

## RACIAL DISCRIMINATION SOCIAL ISSUES IN PRESENT INDIA

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### Abstract

*Persistent racial inequality in employment, housing, and a wide range of other social domains has renewed interest in the possible role of discrimination. And yet, unlike in the pre-civil rights era, when racial prejudice and discrimination were overt and widespread, today discrimination is less readily identifiable, posing problems for social scientific conceptualization and measurement. This article reviews the relevant literature on discrimination, with an emphasis on racial discrimination in employment, housing, credit markets, and consumer interactions. We begin by defining discrimination and discussing relevant methods of measurement. We then provide an overview of major findings from studies of discrimination in each of the four domains; and, finally, we turn to a discussion of the individual, organizational, and structural mechanisms that may underlie contemporary forms of discrimination. This discussion seeks to orient readers to some of the key debates in the study of discrimination and to provide a roadmap for those interested in building upon this long and important line of research.*

**Keywords:** *Racism, ethnic discrimination, white skin, social stain, dalits, North East, caste progressive, dark skin*



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## Introduction

Racial Discrimination is emerging as a globe issue in this world, every country practices racial discrimination, there is caste, ethnicity based discrimination, before we do into a deep study on discrimination based on the two common principle race and ethnicity let us identify what it stands for racial discrimination is based on your skin colour, the shape of your body, face struggle constitution all biological characteristic, where as ethnicity is based on cultural, value religion. Racial discrimination is very common in America, China,

Argentina, Australia 2010 incident which was against the Asian community and Netherlands, these countries give utmost importance to race, if we talk the example of Africa which is an under developed country was under the colonialism for a long period of time, because of their black skin colour many countries don't provide them much help the Africans who are living n different parts of the world is highly discriminated when it comes to job, education. In America school the white skin colour students make fun of the black colour students in fact there are many teachers who even support the students in such activities, in many cases they are given less marks compared to the white Americans. We also find segregation of these communities in America when these kinds of discrimination is faced by children, it lowers their confidence and at times there are cases of mental health issue. The Muslims are even looked down upon by major of the countries , we see the Middle East region is a Islam based region which is also a region with ample opportunities for crude oil, Dubai the terrorism shot for the whole world is located in a Islam country when white skin tone people visit the Middle East, they can actual criticise them on the basis of skin tone, as Muslim are even pretty fair, Asians because of their face looks and structure are often used as an entity to joke, Indians are also not given jobs or admission in many foreign universities because of their ethnicity and skin tone. Racial discrimination across the world has show the importance of this factors in towards world which has no connection with certain jobs, I meant why all the lower and less paid jobs are given to the black colour people and high profile job to the fair people, what connection intelligence and brains has with a skin tone, a person who belongs to a community of black population may have better critical thinking capability and intellectual development than a white skin tone person, we are living in a world where the skin colour and the culture defines the future of a person, however there are many countries which don't practice these all things at all and everyone is given equal treatment and opportunity and we have see those countries way successful.

### **Research Methodology**

For the purpose of this exploration. I have used a amalgamation of two of the archetypical social sciences research tools application as they are authentic and brilliant method to assemble statistics from multiple appellant in an methodical and convenient way. Question were asked to the common youth, public policy Analyst, rural people. Dailt Community, North-East people, the Muslim Community survey, interviews -consisting of several interrogation which were dispersed among representative of each contender group.

There are slew of other legislations enacted under the Constitution of India exclusively designed to safeguard equality and protection against racial discrimination such as The Criminal law (Removal of Racial Discrimination Act, 1949), Protection of Civil Rights Act, 1955, The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Protection of Human Rights Act, 1993. In India, the instances of racial discrimination are manifested by resorting to utter some cusswords or swearwords like "Habshi (Carnivorous)", "Pagal (Crazy)", "Kalia (Black)", "Monster", "Chutia (Moron)", "Chini-Mini (From China)" and "Chinkies (Chinese like)" against people from countries of Africa, Afro-Asia and North-East India. Therefore, in 2012 government of India recommended that all states notify the term "Chinki(es)" as an offence under The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 153 of the Indian Penal Code, 1860. The Constitution of India succors the country organize itself as a single geo-political entity wedded with the core principles of human rights, diversity, federalism, pluralism and multi-culturalism.

