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Caste and the Conventions: Asking the caste question to India's international legal diplomacy

1. Introduction

Caste is an odious birth-based mode of segregating peoples into high and low categories, commonly accepted in South Asian societies.¹ It is characterized by endogamy, hierarchy, occupation, and notions of purity. Despite its ancient roots in religious scriptures and its formal outlawing in several states, the caste system continues to police personal relationships, matrimony,² labour, educational and employment opportunities,³ and social interactions between and with South Asians, affecting over 1.9 billion people worldwide.⁴ As Vasanthi Venkatesh notes, 'casteism sustains the legal, carceral, and neoliberal economic systems of governance' of South Asian states.⁵ This explains the normalisation of caste-based epistemic and physical violence, from the casteist capture of sites of power, such as politics and civil administration and media, to the pervasive and daily violence afflicted on caste-oppressed individuals for simply occupying public space. Courtesy transnational labour mobility and the persistent advocacy by popular movements,⁶ casteism has been firmly placed on the global map, escaping the bounds of South Asia: from its policing of unseen everyday encounters at gas stations and local food joints,⁷ to the ways it alters the ethnic makeup of tech companies, international universities,⁸ and international organisations such as the UN. The alarming and public nature of the revelations about the caste system – especially outside India - have prompted several successful calls for its global proscription⁹ such as in the state of Seattle in America,¹⁰ the European Union Parliament,¹¹ and in university policies of the California State University,¹² Brown University,¹³ Brandeis University,¹⁴ Columbia University,¹⁵ and Harvard University.¹⁶

This piece turns to the location of caste in an otherwise underexplored site: that of international legal diplomacy. As the editors of the recently published Special Issue of this journal note, while caste-related terms – like pariah and brahmin – have often seamlessly been enmeshed in international diplomacy, their invocation has traditionally been limited to the purpose of “clarifying and amplifying the ills of racism” for the liberal legal audience.¹⁷ For instance, in her work, Isabel Wilkerson engages caste as a grammar of oppression that allows us to make sense of the political, economic, and ideological intents of the Nazi regime and the enslavement of African Americans.¹⁸ While some international legal bodies such as the Committee on Elimination of Racial Discrimination ('CERD') have interrogated states like India and Nepal for their failures to contain caste violence, arguing that this impugns the legal

¹ Ayyathurai 2021.

² Dutt 2020.

³ Venkataraman 2022.

⁴ Soundararajan, Kamble, and Bhangar 2023.

⁵ Venkatesh, 2022.

⁶ Lama 2021.

⁷ Soundararajan 2022, 30.

⁸ Equality Labs 2018.

⁹ Paul 2018.

¹⁰ Ordinance 126767, 2023.

¹¹ European Parliament resolution, 2013/2676 (RSP).

¹² Naik 2022.

¹³ Brown University 2022.

¹⁴ Brandeis University 2019.

¹⁵ Singh 2023.

¹⁶ Venkataraman 2021.

¹⁷ Thakur, Natarajan, and Kumar 2025.

¹⁸ Wilkerson 2020.

safeguards against racial discrimination,¹⁹ such attention does not recognise caste as its own “system of domination and power producing deprivations and material inequalities”.²⁰ Scholarly inquiry has responded to this scarcity by constructing a normative case for *why* international law should concern itself with caste-based discrimination, finding conceptual equivalence between caste and race and proving why it is unreasonable to confine caste to the provenance of the domestic.²¹ Whether considered a basis of legal proscription (as in scholarship) or a register of analytical comparison to racism (as in diplomacy), in both cases, caste is treated merely as an issue to be defined, governed, and resolved.²² This has prevented a more fundamental interrogation of how caste *constitutes* the liberal legal order of international law itself. As Vasanthi Venkatesh and Chinnaiah Jangam show, in signifying caste, the figure of the liberal State steps back into the shadows, making its own gaze inscrutable.²³ This external epistemic location engineers us to overlook how caste today works as one of the primary modes of organising international law itself, ordering labour, land, and knowledge across euro-modern States – arguably, in the same way as race.²⁴ Rarely have we vocalised the reality that international law is a creature of brahminism where brahminism – as Gajendran Ayyathurai point out – can be understood as the normalisation of caste claims, casteist texts, social practices, and their enforcement on and emulation by others to enforce a system of domination of peoples.²⁵

This article is an attempt to remedy that by unearthing the inherent casteism of international law using international legal diplomacy as its vantage point. Given the steady burgeoning of postcolonial critique within international law,²⁶ this article asks: how did the brahminism of the field escape unscathed? Jangam surmises that this is epistemic impunity at work. He writes that the brahminism of international law is a creature of the systematic gatekeeping of international legal *knowledge*.²⁷ Brahminical knowledge enables the construction of a normatively unchallengeable ideal of the upper caste brahmin and the state as it exists in the aspirations of this ‘ideal citizen’. In some ways, the imperial critique of international law being an exclusively statist province designed to exclude non-European peoples shapeshifts to also serve as a critique of brahminism, as the same statist spaces produce a subordination of caste oppressed peoples through indenturing of caste oppressed labour and silencing of caste oppressed epistemologies.²⁸ Scholars rightly argue that tracing brahminism anywhere can be incredibly difficult because brahminism survives through its enunciations of meritocratic castelessness.²⁹ Surely if there is no caste, then how can the state or state law be casteist? States – across the colour line – are invested in shielding if not completely cloaking their brahminical-imperial stronghold from the piercing eye of external critique.³⁰

I argue in this piece that we can find evidence of such brahminism in international law by turning our attention to the figure of the Indian diplomat and the legal knowledge they espouse. This analysis draws inspiration from sociologist Pierre Bourdieu’s analytical work on ‘habitus’.³¹ Bourdieu describes habitus as a property of actors (individuals and institutions) that is “structured” by one’s past and present

¹⁹ Forum Asia 2009.

²⁰ Deshpande 2013.

²¹ Bhimraj 2021; Bajoria, 2025.

²² Memon 2024; Hooks 1984; Friere 1968.

²³ Jangam 2017; Venkatesh 2022.

²⁴ Venkatesh 2022, 184.

²⁵ Ayyathurai 2021.

²⁶ Anghie 2023.

²⁷ Ayyathurai 2021; Ambedkar 1935; Dixit 2023.

²⁸ Id.

²⁹ Subramanian 2019.

³⁰ Senaratne 2021.

³¹ Bourdieu 1972.

circumstances such as family upbringing and educational experiences. In Bourdieu's view, a person's socialisation majorly informs their theoretical worldview and as a result, also their interventions.³² Therefore, the interventions and silences of diplomats can help us capture the dominant structures of the liberal legal order in which they are located.³³ This extends also This nexus also pervades feminist interventions. Caste-privileged feminists (or 'savarna' feminists) often reproduce the same agency-stripping, patronising narratives of caste oppressed communities – especially women – requiring saving as one can find in the panopticon of the imperial State.³⁴

To do this, the article zooms in on the interventions of diplomats negotiating three international legal treaties: the International Covenant on Civil and Political Rights ('ICCPR'), the International Covenant on Economic, Social, and Cultural Rights ('ICESCR'), and the International Convention on the Elimination of Racial Discrimination ('ICERD').

