of the North East.

6. What People from North East have to do

6(a) Orientation

6(a)(1) The different life style of the people from the North Eastern States has been repeatedly mentioned by almost every one as one of the factors causing misunderstanding and clashes with other sections. While the Committee has made many recommendations on the primary requirement of sensitizing the people of the metropolitan cities about the life, culture, and traditions of the people

of the North East, it is equally essential for the people of the North East coming to work or study in metropolitan cities to be sensitive to the environment in which they live and work. **We have suggested primarily three way efforts to adjust this basic requirement –**

- (i) **education and sensitization of the people before arrival and after arrival in the metros about ways of living and adjust to the culture in which they have to live and work;**
- (ii) **greater efforts for interaction with the local communities in which they live and the need for involving the police and district administration to facilitate such two way interactions for a healthy living atmosphere;**
- (iii) **more North Eastern cultural and social activities in RWAs and greater participation of North Eastern people at local functions and activities.**

6(a)(2) We understand that an earlier attempt by the Delhi Police to sensitize the people from the North East about “Dos and Don’t” did not receive very favourable response. Perhaps, those initiatives require a relook. Nevertheless in tackling wider issues of the concerns of the North Eastern people, and in trying to find a solution, it is essential to have an open mind, a pragmatic approach and appreciation of the realities. In such an approach, the greatest danger is to adopt an “ostrich syndrome’ which should be meticulously avoided. Many North East groups have emphasized, in appreciation of the overall issues, that it is important for the people of the North East not to accentuate the wrong image or perception of the local people by indulging in acts they do not indulge in even back home- like open drinking, late night loud parties and singing disturbing other residents. **We, therefore, recommend that a pragmatic orientation and proper follow up by the North Eastern communities should be an important part of addressing the concerns of the North Eastern people.**

6(b) Language and Communication difficulties

6(b)(1) Many organizations and individuals have mentioned before the Committee that inability to communicate in Hindi often causes misunderstanding and resultant problems. As a very large number of people from the North East come out in search of jobs at lower levels and live in areas where the medium of

communication is primarily Hindi, a good knowledge of spoken Hindi would facilitate greater interaction, and will ease the process of understanding. The Committee heard many stories of how the people from the North East are asked to pay admission fees etc. as applicable to foreigners in Museums and other tourist places. Most of these misunderstandings can be eased if the people can communicate in Hindi on the local language.

6(b)(2) The Committee feels that pragmatic, need based facilities for learning spoken Hindi or regional languages should be created in the Metros for those who feel the need for such facilities.

6(c) Role of the State Bhawans

6(c)(1) We had a detailed discussion with the Resident Commissioners of the North Eastern States to understand how they view the problem and what role they play. Some of them informed that they had very good coordination and the Bhawans are used for regular community meetings or to discuss problems. When some incidents had taken place in 2009, Mizoram Bhawan said, they had provided shelters to the victims and also assisted in getting proper help.

6(c)(2) Most people we interacted with feel that the state Bhawans should be the point of contact in case of problems and in fact they should play the role that embassies play in foreign countries. The overwhelming feeling was that they were not playing this role. **We would like to make following recommendations:**

- (i) Considering that a very large number of people are migrating from the North East, it is essential **for the Bhawans/State Governments to play the role of informing and educating the people on their arrival.** For example, those in search of jobs or seeking admissions in institutions need proper certificates about residence, caste, tribe etc. People should be informed about these essential requirements preferably before they leave their home states.
- (ii) The Bhawans **should be available for contact to get information and advice after arrival.**
- (iii) For this purpose, **each Bhawan should have a nodal officer for public affairs and his contact number etc. should be placed in the links that we have recommended.**

- (iv) As the Bhawans generally work in isolation, a North East perspective and North East combined effort is often missing. **The North East Resident Commissioners should make a formal North East platform. There should be periodic reviews among themselves** and also networking with the North East police cell as well as with the proposed North East centre.
- (v) This North East forum **should also have periodic meetings with the nodal officers of the universities in a systematic manner to provide assistance** to the students at the time of admissions.
- (vi) We have seen for example in Bangalore and in Munirka, how wrong reporting or rumours can cause serious damage to community relations and lead to law and order problems. Quick response to handle such unconfirmed rumours is essential to help the law enforcing agencies. **The North East Forum in collaboration with Ministry of DoNER should set up such a mechanism for quick response.**
- (vii) **The Bhawans should provide relief and rehabilitation facilities for people of the State in distress.**

6(d) Organizing workers on North East platform

6(d)(1) A major problem faced by the North East workers in the Metros is exploitation by their employers. There are also very few mechanisms today to redress their grievances and the individuals, far from their homes, are often totally helpless to stand up for their rights when they are mistreated and harassed. The Helpline cannot cover all aspects of assistance that are needed by the large population of NE people in the Metros.

6(d)(2) This matter was discussed with the Delhi Administration where the Commissioner/Secretary labour clearly stated that any grievance brought before them could be looked into and appropriate relief can be given. The North East Special Police Unit should give due publicity to this possibility.

6(d)(3) Delhi Administration also mentioned that action under relevant labour laws would be facilitated if the workers from the North East could form some organization/professional association enabling them to redress their grievances under the relevant provisions of the existing laws. Such a move will go a long way

in protecting their interest. **Such organizations can be affiliated to the National level trade bodies thereby strengthening the integration process.** The problem of how to organise them and how to provide financial or other assistance for funds for the initial process of organisation could be examined by the Labour Department/Ministry.

6(d)(4) Information about procedures, legal recourse available etc. should be disseminated.

6(d)(5) The North East Forum of Resident Commissioners could examine how such organization could be formed and how the State Governments can facilitate it.

7. Accommodation and problems of rent

7.1 The problem of accommodation of the student as well as women employees and exploitation by landlords in hiring accommodation were persistently mentioned as serious problems. The Committee would like to make the following recommendations:

- i. **The present accommodation created by Ministry of DoNER at Jasola is underutilized. There are apparently problems in the rules and procedures prescribed. All the issues should be immediately looked into and appropriate measures should be taken to properly to utilize the existing accommodation and its management streamlined.**
- ii. **A proposal for 500 room accommodation in JNU is pending approval. JNU authorities are all ready to implement the project. It should be immediately sanctioned. Similar proposals from Dayal Singh College and Hindu College are also pending. Ministry of DoNER should look into all these proposals and coordinate action to remove bottlenecks.**
- iii. **Delhi University Authorities, NDMC and Municipal corporation of Delhi have all expressed their willingness to put up suitable hostels for students/working women etc. where North East could be given appropriate reservation. We suggest that MHA and DoNER should take the lead in coordinating with the**

Ministries like Urban Development to find out suitable land and start construction.

7.2 So far as problems of landlords and exploitations are concerned, the Committee feels that facilities offered by the Government of Delhi for redressal of such grievances should be widely made known to everyone. The Chief Secretary of Delhi informed the Committee that under the Bhagidari Scheme the local administration holds periodic meetings with RWAs for discussing such issues and sorting them out amicably. We have **proposed that such meetings should be made a part of the system and local police should also be involved in the interaction. It was mentioned that response of the North East organizations to such meetings was not adequate. The North East network should ensure that the meetings are widely published and adequately attended.**

8. Need for Coordination

8.1 Of late various Government agencies have been sensitive to the problem of the North East and many departments have come out with many programmes, schemes and suggestions. During our interaction with the Government of Delhi, we came to know that the Government has a Nodal Officer in the Secretariat and also at the district level to take care of the grievances of the people of the North East.

8.2 We also learnt that all the Universities- Delhi University, JNU and Jamia Millia have their own mechanism for redressal of their grievances. **The National Commission for Scheduled Caste and Scheduled Tribe, during discussions agreed with us that its role, mandate and activities need to be widely disseminated. The commission also agreed to establish a system of coordination with police in some metros and also take initiatives to educate and inform about the Commission's activities.**

8.3 The Committee felt that often such good initiatives were made in isolation and are not widely known. The Committee feels that there is a great need, firstly to give wide publicity to various measures undertaken by them and secondly, to ensure that such initiatives and activities are linked to other initiatives of similar nature by the Police and the Government so that the necessary information and assistance are available to those who need them. **Every institution/organization**

providing services/ security to the people of North East in Delhi and other Metros and having any institutional mechanism should link them to the North East database network proposed by us. Till the time that the North East database network is operational, the North East Police Cell should provide the linkages to all such agencies.

8.4 During our discussion the Ministry of Tribal Affairs we were informed that urban areas are also coming under their focus. **Ministry of Tribal Affairs should reach out to the North East communities in urban areas for providing the necessary facilities. A nodal officer should be designated for the purpose, who should upload information in the North East Website.**

9. People's Representatives can lead the way

9.1 In our federal democracy the voice of the people is carried most effectively by the Public representatives – the MP's. The committee had a detailed discussion with the North East MPs' forum and received very valuable suggestions from them.

9.2 The Committee has made many recommendations for the security and welfare of the people from the North East living in the Metropolitan areas and elsewhere outside North East, on its understanding and appreciation of the issues after wide ranging discussions.

9.3 We believe that if the respected MP's keep vigilant watch and monitor through various democratic fora, implementation of the recommendation will be effective.

9.4 The North East MP's forum can perhaps systematically take a lead in pursuing the redressal of the concerns of the people from the North East.

10. Implementation

10.1 The Committee is happy to note that Delhi Police and various ministries have taken a number of steps to address the problems of the North East people. We have also recommended a number of steps to supplement these initiatives.

Often, it is felt by the general public that good initiatives of the government remain only on paper. **An affective monitoring mechanism therefore should be built into the system. We recommend that a high level committee should be set up under the Home Ministry with representatives of Ministry of DoNER, Ministry of Home Affairs, Resident Commissioners, Delhi Police and suitable representation from the Civil Society Organizations working for the concerns of the North East people.**

10.2 The Committee should have powers to ensure implementation and the powers and functions should be clearly laid down. The powers given to the Committee should also enable it to fix accountability and the concerned Ministries should act upon the decisions of the Committee within a specified time. The committee should meet at least once a quarter and review the implementation of the many initiatives.

10.3 The nodal officer from police proposed to be placed in the MHA should be the convener and the member secretary of the committee.

10.4 The results of review by the committee should be uploaded in the network of North East Police Cell and later on should be linked to be North East network recommended by us.

11. EXTRACT OF RECOMMENDATIONS

Grouped on the basis of priority showing implementation agency

For the purpose of priority we define Immediate, Short and Long term periods are as follows:

- Immediate – to be implemented within a period of 6 months to 1 year.
- Short term – to be implemented within a period of 1 to 1½ years.
- Long term – to be implemented within a period of 1½ years to 3 years.

IMMEDIATE

11.1 Various kinds of concerns of the people from the North East

11.1.1 The Committee is not aware of any detailed study as indicated by the Hon'ble High Court being undertaken so far. To have a long term solution of this problem, the Committee feels that implementation of the Hon'ble High Court's directives will go a long way in dealing with the matter.

(Page -7)
(Action: Ministry of Home Affairs)

11.2 Legal Measures

11.2.1 As pointed out by the Hon'ble High Court, it is beyond doubt that there is need for a law that covers the type of experiences that the North East people have. The direction of the Hon'ble High Court would be the practical solution to the problem. The committee recommends that immediate and serious examination as per the directions of the Hon'ble High Court is taken up.

(Page-20)
(Action: Ministry of Home Affairs/Ministry of Law & Justice)

11.2.2 The committee recommends this amendment of Section 153 of IPC as the second alternative.

11.2.3 The Committee recommends that either a new law should be promulgated as directed by the Hon'ble High Court of Delhi or IPC should be amended- in that order of preference. Whatever legislation is decided upon should have among other things the following specific provisions –

- i. The offence should be cognizable and non-bailable.
- ii. The investigation of the FIR should be completed compulsorily in 60 days by a Special Squad, investigated by a police officer not below the rank of Deputy SP/ACP. A special prosecutor should be appointed to handle all such cases of atrocities.
- iii. The trial should be completed in 90 days.

(Page - 23)
(Action: Ministry of Home Affairs/Ministry of Law & Justice)

11.3 Facilities for legal assistance

11.3.1 Committee recommends the following steps:

- i. Panel of lawyers for legal assistance and consultation through – mobile phone, e-mail, Whats App etc.
- ii. NE lawyers practicing at Delhi at different Courts may be given the preference to form a panel 50 percent members of panel may be women lawyers.
- iii. Legal awareness training for the North East Representatives from eight North East States.
- iv. Legal awareness campaign in vulnerable areas like – Munirka, Safdarjung Enclave, Janakpuri, Kotla Mubarakpur, Malviya Nagar, Mukherjee Nagar, Gandhi Vihar, Chirag Delhi, Gurgaon, etc.
- v. Lecture on legal rights during freshers meet at Delhi University, Jamia University and JNU Campus.
- vi. Dissemination of information on legal rights to NE youths through pamphlets, brochures, CDs etc.
- vii. Dedicated Facebook page / Whats App connectivity for providing legal assistance through social media.
- viii. Pro-active initiative for victim compensation and monetary assistance for to and fro journeys from North East
- ix. Monthly review meetings on action taken on North East youth related problems / complaints and further course of action.
- x. Appointing North East practising lawyers as DLSA member as well as Coordinator for North East people on the behalf of DLSA.
- xi. The DLSA assistance is available only for the people below the poverty line. Such assistance should be available for people of the North East above the poverty line also in suitable cases.

