

# CAFI BRIEFING PAPER ON BEZBARUAH COMMITTEE REPORT TO LOOK INTO RACIAL DISCRIMINATION OF PEOPLE FROM NORTHEAST INDIA

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*-Bezbaruah Committee Report, July 11, 2014*

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**Introduction:**

Northeast of India comprises of eight states namely Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Tripura and Sikkim. It is surrounded by five countries namely Bhutan, Bangladesh, China, Myanmar and Nepal. It is home to 45 million people and 90% of the region is indigenous. For the last five decades the region has seen continuous armed conflicts. Due to the conflict in Northeast, many from the region travel to other states of India mostly in Delhi NCR and of late there has been rising cases of racial discrimination, racial attack, abuse, rape, molestation. 86% of North-eastern people in Delhi face racial discrimination in different forms.

The Constitution of India believes in the principle of liberty, equality and fraternity. **Article 14** of the Indian Constitution states that ‘The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India’. **Article 15** of the Constitution states that, 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 places of public entertainment; or (b) The use of wells, tanks, bathing Ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public. **Article 16:** 'Equality of opportunity in matters of public employment: There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the state. 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'. **Article 21** states that, "No person shall be deprived of his life or personal liberty except according to procedure established by law." In spite of the equality as guaranteed in constitution, there has been rising intolerant racial violence against people from Northeast India. According to United Nation convention on the elimination of all forms of Racial Discrimination (ICERD), the *term "racial discrimination" is defined as any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.* India signed it in 1967 and ratified it in 1968. Of late members of Northeast India is facing rising racial attacks in several metropolitan cities of India such as Delhi, Bangalore, Pune etc. In 2014, efforts led by Control Arms Foundation of India (CAFI), Manipur women gun Survivors Network, Northeast India women Initiatives for peace (NEIWIP) and others students and leaders led the government of India to form the Bezbaruah committee to look into racial discrimination faced by the people from Northeast region and a call emerged which was accepted by the government to look into the formation of an anti-racial law in India.

#### **Bezbaruah Committee Report:**

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

#### **Findings of the Committee Report:**

Some of the major concerns of the Committee Report are:

**Sense of Insecurity and Vulnerability:** The people coming from the North-eastern states find it difficult to adjust to the metropolitan cities social behaviour which is totally different from their social atmosphere and face the challenge of adjusting to the totally different atmosphere<sup>1</sup>. These led to insecurity and often are vulnerable to these problems in the metro cities. Also their Mongolian feature which makes them look different from the rest of the local people also led insecurity among the North-eastern people. Also their friendly natures to mix up with the local people were mostly misunderstood. These experiences force the people of Northeast to remain with their own friends and close relatives.

**Cultural conflict and Wrong Perception:** Most of the people coming from Northeast try to look for accommodation in urban places. People from these areas used to have huge economic benefit from these rent accommodation. As the northeast people come from different culture, their food habits, lifestyle, social behaviour tends to be culturally different from the local people. These issues led to cultural conflict between the North-eastern people and the local landlords who seem to follow the old conservative traditions. They find the friendly nature of the Northeast people to be totally different from their social behaviour. They feel that such social behaviour will have a negative impact on their children in the future. They also feel such behaviour will create wrong perception within the locality. This type of cultural conflict was realised when the Committee had a discussion with the Residential welfare Association (RWA) of the Metro cities.

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<sup>1</sup> V.V. Giri Labour Institute.

**Discrimination in daily life:** The people of Northeast have to face various kind of racial discrimination in their daily lives. Some of the kinds of Discrimination are: molestation, teasing, passing lewed comment, overcharging of auto/taxi fares, sexual harassment, mistaken as foreigner at tourist places, Discrimination, assault by the local landlord/ property dealers etc. These are some of the major racial discrimination the Northeast people faces in metro cities.

**Verbal abuse and racial comments and violence:** According to most of the Northeast people with whom the committee had an interaction explain that verbal abuse, taunt and teasing because of their physical feature was a common experience.

**Discrimination and harassment at the workplace:** Most of the Northeast people working in different sector in Metro cities face discrimination or harassment at work place. Though the northeast people, is known for hardworking, sincere and reliable, they are not paid as much as they deserve as compare to other employees. The Northeast people also feel that there is lack of job security, termination of job etc, mostly in the unorganized sectors<sup>2</sup>.

**Discrimination and apathy of the law enforcing agencies:** According to most of the North-eastern People with whom the committee had an interaction explain that they face discrimination and harassment when they go to file an FIR regarding any cases. In fact some of them don't even trust the police.

**Recommendation suggested by the Committee:**

The timeline decided by the Committee to implement the Recommendations by the Government of India is divided into three parts: Immediate, Short term and Long term.

Immediate: to be implemented within a period of 6 month to 1 year.

Short term: to be implemented within a period of 1 to 1 and half years.

Long term: to be implemented within a period of 1 and half years to 3 years.

Some of the major recommendations suggested by the Committee:

**Immediate measures :( to be implemented within a period of six months to one year)**

SL No.	Immediate – To be implemented within a period of six months to one year	Status
1.	Either promulgation of a new law or amendment of the Indian Penal Code to make racial remarks and violence punishable	Amendment (yes). 153C and 509A.
2.	State to provide legal assistance to people from the northeast as well as spread legal awareness.	Yes A set up but hardly any cases are taken.

<sup>2</sup> Bezbaruah committee report. July 11, 2014.