There are multiple reasons for this selection. Preliminarily, these treaties are amongst few universally ratified legal instruments that impose binding obligations on the Indian State towards the prohibition of racial discrimination – the accepted identity category into which caste is typically inserted.³⁵

Second, these treaties mark a sudden shift in India's stance on the internationalisation of caste. If today, the prominent argument for international law to proscribe caste-based discrimination is the derivative relationship – structurally and conceptually – between caste and race, the origins of this argument lie in India's early diplomatic interventions at the United Nations ('UN') on the proscription of discrimination along lines of race, colour, and descent. In 1946, India was at the forefront of international efforts to legally outlaw racial discrimination in South Africa.³⁶ A delegation led by Vijayalakshmi Pandit (famously the sister of Jawaharlal Nehru) and MC Chagla,³⁷ a leading jurist, convinced the UN General Assembly to adopt a resolution calling on South Africa to comply with its obligations under the UN Charter and to cooperate with India to bring an end to the racially discriminatory treatment meted out to Indians in South Africa.³⁸ India's campaign was shortly followed by the start of negotiations of the Universal Declaration of Human Rights ('UDHR'), where India famously mooted the proposal to identify 'colour' as a protected ground against discrimination.³⁹ Notably, the Declaration espoused a scientific reading of race, as a biological difference between peoples. India's rationale was that if 'race' was exclusively a scientific prohibitive ground against discrimination, then recognising 'colour' could serve as an inroad for more 'folk' meanings to be brought into the Declaration.⁴⁰ India sustained this position well into the negotiations and eventual adoption of the twin treaties ICCPR and ICESCR, commonly considered the spiritual and legal successors of the Declaration, in 1966.⁴¹ However, by 1996, India publicly rescinded its past openness to recognition of caste – as a product of race – as a ground of discrimination at the same platform, this time when interpreting the ICERD. India submitted a periodic report to the Committee on the Elimination of Racial Discrimination ('CERD'), arguing that caste was a "social and class distinction" that could be related to race.⁴² In response, the CERD found that the discrimination of minority tribal communities in India (constitutionally recognised as Scheduled

³² Maton 2014.

³³ Krishna 2014, 154.

³⁴ Arya 2020.

³⁵ Tyagi 2018; Joseph et. al. 2005.

³⁶ Bhagavan 2010, 311-347.

³⁷ Pandit 1946, 134-142; Chagla 1946, 75-90.

³⁸ A/RES/44 (I).

³⁹ Kothari 2018.

⁴⁰ Morsink 1999, 102-103.

⁴¹ Castellino and Redondo 2006.

⁴² India – State Report (1996), para. 6.

Tribes') along caste lines was proscribed under the ICERD, because caste was a protected ground against discrimination under the Convention.⁴³ The CERD's counter to India prompted a series of defensive statements from India. At the World Conference against Racism in Durban in 2001, Omar Abdullah, the Minister of External Affairs at the time, when speaking at the World Conference against Racism in Durban in 2001, dismissed the efforts to include caste in the ICERD as a "propagandist" move, based on "exaggerated and anecdotal evidence."⁴⁴

Third, besides solidifying the trajectory of how India came to reject the internationalisation of caste, the three treaties reveal a particular set of discursive registers of the liberal legal order because of the venues in which they were negotiated. As Getachew remarks, in the postwar period in which the treaties were drafted and adopted, international law was far from simply a laboratory of multilateralism.⁴⁵ Rather, international law was seen as integral to a broader act of 'worldmaking',⁴⁶ reshaping international society by taking it away from the paradigm marked by imperialism and colonialism.⁴⁷ For the bloc of Third World states, in which India was a leading voice, the UN embodied the liberal rules-based political order that afforded international law its normative weight.⁴⁸ Third World states were therefore keen on leaving their own mark in this liberalist institution and started to channel the institution actively.⁴⁹ The three treaties in question allow for a critical study of the UN as a political space and the political claims promulgated through it specifically by Third World states. While there is much merit to producing hagiographies and alternative genealogies about the diplomatic successes of Third World States,⁵⁰ this article adopts a more critical counterhegemonic lens. Instead of placing a premium on the fact of postcolonial diplomatic innovations alone, it peels back the veneer of postcolonialism and looks at how postcolonial voices may have also internalised European grammars both as a means to acquire power and to extend the exclusions of international law to 'govern' its own population, as later sections of this article show.⁵¹

For these reasons, this article zooms into the diplomatic negotiations about caste within the aegis of the three treaties under study and scrutinises how they evince the brahminism of international law. Section 2 turns to the drafting records of all three treaties, highlighting the interventions made by states as well as anti-caste organisations. Section 3 shows how caste was used to describe the figure of the Dalit, and in doing so, it made use of the same analytical and epistemic reasoning of 'primitiveness' through which the figure of the minority was delineated in euro-modern international law. The section then shows this epistemic logic pervades the brand of cosmopolitan diplomacy that India has historically cultivated, especially in its exclusive selection of elite spokespersons who were able to combine the nationalism of the east with the sophistication of the west. This makes a study of the caste locations of India's delegates at the negotiations of the three UN treaties crucial. Section 4 offers caste biographies of these delegates, paying attention to continuities between imperial and savarna grammars. The section also probes the workings of savarna feminism in India's UN diplomacy. Section 5 then draws associations between the caste socialisation of the diplomats and the caste-coded discursive and legal narratives they lent weight to. The section finds that India developed four discursive and legal strategies to facilitate its transition from being an advocate of racial equality to being a staunch critic of international legal

⁴³ Id, para. 14.

⁴⁴ Abdullah 2001.

⁴⁵ Getachew 2019.

⁴⁶ Id, 162.

⁴⁷ Mantilla 2020, 446.

⁴⁸ Ikenberry 2011, 56-68.

⁴⁹ Pedersen 2015.

⁵⁰ Maldonado-Torres 2007; Spivak 1998.

⁵¹ Koskenniemi 2011, 155.

interventions on caste discrimination: this article describes them as strategies of internalisation, legal discretion, assimilation, and mirroring of eurocentric grammars. All of these strategies offer evidence of brahminism at work and were made possible only because of the dominant brahminical socialisation of the diplomats advancing these positions. Such an analysis, the article hopes, will allow a more critical reflection of the role of diplomats in solidifying the brahminism of international law.

2. The refrain of caste in international legal diplomacy

In 1996, the Committee on the Elimination of Racial Discrimination vocalised its concern over reports of rampant caste-based violence in India. The committee was alarmed to hear that “Scheduled castes and tribes in India were often prevented from using public wells or from entering cafes or restaurants and...their children were sometimes separated from other children in schools”.⁵² Committee members pressed on India to report on the steps it had been taking to mitigate and stop caste violence against ‘untouchables’, a term used to describe Dalits who fell outside the four groupings created through the caste system, arguing that such systemic discrimination would fall foul of the proscription of racial discrimination under the ICERD.⁵³ Shortly after, the Committee passed General Recommendation 29, which affirmed that caste-based discrimination was covered under the rubric of ‘racial discrimination’ in Article 1(1) of ICERD as an aspect of ‘descent’.⁵⁴

India suddenly found itself compelled to find passable reasons to justify why it had thus far evaded the question of caste. At the 2001 World Conference against Racism in Durban, the Indian delegation blatantly desisted the CERD’s comments offering three reasons. First, the Indian State insisted that caste and race could not be treated as equivalent, cautioning that “conferring a racial character on caste would create political problems”.⁵⁵ Relying on sociologist André Beteille’s work, the Indian delegation distinguished race as a biological construct whereas caste was presented as a social process, warranting different legal treatment. Second, India argued that caste was a domestic matter that was immune from international judicial censure. **Leading the delegation at Durban, Omar Abdullah called caste a form of “social engineering” that drew inspiration from India’s “long tradition and capacity for dialogue and building consensus”.**⁵⁶ He argued that it was “neither legitimate nor feasible nor practical for the World Conference or, for that matter, even the UN to legislate, let alone police, individual behaviour in our societies”,⁵⁷ a defence that scholars note was intended to “pervert the vicious history of casteism which ostracised the untouchables.”⁵⁸ Third, it was argued that the caste question could not be internationalised because Dalits did not meet the criteria under international law to be classified as minorities, which was supposedly a prerequisite for international legal intervention. Under the ICCPR, minorities are defined as non-dominant groups possessing stable ethnic, religious or linguistic characteristics that differ sharply from those of the rest of the population.⁵⁹ These distinguishing characteristics need to have been retained over time and members of the group wish to preserve them.⁶⁰ **Dalits could not be identified as minorities within this definition because their group identity was a product of social status ascribed to them by others, not a chosen self-determined identity (arguably, Ambedkar’s coining of the term ‘Dalit’ marked a departure from this view since it was intended to serve as a rescripting of stigma into self-**

⁵² CERD 1996, 352.