(Page – 25-26)

(Action: Ministry of Home Affairs/Ministry of Law & Justice)

11.4 Strengthening Law Enforcement Agencies

11.4.1 The review taken by the DoNER Ministry should be made a part of the system of regular review.

(Page – 31)

(Action: Ministry of Home Affairs/Ministry of DoNER)

11.5 Special Police Initiatives

11.5.1 A large number of initiatives have been taken up. They need to be constantly monitored and followed up. At least for sometime one nodal officer of the rank of IGP should be placed in MHA for this purpose. His duties and functions should be clear and sufficient powers should be given to make him effective.

11.5.2 The North East Special Police Unit should have the power of a police station so that at one point officer in charge could register cases and give directions to various police stations instead of routing it through various officers who have jurisdiction over those police stations. Home Department of GNCTD of Delhi should issue notification giving jurisdiction to North East Special Police Unit for whole Delhi for investigation, arrest etc.

11.5.3 It has also been felt that justice to be effective needs to be dispensed promptly. A few cases settled quickly with deterrent punishment would go a long way in preventing recurrence of such incidents. Therefore, the Committee would strongly suggest creation of Fast Track Courts for handling the cases relating to the North East people, particularly those which are racially motivated and heinous crimes against North East women and children.

11.5.4 However, we also feel that having designated courts would give some urgency and importance to the matter and may be appropriately considered.

- (i) Specially designated public prosecutors should be appointed for cases involving people from the North East. They should also be properly trained and sensitized.
- (ii) However, we feel that creation of a special squad supervised by the North East Special Police Unit would go a long way in speedy justice in criminal cases. The squad could be manned by the people specially selected for such purpose and could be specially trained and sensitized about the problems of the North East people.
- (iii) Relief Corpus Funds for helping heinous crime victims. Expenses for dead body disposal, attending Court from North Eastern States to Delhi, honorarium for social workers.
- (iv) Counseling Centre with Delhi Police Special Unit for North East Region at Nanakpura, Delhi may be made properly functional to involve North

East NGOs in its operation on the pattern of counseling of Special Police Unit for Women & Children of Delhi Police.

- (v) Empanelling of lawyers preferably from North East for legal counseling of the cases/trials of North East crime victims.

11.5.5 It is learnt that a proposal for creation of 318 posts for the Special Unit for North East region, is pending with the Government. This should be sanctioned immediately and special recruitment may be carried out from the North Eastern States. It is learnt that earlier recruitment drive in North East was not very successful. Therefore, we suggest that the following measures may be taken in all future recruitment in the North East

- i. North East the special cell should have, on the pattern of Special Police Unit for Women and Children (SPUWC) Unit the requisite logistics/infrastructure having jurisdiction all over Delhi. It should have :-
 - North East officers in visible positions. Other officers should be specially trained or sensitized on North East issues.
 - Designated Public Prosecutors preferably North East lawyers.
 - Time bound investigation within 90 days.
 - CFSL (Central Forensic Science Laboratory) may be advised to take immediate action in sensitive North East related cases and give reports at the earliest.
- ii. The Special Helpline for North East youths, 1093 should synchronize with PCR 100 number so that Complaints of North East people may be brought to the notice of DCP/SPUWC for North East and Chief Coordinator for North East. This number should be the helpline for North East in every Metro.
- iii. Delhi Police Special Unit for North East should have data bank of all the crimes against North East people and do the analysis for further action. This unit should also monitor investigation/trial stages of the cases against North East people on fortnightly basis.
- iv. There should be compulsory refresher training for the police personnel who are posted with Special Unit for North East for efficient handling of North East related cases/counseling etc.

- v. All ranks of Delhi Police should be sensitized during basic training, promotional training, specialized training etc. For that purpose the basic training module and syllabi should be redesigned with North East contents.
- vi. As far as possible and subject to the overall norms of the department Delhi Police officials from North East may be posted at those places where North Eastern students and employees reside in large numbers.
- vii. Delhi Police should take pro-active initiative for involving North East people in activities of RWAs, Market Associations, Taxi and Auto Associations etc. The security committees should be functional and must meet every quarter, and it should include a representative of District Magistrate and of the North East people.
- viii. Interactive media campaign should be taken up in North Eastern States for highlighting the steps taken by Delhi Police for security of North East people with the help of print/audio visual media.
- ix. MHA should facilitate close coordination between Delhi Police and Ministry of DoNER, so that help and assistance as needed and possible are available for proper implementation of many of these initiatives.

(Page- 31-35)

(Action: Ministry of Home Affairs/Ministry of DoNER)

11.6 Some more routine action that police should take

11.6.1 Troublesome streets, by lanes, localities and neighbourhoods to be identified and mapped out by Police in their respective jurisdictions.

11.6.2 Patrolling and beat visits to be regular.

11.6.3 Beat constables should be sensitized on how to collect intelligence regarding presence of racial tension and racial miscreants within their beats.

11.6.4 Intelligence briefing and de-briefing regarding racial crime to be done daily by the Station House Officers and substance of the briefings to be entered in the Station House Diary.

11.6.5 A Rowdy Register to be maintained at every police station in which names, photos, phone number and address of Bad Characters and racial and communal zealots may be entered. Such class of people should be required to go and sign

the Attendance Register at the police stations so that they know that they are under the watchful eyes of the police.

11.6.6 One or two police stations to be designated as 'Northeast Nodal Police Stations' with responsibility to entertain each and every complaint brought by the Northerners.

11.6.7 Every case reported at police station to be registered without fail, FIR issued and a copy given to the complainants in addition to an entry made in the Station House Diary whenever racial complaints are brought. The case or cases may be later transferred to the jurisdictional police station if necessary.

11.6.8 Police to take suo motto case/issue reported in media or at the police station including rumors; and they should investigate about their authenticities promptly and take proactive steps to prevent occurrence of racial disturbance. Failure of the police to give importance to rumors and non verification of their veracity was the main reason for un-necessary panic followed by exodus of Northeasterners from Bangalore in 2013.

11.6.9 If there are case and counter case on similar issue or incident two cases may be registered and investigation taken up side by side; and the finding either for or against decided later on. The question of jurisdiction should never cause delay in taking police action.

11.6.10 Investigation of every case of racial nature to be taken up by an officer of the rank of ASP/Dy. SP in order to enhance the degree of importance given to such cases.

11.6.11 The investigation should not take more than 3 months or 90 days.

11.6.12 Fast tract courts should be established exclusively for taking trial of such cases and the trial not to take more than 3 months.

11.6.13 A special Prosecutor to be appointed to handle all such cases.

11.6.14 Police should not try to effect compromise if not asked to do so.

11.6.15 In all cases the accused should be bounded for good behaviour under section 107 and 110 Cr PC.

11.6.16 Data of racial cases reported all over the country in general and cases concerning the Northeasterners in particular may be maintained at such cell offices.

11.6.17 All records pertaining to racial cases to be kept at the National Crime Record Bureau in Delhi for a period of 3 years.

11.7 The bonding power of sports

11.7.1 The Committee would like to recommend the following:

- (i) All the above suggestions should be given wide publicity.
- (ii) The Sports Ministry Website should be linked to the North East Centre Website as proposed by us.
- (iii) Ministry of DoNER/North Eastern Council and the Sports Ministry should institutionalize mechanism for review and implementation of the decisions.
- (iv) In addition, the Committee recommends that the Ministry should take steps to hold regular national/international events in the North East as such events create greater harmony and better understanding.
- (v) The Ministry should, therefore, review the status of present facilities and make an assessment if they are suitable for such events. If not, one such facility should be created in every state of the North East, for example, cricket in one, football in another, tennis in somewhere else.
- (vi) Indigenous games of the North East should be promoted.

(Page- 42)

(Action: Ministry of DoNER/North East Council/Ministry of Sports & Youth Affairs)

11.8 Educating the people about the North East

11.8.1 NCERT would continue to review the matter in the light of wider issues as discussed. The Committee recommends that when the next review takes place, these concerns should be adequately reflected.

11.8.2 Action taken by the Ministry on these recommendations should be uploaded to a North East link within the Ministry's website.

11.8.3 Nevertheless, detailed socio-economic study of the nature of students migration from the North East would be worthwhile as it will provide valuable insight for planning of higher education in the region.

(Page – 43)

(Action: Ministry of Human Resource and Development/ University Grants Commission)

11.9 Information & Broadcasting and Media to focus on the North East

11.9.1 The steps taken by the Ministry should be given due publicity. For this purpose, among other things, creation of a North East website was suggested.

11.9.2 Timely implementation of many of the initiation is important. Therefore, there should be regular and systematic interaction for coordination between MHA / I&B and DoNER.

11.9.3 While the DD Channels / AIR within North East *are* serving a very useful purpose it is important for the media to reach out to put the North East on the National centre stage. How to sensitize the national media about the North East is something for I&B to consider-- at the least prime coverage should be given to the North East Region in the media facilities under its control. It should provide uplink facilities to all the States. The police forces in these States should be provided with O.B. vans.

(Page – 47)

(Action: Ministry of DoNER/Ministry of Information & Broadcasting/
Ministry of Tourism)

11.10 Role of the State Bhawans

11.10.1 Considering that a very large number of people are migrating from the North East, it is essential for the Bhawans/State Governments to play the role of informing and educating the people on their arrival. For example, those in search of jobs or seeking admissions in institutions need proper certificates about residence, caste, tribe etc. People should be informed about these essential requirements preferably before they leave their home states.

11.10.2 The Bhawans should be available for contact to get information and advice after arrival.

11.10.3 For this purpose, each Bhawan should have a nodal officer for public affairs and his contact number etc. should be placed in the links that we have recommended.

11.10.4 As the Bhawans generally work in isolation, a North East perspective and North East combined effort is often missing. The North East Resident Commissioners should make a formal North East platform. There should be

periodic reviews among themselves and also networking with the North East police cell as well as with the proposed North East centre.

11.10.5 This North East forum should also have periodic meetings with the nodal officers of the universities in a systematic manner to provide assistance to the students at the time of admissions.

11.10.6 We have seen for example in Bangalore and in Munirka, how wrong reporting or rumours can cause serious damage to community relations and lead to law and order problems. Quick response to handle such unconfirmed rumours is essential to help the law enforcing agencies. The North East Forum in collaboration with Ministry of DoNER should set up such a mechanism for quick response.

11.10.7 The Bhawans should provide relief and rehabilitation facilities for people of the State in distress.

(Page – 52-53)

(Action: Ministry of Home Affairs/Ministry of DoNER/State Government)

11.11 Accommodation and problems of rent

11.11.1 The present accommodation created by Ministry of DoNER at Jasola is underutilized. There are apparently problems in the rules and procedures prescribed. All the issues should be immediately looked into and appropriate measures should be taken to properly to utilize the existing accommodation and its management streamlined.

11.11.2 A proposal for 500 room accommodation in JNU is pending approval. JNU authorities are all ready to implement the project. It should be immediately sanctioned. Similar proposals from Dayal Singh College and Hindu College are also pending. Ministry of DoNER should look into all these proposals and coordinate action to remove bottlenecks.

11.11.3 Delhi University Authorities, NDMC and Municipal corporation of Delhi have all expressed their willingness to put up suitable hostels for students/working women etc. where North East could be given appropriate reservation. We suggest

that MHA and DoNER should take the lead in coordinating with the Ministries like Urban Development to find out suitable land and start construction.

11.11.4 Under the Bhagidari Scheme the local administration holds periodic meetings with RWAs for discussing such issues and sorting them out amicably. We have proposed that such meetings should be made a part of the system and local police should also be involved in the interaction. It was mentioned that response of the North East organizations to such meetings was not adequate. The North East network should ensure that the meetings are widely published and adequately attended.

(Page – 54-55)

(Action: Ministry of Home Affairs/Ministry of DoNER/State Government/
Ministry of Urban Development/GNCTD)

11.12 Implementation

11.12.1 An affective monitoring mechanism therefore should be built into the system. We recommend that a high level committee should be set up under the Home Ministry with representatives of Ministry of DoNER, Ministry of Home Affairs, Resident Commissioners, Delhi Police and suitable representation from the Civil Society Organizations working for the concerns of the North East people.

11.12.2 The Committee should have powers to ensure implementation and the powers and functions should be clearly laid down. The powers given to the Committee should also enable it to fix accountability and the concerned Ministries should act upon the decisions of the Committee within a specified time. The committee should meet at least once a quarter and review the implementation of the many initiatives.

11.12.3 The nodal officer from police proposed to be placed in the MHA should be the convener and the member secretary of the committee.

11.12.4 The results of review by the committee should be uploaded in the network of North East Police Cell and later on should be linked to be North East network recommended by us.

(Page – 57)

(Action: Ministry of Home Affairs)

SHORT TERM

11.13 Legal Measures

11.13.1 We have recommended use of the Information Technology system for reaching out to the largest number of affected people. In addition, a booklet should be prepared containing all the provisions, how to register cases, where to go in case of difficulties and how to monitor that the system operates effectively.

