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COMMISSION ON HUMAN RIGHTS  
Seventh session  
Item 3 of the provisional agenda

OBSERVATIONS OF GOVERNMENTS OF MEMBER STATES ON THE DRAFT INTERNATIONAL  
COVENANT ON HUMAN RIGHTS AND MEASURES OF IMPLEMENTATION, AS DRAFTED  
AT THE SIXTH SESSION OF THE COMMISSION ON HUMAN RIGHTS, RECEIVED  
BY THE SECRETARY-GENERAL UNDER GENERAL ASSEMBLY RESOLUTION  
421 E (V) AND ECONOMIC AND SOCIAL COUNCIL RESOLUTION  
303 I (XI)

15. India

(Note dated 21 February 1951 from the Minister for  
External Affairs of the Government of India)

The Minister for External Affairs presents his compliments to the Secretary-  
General of the United Nations and with reference to his note No.317/1/01(1), dated  
12 January 1951, has the honour to forward herewith a note containing the views of  
the Government of India on the draft International Covenant on Human Rights.

VIEWS OF THE GOVERNMENT OF INDIA ON THE DRAFT  
INTERNATIONAL COVENANT ON HUMAN RIGHTS

The General Assembly at its fifth session considered all the aspects of the Draft Covenant on Human Rights in the light of the decisions and discussions made at the 6th session of the Human Rights Commission and the 11th session of the Economic and Social Council and adopted resolutions on the subject, which are contained in the documents A/1620 and A/1622. The views of the Government of India, in general, on the relevant resolutions are given, seriatim, as under:

FUTURE WORK OF THE COMMISSION ON HUMAN RIGHTS  
(Document A/1620)

(a) General work concerning the Covenant

No specific views.

(b) Adequacy of the first eighteen articles of the Covenant

The Government of India are of the opinion that articles are inadequate and need modifications at places to achieve greatest common measure of agreement. The Government of India have no comments to offer on article 13 of the draft Covenant. With regard to article 14, although the Committee set up by the General Assembly (V) are at present charged with the responsibility of drafting a convention on freedom of information, it is felt that the principles on freedom of information set out in article 14 are in order and should not be altered. The existence of the phrase 'public order' in paragraph 3 of article 14 is also necessary.

The Government of India have no other comments to offer.

(c) Question of a federal state article

The Government of India are of the view that provision should exist in the Covenant for federal state article and support the text proposed by the Indian representative on the Human Rights Commission (page 57 of document E/1681). The application of federal clause may in theory imply that more than half the world's population will escape obligations of the Covenant, but without such provision, the same number of people may not accept the Covenant at all. The people in federations such as the United States, India, the Soviet Union are all free to decide for themselves and while it is necessary for the central governments to do all in their power to make the Covenant uniformly applicable in their territories, there is no reason to force it on them against their declared wishes.

/(d) Ways and means

(d) Ways and means to ensure the right of peoples and nations to self-determination

The Government of India are of the view that provision should exist in the Covenant to include the right of self-determination.

(e) Inclusion of economic, social and cultural rights in the Covenant

The Government of India are of the view that the social, economic and cultural rights should not be included in the present Covenant which includes only political and civil rights. It is because financially weak countries where these rights are not justiciable will not be in a position to implement them. It is preferable therefore, to have a separate Covenant or Covenants for the inclusion of the rights other than political and civil. The economic and social rights are not, however, of less importance than the civil and political ones, but the fight for the latter began centuries before and it is logical that something should be achieved right now in political field in preference to the economic and social fields. The Government of India have no other comments to offer.

(f) Question of implementation

The Government of India are of the view that some of the articles on implementation need modification. As regards the right of petition, the Government of India are of the opinion that the right of petition in cases of violation of human rights should be thrown open to individuals and non-governmental organizations.

The Government of India have no other comments to offer.

Territorial application clauses (Document A/1622)

The Government of India are in agreement with the General Assembly's resolution on the subject.

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