### [Shri V. S. Vijayaraghavan]

Hence, I would request the Government to clear this project as early as possible.

#### 4.50 hrs.

ANTI-APARTHEID (UNIED NA-TIONS CONVENTION) BILL-Contd.

MR. DEPUTY-SPEAKER: The House will now take up further consideration of the following motion moved by Shri P. V. Narsimha Rao on the 27th August, 1981, namely:--

"That the Bill to give effect to the International Convention on the Suppression and Punishment of the Crime of Apartheid, be taken into Consideration."

Shri Ananda Pathak to continue his speech.

SHRI ANANDA PATAK (Darjeeling); Mr. Deputy-Speaker, Sir, on that day, I was explaining how Apartheid was being practised in South Africa in its crudest form and also the condition and situation under which Apartheid gets its breeding ground.

Sir, it gets its breeding ground in the ever-recurring crisis in the capitalist mode of production and feudal land relations.

So, when we are going to adopt such an important piece of legislation here, let us be cautious that we may have to face opposition and obstacles in implementing the letter and spirit of the Bill in our country from that very class of big bourgeoise, monopolists, multi-nationals, landlords and other exploiting classes who are mercilessly exploiting our people, squeezing their blood perpetrating their inhuman crimes against the working class, agricultural labourers, poor peasants, Harijans, tribals and other toiling masses and suppressing their fundamental rights and creating condition for authoritarianism in our country.

Sir, let us also be aware of these imperialist powers who are encouraging dintegration of our country by helping and supporting secessionist forces, threatening independence of our country by encircling it on various pretexts, setting up their military bases in Diego Garcia and the Indian Ocean and arming Pakistan with most sophisticated modern weapons and let us not forget that these very powers are adding, abetting and encouraging racist white minority rulers in South Africa to perpertrate the policy of ap-

Sir, the imperialist power is not only helping the racist ruler of South Africa to perpetrate the policy Apartheid, but as we see now, are also bent upon resubjugating the Angolan and other African people by committing invasion with terrible brutalities and barbarity over sovereign Angola.

Let us condemn this barbarous attack on the Angolan people in the strongest term and demand immediate and unconditional withdrawal of South Africa troops from Angola.

Sir, let us also express our sol darity with the National Eiberation Movement of African People who are valiantly fighting against the racist white rulers of South Africa and liberating themselves one after another from the yoke of colonial subjugation.

Let us congratulate the people of Portuguese Zimbabwe, Angola, Mozambique and other places who, through their death defying courageous struggle, are achieving victory after victory and are still continuing their struggle against the imperialist and racist and fascist rulers for their total liquidation.

Sir, let us also extend our unequivecal support to the National Liberation . Movement of Asia and Latin America, besides Africa and thus prove sincerity and honesty in ensuring the ending of last vestiges of colonialism and all sorts of exploitation and tyranical rule of imperialism wherever and in whatever form it exists. This would only be a guarantee to end the policy

of Apartheid throughout the world wherever it exists.

Before I conclude, I would like to say that the issue on the agenda is of a vital nature, and there may not be any opposition from any side of the House. But I regret to say that such an important issue was held up for eight long years since the General Assembly of the United Nations adopted an international convention on the suppression of and punishment for crime of apartheid as far back as on the 30th November 1973. If you were sincere and serious enough, you would have brought in this Bill long ago. However, though late, we concur in this Bill; and I hope that you will be sincere and serious in implementing it. With these words, I conclude, and thank

थी हरीश चन्द्र सिंह रावत (ग्रल्मोड़ा) : उपाध्यक्ष महोदय, देर से ही सही, यह विश्वेयक इस सदन में भाया है, यह संतोष का विषय है। रंग भेद मानवता के बिरुद्ध है और एक गंभीर समस्या है। इस अपराध के प्रति हम भारत के नोगों का बाकोश और उन की भावनाएं स विदित हैं। मंत्री महोदय ने इस विधेयक को प्रस्तुत करते हुए जो भावना व्यक्त की है कि सारा भारत भीर इस सदन के दोनों पक्ष इस विधेयक की मूल भावना के साथ हैं, वह वास्तव में सत्य है। वह हमारे देश के महात्मा गांधी थे, जिन्हींने दक्षिण धफीका में सबसे पहले रंग भेद के खिलाफ म्रावाज उठाई । वहां पर पहले भारतीयों के खिलाफ जो भैदभाव था। उसके विरुद्ध उन्होंने ग्रावाज उठाई । लेकिन कालांतर में महात्मा गांधी का वह संघर्ष सारी मानवता का संवर्ष बन गया गया है । मंतर्राष्ट्रीय जगत में जो ताकतें प्रपने तुच्छ स्वाधीं की पृति के लिए दक्षिण बफ़ीका बीर उसकी रंग भेद की नीति की बढ़ावा दे रही हैं, उन्हें समझना चाहिए कि वे मानवता के प्रति एक बहुत बड़ा अपराध कर रही हैं। उनके गुच्छ स्वार्व बाहे उनको कुछ