11.13.2 Along with all the legal steps that can be taken, the Committee feels that sensitizing the law enforcing agencies about the people and the culture of the North East will go a long way in creating a suitable atmosphere

(Page – 24-25)

(Action: Ministry of Home Affairs/Ministry of Law & Justice)

11.14 Strengthening Law Enforcement Agencies

11.14.1 The Committee would like to suggest a process of comprehensive, computerized database for keeping track of the people from the North East. This recommendation is part of a wider proposal for creating a North East Centre covering many other aspects of the problems that are being discussed.

(Page- 27)

11.14.2 If the witness records evidences before a Magistrate, he is not required to again go for examination by the police station. This fact needs to be widely circulated and brought to the notice of all concerned including the DLSA.

11.14.3 The Commission also expressed its willingness to consider proposal for financial support in such cases. The modalities for making such support available to the persons who require it needs to be worked out.

(Page- 29)

11.14.4 We recommend that a comprehensive, clear, readable booklet, not just compilation of all government orders on all major instructions on steps taken by Police for redressing the problems of the people from the North East, be prepared, printed and widely circulated. Every Police Station must have a copy of it readily available.

(Page- 31)

(Action: Ministry of Home Affairs/Ministry of DoNER)

11.15 Creating awareness and promoting understanding

11.15.1 The Committee wanted to interact and discuss with the senior editors of the newspapers and electronic media as they are the ones who determine the policies of the newspapers/media. Such a meeting was not possible but we would suggest that MHA/I&B Ministries may suitably convey the Committee's views to them.

(Page – 36)

(Action: Ministry of Home Affairs/Ministry of Information & Broadcasting)

11.15.2 We have proposed cultural exchange programmes for students in schools and colleges. Such programmes should be properly organized and funded by the concerned departments. It would be useful if on completion the students are encouraged to write reports or prepare projects as part of their work.

(Page – 36)

(Action: Ministry of DoNER/Ministry of Human Resource Department)

11.15.3 It is, therefore, essential also to sensitize the armed forces personnel. MHA in consultation with Ministry of Defence should work out the modalities for such sensitization.

(Page – 36)

(Action: Ministry of Home Affairs/Ministry of Defence)

11.15.4 It would go a long way if Delhi Administration could examine the possibility of sensitizing the public service providers at the grass root level, CISF personnel and other security personnel in metro etc., licensing authorities of various public services and so on.

(Page – 36-37)

(Action: Ministry of Home Affairs/GNCTD)

11.15.5 The Republic Day parade and the cultural tableau get the greatest attention of the entire nation. We are aware that North East is getting good exposure in this event. It would still be worthwhile to suggest that effective participation of the North East and imaginative cultural presentation receive special attention. It would also be very useful for the I&B Ministry to especially brief the TV, Radio Commentators covering the event on the most effective way of presenting the North East.

(Page – 37)

(Action: Ministry of Home Affairs/Ministry of Information & Broadcasting)

11.15.6 As a large number of initiatives have been taken by the Ministries and some more have been recommended by us, it is essential to keep track of implementation of those proposals. We, therefore, recommend that a nodal officer should be designated in these Ministries particularly in MHRD/Culture/I&B and Sports and Tourism to monitor implementation of the many proposed schemes. The nodal officer should also have links to Ministry of DoNER/NEC, as well as weblink to the proposed North East Centre data bank.

(Page – 37-38)

(Action: Ministry of Home Affairs/Ministry of Information & Broadcasting/Ministry of Culture/Ministry of Sports and Youth Affairs/Ministry of Tourism)

11.16 The bonding power of sports

11.16.1 On the basis of our discussions with the Ministry, we would like to make the following observations:

- i. The Ministry has taken up many useful schemes for the North East which should be given wide publicity.
- ii. More important than having the schemes, is to ensure their proper implementation. The Committee was informed, for example, that a project worth Rs. 400 crore was being held up for requisite approvals from the State Government. The Committee, therefore, feels that Ministry of DoNER/North Eastern Council could evolve a system to monitor progress of the Sports Ministry's schemes in the region and also to coordinate with the State Governments for speedy implementation.
- iii. During our discussions, the Ministry offered the following:
- iv. If there are talents in the States who are not covered within the structure of the schemes, they can be taken up for special coaching in special institutions outside the region.
- v. The Ministry can set up a National Institute/Centre of Excellence in the North East in the pattern of the Laxmi Bai National Institute.
- vi. The Ministry would set up two nodal officers to coordinate North East related schemes.

- vii. The Ministry would be willing to sponsor prize money tournaments, if any such tournament could be tied up.
- viii. The Ministry also offered all assistance including subsidies to attract private franchise tournaments to the North East.

(Page- 40-41)

(Action: Ministry of DoNER/North Eastern Council)

11.17 Educating the people about the North East

11.17.1 All teachers training institutes would be advised to make their syllabus in a way that can sensitize the trainees on the North East.

11.17.2 The metro universities outside the North East could make projects on North East as mandatory part of course curricula. Even in schools, project work on North East related themes should be built into the system.

11.17.3 The Ministry agreed to consider a scheme to select good teachers from the North East to train teachers in training institutions outside North East to sensitize them on the North East.

11.17.3 Most students come to Delhi because they have a fascination for the brand image of the Delhi University, JNU, St. Stephens, Hindu College etc. A question can be asked, if foreign universities can come and lure students why can't DU/JNU or even some colleges open campus/centers in the North East. Horizons of education and learning systems has changed tremendously and unbelievably in recent times. We believe such benefits in brand, quality and experience that the Delhi institutions provide can be made available in the North East. MHRD/UGC may find it worthwhile to explore such out of the box solutions in the context of huge migration of students from the North East.

(Page – 43)

(Action: Ministry of Human Resource and Development/ University Grants Commission)

11.18 The rich culture of the North East as a means of integration

11.18.1 For speedy implementation of projects, MHA, DONER, Min of Culture should evolve some mechanism of monitoring and coordination. Even NEC can help monitoring locally with the State Government. As this issue has come up in respect of other Ministries also DONER should examine the issue very carefully and device some pragmatic mechanism for coordination with all Ministries on implementation of schemes in the North East.

11.18.2 To improve perception about the North East, the cultural programmes should also target the lower and middle class in metros. The ongoing programmes generally are considered to be elitist. The zonal Cultural Centres could consider organising such cultural festivals in selected RWAs areas every year.

11.18.3 While many ad hoc cultural activities on North East take place – and they should continue – it is felt that in Delhi (as also in other metros) one major festival should be organised on fixed date every year. NDMC had offered to organise it, and the Delhi Municipal Organisation also expressed willingness. NDMC had suggested that Pragati Maidan as venue. MHA, Ministry of Culture, Min. Of Tourism and DONER should jointly sponsor and make it a yearly mega event and put it in the National, International Calendar of Festivals.

11.18.4 All the North Eastern States should also have a Calendar of Cultural events in Delhi and other Metros, as well as within the State – preferably on a fixed date every year.

(Page- 44-45)

(Action: Ministry of DoNER/Ministry of Culture)

11.19 Promoting Tourism as a means of creating awareness and understanding

11.19.1 The revised and redesigned Incredible India campaign should have a special focus on North East preferably with a proper branding.

11.19.2 The North Eastern Council had prepared a Master Plan for Tourism Development of the North East, which, it is reported, is languishing. A strong monitoring of its implementation by a High Level Committee should be taken up and projects identified in the Master Plan should be made eligible for priority funding.

11.19.3 Tourism is a private sector driven industry and therefore the Ministry of Tourism/Ministry of DoNER should take steps to ensure that the private sector play a lead role. It is necessary to involve prominent tour operators of the country in promoting the North East by arranging intensive visit to the region and then follow up by aggressive marketing. Ministry of Tourism/Ministry of DoNER may take up such schemes for promotion of North East. We believe that this way of promoting Tourism in the North East may be the effective way.

11.19.4 Tourism is an ideal instrument for creating understanding and harmony. The North Eastern States should be encouraged to promote tourism in a focused manner. For this purpose, the Committee feels that the continuation of the LTC scheme for North East would go a long way in creating awareness.

11.19.5 As Bollywood plays such a prominent role in forming images in minds of people, DoNER Ministry should consider a suitable scheme of incentives for encouraging to use North East locales for Bollywood pictures. Such incentives may also encourage popular serials in TVs to look at the North East, even to include North East stories in such serials.

11.19.6 The Ministry of DoNER should sponsor a massive campaign in collaboration with MHA, Ministry of Tourism and National Integration Council on 'Understanding Your North East'. It should be carefully designed for maximum impact and properly scrutinized for factual authenticity.

11.19.7 Ministry of DoNER should also try to associate respectable and popular icons from the field of culture, sports, music, etc. to be their brand Ambassadors for the North East to promote this campaign.

(Page – 46-47)

(Action: Ministry of Tourism/Ministry of DoNER)

11.20 Information & Broadcasting and Media to focus on the North East

11.20.1 The Ministry assists 170 Community Radio stations across the country. They are very useful media for creating awareness. As I&B Ministry financially supports them, it can ensure that North East inputs are carried by these stations. I&B, MoT, DONER could jointly create materials for such sensitization.

11.20.2 Resources from the North East should be selected as visible faces in the visual media.

11.20.3 National Quiz Programme of DD/AIR, or talent shows should consciously try to bring inputs from the North East including personnel.

11.20.4 Some buildings/institutions of public importance should be named after North East landmarks – rivers, hills, tribes, icons.

(Page – 48)

(Action: Ministry of DoNER/Ministry of Information & Broadcasting/
Ministry of Tourism)

11.20.5 Media should be careful while covering race related cases in order to prevent escalation of tension leading to increase of such incidents; they should rather be agents of tension defusion.

11.20.6 Social sites like Facebook, Twitters, YouTube, etc. should be watched, edited and strictly regulated and posting of provocative statements and pictures should not be allowed.

11.21 Role of the Private Sector

11.21.1 We recommend the following initiatives offered by FICCI and hope that MHA and Ministry of DoNER would carry this initiative to other organizations like CII, ASSOCHAM, PHD CHAMBER etc.:

- i. The industry news letters can regularly focus on the concerns of the North East to the members of the associations.
- ii. FICCI can place brochure/materials on the North East if such materials are provided by Ministry of DoNER in each conference that they hold across the country as part of the background materials.
- iii. MHA or the Ministry of DoNER should design some attractive readable materials on 'Understanding Our North East'. It will be even better if it could be linked up with Ministry of Tourism so that awareness is followed by experience of the tourists. Such materials should be provided to the industry organizations for action as above.
- iv. Private Sector can also play a very important role in recruitment of youth from the North East. Industry organizations can sensitize their members suitably on this social responsibility.

(Page – 48-49)
(Action: Ministry of DoNER)

11.22 What People from North East have to do

11.22.1 Education and sensitization of the people before arrival and after arrival in the metros about ways of living and adjust to the culture in which they have to live and work

11.22.2 Greater efforts for interaction with the local communities in which they live and the need for involving the police and district administration to facilitate such two way interactions for a healthy living atmosphere;

11.22.3 More North Eastern cultural and social activities in RWAs and greater participation of North Eastern people at local functions and activities.

11.22.4 We, therefore, recommend that a pragmatic orientation and proper follow up by the North Eastern communities should be an important part of addressing the concerns of the North Eastern people.

(Page – 51)

(Action: Ministry of Home Affairs/Ministry of DoNER)

11.23 Language and Communication difficulties

11.23.1 The Committee feels that pragmatic, need based facilities for learning spoken Hindi or regional languages should be created in the Metros for those who feel the need for such facilities

(Page – 52)

(Action: Ministry of Home Affairs/Ministry of DoNER)

11.24 Organizing workers on North East platform

11.24.1 Workers from the North East could form some organization/professional association enabling them to redress their grievances under the relevant provisions of the existing laws. Such a move will go a long way in protecting their interest. Such organizations can be affiliated to the National level trade bodies thereby strengthening the integration process. The problem of how to organise them and how to provide financial or other assistance for funds for the initial process of organisation could be examined by the Labour Department/Ministry.

11.24.2 Information about procedures, legal recourse available etc. should be disseminated.

11.24.3 The North East Forum of Resident Commissioners could examine how such organization could be formed and how the State Governments can facilitate it.

(Page – 53-54)

(Action: Ministry of DoNER/ State Government)

11.25 Need for Coordination

11.25.1 Every institution/organization providing services/ security to the people of North East in Delhi and other Metros and having any institutional mechanism should link them to the North East database network proposed by us. Till the time that the North East database network is operational, the North East Police Cell should provide the linkages to all such agencies.

11.25.2 During our discussion the Ministry of Tribal Affairs we were informed that urban areas are also coming under their focus. Ministry of Tribal Affairs should reach out to the North East communities in urban areas for providing the necessary facilities. A nodal officer should be designated for the purpose, who should upload information in the North East Website.

(Page – 55-56)

(Action: Ministry of Home Affairs/Ministry of Tribal Affairs)

LONG TERM

11.26 Legal Measures

11.26.1 We felt that within the broad framework of our Constitution the legal, strategic and philosophical aspects of the demand for an anti-racial law should be debated and in the long run a suitable decision should be taken. For the immediate short run problems of the North East people, the steps enumerated by us above for a specific law or specific amendment to the IPC should be taken up.