⁵³ CERD 1996, para.23.

⁵⁴ CERD General Recommendation No.29.

⁵⁵ CERD 1162nd Summary Meeting.

⁵⁶ India – State Report (1996), para. 14.

⁵⁷ Id.

⁵⁸ Bhimraj 2021.

⁵⁹ ICCPR, art 27.

⁶⁰ Castellino and Dominguez-Redondo 2006, 58.

empowerment).⁶¹ As Waughray explains, indigeneity as an identity label was also ill-suited to describe Dalitness because Dalits could not claim to have a special relationship to land or distinct cultural identity.⁶²

India's fervent objection to the CERD's questions on caste gave the impression that caste – both as a group identity and as a register of discourse – had never before been raised at an international stage of that nature. However, that is not factually correct.

As many scholars writing diplomatic histories of colonialism show, in the form of a *register*, caste was commonly invoked in diplomatic discussions from the early 20th century onwards. Initially, caste was only addressed in the form of metaphors and euphemisms. Natarajan's meticulous study of indenture, racialization of mobility, and passports⁶³ shows how the spectre of caste persisted in the discussions at the UN about the undesirability of 'unregulated workers' or 'coolies' who had emigrated to Malaya, Ceylon, Burma, and Fiji.⁶⁴ Explicit mentions of caste were absent, but caste was overwhelmingly present: from the indicting talk about the 'desirability' of workers,⁶⁵ civilization,⁶⁶ dirt,⁶⁷ and coolie status,⁶⁸ to more sanitized-seeming mentions of educational credentials,⁶⁹ worth,⁷⁰ and social standing.⁷¹ As Mongia explains, much like race, perhaps the absence of the word 'caste' was a deliberate omission, evidence of the guilt and culpability it has always carried.⁷²

Caste started to be spoken about more explicitly in international diplomacy following 1928, when intellectual thinkers like Dr. B. R. Ambedkar alerted the Simon Commission about the material inequalities and the daily ostracization and violence experienced by Dalits in India. He requested the Commission to identify Dalits as minorities instead of caste Hindus in the new constitution for British India.⁷³ He argued that recognition as a minority, which was the reality of Dalitness, would allow Dalits the right to petition international bodies in the case of unfulfilled guarantees by the state. In 1946, upon encountering the National Association for the Advancement of Coloured People ('NAACP') petition to the UN Secretary-General, Ambedkar instantly wrote to civil rights activist W.E.B. Du Bois, highlighting the shared struggles of Black Americans and Dalits.⁷⁴ Ofcourse, the sibling solidarity between Black Americans and Dalits had a longer history – particularly outside of the official incantations of diplomacy⁷⁵ – but Ambedkar was keen for this solidarity to make use of the legibility afforded through the act of channelling international organisations. His vision inspired the germination and advocacy of many grassroot transnational anti-caste networks including the Dalit Solidarity Network that remains active even today.⁷⁶

Paradoxically, at the same time that Ambedkar was alerting the international community about the systemic violence of casteism within India, India was busy putting out fires elsewhere. In 1946, an

⁶¹ Ansari 1996, xviii.

⁶² Ambedkar 1989; Waughray 2010.

⁶³ Natarajan 2023.

⁶⁴ Singha 2013; Andrews and Pearson 1916, XVII; INC Reports 1885-1947.

⁶⁵ Burgan 1958.

⁶⁶ Sundaram 1933, p.174.

⁶⁷ Aiyar 2015, 69.

⁶⁸ Vahed 2015, 55.

⁶⁹ Id.

⁷⁰ Vahed 2019, 666.

⁷¹ Wainwright 2008, 126.

⁷² Mongia 1999.

⁷³ Ambedkar 2014, 459-489.

⁷⁴ Ambedkar 1946.

⁷⁵ Biko 1987.

⁷⁶ Lennox 2019.

Indian delegation led by Vijayalakshmi Pandit made headlines for securing a resolution at the General Assembly on ‘Treatment of People of Indian Origin in the Union of South Africa’, calling out the ghettoisation of South African citizens of Indian origin in Durban and Johannesburg.⁷⁷ The resolution, as many argue, was a watered down version, missing the strong legal condemnation of racial discrimination and apartheid that India had previously battled for.⁷⁸ Nonetheless, the resolution was widely lauded as the “first success gained by East over West, by non-European over European in the international sphere.”⁷⁹ Having thus acquired a considerable normative headway, India backed proposals to proscribe colour- and race-based discrimination later during the making of the Universal Declaration of Human Rights.⁸⁰ When Article 2 of the UDHR – the non-discrimination provision – was being debated at the Third Committee of the General Assembly, some participating delegates objected to the term ‘birth’ as a ground of proscription, fearing that it would have troubling implications for voting regulations.⁸¹ Fascinatingly, in a rather “terse intervention”, Indian delegate Mohammad Habib chimed in to say that he preferred the use of the term ‘caste’ rather than ‘birth’ because the latter was implied in the other agreed categories.⁸² His successor Appadurai – perhaps wary of the international attention India’s introduction of caste would invite – demurred to the use of the term ‘social origin’ suggested by the Chinese and UK delegations, as an alternative to both ‘caste’ and ‘birth’.⁸³ When the text of Article 2 was forwarded for examination to the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, Indian delegate MR Masani proposed the addition of ‘colour’ to the list of protected grounds, in addition to the confirmed grounds of race, sex, language and religion. Masani gave the example of “fair type and darker type” Caucasian immigrants to the US and South Africa to point out that race and colour were conceptually different and triggered different kinds of discrimination.⁸⁴ When the draft proceeded to further stages of negotiation, Hansa Mehta from India persisted to keep the term ‘colour’ in the Declaration, an effort that ultimately bore fruit.⁸⁵ Ironically, interpreting bodies of the ICERD now consider ‘descent’ as a form of racial discrimination as emerging from ‘colour’ in the UDHR, a genealogy that India later took issue with.⁸⁶

In the 1960s, India started demonstrating a visible disquiet towards engaging with questions of shade-ism and its human rights implications in international legal forums. This left anti-caste grassroots organisations to their own devices, with many choosing to petition international organizations themselves, conscious that the state would not invite international intervention on issues of untouchability and casteism. From 1982 onwards, Dalit diaspora organizations like Volunteers in the Service of India’s Oppressed and Neglected (VISION)⁸⁷ started to aggressively petition the UN Sub-Commission on Human Rights, the UN Working Group on Indigenous Populations (UNWGIP), and the UN Special Rapporteur on Racism, Racial Discrimination, Xenophobia and Related Intolerance to highlight the human rights violations experienced by Dalits in India and elsewhere.⁸⁸ In 1982, the founder of VISION Dr. Laxmi Berwa famously testified before the UN Sub-Commission on Human Rights about the plight of Dalits with that of the Jews under Hitler, arguing therefore that caste-based

⁷⁷ UN 1946.

