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COMMISSION ON HUMAN RIGHTS
Thirty-sixth session

IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE
SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID

Reports submitted by States Parties under
article VII of the Convention

Addendum

INDIA

[14 January 1980]

1. A Bill entitled "The Anti-Apartheid (United Nations Convention) Bill, 1978" seeking to implement the International Convention on the Suppression and Punishment of the Crime of Apartheid was introduced in the Lok Sabha on 23 November 1978 but could not be considered due to busy schedule of the Lok Sabha. The Bill gives effect to the Convention, in particular to article 2 and article 3 thereof which respectively define the crime of apartheid and apply international criminal responsibility, irrespective of the motives involved, to individuals, members of organizations, institutions, etc. who commit the said crime. The Bill is likely to be considered when the Parliament is reconstituted and convened after the General Elections to be held in January 1980. However, under the Indian Constitution itself there are provisions prohibiting discrimination on grounds of race vide article 14 read with articles 15 and 16 the texts of which are as follows:

"14. The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

15. (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 disability, liability, restriction or condition with regard to:

(a) access to shops, public restaurants, hotels and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public.

(3) Nothing in this article shall prevent the State from making any special provision for women and children.

(4) Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.

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

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

(3) Nothing in this article shall prevent Parliament from making any law prescribing in regard to a class or classes of employment or appointment to an office under the Government of, or any local or other authority within, a State or Union Territory, any requirement as to residence within that State or Union Territory prior to such employment or appointment.

(4) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class or citizens which, in the opinion of the State, is not adequately represented in the services under the State.

(5) Nothing in this article shall affect the operation of any law which provides that the incumbent of an office in connexion with the affairs of any religious or denominational institution or any member of the governing body thereof shall be a person professing a particular religion or belonging to a particular denomination."

2. India has not only complied with all the United Nations resolutions regarding apartheid, it was the first country to raise the issue in the United Nations. Well before India became independent Mahatma Gandhi reacted strongly against policies of racial discrimination practised in South Africa and waged one of the most significant struggles in history - the non-violent resistance movement - for asserting human equality and dignity. Long before the Charter of the United Nations was framed, he led the non-violent movement to reaffirm faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of man.

3. In 1945 at the San Francisco Conference, where the United Nations was born, the Indian delegation raised the question of treatment of Indians in South Africa. We argued that such matters should not be excluded from the purview of the United Nations on the ground that they involved "domestic jurisdiction".

4. The Government of India raised the question of treatment of Indians in South Africa at the second part of the first session of the United Nations in 1946. Emphasizing the gravity of the problem, the leader of the Indian delegation said: "The bitter memories of racial doctrine in the practice of States and governments are still fresh in the minds of all of us. Their evil and tragic consequences are part of the problems with which we are called upon to deal." The Indian delegation also moved a resolution to the effect that "it is in the higher interest of humanity to put an immediate end to racial discrimination and persecution". Subsequently, at the seventh session of the General Assembly in 1952, India, along with 12 other Member States of the United Nations, raised the general question of "race conflict in South Africa resulting from the policies of apartheid of the Government of the Union of South Africa". In 1962, largely as a result of the efforts of India and like-minded countries, a Special Committee against Apartheid

was established in the United Nations. Since then, India has always supported and generally co-sponsored resolutions condemning the racist policies of South Africa. India has called for a mandatory embargo on supply of arms and related equipment to South Africa. The policy of Bantustans adopted by South Africa in order to separate its black population into Indian African units was denounced as continuation of the apartheid policy. India refused to recognize such a State.

5. India was the first country to take diplomatic and economic sanctions against the South African Government. In 1946, she recalled her High Commissioner in the Union of South Africa and banned trade with the country. In 1954, the Indian Mission was withdrawn. India has fully implemented United Nations resolutions on apartheid. The boycott of South Africa in all fields, including sports has been maintained. India does not trade with South Africa at all, even though it costs her millions of rupees in foreign exchange.