(Page - 24)

(Action: Ministry of Home Affairs/Ministry of Law & Justice)

11.27 A Visible face of the North East in Delhi

11.27.1 The Committee, therefore, would like to recommend the establishment of a North East Centre in Delhi.

11.27.2 We have a feeling that there is a need for sustained, systematic and continuous exposure of the North East to the rest of India and the world.


11.27.3 In the long run, however, the need for a comprehensive organization, which goes beyond all the partial initiatives, was strongly felt. The approach, therefore, should be to strengthen the existing ones in the short run and in the long run to build a comprehensive umbrella organization as outlined below

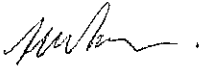
11.27.4 The Centre should be an autonomous institution preferably in PPP mode with carefully planned, very high level of responsible management. It should be given a name evocative of the rich culture and tradition of the North East. It should have the following functions or wings, but the list is only illustrative:-


- i. A comprehensive database and arrangement for networking. The proposed networking should be extended to cover social networking in addition to security networking, with the objective of sharing information and creating bonding with various organizations. This database centre should be immediately started by DoNER within its existing facilities even before the permanent centre becomes operational. The Centre should have provision for permanent exhibition and sale of North East handicrafts, handlooms and cuisine. It should be linked to Dilli Haat for this purpose.
- ii. The Centre should also have facilities for cultural performances, dance, theatre, art exhibition. For cultural purposes, the centre should function as an outreach of Indira Gandhi National Centre for the Arts.
- iii. It should also have one wing of the extension of the national museum depicting products from the North East which are not on display at the national museum.
- iv. The Centre should have, link to the database facilities for 24x 7 assistance to the North East people in distress. This facility should be linked to the North East police cell as well as to the State Bhawans and also to other prominent NGO Organizations which are scrutinized and approved by the Centre.
- v. It should have a continuous orientation programme for new arrivals, on life in the metro cities. The orientation centre should also have facilities for spoken Hindi classes/Local languages on voluntarily basis. Similarly, facilities should be created where necessary for people to learn languages/dialects of the North East if they wish.
- vi. The Centre should also provide facilities for voluntary registration of people from the North East and create a basic profile. To encourage such registration some incentives may be provided in utilization of the facilities in the centre.

- vii. The Centre should have professional trauma care facility as well as counseling for those who are in distress.
- viii. The centre should provide the first point of contact for legal advice and shall have connection to DSLSA.
- ix. The Centre should also have practical outreach research and documentation on the problems of the people of the North East in Delhi. Such research facilities need not duplicate the existing excellent facilities in institutions like Centre for North East in Jamia Millia, North East Centre in JNU etc., but should be ideally linked to them.

(Page- 38-40)
(Action: Ministry of DoNER)


Shri Alemtenshi Jamir
Member


Shri H.W.T. Syiem
Member


Shri P. Bharat Singh
Member



Shri Tape Bagra
Member

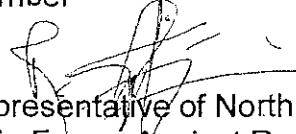

Dr. H.T. Sangliana
Member


Shri D.M. Jamatia
Member


Dr. (Ms.) Doma Bhutia
Member


Shri J. Maivio
Member


Shri J.T. Tagam
Member


Representative of North East
India Forum Against Racism
Member


Representative of North East
Helpline
Special Invitee


Shri Robin Hibu
Representative of MHA


Shri M.P. Bezbaruah
Chairman

Home

FAQ | Sitemap | Hindi Site |  Search Go  This Site  WWW font size:    

Rajya Sabha

Today in Rajya Sabha

Business

Questions

Debates

Members

Committees

Procedures

Secretariat

Downloads

Press Release


Events

Recruitment Cell

Right to Information

- Indian Parliament
- Audio Visual
- Calendar
- Official Sites
- Media Advisory Committee
- Rajya Sabha Publications
- Bills with the Committee
- Publications of Ministries
- Resolutions
- Parliament Library
- Souvenir items
- Tenders
- Today in Lok Sabha
- Useful links

PARLIAMENT OF INDIA
RAJYA SABHA
COUNCIL OF STATES





GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
RAJYA SABHA
UNSTARRED QUESTION NO-2470
ANSWERED ON-08.08.2018

Racial discrimination faced by people from North East

2470 Shri Sushil Kumar Gupta

(a) whether it is a fact that a number of incidents of racial discrimination faced by people from North-Eastern Region, residing in different parts of the country have been noticed;

(b) if so, the number of such incidents which have taken place in the last one year in Delhi;

(c) what steps have been taken or proposed to be taken to stop such incidents;

(d) whether any Committee has been constituted for monitoring and redressal of grievances relating to discrimination against people from North-East; and

(e) how many Committees have been formed so far to deal with this issue?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI KIREN RIJJU)

(a) to (e): The incidents of racial discrimination and violence against people of North Eastern States residing in different parts of country are dealt with at the State Government level. According to information made available from the States, they do not keep a separate record of racial discrimination and violence against people of north eastern States. In view of this, it is not possible to intimate number of such incidents. The cases of racial discrimination and violence are being dealt with by the State Governments under existing law such as IPC, Cr. PC, The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 etc.

-2-

RS.US.Q.NO.2470 FOR 08.08.2018

In order to deal with the concerns of persons hailing from the north-eastern states and residing in different parts of the country, particularly in the metropolitan cities, the Union Government (MHA) constituted the Bezbaruah Committee on 05 February, 2014. The Committee submitted its report on 11 July, 2014. The recommendations made by MP Bezbaruah Committee are available on the website of Ministry of Home Affairs [http:// mha.gov.in/division_of_mha/north-east-division#](http://mha.gov.in/division_of_mha/north-east-division#). Implementation of the recommendation of the Committee relates to Central Government Ministries and State Governments and is in different stages of implementation.

Pursuant to the judgment dated 14.12.2016 of Hon'ble Supreme Court of India passed in the matter of W.P. (Civil) No. 103 of 2014, a Monitoring Committee headed by Joint Secretary (North East) has been constituted by MHA to monitor and review the implementation of M.P. Bezbaruah Committee Report and to redress the grievances faced by NE people. Meetings of Monitoring Committee are held periodically.

Various steps have been taken by the Government of India for the security of the North Eastern people such as issuing of advisories to the State Governments as to how to avoid discrimination faced by Indian Citizens from the North Eastern States by reducing their feeling of insecurity and negativity in their minds by adequate and proactive response of police,

-3-

RS.US.Q.NO.2470 FOR 08.08.2018

strengthening facilities for legal assistance, extending facilities in the field of sport, educating the people about the North East in various forms, focusing attention on the North East on media, providing of helpline numbers, appointment of Nodal Officers to address the grievances of North Eastern people.

[ENGLISH VERSION](#) [HINDI VERSION](#)



[Help](#) | [Feedback](#) | [View Feedback](#) | [NIC Mail](#) | [News Papers](#) | [Website Policies](#) | [Terms and Conditions](#) | [Contact Us](#)



Contents provided and Maintained by Rajya Sabha Secretariat
Site Designed, Developed and Hosted by National Informatics Centre, Parliament Informatics Division

Home

- [Rajya Sabha](#)
- [Today in Rajya Sabha](#)
- [Business](#)
- [Questions](#)
- [Debates](#)
- [Members](#)
- [Committees](#)
- [Procedures](#)
- [Secretariat](#)
- [Downloads](#)
- [Press Release](#)
- [Events](#)
- [Recruitment Cell](#)
- [Right to Information](#)

- Indian Parliament
- Audio Visual
- Calendar
- Official Sites
- Media Advisory Committee
- Rajya Sabha Publications
- Bills with the Committee
- Publications of Ministries
- Resolutions
- Parliament Library
- Souvenir items
- Tenders
- Today in Lok Sabha
- Useful links

[FAQ](#) | [Sitemap](#) | [Hindi Site](#) | [Search](#) [Go](#) [This Site](#) [WWW](#)

font size: [A-](#) [A](#) [A+](#) [A](#) [A](#)



GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
RAJYA SABHA
UNSTARRED QUESTION NO-895
ANSWERED ON-25.07.2018

Racial discrimination faced by people of NER

895 . Shri Derek O'Brien

- (a) whether Government has set up a Committee to review the monitoring and grievance redressal mechanism relating to racial discrimination faced by the people from the North-Eastern Region (NER);
- (b) when the report of the Committee is likely to be submitted;
- (c) whether Government has accepted all the recommendations of M.P. Bezbaruah Committee which has submitted its report in 2014; and
- (d) if so, whether these recommendations have been ineffective and what has led to the constitution of the new Committee?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI KIREN RIJJU)

(a) & (b): Pursuant to the judgment dated 14.12.2016 of Hon'ble Supreme Court of India passed in the matter of W.P. (Civil) No. 103 of 2014, a Monitoring Committee headed by Joint Secretary (North East) has been constituted by MHA to monitor and review the implementation of M.P. Bezbaruah Committee Report and to redress the grievances faced by NE people. Meetings of Monitoring Committee are held periodically.

-2-

R.S.US.Q.NO.895 FOR 25.07.2018

(c) & (d): Bezbaruah Committee, in its report, categorized their recommendations into three categories (a) immediate measures which need to be implemented within six months to one year; (b) short term measures which need to be implemented within a period of one to one and a half years; and (c) long term measures which need to be implemented within a period of one and a half to two years. Recommendations of the Committee relates to Central Government Ministries and State Governments and are in different stages of implementation. Implementation of recommendations are also being reviewed at MoS (Home) level.

[ENGLISH VERSION](#) [HINDI VERSION](#)



[Help](#) | [Feedback](#) | [View Feedback](#) | [NIC Mail](#) | [News Papers](#) | [Website Policies](#) | [Terms and Conditions](#) | [Contact Us](#)



Contents provided and Maintained by Rajya Sabha Secretariat
Site Designed, Developed and Hosted by National Informatics Centre, Parliament Informatics Division

Home

- [Rajya Sabha](#)
- [Today in Rajya Sabha](#)
- [Business](#)
- [Questions](#)
- [Debates](#)
- [Members](#)
- [Committees](#)
- [Procedures](#)
- [Secretariat](#)
- [Downloads](#)
- [Press Release](#)
- [Events](#)
- [Recruitment Cell](#)
- [Right to Information](#)

- [Indian Parliament](#)
- [Audio Visual](#)
- [Calendar](#)
- [Official Sites](#)
- [Media Advisory Committee](#)
- [Rajya Sabha Publications](#)
- [Bills with the Committee](#)
- [Publications of Ministries](#)
- [Resolutions](#)
- [Parliament Library](#)
- [Souvenir items](#)
- [Tenders](#)
- [Today in Lok Sabha](#)
- [Useful links](#)



GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
RAJYA SABHA
STARRED QUESTION NO-121
ANSWERED ON-07.03.2018

Steps to define and curb hate speech

121 . Shri Vivek Gupta

(a) the details of steps taken by Government on the recommendations of the Report No. 267 of the Law Commission of India with regard to amending the IPC and Cr PC for incorporating provisions to define and curb hate speech; and

(b) the State-wise details of the number of cases reported under the IPC that fall under the broader category of "hate speech" reported during the last three years, with a special emphasis on cases in which rumours, hate speech insinuations perpetrated through social media and WhatsApp led to attack on minority community and mob lynching?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI HANSRAJ GANGARAM AHIR)

(a) & (b): A statement is laid on the Table of the House.

--2--

Statement as referred to in reply to Rajya Sabha Starred Question No. *121 for 7th March, 2018 by Shri Vivek Gupta, M.P. regarding steps to define and curb Hate Speech.

(a): The 267th Report of the Law Commission of India titled "Hate Speech", the M.P. Bezbaruah Committee and the T.K. Vishwanathan Committee have all recommended insertion of a new section 153C in Indian Penal Code with a similar objective of curbing "Hate Speech." The Law Commission has been requested on 11.01.2018 to examine all these three recommendations and to give a comprehensive draft provision.

(b): As per National Crime Records Bureau (NCRB) records the number of cases registered State-wise under section 153A Indian Penal Code (promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony) reported in the last three years (i.e. for the period 2014-2016) is given at Annexure-I along with relevant details. The number of cases registered State-wise under section 153B IPC (imputations, assertions prejudicial to national integration) reported in the last three years (i.e. for the period 2014-2016) with relevant details is at Annexure-II. NCRB has reported that specific information is not maintained on cases in which rumours, hate speech insinuations were perpetrated through social media and WhatsApp.

[ENGLISH VERSION](#) [HINDI VERSION](#)

Home

- [Rajya Sabha](#)
- [Today in Rajya Sabha](#)
- [Business](#)
- [Questions](#)
- [Debates](#)
- [Members](#)
- [Committees](#)
- [Procedures](#)
- [Secretariat](#)
- [Downloads](#)
- [Press Release](#)
- [Events](#)
- [Recruitment Cell](#)
- [Right to Information](#)

- Indian Parliament
- Audio Visual
- Calendar
- Official Sites
- Media Advisory Committee
- Rajya Sabha Publications
- Bills with the Committee
- Publications of Ministries
- Resolutions
- Parliament Library
- Souvenir items
- Tenders
- Today in Lok Sabha
- Useful links



GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
RAJYA SABHA
UNSTARRED QUESTION NO-540
ANSWERED ON-07.02.2018

Racial discrimination against people from North East States

540 . Shri Ripun Bora

(a) what is the status of implementation of the recommendations of M.P. Bezbaruah Committee constituted to look into concerns of the persons hailing from the North-Eastern States who are living in different parts of the country, especially the metropolitan areas;

(b) whether Government has framed or intends to frame a law or amend the Indian Penal Code to prevent racial discrimination against North-East people as per the recommendations of the Bezbaruah Committee; and

(c) if so, the progress of action taken and if not, the reasons therefor?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
 (SHRI KIREN RIJJU)

(a): In order to deal with the concerns of persons hailing from the north-eastern states and residing in different parts of the country, particularly in the metropolitan cities, the Union Government (MHA) constituted the Bezbaruah Committee on 5 February, 2014. The Committee submitted its report to the Ministry of Home Affairs on 11th July, 2014. The Committee categorized its recommendations into three categories, (a) immediate measures (b) short term measures and (c) long term measures.