⁷⁸ Thakur 2017.

⁷⁹ S.A. European Press Comments, *The Passive Resister* 1946.

⁸⁰ Kothari 2018.

⁸¹ UNGA, Summary Records of 3rd meeting of the GA (1948).

⁸² Id.

⁸³ Id; Prove 2003.

⁸⁴ Summary record, Sub-Commission on Prevention of Discrimination and Protection of Minorities (1947), p.2.

⁸⁵ Summary record, Commission on Human Rights (1947), p. 10

⁸⁶ ICERD, art 1(1).

⁸⁷ Mehta 2021, pp. 64-86.

⁸⁸ Bhimraj 2020; Lennox 2009, p. 119.

discrimination should not be treated as an internal problem alone.⁸⁹ Although these efforts yielded little success initially, from the 1990s onwards, Dalit advocacy systematically started framing caste-based discrimination along human rights lines, arguing that caste-based discrimination constituted discrimination based on descent or work under the ICERD. It is the persuasiveness and systematicity of these reports that ultimately led to the 1996 CERD report that found caste to be protected ground of racial discrimination under the Convention.⁹⁰

The Indian government, on its part, for long remained unmoved by the efforts towards internationalization and human rights-isation of caste discrimination. Ironically, till the late 1980s, although Indian delegations remained tight-lipped about the juridical status of caste discrimination, the Indian state always submitted data on crimes against Scheduled Castes and Scheduled Tribes to the CERD, without ever attempting to clarify why this data was relevant at all to the Commission.⁹¹ Scholars like Waughray and Keane describe this period as a ‘stalemate’, marked by an unspoken caution against prompting questions about the juridical status of caste.⁹² It was only in 1986 that India found it necessary to address and then bracket caste out of the scope of the Convention.⁹³ From 1996 onwards, India’s stance became far more hard-line, as it began to channel a variety of normative and discursive tools to keep caste out of the reach of international law. The section that follows looks at the central discursive and normative lens of cosmopolitanism adopted by India and the implications it had on who was seen as fit to speak on behalf of the state in diplomacy.

3. Cosmopolitan diplomacy: an artefact of brahminism

The postwar period was an important political moment for former colonies. Postcolonial elites, in particular, were itching to participate in worldmaking, and proposed new vernaculars of worldmaking.⁹⁴ Each postcolonial actor brought its own aspirations and agendas to the United Nations – some of these agendas were related to domestic political reorientations⁹⁵ whereas others were concerned with elevating their own authority in the postwar world. Becker-Lorca and Getachew, for instance, write about how the Latin American bloc, Japan, and the Caribbean steered the move away from the standard of civilization to statehood as a marker of self-determination.⁹⁶ In his work, Steven Jensen writes about how Third World States like Jamaica advocated for the right to health at the United Nations to invite attention towards their national successes in rights-making.⁹⁷ While Third World States were acutely aware that the United Nations was embedded in imperial ideologies,⁹⁸ the postwar period offered a window for this now numerically healthy and ideologically coherent bloc to instrumentalise the United Nations to delegitimise colonialism and subvert diplomatic and normative hierarchies.⁹⁹ While such efforts are commendable because they show that postcolonial peoples were not passive recipients of worldmaking and were instead authors of rich vernacular renditions of worldmaking, they often do not challenge the internalized coloniality in the knowledge produced by postcolonial elites.¹⁰⁰

⁸⁹ Bob 2007, p. 167.

⁹⁰ Bhimraj 2020.

⁹¹ UN Doc. CERD/C/SR.33, 56; UN Doc. CERD/C/SR.51, 142; Fifth Periodic Report of India: UN Doc. CERD/C/20/Add.34, pp. 40,45-68; Ninth Periodic Report of India: UN Doc. CERD/C/149/Add. 11, p.8.

⁹² Keane and Waughray 2017, p. 149.

⁹³ UN Doc. CERD/C/SR.797, 61.

⁹⁴ Berger 2022.

⁹⁵ Berger 2022, pp.834-858.

⁹⁶ Becker-Lorca 2014; Getachew 2019.

⁹⁷ Jensen 2023.

⁹⁸ Mayer-Mruwat 1998.

⁹⁹ H-Diplo Forum 2023.

¹⁰⁰ Mignolo and Walsh 2018; Quijano 2007.

India's legal diplomacy on caste reproduces similar colonialities. Despite its own marginalisation at the hands of euromodern international law, the Indian state retains the view that state is the "*subject, object, protagonist and pivot* of modern international law"; denying the lawmaking abilities of non-State actors.¹⁰¹ The state bequeaths authority, it creates subjectivity, it upholds and maintain the liberal legal order.¹⁰² Because the state is embodied in caste-privileged bodies (either brahmins or savarnas) (much like the imperial state acquires life and identity because of the white bodies who live in its territory), brahminism becomes the law of the land. As Aloysius remarks, in such a euro-modern brahminical complex, caste *is* the law.¹⁰³ The state, then, runs as per this "caste-law".¹⁰⁴

This kind of relationship is reminiscent of the making of the figure of the Dalit in Indian law. The term 'Dalit' comes from the Marathi language and means to crush or split.¹⁰⁵ Social reformer Jotiba Phule used the term to describe those who lived 'outside' the caste system; those who were caste away by the system.¹⁰⁶ By the 1960s, the term was popularised by Ambedkar and the Dalit Panther Party (an Ambedkarite-Marxist group) to refer to a community founded on dignity, self-determination, and emancipation from brahminism.¹⁰⁷ Untranslatable both in origins and intent, Dalithood was a rejection of untouchability and the caste-law of Hinduism. Yet, the Indian Constitution coerces even Dalit identity into the constitutional language of Scheduled Castes and Other Backward Classes, categories constructed to recognise the state's obligations towards marginalised Hindus. In doing so, the state not only reduces Dalithood to an "adjectivized presence"¹⁰⁸ but also produces a revisionist history associating caste with a bucket of sanitised "seen to be kind" contributions of Hinduism including "its tolerance and vegetarianism and mysticism", without acknowledging that Hindu ontologies innately reproduce violence and inequality.¹⁰⁹ The Indian Constitution here is the caste-law that reinforces brahminical visions and strips Dalits of their agency of signification by refusing to submit to the violence of Hinduism.¹¹⁰

In this article, I argue that this brand of caste coloniality can also be traced clearly in India's 'cosmopolitan' diplomacy in the making of the three UN treaties under study.¹¹¹

Cosmopolitanism, here, "elaborates a concern with the equal moral status of each and every human being and creates a bedrock of interest in what it is that human beings have in common, independently of their particular familial, ethical, national and religious affiliations".¹¹² When India earned independence, it was caught between troublingly contrasting diplomatic aspirations. On the one hand was a desire to differentiate itself. As Jayantanuja Bandyopadhyaya remarked, if India's "vibrant nationalism and her powerful intellectual and cultural tradition were to be projected into the international sphere, and if her diplomats were expected to represent such a foreign policy abroad, it was imperative for the political leadership to enthuse and galvanise the administration into modes of thought and action radically different from those which it had been attuned during British rule."¹¹³ In 1955, Nehru instructed India's Mission to Washington to avoid empty diplomatic usages such as "The

¹⁰¹ Burra 2016.

¹⁰² Shahabuddin 2016.

¹⁰³ Aloysius 2018.

¹⁰⁴ Id.

¹⁰⁵ Zelliott 2001.

¹⁰⁶ Phadke 1991.

¹⁰⁷ Charsley 1996.

¹⁰⁸ Thakur, Natarajan, Kumar 2025.