भी बतात हो, लेकिन वे मानवता की पूकार को अधिक समय तक अनसूनी नहीं कर सकते।

हन भारत के लोगों को इतमें कोई शंक्षा नहीं है कि रंगकेर के खिलाफ दक्षिण क्रफीन्य की जनता का जो संघर्ष है, वह चाहे कितना भी लंबा और कंडिन क्यों न हो, लेकिन ग्रंत में निश्चित तौर पर विजय प्रकोश की जनता की होगी। हनारी सरकार ने जिस तरह दक्षिण धर्फीका की राष्ट्रवादी ताकतों को समर्थन दिया है, वह स्वागत योग्य है। स्वापो के नेता, नेश्वन मेन्डेला, को नेहरू पुरस्कार देने से अमोना का राष्ट्रवादी तानतों का मोराल बढ़ा, उनको शक्ति मिली । विदेश मंत्री जो से मेरी प्रार्थना है कि भारत के न केवल मौखिन-मारल-प्रपोर्ट देनी चाहिए बल्कि मैटिरियल सपोर्ट भी देनी चाहिए, क्योंकि धफीका के लोगों धौर तीसरे विश्व के लोगों के जितने नजदान हम हैं, उतना घीर कोई तामत नहीं हो सकती हैं। हमको इस बारे में लीड़ देनी चाहिए। भंगोला पर दक्षिण भ्रक्तीका के भ्राक्रमण की हमने स्पन्ट शब्दों में निन्दा की है। दक्षिण महीका के शासन के खिलाफ ग्रंगीला के लोगों का जो संघर्ष है, हमें उसमें एक सिकय भूमिका घदा करने के लिए प्रस्तुत रहना चाहिए। चाहे हम पर कोई मंतर्राष्ट्रीय पाबंदियां हों, लेकिन जो भाई-चारे का बंधन है, वह अंतर्राष्ट्रीय राज-नायिक सीमात्रों से कपर होना चाहिए।

में यह भी निवेदन करना चाहता ह बि दुनियां में इस गंभीरतन घपराध को बढ़ाबा देने वाली जो भी तालतें हैं, चाहे वे लंदन में हों, कैनेडा में हों या भमरीका में हों या दुनिया में कहीं हों, हमें स्पष्ट शब्दों में उनकी निन्दा करनी चाहिए ।

15 hrs.

साक हो साथ हो दक्षिण घफीका की रंगभेदकारी सरकार है उस की स्पष्ट

### [श्री हरीन चन्द सिंह रावत]

शब्दों में निन्दा करनी चाहिए और अंगोला की सरकार के साथ इस कठिन समय में हमें प्रपनी शावनाओं को जोड़ना चाहिए।

इन्हीं शब्दों के साथ में इस विधेयक का समर्थन करता हूं।

भो जगपाल सिंह (हरिद्वार) : उपाध्यक्ष महोदय, जो रंगभेद का बिल य एन धो की तरफ से यहां पर स्वीकार करने के लिए और पास करने के लिए पेश किया गया है मैं मूलभूत रूप से उस बिल का समर्थन करता हं क्योंकि रंगभेद की समस्या पूरी दुनिया के अन्दर माज भी मौजूद है चाहे यह लैटिन ममे-रिका हो, चाहे दक्षिण ग्रफीका हो, चाहे शंगोला का मामला हो भौर चाहे यह हिन्दुस्तान का हो । प्रभी जितने सदस्य यहां पर बोल रहे हैं लगता है कि दूसरे देशों की रंगभेद की नीति पर, जो रंग-भेद वहां पर होता है उस के बारे में ज्यादा चिन्तित हैं बनिस्वत ग्रपने देश के शंदर जो माइनारिटीज के साथ शार जो शेड्युल्ड कास्ट्स ऐंड शेडयुल्ड ट्राइब्ज के साथ हजारों साल से जुल्म है, उस के प्रति वे उतने चिनिःत नहीं जगते । मैं खास तौर से कहना चाहुंगा जो मेरे पूर्व बकता ये उन से कि इस मुक्क के घंदर जो ग्रमानवीय व्यवहार करोड़ों लोगों के साथ होता है वह भी एक रंगभेद की नीति है और इस नीति पर हमारे देश के नेताओं को ज्यादा चिन्ता करनी चाहिए वनिवस्त दूसरे देशों के।

यू एन मों में एक बीज माई है सेकिन करोड़ों लोगों को माज भी यहां पर यह सरकार मौर माप के ठेकेदार मजबूर कर रहे हैं इस तरह का जीवन जीने के शिए, यह सब से ज्यादा चिन्ता का मामला है। मभी जो कन्चर्जन का मामला हुमा मैं उस मामले की तफसील