3.	Set up a northeast special police unit, which would have the powers of a regular police station.	No
4.	Fast track courts on cases of racial remarks and violence for speedy deliver of justice.	No
5.	Recruitment of police personnel from the northeast states in the Delhi police.	Yes Delhi Police has recruited 20 police personnel (10 male-10 female) each from North east states.
6.	A special helpline number to address complaints of people from the northeast in synchronisation with helpline no. 100.	Yes (1093)
7.	Regularly hold national and international sports events in the northeast region.	No
8.	Teaching school and college students about the history and culture of the northeast region.	No
9.	Delhi government and ministry of development of north eastern region (DoNER) to explore measures to deal with the problem of accommodation and high rent factor faced by students and professionals from the northeast in Delhi <sup>3</sup> .	Yes Process Started for the future.

Short term :( to be implemented within a period of 1to 1and half years)

SL No.	Short term– To be implemented within one and a half year	Status

<sup>3</sup> [www.governancenow.com/view/interview/mp-bezbaruah-committee](http://www.governancenow.com/view/interview/mp-bezbaruah-committee) northeast India.

1.	Set up database to track the movement of people from the northeast to various metro cities.	No
2.	Organisation of cultural exchange programmes for students.	No
3.	Set up infrastructure facilities in the field of sports in the northeast.	No
4.	Set up prestigious educational institutions in the northeast.	No
5.	Delhi administration and residents welfare associations to promote interaction of people from the northeast with the local community through cultural programmes.	No
6.	Government to promote the northeast region as a tourist destination <sup>4</sup> .	No

**Long term: (to be implemented within three years)**

SL No.	Long term– To be implemented within three year	Status
1.	Debate and discussion by the government on the necessity of an anti-racial law.	No.

<sup>4</sup> [www.governancenow.com/view/interview/mp-bezbaruah-committee](http://www.governancenow.com/view/interview/mp-bezbaruah-committee) northeast India

2.	Set up a northeast centre in Delhi, preferably under public-private participation (PPP) mode. The centre would help people from the northeast in redressing their grievances, have an elaborate database on information on all aspects about the northeast and its people, a trauma centre facility and also act as a northeast cultural centre <sup>5</sup> .	No.
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### Outcomes of the Committee report:

The ministry of Home Affairs has accepted some of the recommendations of the Committee which was formed to study the concerns of the people of the North East, living in other part of the country, on January 2, 2015<sup>6</sup>.

- against members of a race on grounds of their race or place of origin and (b) words or actions intended to insult members of a particular race;
- Setting up a panel of lawyers by the Delhi Legal service Authority for providing legal assistance to people from North East;
- Education related measures like a scholarship for student from the North East, and Sports related measures like identifying talented sport persons from the North East and arranging for their training.<sup>7</sup>
- 20 people will be recruited from each of the eight North Eastern states in the Delhi police as part of the familiarisation exercise for the Capital's police force<sup>8</sup>.
- Fast track courts will be set up in Delhi for expediting cases related to the people from the region<sup>9</sup>.
- Special helpline number 1093 was set up for North East people.

1<sup>st</sup> observation in India of International Day Against Racial Discrimination was held on 21st March 2016. 21st March is observed by United Nation as the International Day for the Elimination of Racial Discrimination. A conference was organised by CAFI (Control Arms Foundation of India), Multiple Action Research Group (MARG), Northeast India women Initiatives for Peace( NEIWIP), North East India forum Against Racism (NEIFAR) On **“Deepening Diversity and Democracy in India Working Towards Addressing Racial Discrimination and Call for an Anti-Racial Law”** at IIC, New Delhi. Some of the important recommendations suggested by the members present in the conference are:

1. The need for research to define the parameters of race and racial discrimination in India.
2. Awareness raising campaigns to comprehend discrimination in Institutions and in everyday life.

<sup>5</sup> [www.governancenow.com/view/interview/mp-bezbaruah-committee](http://www.governancenow.com/view/interview/mp-bezbaruah-committee) northeast India.

<sup>6</sup> Monthly policy Review, January 2015.

<sup>7</sup> Monthly Policy Review, January 2015.

<sup>8</sup> The Shillong Times. January 3, 2015.

<sup>9</sup> The Shillong Times. January 3, 2015.

3. Intensifying public education to incorporate tolerance and promotion of respect for other ethnicities.
4. Increased political participation in state of the marginalised societies.
5. A separate law which addresses the various social-cultural-political and economic type of discrimination.
6. A National Action Plan against Racial Discrimination as an alternative plan to address Racial Discrimination.
7. The need for accountability of law enforcing agencies.
8. Mechanisms to increase reporting, investigation, documentation and monitoring of cases of racial discrimination.
9. Programmes to provide reparation for the victims of racial discrimination.
10. Training programmes for public officials.



“Deepening Diversity, Women Rights and Democracy in India” programme contributes towards addressing the issues namely increasing violence against women and girls in conflict zones and the rise in case of growing intolerance and racial violence in India. We aim to work with committed stakeholders to address the issue of deepening diversity, racial discrimination and sexual violence in conflict zones of India through improved and strengthened civil society responses and initiatives, engaging local authorities and government structures & international efforts to address the issue. This will help in ensuring inclusive, sustainable growth in India.

### Implemented by



Control Arms Foundation of India (CAFI) founded 10th September 2004 in New Delhi by a group of concerned citizens to address rising armed violence and weaponisation in India. Every year 5000 Indians are shot dead due to weapons misuse. CAFI leads work in India on humanitarian disarmament and gender.

CAFI conducts research, writing, and advocacy relief work to ensure safety and security for all. CAFI efforts have been awarded Best Humanitarian Initiative of the Year Award 2010, Sean Macbride Peace Prize 2010, CNN IBN Real Heroes Award 2011 and CNN IBN Indian of the year Award. In 2013, London-based Action on Armed Violence named us on list of 100 most influential people in the world in armed violence reduction.

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### Multiple Action Research Group (MARG)



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

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