¹⁰⁹ Ambedkar 2014.

¹¹⁰ Omvedt 2016.

¹¹¹ Huju 2023.

¹¹² Held 2010.

¹¹³ Huju 2020; Bandyopadhyaya 1970.

Free World” because he felt that such turns of phrase “quietly assented to the persistent supremacy of Western narratives of world ordering.”¹¹⁴

On the other hand, however, there was the aspiration to be *understood*. As much as postcolonial identity was anchored on rejecting colonial norms, it was also about being *included* in a circle of norms and morals that were previously reserved only for agents of imperialism. This meant that new entrants had to adhere to norms of socialisation that would justify their inclusion.¹¹⁵ India was seen as the face of this postcolonial cosmopolitan, at once able to stand shoulder to shoulder with Western nations and speak in Western vernaculars and yet grounded in domestic imperatives. Far less than exposing the coloniality in which Western worldmaking was entrenched, India’s vision of cosmopolitanism only situated European understandings of Statehood, minority identity, and sovereignty in local settings.

Central to India’s cosmopolitan vision was the figure of the diplomat. Scholars like Iaydjiev have traced motivations for foreign policy and diplomatic actions in the religious, class, and sometimes even personality traits of the individuals taking these actions, drawing on psychological and sociological approaches.¹¹⁶ However, the individual has come to be drastically deprioritised lately. Sociological approaches are instead employed to study norm diffusion and norm dissemination through political blocs, organisational procedures, civil society participation etc.¹¹⁷ This study questions the predilection to deplatform the individual and probes how individual locations embody the normative positionalities of the States they speak for. This association was particularly acute in the post-World War paradigm of postcolonialism in which the Covenants were negotiated.¹¹⁸ In his sociological work, Pierre Bourdieu describes this as ‘habitus’.¹¹⁹ Habitus, in Bourdieu’s conception, can be understood as “a property of actors (whether individuals, groups or institutions) that is “structured” by one’s past and present circumstances, such as family upbringing and educational experiences. It is “structuring” in that one’s habitus helps to shape one’s present and future practices.”¹²⁰ In Bourdieu’s view, a person’s socialisation majorly informs their theoretical worldview and as a result, also their interventions.¹²¹

As Huju argues, the ideal Indian diplomat had a fixed habitus: despite their anti-imperial leanings, the ideal Indian diplomat was bred as an Anglophone aristocrat, fluent in English, educated in prestigious institutions abroad, ‘well-groomed’, and ‘presentable’.¹²² The colonized diplomat was merely ‘Indian in blood and colour, but English in taste, opinions, morals and intellect’.¹²³ In a letter to his sister Vijayalakshmi Pandit, Nehru expressed his concern over the reception of her accent in the West. He worried that she may not be seen as ‘suitable’ because of her accent,¹²⁴ a worry which tormented him repeatedly in the years that followed.¹²⁵ In his intellectual biography of V.S. Srinivasa Sastri, one of India’s leading liberal politicians in the early 20th century, Thakur notes how Sastri was accepted widely in diplomatic circles as “the model India” who “showed India’s higher culture to the dominion

¹¹⁴ Huju 2020.

¹¹⁵ Benhabib 2006, 17.

¹¹⁶ Iaydjiev 2011.

¹¹⁷ Hobden and Hobson 2002.

¹¹⁸ Rathbun et al. 2016; Schwartz 1992.

¹¹⁹ Bourdieu 1972.

¹²⁰ Maton 2014.

¹²¹ Cunneen 2014.

¹²² Huju 2023.

¹²³ Macaulay 2003, pp. 227-239.

¹²⁴ Nehru letter 1945.

¹²⁵ Oral history transcript: Lakshmi N. Menon 1971: 8, NMML.

publics”.¹²⁶ Sastri was ‘suitable’ because he could transgress racial barriers and distinguish India from its association with the figure of the coolie.¹²⁷ In all these determinations, *suitability* was a coded reference to caste. Studies show that only brahmins were seen as meeting these standards of suitability. Till 1989, brahmins still composed 70 percent of the Class I officers in government services, although they made up only 5 percent of the population.¹²⁸ **These percentages have seen little change in the decades since.**¹²⁹

This kind of homogenous brahmin socialisation then explains the casteist worries of the Indian diplomats who batted for the abolition of indenture.¹³⁰ Indian diplomats worried that the poor ‘coolie’ – typically belonging to an under-privileged caste – projected an image of India as unsuitable and poverty-struck.¹³¹ It is brahminism that motivated upper caste politicians representing India at the United Nations to ‘shift the focus away from the poor ‘coolie’ to the new Indian immigrant who was economically and socially better-off, the trader and the soldier.’¹³² Only this skilled, upper caste Indian immigrant, whom BN Rau referred as the ‘right kind of Indian’, was worthy of rights.¹³³ Despite India’s seemingly progressive racial equality advocacy later in the 1940s, its cosmopolitan vision was marked by the same brahminical undertones. Taking a leaf from what Ignacio de la Rasilla calls ‘biographical approaches to international law’, this study now turns to those who embodied India’s brahminical cosmopolitanism in its campaign for racial equality at the UN.

4. Caste-coded ethnohistories of Indian diplomats

The San Francisco conference on International Organization of 1945, notably the last public push for the adoption of the UN Charter, was a watershed moment in India’s diplomatic efforts. British India had sent a delegation of three knighted men : Sir Ramaswami Mudaliar and Sir Firoz Khan, representing British India, and Sir V. T. Krishnamachari, **representing the princely states (India at the time was composed of autonomously ruled princely states).**¹³⁴ The selection of these representatives was controversial because none of them were spokespersons of the Indian nationalist cause, even at a time when the demise of imperial rule in India was near certain. Arcot Muddaliar, for instance, was a member of the staunchly anti-caste Justice Party in 1917.¹³⁵ Muddaliar pioneered several progressive legislations in the Madras Presidency and called for the renunciation of the caste system in his editorials for ‘Justice’.¹³⁶ He was the key organizer of the All-India Non-Brahmin Confederation of 1925, where his speeches generated much controversy, with several critics jumping to question his nationalism.¹³⁷ An interesting fallout of Muddaliar’s growing visibility at a pan India level was that his oratory skills and political acumen caught the eye of the British administration. In 1933, he was appointed the Leader to the Indian delegation to British Commonwealth Relations Conference at Toronto. Soon after, in 1941, Muddaliar was elected to the Imperial War Cabinet put together by Winston Churchill, in recognition of his key contributions to defense policy during the Second World War.¹³⁸ Muddaliar assumed

¹²⁶ Thakur 2021, 120.

¹²⁷ *Id.*

¹²⁸ NCDHR 1999.

¹²⁹ Tiwary and Devi 2025.

¹³⁰ Thakur 2016.

¹³¹ Statement of Sapru, 73.

¹³² Thakur 2023.

¹³³ Thakur 2016.

¹³⁴ Laut 2018.

¹³⁵ Kavlekar 1979, 121-133.

¹³⁶ Mudaliar 1927.

¹³⁷ Vijayakumar 2022.