6. Our late Prime Minister, Pt. Jawaharlal Nehru described apartheid as "a policy with which obviously no person and no country which believes in the United Nations Charter can ever compromise". His persistent struggle against apartheid was recognized by the United Nations when in 1978 the United Nations Special Committee against Apartheid included his name among the seven persons who were awarded the first series of gold medals awarded to persons who have "contributed significantly to the international campaign against apartheid".

7. India continues to condemn the policy of apartheid and reiterated its total commitment to fight against apartheid at the World Conference for Action against Apartheid held in Lagos in 1977. India was an active participant in the discussion in the thirty-second session of the United Nations General Assembly adopting a resolution to commemorate the period March 1978 to March 1979 as the United Nations International Anti-Apartheid Year. The Government of India decided to organize a nation-wide major programme of activities to focus public attention on the problem of apartheid. A national committee was established which organized conferences, seminars, film shows, a travelling exhibition of photographs, public rallies and essay competitions. Extensive radio and TV coverage was given to its activities at different places and a number of brochures were brought out.

8. The following brochures were widely circulated:

- (1) Solidarity with the struggle for the freedom in South Africa - Tribute to India, by the United Nations Centre against Apartheid.
- (2) Programme of action against apartheid adopted on 9 November 1976 by the thirty-first session of the General Assembly. Published by the Ministry of External Affairs in co-operation with the United Nations Centre against Apartheid.
- (3) "Homage to Nelson Mandela" by Indian Council of Cultural Relations.
- (4) "Apartheid and racial discrimination" by Shanti Sadiq Ali.
- (5) "Economic and Cultural Exploitation of the Blacks in South Africa" by Shanti Sadiq Ali.
- (6) "Freedom, Justice and Dignity for all in South Africa" by Nelson Mandela.
- (7) "Basic facts on the Republic of South Africa and the policy of apartheid" by Julien R. Friedman.

9. The Director-General of All India Radio organized the following programmes in 1978:

(1) Talks/discussion	68
(2) Dialogue/compèring	4
(3) Stories	2
(4) Announcement	1
(5) Poems/songs	2
(6) Play/family serial	3
(7) Features/documentary	12
(8) Symposium	1
(9) Radio reports	12
(10) Miscellaneous	20
Total	<u>125</u>

10. The Films Division released two news-reels (No.1542 and 1564) containing items relating to apartheid. Besides this, as and when the occasion arises, speeches and statements, etc. of our delegates at various international conferences are given wide press publicity in the country.

11. A list showing details of programmes telecast on publicity against apartheid by the various TV Centres is annexed.

12. At the recent thirty-fourth session of the United Nations General Assembly the Foreign Minister of India, Mr. S.N. Mishra, reiterating our policy, stated as follows:

"Another problem that threatens civilized existence is the criminal combination of racist policies and colonial ambition that adds up to apartheid. A minority régime continues to violate openly and flagrantly the resolutions, decisions and sanctions of the United Nations and to subject the majority of the South African people to extreme forms of degradation, repression and torture. This situation is a reflection of the barrenness of our ritualistic reiteration of opposition to apartheid without our being able to ensure effective and comprehensive action against it. We have to mobilize the entire world community, without exception, if the opposition to this outrage is to be credible and effective. We should like to reaffirm our continued support for the measures to implement mandatory economic sanctions against South Africa. We also reiterate strongly our opposition to the economic and military collaboration - including nuclear collaboration - between certain Western countries and other States with South Africa."