-2-

R.S.US.Q.NO.540 FOR 07.02.2018

Implementation of the recommendations of the Committee related to different Central Government Ministries and State Governments and is in different stages of implementation. In the Ministry, implementation of recommendations has been reviewed by MOS (Home) in the years 2015, 2016 and 2017.

(b) & (c): The Committee had suggested insertion of two new sections 153(C) and 509(A) in the Indian Penal Code to prevent racial discrimination against North-East people. As the criminal law is in the concurrent list, it has been decided to seek comments/views of the State Governments/UTs on the Draft Bill. There is also consultation with Law Commission on the issue.

[ENGLISH VERSION](#) [HINDI VERSION](#)

Home

FAQ | Sitemap | Hindi Site |



Search

Go

☒ This Site ☐ WWW

font size:

- [Rajya Sabha](#)
- [Today in Rajya Sabha](#)
- [Business](#)
- [Questions](#)
- [Debates](#)
- [Members](#)
- [Committees](#)
- [Procedures](#)
- [Secretariat](#)
- [Downloads](#)
- [Press Release](#)
- [Events](#)
- [Recruitment Cell](#)
- [Right to Information](#)

- Indian Parliament
- Audio Visual
- Calendar
- Official Sites
- Media Advisory Committee
- Rajya Sabha Publications
- Bills with the Committee
- Publications of Ministries
- Resolutions
- Parliament Library
- Souvenir items
- Tenders
- Today in Lok Sabha
- Useful links



GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
RAJYA SABHA
UNSTARRED QUESTION NO-2610
ANSWERED ON-09.08.2017

Hate crimes against North Eastern people

2610 Smt. Raneer Narah

(a) the recommendations of the MP Bezbaruah Committee;

(b) the action taken report on the recommendations of the MP Bezbaruah Committee; and

(c) the number of registered cases of hate crimes against the North-Eastern people in Delhi, Karnataka and Haryana in 2017?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI KIREN RIJJU)

(a) to (b): In order to deal with the concerns of persons hailing from the north-eastern states and residing in different parts of the country, particularly in the metropolitan cities, the Union Government (MHA) constituted the Bezbaruah Committee on 5 February, 2014. The Committee submitted its report on 11 July, 2014. The Committee made recommendations for (a) immediate measures to be implemented within six months to one year; (b) short term measures to be implemented within a period of one to one and half years; and (c) long term measures to be implemented within a period of one and a half to two years. The recommendations made by MP Bezbaruah Committee are available on the website of Ministry of Home Affairs http://mha.nic.in/sites/upload_files/mha/files/ReportOfMPBezbaruahCommittee.PDF.

-2-

RS.US.Q.No.2610 FOR 09.08.2017

Implementation of the recommendations of the Committee relates to Central Government Ministries and State Governments and is in different stages of implementation. In the Ministry, implementation of recommendations has been reviewed by MoS(Home) in the years 2015 & 2016.

(c): State Police and NCRB keep data according to IPC Sections and for different Acts. No State Police or NCRB maintains any data for hate crimes against people of any region.

[ENGLISH VERSION](#) [HINDI VERSION](#)



[Help](#) | [Feedback](#) | [View Feedback](#) | [NIC Mail](#) | [News Papers](#) | [Website Policies](#) | [Terms and Conditions](#) | [Contact Us](#)



Contents provided and Maintained by Rajya Sabha Secretariat
Site Designed, Developed and Hosted by National Informatics Centre, Parliament Informatics Division



- [Rajya Sabha](#)
- [Today in Rajya Sabha](#)
- [Business](#)
- [Questions](#)
- [Debates](#)
- [Members](#)
- [Committees](#)
- [Procedures](#)
- [Secretariat](#)
- [Downloads](#)
- [Press Release](#)
- [Events](#)
- [Recruitment Cell](#)
- [Right to Information](#)

- Indian Parliament
- Audio Visual
- Calendar
- Official Sites
- Media Advisory Committee
- Rajya Sabha Publications
- Bills with the Committee
- Publications of Ministries
- Resolutions
- Parliament Library
- Souvenir items
- Tenders
- Today in Lok Sabha
- Useful links



**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
RAJYA SABHA**

STARRED QUESTION NO-107

ANSWERED ON-26.07.2017

Directions to tackle racial attacks and hate crimes

107 . Shri Husain Dalwai

- (a) whether Supreme Court has given directions to tackle racial attacks and hate crimes in the country;
- (b) if so, the details thereof;
- (c) what is the progress in setting up of a three member panel as recommended by the said directions;
- (d) what is the status of implementation of recommendations made in the M.P. Bezbaruah Committee Report; and
- (e) whether the Ministry has undertaken enumeration of hate crimes and racially induced crimes in the country, if so, the details thereof and if not, the reasons therefor?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI KIREN RIJJU)

(a) to (e): A Statement is laid on the Table of the House.

--2--

STATEMENT IN REPLY TO PARTS (a) TO (e) TO THE STARRED QUESTION NO. 107* FOR ANSWER IN THE RAJYA SABHA ON 26.07.2017.

(a) & (b): As per Supreme Court judgement dated 14.12.2016 in case of W.P. (Civil) No. 103 of 2014 Karma Dorjee and Ors. Vs. UOI & Ors. with W.P. (Civil) No. 111 of 2014, proactive steps need to be taken to enhance sense of security and inclusion, the Union Government in the Ministry of Home Affairs should monitor the redressal of issues pertaining to racial discrimination faced by citizens of the nation drawn from North East.

(c): The monitoring committee recommended by the Supreme Court has been setup.

(d): In order to deal with the concerns of persons hailing from the north-eastern states and residing in different parts of the country, particularly in the metropolitan cities, the Union Government (MHA) constituted the Bezbaruah Committee on 5 February, 2014. The Committee submitted its report on 11 July 2014. The Committee made recommendations for (a) immediate measures to be implemented within six months to one year; (b) short term measures to be implemented within a period of one to one and a half years; and (c) long term measures to be implemented within a period of one and a half to two years. Implementation of the recommendations of the Committee relates to Central Government Ministries and State Governments and is in different

--3--

R.S.Q.NO.*107 FOR 26.07.2017

stages of implementation. In the Ministry, implementation of recommendations has been reviewed by MoS (Home) in the years 2015 & 2016.

(e): National Crime Record Bureau (NCRB) maintains data of cases registered under Sections 153A and 153B of IPC which deal with offences promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony and imputations, assertions prejudicial to national integration. As per the recommendations of the Bezbaruah Committee there is a proposal under examination of the Ministry for amendment of the Indian Penal Code (IPC) by insertion of two new provisions – Section 153C and Section 509A. These amendments deal with offences involving racial matters and word, gesture or act intended to insult a member of a particular racial group or of any race. Since the subject falls in the Concurrent list of the Seventh Schedule to the Constitution, consultations with the State Governments/law agencies are being undertaken before bringing out any amendment to the existing law.

Contents provided and Maintained by Rajya Sabha Secretariat
Site Designed, Developed and Hosted by National Informatics Centre, Parliament Informatics Division

Home

FAQ | Sitemap | Hindi Site |



Search Go

☒ This Site ☐ WWW

font size:

- [Rajya Sabha](#)
- [Today in Rajya Sabha](#)
- [Business](#)
- [Questions](#)
- [Debates](#)
- [Members](#)
- [Committees](#)
- [Procedures](#)
- [Secretariat](#)
- [Downloads](#)
- [Press Release](#)
- [Events](#)
- [Recruitment Cell](#)
- [Right to Information](#)

- Indian Parliament
- Audio Visual
- Calendar
- Official Sites
- Media Advisory Committee
- Rajya Sabha Publications
- Bills with the Committee
- Publications of Ministries
- Resolutions
- Parliament Library
- Souvenir items
- Tenders
- Today in Lok Sabha
- Useful links



GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
RAJYA SABHA
UNSTARRED QUESTION NO-1944
ANSWERED ON-13.05.2015

Implementation of recommendations of Bezbaruah Committee

1944 Shri Derek O'Brien

- (a) whether Government has taken any action on the recommendations of the Bezbaruah Committee to safeguard the interest of the people from the Northeast;
- (b) if so, the details thereof;
- (c) whether the recommendations of the Committee have been accepted and complied with in full; and
- (d) the timeline for implementation of all measures?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI KIREN RIJJU)

(a) to (d) A committee was constituted in February 2014 under the chairmanship of Shri M.P. Bezbaruah, Member, North Eastern Council to look into the various kinds of concerns of the persons hailing from the North Eastern states who are living in different parts of the country and to suggest suitable remedial measures which could be taken up by the Government. The Committee has categorized its recommendations in three following categories-

- (a) Immediate measures- need to be implemented within six months to one year.
- (b) Short term measures- need to be implemented within a period of one to one and a half years.
- (c) Long term measures- need to be implemented within a period of one and a half year to three years.

--2/-

-2-

R.S.UN.Q.NO.1944 FOR 13.05.2015

The Committee had submitted its report on 11th July 2014, and the implementation period started from 11TH Jan, 2015. The recommendations made by the committee with regard to immediate measures mainly comprise legal measures, special police initiatives for safety and security of North Eastern people living in Delhi, NCR and other parts of the country, educating people about the North East and addressing their grievances including that of lack of accommodation etc. These recommendations have been accepted and are at various stages of implementation. The details are as under:-

- A panel of seven lawyers including five women lawyers has been constituted by the Delhi State Legal Service Authority (DSLISA) for providing legal assistance to the needy people from the North East. The Delhi Government is providing compensation and monetary assistance to the NE people under Delhi Victim Compensation Scheme 2011. State Bhawans of concerned NE States have also agreed to play active roles to assist the persons in distress.

- All the recommendations made by the Committee regarding special police initiatives and additional steps to be taken by the various State Police Forces and Delhi Police have been accepted for immediate implementation. These include:

- o Delhi police has initiated process of recruitment of 20 police personnel, (10 male – 10 female) each from North Eastern States.
- o North East Special Unit at New Delhi is activated to address the grievances of the NE people.
- o The cases of NE people are referred to the existing fast track courts for early decision.
- o A special helpline No.1093 for NE people has been provided and the same helpline synchronized with helpline No.100.

--3/-

-3-

R.S.UN.Q.NO.1944 FOR 13.05.2015

- In order to educate the people about the North East, Universities have been advised that history of North East and its participation in the freedom movement of the country be taught at graduation level and post-graduation level. Similar action has been initiated by the NCERT with respect to elementary and higher secondary education.
- A special scholarship scheme for students of North East Region 'Ishan Uday' has been launched from the academic session 2014-15 providing 10,000 scholarships ranging from Rs.3,500/- to Rs.5,000/- per month for studying at under-graduate level in college universities of the country.
- Under 'Ishan Vikas' scheme, selected students from school and college levels from the North Eastern States are taken to Indian Institute of Technology (IITs), National Institute of Technology (NITs) and other engineering institutes for exposure/internship programme.
- An action plan has been chalked out for educating the people about the rich cultural heritage of the North Eastern States and its wider coverage & promotion at the national level.
- The first North East Film Festival & North East Festival has been organized at New Delhi, showcasing culture, films, foods, sports etc.
- Sports Ministry has taken action for organizing Sports Tournaments/Events in the North Eastern States and identification of talented sports persons from North East.
- An amount of Rs.100 crore has been earmarked for setting up of National Sports University in Manipur.

In addition to above, advisories have been issued to all States and UTs requesting them to have a stringent mechanism to deal with the incidents of attacks on citizens from North-Eastern States. The State Governments and Unions Territories are taking all necessary security measures to strictly follow the directions given in the advisories.