¹³⁸ Selvaraj 2016.

leadership roles in several international bodies, serving as chair of the UN Economic and Social Council, the World Health Organization, and International Labor Organization.¹³⁹ In his diplomatic tenure, Muddaliar surprisingly did not make any comments about caste at the international arena. His anti-caste advocacy was polarizing within India and therefore unpalatable for mainstream Indian freedom struggles, and the same time, Muddaliar fit the mold of a sophisticated, well-educated diplomat.¹⁴⁰ In this latter role, Muddaliar did not let on his nationalistic inclinations at all, speaking instead as a neutral spokesperson for the British regime. Muddaliar's record as a contrarian voice in India and his easy switch of allegiances persuaded the British regime that his selection would cut through the cohesive front that was being cultivated by nationalistic groups in the subcontinent, and this prediction came true.¹⁴¹ His colleagues were much less controversial. VT Krishnamachari had been the Diwan (finance minister) of the Indian princely state of Baroda throughout the inter-war period and had served as an Indian delegate to a number of bodies including the League of Nations.¹⁴² Firoz Khan – another highly qualified diplomat – held the defense portfolio in the Viceroy's Council.¹⁴³

Presumably because of their association with the Imperial War Cabinet, all three representatives were viewed as “colonial sympathizers, British stooges”,¹⁴⁴ who would prefer to cooperate rather than revolt against the British administration. It became clear that India needed a younger voice that was more aligned with its evolving role in postcolonial diplomacy at the United Nations.

The San Francisco conference preceding the adoption of the UN Charter of 1945 saw these tensions play out publicly. Postcolonial civil society groups such as the National Committee for India's Freedom and the National Association for the Advancement of Colored People saw the San Francisco conference as a leading, high-stakes stage for their long-standing anti-colonial advocacy.¹⁴⁵ Such anti-imperial and anti-colonial agendas needed the backing of vocal advocates. However, the official Indian delegation to San Francisco was a disappointment in that it advanced a clear cosmopolitan aspiration of the newly liberated Indian state. In advance of the San Francisco conference, the National Committee for India's Freedom and India League to America batted for Vijayalakshmi Pandit to become the face of the Indian nationalist cause. Pandit was no stranger to diplomacy. Born to the Nehru family, she was home schooled and educated abroad, spoke impeccable English, and was a gold standard of sophistication.¹⁴⁶ Pandit's choice was intended to cement the Congress's place as the most legitimate spokesperson of the Indian nationalist front. This unanimity was ofcourse fictional, given the deep attacks launched on Pandit's selection for not adequately representing the interests of the Muslim League, Hindu Mahasabha, and the Scheduled Castes Federation.¹⁴⁷

Pandit's diplomacy in San Francisco ushered a new diplomatic campaign for India: of cosmopolitanism. Pandit quickly charmed the Western media.¹⁴⁸ William Moore, a journalist at the Chicago Daily Tribune, described Pandit's diplomacy by saying : “Folding her dazzling white robe [no buttons, no zippers] (sic) around some alluring curves, Mrs. Vijaya Lakshmi Pandit of India moved into Anthony Eden's hotel today and began twisting the British lion's tail”.¹⁴⁹ At the start of her stint, Pandit

¹³⁹ ECOSOC Handbook, 30.

¹⁴⁰ நகரத்தூதன் 1945.

¹⁴¹ Rajaraman 2014.

¹⁴² Laut 2018.

¹⁴³ Behn 2004, 33.

¹⁴⁴ DuBois 1945.

¹⁴⁵ Laut 2018, 36.

¹⁴⁶ Cannon 1970, 154.

¹⁴⁷ Roy 1945.

¹⁴⁸ Trumball 1949.

¹⁴⁹ Moore 1945.

frustratedly struggled to escape the orientalist and sexist gaze with which her attire was studied by print media.¹⁵⁰ However, Pandit was amply aware of the fact that she represented the ideal orient, one who could seamlessly be assimilated into the social and political culture of the West. Pandit leveraged this power in her diplomacy. She was aware that she was, as Khipple notes, a perfect combination of the Eastern and Western ways of life.¹⁵¹ Pandit's advocacy powerfully juxtaposed India's own struggle for independence with the ideals of the United Nations. India's freedom struggle, she said, was an "acid test" for the goals of the United Nations, an international organization that was proclaiming its commitment to racial equality and sovereignty.¹⁵²

In the heels of Pandit's success at the UN, India appointed a number of similarly highly educated, caste privileged women to the UN Commission of Human Rights delegations, all of whom adeptly advanced new India's cosmopolitan ideals. India's chief representative to the Commission was Hansa Mehta. Mehta was born to an affluent Gujarati Brahmin family, her father being a Diwan of the princely state of Baroda. She was trained in philosophy, sociology, and journalism, in Gujarat and later in London. Her time in London brought her in contact with several nationalist leaders including Sarojini Naidu and Mahatma Gandhi. Mehta quickly became deeply involved in human rights advocacy, marrying her personal interest in gender equality with legislative reform. Mehta drafted the Indian Women's Charter of Rights and Duties of 1946, an instrument credited for inspiring the gender equality recognitions in the Universal Declaration of Human Rights. Together with Eleanor Roosevelt, Hansa Mehta was vice-chair of the UDHR committee where she proposed to change the language of "all men are born equal" to "all human beings are born equal".¹⁵³ Mehta's diplomacy at the UN Commission of Human Rights was considered to be fierce and revolutionary; she continuously cautioned against State-centric framings of human rights.¹⁵⁴ Compared to Pandit, Mehta was more concerned about the treatment of sub-state minorities. She pressed on the Commission to define minorities precisely and to even draw up a list of vulnerable minorities in each state.¹⁵⁵ Although her contributions on caste were few and mainly in her speeches at the Constituent Assembly Debates,¹⁵⁶ Mehta certainly had a less elitist, more contested view of India's internal politics. In part, this is likely explained by her association with the All India Women's Committee and her key contributions towards abolishing oppressive social practices against women.¹⁵⁷ In her personal life too, Hansa Mehta married "London-educated physician Dr Jivraj Narayan Mehta, leading to her ex-communication from her brahmin community as her husband belonged to the lower Vaishya caste."¹⁵⁸ While this does not erase her economic and social privilege, perhaps her own lived experiences contributed to her ability to acknowledge casteism. Accompanying Mehta were a pack of fiercely educated and vocal feminists including Rajkumari Amrit Kaur,¹⁵⁹ Shareefa Hamid Ali,¹⁶⁰ and Lakshmi Menon.¹⁶¹ Like Mehta, they were also upper caste and highly educated feminist politicians.

The platforming of caste privileged feminist women delegates was intended to advance a caste-coded brand of feminism that scholars like Sunaina Arya and Christina Dhanaraj describe as 'savarna

¹⁵⁰ Lyons 1945.

¹⁵¹ Khipple 1945.

¹⁵² Prattis 1945, p. 5.

¹⁵³ Morsink 1999, 102–103; Coss 2006.

¹⁵⁴ Rathore 2021.

¹⁵⁵ Mehta 1947.

¹⁵⁶ CAD, 22-11-1949.

¹⁵⁷ Jayal 2022.

¹⁵⁸ Id.

¹⁵⁹ Jain 1992.

¹⁶⁰ Adami 2019, p. 97.

