

Caste in International Law

STUDENT RESEARCHER: BEN GAZDARAN

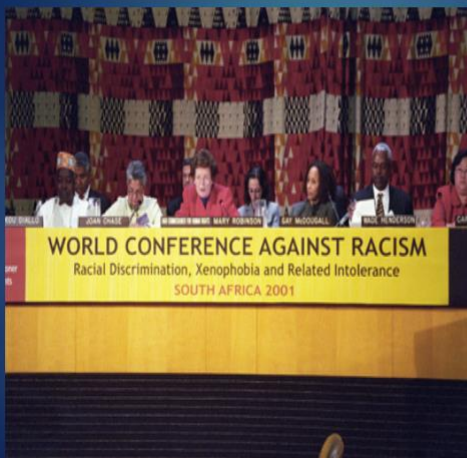
FACULTY COLLABORATOR: RUPNIM MEHTA

ICERD

- ▶ International Convention on the Elimination of all forms of Racial Discrimination (1965)
 - ▶ Article 1: "...the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin"



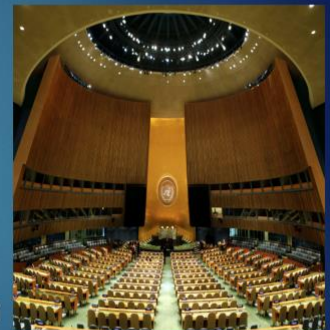
2001 World Conference Against Racism (Durban, South Africa)



- ▶ Discrimination based on 'work and descent' excluded

International Forums for 'Descent' and 'Caste'

- ▶ UN Sub Commission for the Promotion and Protection of Human Rights Resolution 2000/4 (8/11/2000)
 - ▶ Working Paper on Work and Descent (as ordered by resolution 2000/4)
- ▶ CERD General Recommendation XXIX (11/1/2002)
- ▶ NGO written statements



Indian Constitution (1950)

- ▶ Article 16 (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 of employment or office under the State."
- ▶ Article 366 (2):
 - ▶ "'An Anglo-Indian' means a person whose father or any of whose other male progenitors in the male line is or was of European descent but who is domiciled within the territory of India..."
- ▶ No discussion of the term 'descent'

Other Appearances of 'Descent'

- ▶ Robert Knox, *An Historical Relation of the Island Ceylon in the East Indies Together with an Account of the Detaining in Captivity the Author and Divers other Englishmen Now Living There, and of the Author's Miraculous Escape*, 1681
- ▶ East India Company Charter Act of 1833/Saint Helena Act of 1833/Government of India Act, 1833
- ▶ Government of India Act, 1915
- ▶ Government of India Act, 1935