### **Racial Discrimination in India and International Law**

The principle of non-discrimination is fundamental to international law in its all visages. The etiology of racism and racial hara-kiri is the sham similarity of the human body with the personality. This etiology of racism germinates a misconception that gestates and generates a compendium of conflicts of ethnic, gender, religious and sexual orientations. Individually, human body is blessed with a multitude of features and characteristics that are attributed to the human body based on these sham similarities. These attributions and imputations create impediments and mistrust among the human relationships in a diversity-driven society like India or elsewhere. Under International Law prohibition of racial discrimination has been ensured in all nine core international human rights treaties and International Court of Justice (ICJ) opined in Barcelona Traction Case (Belgium v. Spain, 1970) that "prohibition of Dr. Nafees Ahmad, FLS-SAU, SAARC, [http://lawprofessors.typepad.com/comparative\\_law/2017/01/guest-post-html](http://lawprofessors.typepad.com/comparative_law/2017/01/guest-post-html) racial discrimination" constitutes an erga omnes obligation (a legal obligation which all states have an interest in ensuring). Therefore, the 1965 UN Convention on Elimination of All Forms of Racial Discrimination (CERD) defines "racial discrimination" 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, Copyright © 2022, *Scholarly Research Journal for Interdisciplinary Studies*

cultural or any other field of public life. Non discrimination and equality before the law and of the law, according to UNO, constitute fundamental principles of international human rights law. Therefore, since 1967 India is also a party to CERD and it cannot back out from its international human rights obligations under Article 53 of the 1969 UN Convention on Law Treaties (VLCT). Thus, principle of non-discrimination postulates that all states must treat their citizens, subjects and nationals with equality before the law and must provide equal protection of laws.

The constitutional consolidation of rights has immensely immortalized the idea of equality which ultimately internationalized the paradigm of equality as human right. In the capitalist paradigm that operates in the USA, equality as human right can be understood in terms of economic, social and cultural rights as well civil and political rights as "All persons born or naturalized in the United States, and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." The Fourteenth Amendment declares that equal protection to all person not simply to ex-slaves or black persons and the Equal protection clause could be used to protect the rights of other classes of citizens as well. Throughout the nineteenth century and the early part of the twentieth century, the court consistently interpreted the fourteenth Amendment and other constitutional provisions not to require the equal treatment of races and of men and women.

### **Lego-Institutional Response to Racial Discrimination**

National Human Rights Commission of India (NHRC) conducted a study that revealed 54% people from North-East India do not find New Delhi a safe and secure place to live in terms of ethnic tolerance. Whereas, 67% people from North-East faced ethnic and racial discrimination in New Delhi. The living and working conditions for North-East Indians in New Delhi and elsewhere in North India are horrible and inimical and in violation of sociological constitutionalism as propounded by the Supreme Court of India (SC) in the case of Karma Dorjee & Others v. Union of India & Others (December 14, 2016) whereby petitioner had alleged that people from north-eastern region, who move out of their states in search of better opportunities in studies and jobs, were subjected to racial taunts, hate crimes and violence on a daily basis due to their physical appearance at the hands of people of their own country.

A legacy of historical discrimination this first conceptualization of structural discrimination stands furthest from conventional definitions of discrimination as an active and ongoing form of racial bias. By focusing on the legacies of past discrimination, this emphasis remains agnostic about the relevance of contemporary forms of discrimination that may further heighten or exacerbate existing inequalities. And yet, the emphasis on structural discrimination—as opposed to just inequality—directs our attention to the array of discriminatory actions that brought about present day inequalities. The origins of contemporary racial wealth disparities, for example,

A focus on structural and institutional sources of discrimination encourages us to consider how opportunities may be allocated on the basis of race in the absence of direct prejudice or willful bias. It is difficult to capture the structural and cumulative consequences of discrimination using traditional research designs; advances in this area will require creative new approaches (see National Research Council 2004, chapter 11). Nevertheless, for an accurate accounting of the impact of discrimination, we must recognize how historical practices and contemporary policies may contribute to ongoing and cumulative forms of racial discrimination.

## **Conclusion**

Discrimination is not the only cause of racial disparities in the United States. Indeed, persistent inequality between racial and ethnic groups the product of complex and multifaceted influences. Nevertheless, the weight of existing evidence suggests that discrimination does continue to affect the allocation of contemporary opportunities; and, further, given the often covert, indirect, and cumulative nature of these effects, our current estimates may in fact understate the degree to which discrimination contributes to the poor social and economic.

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