¹⁶¹ Metz 1948, p.7.

feminism'.¹⁶² Savarna feminism speaks to the monopoly of caste-privileged women in feminist advocacy, with little appreciation for how such women, notwithstanding their gender marginalisation, contribute to the social and epistemic silencing of Dalit women.¹⁶³ Savarna feminism, in postcolonial settings, proved to be an excellent conduit for cosmopolitanism, insofar as it placed emphasis on the marginalization of the colonized without probing the guilt of the colonized. In her mapping of Indian feminist advocacy from the 18th century onwards, Rege finds that all the practices that were aggressively outlawed – dowry, sati, widow burning etc – were practices that affected upper-caste women.¹⁶⁴ Indeed, this is visible also in the diplomacy of Pandit and Mehta, who preferred either to be silent about caste completely or invite attention to issues such as dowry which were violences that concerned upper caste women significantly. Ironically, in the same way, even as Dalit emancipatory movements such as the Dalit Panthers rejected the pedestalling of savarna lived realities, its muscle was exclusively dedicated to universalising the Dalit *male* as the suited subject of agency.¹⁶⁵ In both cases, the effect was that Dalit women were relegated to the figure of the victimised sexualised being with too weak a case to be considered for emancipation.¹⁶⁶ One look at the caste locations of the female delegates explains then why more radical political voices such as Savitribai Phule, Sabriti Devi, and Putalimaya Devi were not given access to diplomatic roles.¹⁶⁷ Savarna feminism worked hard to shroud the violence that brought these savarna voices to the fore and pushed Dalit voices further to the back. This is made possible by the systematic hiring of savarna women in civil services, diplomacy, media, police, and legislature at all levels.¹⁶⁸ As Kowtal notes, savarna feminism engages in a problematic strategy of branding Dalit women as loud and 'undiplomatic',¹⁶⁹ by juxtaposing Dalit anger with the polish and fluency and removed-ness of savarna women. Dalit womxn This juxtaposition is plainly casteist. It bears great resemblance to the angry Black woman stereotype, which rests on a racist framing of aggressive encounters to deflect attention from the aggressor and to project blame onto the oppressed.¹⁷⁰

5. Discursive and legal manifestations of cosmopolitanism

The caste locations of the delegates, as the previous section shows, was intended to advance a particular kind of cosmopolitanism that would allow India to at once advocate for racial equality while preventing scrutiny of caste. This was made possible through the combination of four normative and discursive strategies: the strategy of internalisation, legal discretion, assimilation, and mirroring.

The first is the move to separate what is international from what is local.¹⁷¹ In its rally for national liberation, each colony – given its experience with colonialism – was interested in preserving its own unquestionable authority as a new sovereign by limiting the preserve of the international.

This is why India chose to platform race instead of caste.¹⁷² It was the first issue that India ever took to the UN.¹⁷³ Race carried a strategic analytical currency. For one, by lending its weight to the proscription of racial discrimination, India was able to affix attention to the ills of colonialism, a process India

¹⁶² Dhanaraj 2018; Arya 2020.

¹⁶³ Dhanaraj 2018.

¹⁶⁴ Rege 2013.

¹⁶⁵ Rege 1998.

¹⁶⁶ *Id.*

¹⁶⁷ Tamang 2022; Sharma 2020.

¹⁶⁸ Arya 2020.

¹⁶⁹ Kowtal 2019.

¹⁷⁰ Jones and Norwood 2017.

¹⁷¹ Flaherty 2005.

¹⁷² Thornberry 2005, 240.

¹⁷³ Thakur 2017, 402.

claimed to be a prime victim of.¹⁷⁴ In so doing, India was able to place both colonialism and racism firmly within the territory of the international and *outside* of the national or internal sphere.¹⁷⁵ During the negotiations of the ICERD, Lady Gaitskell (the delegate of the United Kingdom) was amongst the first to lay this strategy bare when she commented: “to judge from the [Third] Committee’s discussions, the world suffered greatly from racial discrimination, but no particular country seemed to have it.”¹⁷⁶

The decision to foreground race heralded two corollaries. The first was an intended neglect of caste. Records of exchanges between the Indian delegations and the national leaders at the time reveal that Indian diplomats were expressly instructed not to raise the issue of raging casteist violence within the country, out of the fear that it would poke holes in India’s normatively tight racial equality campaign. Hansa Mehta briefly mooted special legal protection of racial and national minorities in her contributions to the discussions at the Commission of Human Rights. Recognizing the emancipatory potential of human rights law, Mehta eagerly nudged the Commission to depart from State-centric readings of international law. She was keen for the Commission to define who constituted a minority and the list of legal and administrative measures taken by each State that would constitute a contravention of minority rights.¹⁷⁷ She even wrote to the Indian government and tried to coax it to lend its weight to the issue, in a show of moral responsibility similar to India’s stance on racial equality at the UN.¹⁷⁸ However, Mehta was promptly told off by Nehru, the Prime Minister at the time who feared that Mehta’s rallying for special treatment for certain minorities could be read to extend to caste minorities within the State as well.¹⁷⁹ In a correspondence from 1947, Nehru wrote to Mehta:

“It seems to me that the Human Rights Commission should deal with the subject in its broadest aspects and not consider particular cases. We must take our stand on the equality of opportunity for all peoples and racesThe question of nationality is a difficult one, more especially in countries which have so far belonged to the British Empire or Commonwealth Nations. I do not suppose that we need to go into this question at the Human Rights Commission.”¹⁸⁰

Second, by focussing on race, the far and few references to caste were confined to the register of comparison. For instance, Wilkerson describes racism as a form of caste oppression. Suraj Yengde tracks a longer history of the race-as-caste discourse in the United States. In this limited iteration, the violence of caste could not be scrutinised. This created a free license to use caste in diplomacy – as a way to explain the interrelationships between South Asian States¹⁸¹ or the evolution of the international liberal legal order itself¹⁸² – without inheriting the burden or accountability for the epistemic injuries such comparative discourse inflicted on the caste-oppressed.

By the late 1990s, India devised a new strategy to respond to the increasing pressures by international legal bodies to declare caste-discrimination unlawful: invoking its sovereign discretion in the ratification of international legal obligations to suggest that it could not be compelled to proscribe caste-discrimination. During the ICERD negotiations, both the Indian delegates took every opportunity to clarify that the Scheduled Castes and Scheduled Tribes were not ‘under-privileged’ because India had

¹⁷⁴ Katju 2009.

¹⁷⁵ Id.

¹⁷⁶ Gaitskell 1965, para. 61.

¹⁷⁷ Mehta 1947.

¹⁷⁸ Mehta 1947.

¹⁷⁹ Rathore 2021, 45.

¹⁸⁰ Bajpai letter 1947.

¹⁸¹ Gupta 1990.

¹⁸² Vivekananda 1989.

outlawed caste discrimination and because they enjoyed equality before the law.¹⁸³ As Keane argues, these statements were intended to convey that ‘India had already completed the process envisioned in Article 2, and was indeed justifiably holding its system up.’¹⁸⁴ As the question of caste-discrimination became more closely attached to the realisation of economic and social equality, India often used its sovereign discretion in the matter of resource allotments to keep its treatment of caste out of bounds, a classic move that makes use of international law’s inherent deference to State sovereignty. For instance, at the ICERD, Pant from the Indian delegation nodded in favour of the ‘latitude’ vested in States in designing measures to tackle racial discrimination.¹⁸⁵ India argued for economic goals to be read as indivisible from civil and political rights and stressed on the standard of progressive realization of rights, a reading which creates sufficient room for State discretion.¹⁸⁶ As such, India’s response was to seek more appreciation from the international community of ‘the wider circumstantial contexts of each state will invariably impact on the State’s capacity, opportunity and willingness to deliver what is demanded of it’.¹⁸⁷