[ENGLISH VERSION](#) [HINDI VERSION](#)



[Help](#) | [Feedback](#) | [View Feedback](#) | [NIC Mail](#) | [News Papers](#) | [Website Policies](#) | [Terms and Conditions](#) | [Contact Us](#)



Contents provided and Maintained by Rajya Sabha Secretariat
Site Designed, Developed and Hosted by National Informatics Centre, Parliament Informatics Division

Home

- [Rajya Sabha](#)
- [Today in Rajya Sabha](#)
- [Business](#)
- [Questions](#)
- [Debates](#)
- [Members](#)
- [Committees](#)
- [Procedures](#)
- [Secretariat](#)
- [Downloads](#)
- [Press Release](#)
- [Events](#)
- [Recruitment Cell](#)
- [Right to Information](#)

- Indian Parliament
- Audio Visual
- Calendar
- Official Sites
- Media Advisory Committee
- Rajya Sabha Publications
- Bills with the Committee
- Publications of Ministries
- Resolutions
- Parliament Library
- Souvenir items
- Tenders
- Today in Lok Sabha
- Useful links



GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
RAJYA SABHA
UNSTARRED QUESTION NO-2314
ANSWERED ON-18.03.2015
Steps prevent racial attacks

2314 Shri Shadi Lal Batra

(a) whether Government has any proposal to bring forward a legislation to prohibit discrimination or violence on the basis of race, religion, caste and language etc.;

(b) if so, the details thereof;

(c) if not, the reasons therefor; and

(d) the other measures taken/being taken by Government to prevent racial attacks in the country?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI KIREN RIJJU)

(a) to (d): "Public Order" and "Police" being State subjects as per the provisions of the Constitution of India, the responsibilities of maintaining law and order, registration and prosecution of crimes rest primarily with the respective State Governments/Union Territory Administrations.

There are adequate provisions of laws to deal with the cases of discrimination on the basis of race, ethnicity, language or religion. Advisories have been issued to all States Governments and Union Territories in this regard. The State Governments and Union Territories are taking all necessary security measures to strictly follow the directions given in the advisories. In order to deal with the concerns of the people hailing from the North Eastern States living in different parts of the country, especially in the Metropolitan cities, a Committee was constituted in February 2014 under the Chairmanship of Shri M.P. Bezbaruah, Member, North Eastern council and other members to suggest suitable remedial measures which could be taken by the Government. Recommendations made by the Committee mainly comprise legal measures, special police initiatives for safety and security of North Eastern people living in Delhi, NCR and other parts of the country, educating people about the North East and addressing their grievances including that of lack of accommodation etc. The recommendations have been accepted and are at various stages of implementation.

[ENGLISH VERSION](#) [HINDI VERSION](#)

Home

[FAQ](#) | [Sitemap](#) | [Hindi Site](#) | [S](#)

Search

☒ This Site ☐ WWW

font size:

- [Rajya Sabha](#)
- [Today in Rajya Sabha](#)
- [Business](#)
- [Questions](#)
- [Debates](#)
- [Members](#)
- [Committees](#)
- [Procedures](#)
- [Secretariat](#)
- [Downloads](#)
- [Press Release](#)
- [Events](#)
- [Recruitment Cell](#)
- [Right to Information](#)

- [Indian Parliament](#)
- [Audio Visual](#)
- [Calendar](#)
- [Official Sites](#)
- [Media Advisory Committee](#)
- [Rajya Sabha Publications](#)
- [Bills with the Committee](#)
- [Publications of Ministries](#)
- [Resolutions](#)
- [Parliament Library](#)
- [Souvenir items](#)
- [Tenders](#)
- [Today in Lok Sabha](#)
- [Useful links](#)



GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
RAJYA SABHA
UNSTARRED QUESTION NO-2300
ANSWERED ON-18.03.2015

Amending IPC and CrPC to deal with racial attacks on people of NE

2300 Shri Majeed Memon

(a) Whether it is a fact that Government is considering to amend Indian Penal Code (IPC) and Criminal Procedure Code (CrPC) to deal more sternly with racial attacks against people from North Eastern Region (NER);

(b) Whether anytime line has been fixed in this regard; and

(c) If so, the details thereof?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI HARIBHAI PARATHIBHAI CHAUDHARY)

(a) to (c): On the basis of the Bezbaruah Committee recommendations, a proposal in this regard has been referred to the Legislative Department of Ministry of Law and Justice. No time line has been fixed as the matter involves legislative process.

[ENGLISH VERSION](#) [HINDI VERSION](#)

Home

- [Rajya Sabha](#)
- [Today in Rajya Sabha](#)
- [Business](#)
- [Questions](#)
- [Debates](#)
- [Members](#)
- [Committees](#)
- [Procedures](#)
- [Secretariat](#)
- [Downloads](#)
- [Press Release](#)
- [Events](#)
- [Recruitment Cell](#)
- [Right to Information](#)

- Indian Parliament
- Audio Visual
- Calendar
- Official Sites
- Media Advisory Committee
- Rajya Sabha Publications
- Bills with the Committee
- Publications of Ministries
- Resolutions
- Parliament Library
- Souvenir items
- Tenders
- Today in Lok Sabha
- Useful links

[FAQ](#) | [Sitemap](#) | [Hindi Site](#) | [S](#)

Search [Go](#)

[This Site](#) [WWW](#)

font size: [A-](#) [A](#) [A+](#) [A](#) [A](#)



GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
RAJYA SABHA
UNSTARRED QUESTION NO-225
ANSWERED ON-25.02.2015

Making racial remarks against North Eastern people punishable

225 . Shri T. Rathinavel

- (a) whether it is a fact that Government is considering to make racial remarks against North Eastern people to be punishable;
- (b) if so, the details thereof;
- (c) whether it is also a fact that the M.P. Bezbaruah Committee has suggested various steps to eliminate discrimination against the people of the North East; and
- (d) if so, the details thereof?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI KIREN RIJJU)

(a) to (d): Yes Sir, there are adequate laws to deal with the issue of racial remarks made against any person. The recommendations made by the M.P. Bezbaruah Committee to make the laws more stringent and other measures for safety and security of the citizens hailing from the North East Region and living in metropolitan cities and other parts of the country etc., have been accepted for implementation, and are at various stages of implementation.

[ENGLISH VERSION](#) [HINDI VERSION](#)



[Help](#) | [Feedback](#) | [View Feedback](#) | [NIC Mail](#) | [News Papers](#) | [Website Policies](#) | [Terms and Conditions](#) | [Contact Us](#)



Contents provided and Maintained by Rajya Sabha Secretariat
Site Designed, Developed and Hosted by National Informatics Centre, Parliament Informatics Division

Home

- [Rajya Sabha](#)
- [Today in Rajya Sabha](#)
- [Business](#)
- [Questions](#)
- [Debates](#)
- [Members](#)
- [Committees](#)
- [Procedures](#)
- [Secretariat](#)
- [Downloads](#)
- [Press Release](#)
- [Events](#)
- [Recruitment Cell](#)
- [Right to Information](#)

- [Indian Parliament](#)
- [Audio Visual](#)
- [Calendar](#)
- [Official Sites](#)
- [Media Advisory Committee](#)
- [Rajya Sabha Publications](#)
- [Bills with the Committee](#)
- [Publications of Ministries](#)
- [Resolutions](#)
- [Parliament Library](#)
- [Souvenir items](#)
- [Tenders](#)
- [Today in Lok Sabha](#)
- [Useful links](#)



GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
RAJYA SABHA
UNSTARRED QUESTION NO-221
ANSWERED ON-25.02.2015
Safety and security to NER people

221 . Shri Baishnab Parida

(a) whether the residents of North Eastern Region (NER) in Delhi and NCR has made certain representation to Government for devising a mechanism for ensuring their safety and security while in Delhi;

(b) if so, the details along with status of redressal of their grievances;

(c) whether it is proposed to construct some separate accommodation to help out them to live tension-free in Delhi; and

(d) what are the details of other assistance proposed to be given to them to ensure their safety, security and tension-free life in Delhi and NCR region?
in above said situation?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI KIREN RIJJU)

(a)to(d): The Ministry of Home Affairs had constituted a Committee in February 2014 under the chairmanship of Shri M.P. Bezbaruah, Member, North Eastern Council and other members to look into the various kinds of concerns of the persons hailing from the North Eastern states who are living in different parts of the country, especially the Metropolitan areas, and to suggest suitable remedial measures which could be taken by the Government. Recommendations made by the Committee are special police initiatives for safety and security of North Eastern people living in Delhi, NCR and other parts of the country, educating people about the North East and addressing their grievances of accommodations etc. The recommendations have been accepted and are at various levels of implementation.

[ENGLISH VERSION](#) [HINDI VERSION](#)



- [Rajya Sabha](#)
- [Today in Rajya Sabha](#)
- [Business](#)
- [Questions](#)
- [Debates](#)
- [Members](#)
- [Committees](#)
- [Procedures](#)
- [Secretariat](#)
- [Downloads](#)
- [Press Release](#)
- [Events](#)
- [Recruitment Cell](#)
- [Right to Information](#)

- [Indian Parliament](#)
- [Audio Visual](#)
- [Calendar](#)
- [Official Sites](#)
- [Media Advisory Committee](#)
- [Rajya Sabha Publications](#)
- [Bills with the Committee](#)
- [Publications of Ministries](#)
- [Resolutions](#)
- [Parliament Library](#)
- [Souvenir items](#)
- [Tenders](#)
- [Today in Lok Sabha](#)
- [Useful links](#)



GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
RAJYA SABHA

UNSTARRED QUESTION NO-1150

ANSWERED ON-03.12.2014

Incidents of rape of North Eastern women

1150 Smt. Kahkashan Perween

(a) whether it is a fact that incidents of rape of North-Eastern women have increased over the years;

(b) if so, the details thereof; and

(c) the steps being taken/action taken by Government to check these incidents?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI HARIBHAI PARATHIBHAI CHAUDHARY)

(a) to (c): According to available information, rape case one each in Gurgaon and Bengaluru and eighteen in Delhi were reported in the current year upto 31st October, 2014. All such cases are duly investigated by the Police of the concerned State Government. In most of the cases, accused have been arrested. The Delhi Police has set up a Special Helpline No. 1093 w.e.f 14th February, 2014 to address to grievance of the citizens from North East living in Delhi. Bengaluru Police, Gurgaon Police and Mumbai Police have provided help line Nos. 09480801020, 0124-2301559 and 08976341108 respectively.

Advisories have been issued to all States and UTs on 14th May, 2012, 3rd June, 2013 and 5th Feb, 2014 directing them to have a stringent mechanism to deal with the incidents of attacks on citizens from North Eastern States. The State Governments and Union Territories are taking all necessary security measures to strictly follow the directions given in the advisories.

In order to deal with concerns of the people hailing from the North Eastern States living in different parts of the country, especially in the Metropolitan cities, a Committee was constituted on 5.2.2014 under the chairmanship of Shri M.P. Bezbaruah presently Member, North Eastern Council. The Committee submitted its report to the Ministry of Home Affairs in July, 2014. Follow up action has also been initiated to implement recommendations made by MP Bezbaruah Committee to address the concerns of the citizens of North Eastern States.

[HINDI VERSION](#)





- [Rajya Sabha](#)
- [Today in Rajya Sabha](#)
- [Business](#)
- [Questions](#)
- [Debates](#)
- [Members](#)
- [Committees](#)
- [Procedures](#)
- [Secretariat](#)
- [Downloads](#)
- [Press Release](#)
- [Events](#)
- [Recruitment Cell](#)
- [Right to Information](#)

- [Indian Parliament](#)
- [Audio Visual](#)
- [Calendar](#)
- [Official Sites](#)
- [Media Advisory Committee](#)
- [Rajya Sabha Publications](#)
- [Bills with the Committee](#)
- [Publications of Ministries](#)
- [Resolutions](#)
- [Parliament Library](#)
- [Souvenir items](#)
- [Tenders](#)
- [Today in Lok Sabha](#)
- [Useful links](#)



GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
RAJYA SABHA

UNSTARRED QUESTION NO-1145

ANSWERED ON-03.12.2014

Crimes against persons of North East Region

1145 Shri Prabhat Jha

(a) whether many incidents of violent crimes against the persons of North-East Region in different cities of the country, have been reported recently;

(b) if so, the details thereof;

(c) whether action is being taken against the guilty persons and whether victims of the crimes have been provided appropriate co-operation and help; and

(d) if so, the details thereof?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI HARIBHAI PARATHIBHAI CHAUDHARY)

(a) to (d): According to available information, in the current year upto 31.10.2014, a total 131795 number of cases were registered in Delhi, out of which 232 cases (0.17% of the total cases) were registered by the citizens from North Eastern States of India. During the said period in Bengaluru, 2985 were registered out of which 7 cases (0.23% of the total cases) by the people from North East Region were lodged. In Gurgaon City, 13670 cases were registered upto 23rd Nov, 2014 out of which 7 (0.051% of the total cases) were lodged by the people from North Eastern States. All such cases are duly investigated by the Police of the concerned State Government. In many cases, accused have been arrested and produced before the court.

Advisories have been issued to all States and UTs on 14th May, 2012, 3rd June, 2013 and 5th Feb, 2014 directing them to have a stringent mechanism to deal with the incidents of attacks on citizens from North Eastern States. The State Governments and Union Territories are taking all necessary security measures to strictly follow the directions given in the advisories. The Delhi Police has set up Special Helpline No. 1093 w.e.f 14th February, 2014 to address to grievance of the citizens from North East living in Delhi. Bengaluru Police, Gurgaon Police and Mumbai Police have provided help line Nos. 09480801020, 0124-2301559 and 08976341108 respectively.

....2/

-2-

R.S.US.Q.NO. 1145 FOR 03.12.2014

In order to deal with concerns of the people hailing from the North Eastern States living in different parts of the country, especially in the Metropolitan cities, a Committee was constituted on 5.2.2014 under the chairmanship of Shri M.P. Bezbaruah presently Member, North Eastern Council. The Committee submitted its report to the Ministry of Home Affairs in July, 2014. Follow up action has also been initiated to implement recommendations made by MP Bezbaruah Committee to address the concerns of the citizens of North Eastern States.