AnnexA list showing details of programmes telecast on publicity against apartheid by various Doordarshan Kendras

- DOORDARSHAN KENDRA SRINAGAR 4.6.77 Development in Rhodesia
2.11.77 Rhodesia situation - A review
22.11.78 Recent development in Rhodesia
- DOORDARSHAN KENDRA MADRAS 20.11.78 Programme: Current Affairs in English; duration 15 minutes. India's role in the fight against apartheid - discussion. Participants: Dr. Malcolm Adiseshiah, Shri Ashok Mehta and Smt. Shanti Sadiq Ali
- 17.3.79 Anti-Apartheid Committee meeting covered in the English and Tamil news bulletins for a duration of 36 seconds
- DOORDARSHAN KENDRA CALCUTTA News items highlighting the struggle against apartheid are being included in our news bulletins. Besides, a special committee in connexion with the International Anti-Apartheid Year has been constituted at the state level. This Kendra is in touch with the committee and a number of programmes on the struggle against apartheid are being telecast from this Kendra.
- DOORDARSHAN KENDRA BOMBAY 2.10.78 Vaishnav Jan - A picture story on life and works of Mahatma Gandhi; also reference to the struggle in South Africa against apartheid
- 8.10.78 New Coverage Exhibition on life under apartheid arranged by Indian Council of Cultural Relations
- 3.11.78 News Coverage of Citizen Committee Meeting Anti-Apartheid
- 10.12.78 "Amhasa Amhi Punch Pahau" (Programme on Dignity of Human Being) - discussion. Participants: Shri Y.D. Phadke, Shri Gangadhar Pantawane, Shri P.B. Salunke and Shri Yadunath Thatee
- 29.1.79 A feature on the theme of universal brotherhood
- 1.2.79 Discussion - Participants: Prof. Ram Joshi (Vice-Chancellor of Bombay University), Smt. Mrinal Gore, M.P., Shri S.S. Varde and Dr. Mrs. Priyade Desai
- 13.2.79 Aapo Jawab: Quiz programme in Gujarati including subjects related to apartheid like Gandhiji's Mission in South Africa, Dr. Martin Luther King, etc.
- 3.3.79 Birth of Sathyagraha - Film released by Gandhi Smarak Nidhi, Maharashtra. (Episode from Gandhiji's life - Anti-Apartheid Movement)

DOORDARSHAN KENDRA

DELHI

- 1.5.78 Foreign Minister Shri Vajpayee speaks to TV News on his return to New Delhi after attending the United Nations General Assembly session on Namibia.
- 3.5.78 United Nations General Assembly has approved a draft declaration and programme of action supporting self-determination and national independence of Namibia.
- 21.5.78 President is having talks in Washington, D.C., with President Carter on the situation in South Africa.
- 24.5.78 The All India Peace and Solidarity Organization organized a public meeting in the capital today to mark the fifteenth anniversary of the Organization of African Unity. United Nations to wipe out the last signs of colonialism, exploitation and apartheid from the African continent.
- 1.6.78 SWAPO says that the forces of the Pretoria régime have killed more than 800 people in SWAPO camps in Angola last month.
- 21.6.78 The United Nations Council for Namibia has protested against South Africa's unilateral decision to draw up a voters' register in the Namibia territory.
- 13.7.78 SWAPO reported to have agreed to a Western Plan for Independence of Namibia before the end of the year.
- 16.7.78 Ministerial Conference of the Organization of African Unity has condemned the presence of foreign military bases in South Africa.
- 19.7.78 The Summit leaders of the Organization of African Unity have spoken of the increasing threat of super-Power involvement in South Africa.
- 22.7.78 The Summit Meeting of the Organization of African Unity in Khartoum ended today.
- 23.7.78 At the Summit Meeting of the Organization of African Unity at Khartoum the African States decide to strengthen non-alignment for the promotion of African cause.
- In Tanzania, the sixtieth birthday of African nationalist leader Nelson Mandela, who is in gaol in South Africa has been commemorated with a mass rally held at University of Dar-es-Salaam.
- 29.7.78 A chapter on human rights to be included in the Non-Aligned Conference Declaration.
- 28.7.78 The Security Council has approved a Western proposal for the independence of Namibia.
- 10.8.78 Minister of State for External Affairs Sh. Samarendra Kundu speaks to TV News on the eve of his departure to Geneva to attend the United Nations Conference on Racial Discrimination.