The third strategy to support India’s complicated position on caste was that of assimilation. India’s bid to achieve dominion equality in the early 20th century was predicated on the claim that an otherwise vastly disparate union of peoples and polities were seeking independence from colonial rule in one voice.¹⁸⁸ Constructing this homogenous, unified political claim came at the cost of internal fissures. The divisions between British India and the Princely States were rising; communal tensions and claims for linguistic enclaves were flaring.¹⁸⁹ However, these fissures within India were suppressed till external equality was achieved. In fact, Vijayalakshmi Pandit, in a speech she gave in Virginia in 1945, remarked that ‘we cannot think in terms of national issues; that has been disastrous in the past. In the future we need a wider vision, think of international rather than national issues’.¹⁹⁰ In 1952 already, Vijayalakshmi Pandit was congratulated by Eleanor Roosevelt for India’s ‘curing’ of the caste system through legislation.¹⁹¹ This praise was lapped up unapologetically and uncritically by Pandit, who was steadfast not to invite attention to internal fissures, in which caste was a big component. During her stint at the Commission of Human Rights, Nehru even wrote to Hansa Mehta reminding her that India has only “one nationality”. Nehru was conscious of the difficulties posed to single nationality and citizenship, given the troubles brewing in Ceylon and East Africa.¹⁹² Mehta – too – was aware of the difficulties to enforcing nationality and citizenship within India’s contested borders and with enforcing India’s obligations towards its diasporic communities. Yet, she uses the unified plural ‘we’, in a move to erase the heterogeneities that marks nationality/citizenship claims.¹⁹³ This assimilationist refrain runs through the drafting history of the ICCPR as well. Case in point is Article 27 of the International Covenant on Civil and Political Rights 1966 (ICCPR) which recognises the right of persons belonging to ethnic, religious or linguistic minorities, in community with members of their own group, to enjoy their own culture, profess and practice their own religion and to use their own language. Together with Ghana, Cameroon, and Liberia, India was one of the few countries that resisted the granting of rights to ethnic minorities, choosing a more assimilated state instead.¹⁹⁴ The ICERD drafting history also shows that

¹⁸³ UN Doc. A/C.3/SR.1301, para. 20.

¹⁸⁴ Keane 2005, 93-116.

¹⁸⁵ UN Doc. A/C.3/SR.1308, para. 7.

¹⁸⁶ CESCR 2008, paras. 9-11.

¹⁸⁷ Saul et. al. 2014, 156.

¹⁸⁸ Thakur 2023.

¹⁸⁹ Natarajan 2022.

¹⁹⁰ Institute of Pacific Relations 1945.

¹⁹¹ Radio interview 1952.

¹⁹² Bajpai 1947.

¹⁹³ Mehta 1947.

¹⁹⁴ Bossuyt 1987, 105; Third Committee 1961.

the Indian delegation worked hard to portray India as a well-assimilated diverse nation. Saksena, from the Indian delegation to the ICERD, notably said ‘the Indian people were partisans of racial and religious harmony and India itself had traditionally been a *melting pot* of human beings of almost every race (**emphasis added**).’¹⁹⁵ Even when Saksena acknowledged that certain sections of the population are downtrodden because of their caste status, he clarifies that they share the *same* racial and ethnic identity, reminding the Committee that the Indian peoples are more similar than different.¹⁹⁶

Finally, India appears to have employed a strategy of mirroring by heavily borrowing European vocabularies and grammars to describe its internal social processes. In a rare admission, ambassador TN Kaul even admits that Indian diplomats ‘were apt to copy the British and adopt their methods and manners for want of any other experience’, a tactic which was ‘useful in some countries but a handicap in others’.¹⁹⁷ The irony is that the Indian delegation introduced descent as a ground of discrimination in the **ICERD in 1964**.¹⁹⁸ Descent also mention in the Indian constitution as a proscribed ground of discrimination, prompted by the suggestion of Raj Bahadur during the Constituent Assembly Debate in 1948.¹⁹⁹ **But the readings of descent were always trapped in colonial, often eurocentric markers. The term first appeared in the Charter Act 1833 as a prohibited ground of discrimination in employment with the East India Company: ‘[N]o Native of the said Territories, nor any natural-born Subject of his majesty resident therein, shall, by reason only of his Religion, Place of Birth, Descent, Colour, or any of them, be disabled from holding any Place, Office, or Employment under the said Company.’**²⁰⁰ The term reappears in later legislations which define an Anglo-Indian as ‘a person whose father or any of whose other progenitors in the male line is or was of European descent but who is domiciled within the territory of India and is or was born within such territory of parents habitually resident herein and not established there for temporary purposes only’.²⁰¹ **India never made any attempt to contextualise descent in its own social, religious, and cultural terms. This inclination to absorb eurocentric grammars becomes evident in India’s proposed delineations of race and caste as well.** At the World Conference against Racism in 2001, India notoriously relied on sociologist Beteille’s conventional reading of race as a *biological* concept, despite its overwhelming rejection, in order to distinguish it from caste.²⁰² Similarly, in its 1996 report of the Indian delegation to the CERD, India defined caste as a ‘‘social’ and ‘class’ distinction and is not based on race. It has its origins in the functional division of Indian society during ancient times.’²⁰³ This definition of caste does not acknowledge its religious roots, its cultural uniqueness, or its hereditary linkages.²⁰⁴ It is no surprise then that when international legal bodies like the CERD finally opened their eyes to the malice of caste discrimination, they were unable to free it of its originary epistemic bondages to eurocentrism. As Bajoria argues, despite the CERD’s eventual acknowledgement that caste discrimination was a form of descent-based discrimination and had a deeply structural character, the Committee was unable to come to terms with the **fact that a religious**

¹⁹⁵ UN Doc. A/C.3/SR.1374, 15 December 1965, para. 23.

¹⁹⁶ UN Doc. A/C.3/SR. 1306, 15 October 1965, para. 25.

¹⁹⁷ Kaul 1965.

¹⁹⁸ UN Declaration on the Elimination of All Forms of Racial Discrimination, Y.U.N. (1964), 346. The Indian delegate Pant clarified that the broad definition of racial discrimination to include discrimination on grounds of descent was intended to allay concerns over the use of the term ‘national origin’.

¹⁹⁹ CAD 1948, 664.

²⁰⁰ Charter Act 1833, S. 87.

²⁰¹ Government of India Act, 1935 Part XII S. 298; Constitution of India, Article 366.

²⁰² Beteille 1991, 15-36; Abdullah 2001.

²⁰³ India – State Report (1996), para. 6.

²⁰⁴ Bajoria 2025.

relic like caste could be entrenched in such a magnitude of violence, an inability attributed to the brahminical religious baggage that ‘caste’ as a concept has historically been trapped in.²⁰⁵

6. Conclusion

In the face of the increasing pressure to decolonise academic disciplines, we see an easy propensity towards an uncritical acceptance of postcolonial imaginaries. However, in the bid to recognise postcolonial imaginaries, the internalised colonialities within postcolonial hegemons often goes unnoticed. Anti-caste scholars point out that caste is a recurring blind spot in this kind of pedestalisation of the postcolonial. In the rare occasions when caste is frontally addressed, it remains couched in a eurocentric register. **This article applies this critical lens to** the otherwise sanitised caste-conscious debate concerning the proscription of caste-based discrimination in international law. Tracing steps back from 1996 where the Indian State collided with the CERD on the issue, this article finds that India’s position in 1996 was the culmination of a decades-long brahminical campaign of cosmopolitan diplomacy that was first forged in the making of the twin Covenants. India’s vision of brahminism, this article argues, has conventionally been embodied by the figure of the cosmopolitan Indian diplomat. This article departs from the firm pattern of neglecting the diplomat in international legal scholarship by juxtaposing caste histories of India’s UN delegates with the discursive and legal positions they advanced at the UN. This exercise in juxtaposition yields a familiar answer: that the postcolonial cosmopolitan narrative has always carried forward the same eurocentric logics such as internalisation and assimilation that it had previously faulted colonisers for. **In this continuing coloniality lies the lasting success of the brahminical project.** The hope is that by excavating this story of brahminism out of its shadows, this article will contribute to a more fruitful discussion about how brahminism is much more global process of domination of thought than the local story we’ve been told thus far.

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