[HINDI VERSION](#)



- [Rajya Sabha](#)
- [Today in Rajya Sabha](#)
- [Business](#)
- [Questions](#)
- [Debates](#)
- [Members](#)
- [Committees](#)
- [Procedures](#)
- [Secretariat](#)
- [Downloads](#)
- [Press Release](#)
- [Events](#)
- [Recruitment Cell](#)
- [Right to Information](#)

- Indian Parliament
- Audio Visual
- Calendar
- Official Sites
- Media Advisory Committee
- Rajya Sabha Publications
- Bills with the Committee
- Publications of Ministries
- Resolutions
- Parliament Library
- Souvenir items
- Tenders
- Today in Lok Sabha
- Useful links



GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
RAJYA SABHA
UNSTARRED QUESTION NO-371
ANSWERED ON-26.11.2014

Assault on people from North east

371 . Dr. T. Subbarami Reddy

- (a) the number of assaults on the people from North-east in Delhi and other parts of India, during last two years;
- (b) whether helpline is set up at Delhi and other places in case of emergency help required by people from North-east;
- (c) what guidelines/advisory are sent to concerned State Governments for the protection of North-east people so that they feel secure wherever they are working or studying; and
- (d) whether any committee was constituted to look into the whole issue and to come out with recommendations to redress their grievances permanently and if so, the details thereof?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI KIREN RIJJU)

- (a): Specific data are not maintained centrally by the Government.
- (b): The Delhi Police has set up Special Helpline No. 1093 w.e.f. 14th February, 2014 to address to grievance of the citizens from North East living in Delhi. Bengaluru Police, Gurgaon Police and Mumbai Police have provided help line Nos. 09480801020, 0124-2301559 and 08976341108 respectively.

.....2/

-2-

R.S.US.Q.NO.371 FOR 26.11.2014

(c): Several incidents of racially motivated hue have occurred in various parts of the country against persons hailing from the NE Region during recent past. In order to contain recurrence of such incidents, several initiatives have been taken by States including setting up of special units to reach out to the NE people and dedicated help lines for them. In this regard, an Advisory regarding problem faced by Indian citizens from North Eastern States in some parts of the country and as measures needed to curb the same has been issued on 10th May 2012.

(d): In order to deal with various kinds of concerns of the people hailing from the North Eastern States living in different parts of the country, especially in the Metropolitan cities, a committee was constituted on 5-2-2014 under the chairmanship of Shri M.P. Bezbaruah presently Member, North Eastern Council. The Committee submitted its report to the Ministry of Home Affairs in July 2014.

[HINDI VERSION](#)



- Rajya Sabha
- Today in Rajya Sabha
- Business
- Questions
- Debates
- Members
- Committees
- Procedures
- Secretariat
- Downloads
- Press Release
- Events
- Recruitment Cell
- Right to Information

- Indian Parliament
- Audio Visual
- Calendar
- Official Sites
- Media Advisory Committee
- Rajya Sabha Publications
- Bills with the Committee
- Publications of Ministries
- Resolutions
- Parliament Library
- Souvenir items
- Tenders
- Today in Lok Sabha
- Useful links



GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

RAJYA SABHA

STARRED QUESTION NO-46

ANSWERED ON-26.11.2014

Attack on people from NER

46 . Shri D. Raja

(a) whether it is a fact that attacks on the people from North-Eastern Region (NER) have increased recently in different parts of the country;

(b) if so, the details of such incidents reported; and

(c) what measures are being taken to prevent such incidents and to protect the students and other youngsters from North-Eastern Region working or studying in the National Capital, and other parts of the country, from such assaults?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI KIREN RIJJU)

(a) to (c): A Statement is laid on the Table of the House.

STATEMENT REFERRED IN REPLY TO RAJYA SABHA STARRED QUESTION NO. *46 FOR 26.11. 2014.

(a) & (b): According to available information, in the current year upto 31.10.2014, a total 131795 number of cases were registered in Delhi, out of which 232 cases (0.17% of the total cases) were registered by the citizens from North Eastern States of India. During the said period in Bengaluru, 2985 were registered out of which 7 cases (0.23% of the total cases) by the people from North East Region were lodged. In Gurgaon City, 13670 cases were registered upto 23rd November, 2014 out of which 7 (0.051% of the total cases) were lodged by the people from North Eastern States.

(c): In order to deal with various kinds of concerns of the people hailing from the North Eastern States living in different parts of the country, especially in the Metropolitan cities, a committee was constituted on 5.2.2014 under the chairmanship of Shri M.P. Bezbaruah presently Member, North Eastern Council. The Committee submitted its report to the ministry of Home Affairs in July, 2014. Follow up action has been initiated to implement recommendations made by MP Bezbaruah Committee to address the concerns of the citizens of North Eastern States.

Besides the above, advisories have been issued to all States and UTs on 14th may, 2012, 3rd June, 2013 and 5th February, 2014 directing them to have a stringent mechanism to deal with the incidents of attacks on citizens from the North Eastern States. The State Governments and Union Territories are taking all necessary security measures to strictly follow the directions given in the advisories.

[HINDI VERSION](#)





- [Rajya Sabha](#)
- [Today in Rajya Sabha](#)
- [Business](#)
- [Questions](#)
- [Debates](#)
- [Members](#)
- [Committees](#)
- [Procedures](#)
- [Secretariat](#)
- [Downloads](#)
- [Press Release](#)
- [Events](#)
- [Recruitment Cell](#)
- [Right to Information](#)

- Indian Parliament
- Audio Visual
- Calendar
- Official Sites
- Media Advisory Committee
- Rajya Sabha Publications
- Bills with the Committee
- Publications of Ministries
- Resolutions
- Parliament Library
- Souvenir items
- Tenders
- Today in Lok Sabha
- Useful links



GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
RAJYA SABHA
UNSTARRED QUESTION NO-2719
ANSWERED ON-19.02.2014

Discrimination against people from NER

2719 Shri Ambeth Rajan

(a) whether incidents of racial discrimination is on the rise in the National Capital Region (NCR) of Delhi particularly against people from North-Eastern Region (NER);

(b) if so, the details of such incident that took place during the last three years; and

(c) the details of action taken against perpetrators of racial discrimination and punishment awarded in this regard?

ANSWER

(a) to (c): There is no such report regarding racial discrimination particularly against the people from North Eastern region in Delhi. Some incidents of crime against people from the North East have been reported in Delhi but those have been random and isolated in nature and action has been taken immediately to book the miscreants. Details of cases registered in Delhi during the last three years and cases in which people of North East are found victims are as under:-

Year Total number of cases registered Number of cases in which people from North Eastern States are victims

2011 59249 27

2012 60367 50

2013 86564 73

...2/-

-2-

R.S.U.S.Q.NO. 2719 FOR 19.2.2013

In order to specifically address the problems faced by the students and other residents from the North Eastern States in Delhi, seven officers at the level of Deputy Commissioners of Police of the respective districts in Delhi are designated as Nodal Officers. These Nodal Officers hold periodic meetings with the students and residents of the North Eastern States staying in their assigned areas and address as well as ensure follow up action on the issues raised in such meetings. A Joint C.P. rank officer in Delhi Police has been nominated as the co-coordinator to oversee the efforts made by the District Nodal Officers and DCP/PCR. A Standing Order has been issued to standardize the Police response. The Delhi Police had organized 43 meetings in the year 2012 and 33 meetings in the year 2013 to interact with and redress the grievances of students and other persons from the North Eastern States of India.

3. In order to deal with various kinds of concerns of the people hailing from the North Eastern States living in different parts of the country, especially in the Metropolitan cities, a committee has been constituted under the chairmanship of Shri M.P. Bezbaruah, (Retired IAS) presently Member, North Eastern Council. The Committee includes members, one each from the other North Eastern States as well as one lady member. The Chairman will have the authority to co-opt any other person to assist the Committee. The Committee will suggest suitable measures, including legal remedies, to address their concerns. The Committee will submit its report within two months.

[HINDI VERSION](#)

- [Rajya Sabha](#)
- [Today in Rajya Sabha](#)
- [Business](#)
- [Questions](#)
- [Debates](#)
- [Members](#)
- [Committees](#)
- [Procedures](#)
- [Secretariat](#)
- [Downloads](#)
- [Press Release](#)
- [Events](#)
- [Recruitment Cell](#)
- [Right to Information](#)

- [Indian Parliament](#)
- [Audio Visual](#)
- [Calendar](#)
- [Official Sites](#)
- [Media Advisory Committee](#)
- [Rajya Sabha Publications](#)
- [Bills with the Committee](#)
- [Publications of Ministries](#)
- [Resolutions](#)
- [Parliament Library](#)
- [Souvenir items](#)
- [Tenders](#)
- [Today in Lok Sabha](#)
- [Useful links](#)



GOVERNMENT OF INDIA

MINISTRY OF HOME AFFAIRS

RAJYA SABHA

STARRED QUESTION NO-313

ANSWERED ON-12.02.2014

Harassment of North Eastern women in Delhi

313 . SHRI SABIR ALI

(a) whether Government's attention has been drawn towards a news-item which appeared in a prominent English newspaper of New Delhi edition on January 24, 2014 under the caption '81 per cent of North-Eastern women harassed in Delhi'; and

(b) the details in this regard and the steps taken to contain criminal acts against North-Eastern women to infuse sense of security in them in the capital city of Delhi?

ANSWER

(a) to (b): A Statement is laid on the Table of the House.

-2-

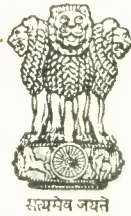
STATEMENT REFERRED TO IN RAJYA SABHA STARRED QUESTION NO.*313 FOR 12.02.2014.

(a) to (b): Yes Sir, The Government is aware of the problems faced by the people hailing from the North Eastern States in Delhi and other cities. The State Governments and the Union Territories Administrations including the Government of the National Capital Territory of Delhi have already been sensitized from time to time about the issue and advised to take pre-emptive measures to prevent recurrence of such incidents. In order to specifically address the problems faced by the students and other residents from the North Eastern States in Delhi, seven officers at the level of Deputy Commissioners of Police of the respective districts in Delhi are designated as Nodal Officers. These Nodal Officers hold periodic meetings with the students and residents of the North Eastern States staying in their assigned areas and address as well as ensure follow up action on the issues raised in such meetings. A Joint C.P. rank officer in Delhi Police has been nominated as the Co-coordinator to oversee the efforts made by the District Nodal Officers and DCP/PCR. A Standing Order has been issued to standardize the Police response. The Delhi Police had organized 43 meetings in the year 2012 and 33 meetings in the year 2013 to interact with and redress the grievances of students and other persons from the North Eastern States of India. In order to deal with various kinds of concerns of the people hailing from the North Eastern States living in different parts of the country, especially in the Metropolitan cities, a committee has been constituted under the chairmanship of Shri M.P. Bezbaruah, (Retired IAS) presently Member, North Eastern Council. The Committee includes members, one each from the other North Eastern States as well as one lady member. The Chairman will have the authority to co-opt any other person to assist the Committee. The Committee will suggest suitable measures, including legal remedies, to address their concerns. The Committee will submit its report within two months.

[HINDI VERSION](#)

रजिस्ट्री सं० डी० एल०-33004/99

REGD. NO. D. L.-33004/99



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 1988]

नई दिल्ली, शुक्रवार, सितम्बर 24, 2010/आश्विन 2, 1932

No. 1988]

NEW DELHI, FRIDAY, SEPTEMBER 24, 2010/ASVINA 2, 1932

गृह मंत्रालय

अधिसूचना

नई दिल्ली, 21 सितम्बर, 2010

का.आ. 2339(अ).—केन्द्र सरकार, मानव अधिकार संरक्षण अधिनियम, 1993 (1994 का 10) की धारा 2 की उप-धारा (1) के खण्ड (च) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, संयुक्त राष्ट्र संघ महासभा द्वारा अंगीकृत निम्नलिखित अभिसमय, जहाँ तक यह भारत में मानव अधिकारों के संरक्षण के सम्बन्ध एक अन्तर्राष्ट्रीय अभिसमय के रूप में लागू होता है, को एतद्वारा विनिर्दिष्ट करती है, नामतः:—

“हर प्रकार के नृजातीय भेदभाव के उन्मूलन पर अभिसमय (सी.ई.आर.डी.)”

[फा. सं. 15011/16/2008-एच.आर.-III]

ए. के. यादव, संयुक्त सचिव

MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 21st September, 2010

S.O. 2339(E).—In exercise of the powers conferred by clause (f) of sub-section (1) of Section 2 of the Protection of Human Rights Act, 1993 (10 of 1994), the Central Government hereby specifies the following Convention, adopted by the General Assembly of the United Nations, as an International Covenant in its application to the protection of human rights in India, namely :—

“The Convention on the Elimination of all forms of Racial Discrimination (CERD)”

[F.No.15011/16/2008-HR-III]

A.K. YADAV, Jt. Secy.