- 26.8.78 The United Nations Conference against Racial Discrimination has ended in Geneva today.
- 23.8.78 Meeting of First National Committee for International Anti-Apartheid.
- 13.9.78 The Chief Representative of the African National Congress of South Africa, Mr. K. Moonswamy, briefed the press, on the coming International Congress against Apartheid.
- 17.9.78 The white minority Smith régime in Rhodesia has announced plans to conscript the local African population into its armed forces.
- 20.9.78 South Africa has announced that it is unilaterally calling an election in Namibia ignoring the United Nations Plan for its independence.
- 24.9.78 A report drawn up by a British lawyer at the request of the Foreign Office in London has revealed that at least two major oil companies had been violating sanctions against Rhodesia.
- 26.9.78 West African countries have shown keen interest to develop greater co-operation with India. The Minister of State for External Affairs, Mr. Samarendra Kundu, has just returned after a visit to Ethiopia, Kenya, Zaire, Ghana, Liberia and Senegal.
- 28.9.78 A five-day international conference for the Liberation of South Africa and against Apartheid opened in New Delhi today with a forthright warning by the President Mr. Sanjiva Reddy against racial discrimination.
- 30.9.78 The United Nations Security Council has adopted a resolution providing for a United Nations force of 7,500 men to supervise the elections in Namibia.
- 6.10.78 In a press conference in New Delhi today External Affairs Minister Sh. Vajpayee referred to the developments in South Africa.
- 11.10.78 In New York earlier this month, Foreign Ministers of the Non-Aligned Movement admit the SWAPO to full membership of the Movement.
- 19.10.78 Rhodesian forces have carried out raids deep inside Zambia, north of the capital, Lusaka.
- 2.10.78 Press conference by African National Congress of South Africa.
- 23.10.78 India has expressed distress at the blatant use of aggression by the Rhodesian forces and their air strikes at a number of ZAPU camps in Zambia.
- 25.10.78 Rhodesian raids: Joshua Nkomo declares his Patriotic Front will take Rhodesia by force.
- 26.10.78 The African countries at the United Nations have formally asked for an emergency meeting of the Security Council on Namibia.

- 29.10.78 The minority Prime Minister of Rhodesia, Mr. Ian Smith, says that the transfer of power to a majority government will not be possible by the end of this year.
- 17.11.78 The United Nations Special Committee on Apartheid has called for a world-wide campaign by governments and the public against the inhuman and criminal racial segregation policy of South Africa.
- 16.11.78 The United Nations Security Council adopts the resolution asking the Secretary-General, Dr. Waldheim, to give a report on Namibia.
- 11.11.78 In Rhodesia, more than half the country has been placed under martial law by the illegal white minority régime of Mr. Ian Smith.
In a joint communiqué in Belgrade, Yugoslavia and Sri Lanka have expressed concern over the latest developments in southern Africa.
- 9.11.78 Britain will continue its economic sanctions against Rhodesia for another year.
- 5.11.78 In Namibia, there were angry demonstrations by the people against the visit of South African Foreign Minister, Mr. Pik Botha, to the country's capital, Windhoek.
- 4.11.78 India has condemned the raids conducted by Rhodesia's minority Smith régime against Zambia and Mozambique.
- 3.11.78 Troops of the Ian Smith régime have again attacked a nationalist camp in Zambia. United States of America and Britain have condemned the Rhodesia air raids.
- 18.7.78 Free Namibia (United Nations film).
- 25.8.78 Namibia (United Nations film)
- 15.1.79 "Man with a Mission" - Tribute to Martin Luther King (on the fiftieth anniversary of his birth)
- 20.3.79 Aaj Kal: "Rang Bhad Niti". Participants: H.S. Ghabra, Dr.S.C. Saxena. The programme also included a statement of Mr. A.B. Vajpayee, Minister for External Affairs.
- 30.3.79 Week-End Review: "The Anti-Apartheid Struggle". Narinder Pal Singh interviews two South Africans.