International Convention on the Elimination of All Forms of Racial Discrimination

Adopted and opened for signature and ratification by General Assembly resolution 2106 (XX) of 21 December 1965
entry into force 4 January 1969, in accordance with Article 19

The States Parties to this Convention,

Considering that the Charter of the United Nations is based on the principles of the dignity and equality inherent in all human beings, and that all Member States have pledged themselves to take joint and separate action, in co-operation with the Organization, for the achievement of one of the purposes of the United Nations which is to promote and encourage universal respect for and observance of 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 therein, without distinction of any kind, in particular as to race, colour or national origin,

Considering that all human beings are equal before the law and are entitled to equal protection of the law against any discrimination and against any incitement to discrimination,

Considering that the United Nations has condemned colonialism and all practices of segregation and discrimination associated therewith, in whatever form and wherever they exist, and that the Declaration on the Granting of Independence to Colonial Countries and Peoples of 14 December 1960 (General Assembly resolution 1514 (XV)) has affirmed and solemnly proclaimed the necessity of bringing them to a speedy and unconditional end,

Considering that the United Nations Declaration on the Elimination of All Forms of Racial Discrimination of 20 November 1963 (General Assembly resolution 1904 (XVIII)) 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,

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

Reaffirming that discrimination between human beings on the grounds of race, colour or ethnic origin is an obstacle to friendly and peaceful relations among nations and is capable of disturbing peace and security among peoples and the harmony of persons living side by side even within one and the same State,

Convinced that the existence of racial barriers is repugnant to the ideals of any human society,

Alarmed by manifestations of racial discrimination still in evidence in some areas of the world and by governmental policies based on racial superiority or hatred, such as policies of apartheid, segregation or separation,

Resolved to adopt all necessary measures for speedily eliminating racial discrimination in all its forms and manifestations, and to prevent and combat racist doctrines and practices in order to promote understanding between races and to build an international community free from all forms of racial segregation and racial discrimination,

Bearing in mind the Convention concerning Discrimination in respect of Employment and Occupation adopted by the International Labour Organisation in 1958, and the Convention against Discrimination in Education adopted by the United Nations Educational, Scientific and Cultural Organization in 1960,

Desiring to implement the principles embodied in the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and to secure the earliest adoption of practical measures to that end,

Have agreed as follows:

PART I

Article 1

1. In this Convention, the term "racial discrimination" shall mean 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.
2. This Convention shall not apply to distinctions, exclusions, restrictions or preferences made by a State Party to this Convention between citizens and non-citizens.
3. Nothing in this Convention may be interpreted as affecting in any way the legal provisions of States Parties concerning nationality, citizenship or naturalization, provided that such provisions do not discriminate against any particular nationality.
4. Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved.

Article 2

1. States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end:
 - (a) Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;
 - (b) Each State Party undertakes not to sponsor, defend or support racial discrimination by any persons or organizations;
 - (c) Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;
 - (d) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization;
 - (e) Each State Party undertakes to encourage, where appropriate, integrationist multiracial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division.

2. States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved.

Article 3

States Parties particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction.

Article 4

States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention, inter alia:

- (a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;
- (b) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;
- (c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.

Article 5

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

- (a) The right to equal treatment before the tribunals and all other organs administering justice;
- (b) 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;
- (c) Political rights, in particular the right to participate in elections-to vote and to stand for election-on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;
- (d) Other civil rights, in particular:
 - (i) The right to freedom of movement and residence within the border of the State;
 - (ii) The right to leave any country, including one's own, and to return to one's country;
 - (iii) The right to nationality;
 - (iv) The right to marriage and choice of spouse;
 - (v) The right to own property alone as well as in association with others;

- (vi) The right to inherit;
- (vii) The right to freedom of thought, conscience and religion;
- (viii) The right to freedom of opinion and expression;
- (ix) The right to freedom of peaceful assembly and association;
- (e) Economic, social and cultural rights, in particular:
 - (i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration;
 - (ii) The right to form and join trade unions;
 - (iii) The right to housing;
 - (iv) The right to public health, medical care, social security and social services;
 - (v) The right to education and training;
 - (vi) The right to equal participation in cultural activities;
- (f) The right of access to any place or service intended for use by the general public, such as transport hotels, restaurants, cafes, theatres and parks.

Article 6

States Parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.

Article 7

States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention.

PART II

Article 8

1. There shall be established a Committee on the Elimination of Racial Discrimination (hereinafter referred to as the Committee) consisting of eighteen experts of high moral standing and acknowledged impartiality elected by States Parties from among their nationals, who shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as of the principal legal systems.
2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by the States Parties. Each State Party may nominate one person from among its own nationals.
3. The initial election shall be held six months after the date of the entry into force of this Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order

of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

5.

(a) The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee;

(b) For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.

6. States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties.

Article 9

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted and which give effect to the provisions of this Convention:

(a) within one year after the entry into force of the Convention for the State concerned; and

(b) thereafter every two years and whenever the Committee so requests. The Committee may request further information from the States Parties.

2. The Committee shall report annually, through the Secretary General, to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of the reports and information received from the States Parties. Such suggestions and general recommendations shall be reported to the General Assembly together with comments, if any, from States Parties.

Article 10

1. The Committee shall adopt its own rules of procedure.

2. The Committee shall elect its officers for a term of two years.

3. The secretariat of the Committee shall be provided by the Secretary General of the United Nations.

4. The meetings of the Committee shall normally be held at United Nations Headquarters.

Article 11

1. If a State Party considers that another State Party is not giving effect to the provisions of this Convention, it may bring the matter to the attention of the Committee. The Committee shall then transmit the communication to the State Party concerned. Within three months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

2. If the matter is not adjusted to the satisfaction of both parties, either by bilateral negotiations or by any other procedure open to them, within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter again to the Committee by notifying the Committee and also the other State.

3. The Committee shall deal with a matter referred to it in accordance with paragraph 2 of this article after it has ascertained that all available domestic remedies have been invoked and

exhausted in the case, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged.

4. In any matter referred to it, the Committee may call upon the States Parties concerned to supply any other relevant information.

5. When any matter arising out of this article is being considered by the Committee, the States Parties concerned shall be entitled to send a representative to take part in the proceedings of the Committee, without voting rights, while the matter is under consideration.

Article 12

1. (a) After the Committee has obtained and collated all the information it deems necessary, the Chairman shall appoint an ad hoc Conciliation Commission (hereinafter referred to as the Commission) comprising five persons who may or may not be members of the Committee. The members of the Commission shall be appointed with the unanimous consent of the parties to the dispute, and its good offices shall be made available to the States concerned with a view to an amicable solution of the matter on the basis of respect for this Convention;

(b) If the States parties to the dispute fail to reach agreement within three months on all or part of the composition of the Commission, the members of the Commission not agreed upon by the States parties to the dispute shall be elected by secret ballot by a two-thirds majority vote of the Committee from among its own members.

2. The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States parties to the dispute or of a State not Party to this Convention.

3. The Commission shall elect its own Chairman and adopt its own rules of procedure.

4. The meetings of the Commission shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Commission.

5. The secretariat provided in accordance with article 10, paragraph 3, of this Convention shall also service the Commission whenever a dispute among States Parties brings the Commission into being.

6. The States parties to the dispute shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General of the United Nations.

7. The Secretary-General shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States parties to the dispute in accordance with paragraph 6 of this article.

8. The information obtained and collated by the Committee shall be made available to the Commission, and the Commission may call upon the States concerned to supply any other relevant information.

Article 13

1. When the Commission has fully considered the matter, it shall prepare and submit to the Chairman of the Committee a report embodying its findings on all questions of fact relevant to the issue between the parties and containing such recommendations as it may think proper for the amicable solution of the dispute.

2. The Chairman of the Committee shall communicate the report of the Commission to each of the States parties to the dispute. These States shall, within three months, inform the Chairman of the Committee whether or not they accept the recommendations contained in the report of the Commission.

3. After the period provided for in paragraph 2 of this article, the Chairman of the Committee shall communicate the report of the Commission and the declarations of the States Parties concerned to the other States Parties to this Convention.

Article 14

1. A State Party may at any time declare that it recognizes the competence of the Committee to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation by that State Party of any of the rights set forth in this Convention. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration.

2. Any State Party which makes a declaration as provided for in paragraph 1 of this article may establish or indicate a body within its national legal order which shall be competent to receive and consider petitions from individuals and groups of individuals within its jurisdiction who claim to be victims of a violation of any of the rights set forth in this Convention and who have exhausted other available local remedies.

3. A declaration made in accordance with paragraph 1 of this article and the name of any body established or indicated in accordance with paragraph 2 of this article shall be deposited by the State Party concerned with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General, but such a withdrawal shall not affect communications pending before the Committee.

4. A register of petitions shall be kept by the body established or indicated in accordance with paragraph 2 of this article, and certified copies of the register shall be filed annually through appropriate channels with the Secretary-General on the understanding that the contents shall not be publicly disclosed.

5. In the event of failure to obtain satisfaction from the body established or indicated in accordance with paragraph 2 of this article, the petitioner shall have the right to communicate the matter to the Committee within six months.

6.

(a) The Committee shall confidentially bring any communication referred to it to the attention of the State Party alleged to be violating any provision of this Convention, but the identity of the individual or groups of individuals concerned shall not be revealed without his or their express consent. The Committee shall not receive anonymous communications;

(b) Within three months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

7.

(a) The Committee shall consider communications in the light of all information made available to it by the State Party concerned and by the petitioner. The Committee shall not consider any communication from a petitioner unless it has ascertained that the petitioner has exhausted all available domestic remedies. However, this shall not be the rule where the application of the remedies is unreasonably prolonged;

(b) The Committee shall forward its suggestions and recommendations, if any, to the State Party concerned and to the petitioner.

8. The Committee shall include in its annual report a summary of such communications and, where appropriate, a summary of the explanations and statements of the States Parties concerned and of its own suggestions and recommendations.

9. The Committee shall be competent to exercise the functions provided for in this article only when at least ten States Parties to this Convention are bound by declarations in accordance with paragraph 1 of this article.

Article 15

1 . Pending the achievement of the objectives of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960, the provisions of this Convention shall in no way limit the right of petition granted to these peoples by other international instruments or by the United Nations and its specialized agencies.

2.

(a) The Committee established under article 8, paragraph 1, of this Convention shall receive copies of the petitions from, and submit expressions of opinion and recommendations on these petitions to, the bodies of the United Nations which deal with matters directly related to the principles and objectives of this Convention in their consideration of petitions from the inhabitants of Trust and Non-Self-Governing Territories and all other territories to which General Assembly resolution 1514 (XV) applies, relating to matters covered by this Convention which are before these bodies;

(b) The Committee shall receive from the competent bodies of the United Nations copies of the reports concerning the legislative, judicial, administrative or other measures directly related to the principles and objectives of this Convention applied by the administering Powers within the Territories mentioned in subparagraph (a) of this paragraph, and shall express opinions and make recommendations to these bodies.

3. The Committee shall include in its report to the General Assembly a summary of the petitions and reports it has received from United Nations bodies, and the expressions of opinion and recommendations of the Committee relating to the said petitions and reports.

4. The Committee shall request from the Secretary-General of the United Nations all information relevant to the objectives of this Convention and available to him regarding the Territories mentioned in paragraph 2 (a) of this article.

Article 16

The provisions of this Convention concerning the settlement of disputes or complaints shall be applied without prejudice to other procedures for settling disputes or complaints in the field of discrimination laid down in the constituent instruments of, or conventions adopted by, the United Nations and its specialized agencies, and shall not prevent the States Parties from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them.

PART III

Article 17

1. This Convention is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a Party to this Convention.

2. This Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 18

1. This Convention shall be open to accession by any State referred to in article 17, paragraph 1, of the Convention. 2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 19

1. This Convention shall enter into force on the thirtieth day after the date of the deposit with the Secretary-General of the United Nations of the twenty-seventh instrument of ratification or instrument of accession.

2. For each State ratifying this Convention or acceding to it after the deposit of the twenty-seventh instrument of ratification or instrument of accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 20

1. The Secretary-General of the United Nations shall receive and circulate to all States which are or may become Parties to this Convention reservations made by States at the time of ratification or accession. Any State which objects to the reservation shall, within a period of ninety days from the date of the said communication, notify the Secretary-General that it does not accept it.
2. A reservation incompatible with the object and purpose of this Convention shall not be permitted, nor shall a reservation the effect of which would inhibit the operation of any of the bodies established by this Convention be allowed. A reservation shall be considered incompatible or inhibitive if at least two thirds of the States Parties to this Convention object to it.
3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General. Such notification shall take effect on the date on which it is received.

Article 21

A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary General.

Article 22

Any dispute between two or more States Parties with respect to the interpretation or application of this Convention, which is not settled by negotiation or by the procedures expressly provided for in this Convention, shall, at the request of any of the parties to the dispute, be referred to the International Court of Justice for decision, unless the disputants agree to another mode of settlement.

Article 23

1. A request for the revision of this Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.
2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

Article 24

The Secretary-General of the United Nations shall inform all States referred to in article 17, paragraph 1, of this Convention of the following particulars:

- (a) Signatures, ratifications and accessions under articles 17 and 18;
- (b) The date of entry into force of this Convention under article 19;
- (c) Communications and declarations received under articles 14, 20 and 23;
- (d) Denunciations under article 21.

Article 25

1. This Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States belonging to any of the categories mentioned in article 17, paragraph 1, of the Convention.