में नहीं जाना चाहता लेकिन यह जो रंगभेद की नीति हमारे देश में चल रही है खास तौर से हिन्दू धर्म के अंदर कि ब्राज उन लोगों को मजबूरन जुल्मों से तबाह होने के बाद अपने को इस्लाम धर्म में कन्वर्ट करना पड़ रहा है और उपर से हमारे राजनेताओं का जो दृष्टिकोण है, ऐंटी मस्लिम जो दिएटकोण है मै उस पर भी कहना चाहंगा कि यह भी रंगभेद की एक किस्म है। इस मुल्क के शंदर श्राप यह भी चाहें कि करोड़ों लोगों के साथ पश्चों से भी बदतर व्यवहार करें, पश्चों से भी बदतर जीवन जीने के लिए उनको मजबूर करें झौर हिन्दू धमं में भी माप बाहें कि वह रहें तो यह दोनों चीज एक साथ नहीं चल सकती या तो ग्राप को उन जुल्मों को खत्म करना पड़ेगा, केन्द्र और राज्य की सरकारों को गारन्टी देनी पहेगी कि जो यहां पर 12-14 करोड़ अनटचेबल्स हैं उन को भी इंसान की जिन्दगी जीने का प्राप प्रवसर देंगे। 33 साल की आजादी में आज भी वे लोग इस तरीके का जीवन जी रहे हैं कि उन को पानी तक नहीं भरने दिया जाता कुंझों पर से और नल पर से, उन के बच्चों को ग्राध भी स्कूलों में इज्यत से शिक्षा देने की व्यवस्था सरकार नहीं कर पायी. बाज भी उन को मन्दिरों में जाने का अधिकार नहीं। आप दूसरे मुल्कों की रंगभेद की नीति के बारे में हमेशा चिन्तित रहते हैं। मैं माननीय गृह मंत्री जी से खास तीर से कहंगा कि वह इस पर भारवासन दें हालांकि उन्होंने तो इस पर ब्यान दिया है, जो उन की नीति है मैं उन को दाद देना बाहुंगा कि उन्होंने खुलकर इस बात का समर्थन किया है भीर कहा है कि इन पर जुल्म नहीं होने बाहिएं। अगर होंगे तो आप उन को कैसे मजबर करेंगे कि वह हिन्दू धर्म में रहें।

कन्यर्शन के मामले में खास तौर से बाज इस सरकार के मिनिस्टर जंगह जगह यह कहते हुए चूम रहे हैं, बौर मैं यह कहना

374

व्यवस्था ठींक नहीं हो सकती है। प्रखबार बाले ने पूछा:

चाहुंगा कि कानपुर के अंदर भी अभी शह्युल्ड कास्ट के लोगों को दलित पैन्यर के नाम पर जो नेशनल सिक्योरिटी एक्ट में म्राप ने मरेस्ट कर लिया यह ऐंटी कांस्टीच्यूशनल काम किया है। इस मुल्क के अन्दर सेकूलर स्टेट है। हर ब्रादमी को राइट है कि वह किसी भी धर्म में घगर है और वहां ग्राप उस को इंसान नहीं समझते तो बह दूसरे धर्म में जा सकता है।. इस पर मुसलमानों के बारे में और इस्लाम धर्म के बारे में ग्राप की सरकार के मिनिस्टर यह बात कर रहे हैं कि इस से देश को खतरा पैदा हो जायगा । कन्वर्शन का जहां तक ताल्लुक है श्राप के शेड्यूल्ड कास्ट के लोग बौद्ध हो जायें तो ग्राप के देश को कोई खतरा नहीं है, शैंड्यूल्ड कास्ट के लोग, ग्राप जाइए छोटा नागपुर घौर दूसरे ऐसे स्थानों पर जहां इस तरीके के पिछड़े लोग रहते हैं तो वहां ग्राप के हजारों भीर करोड़ों लोग ईसाई हो गए, आप के मुल्क को उस से कोई खतरा नहीं हुमा । लेकिन ग्रगर कोई ग्रादमी जुल्मों से तबाह हो कर इस्लाम धर्म को ग्रहण कर ले तो ग्राप को खतरा पैदा हो जायगा ? हमारी सेक्युलर स्टेट है, हर ग्रादमी को सुविधा है। जब ग्राप गारन्टी नहीं देते कि किसी खास कौम या धर्म के लोगों पर जुल्म नहीं होंगे तो वह लोग परेशान हो कर किसी भी धर्म में जा सकते हैं श्रौर उस में इस्लाम धर्म के लिए यह कहना, सरकार के लोग यह कहें विदेशी पैसा उसमें इस्तेमाल हो रहा है, तो मैं कहना चाहुंगा कि ऐसी इन्काम्पीटेंट सरकार जो है उस को केन्द्र में भौर प्रदेशों में राज्य करने का कोई

गृह मंत्री जानी जैस सिंह जी अपने को बहुत योग्य साबित करते हैं। गृह मंत्री ज्ञानी जैस सिंह जी की योग्यता मैं माननीय रावत जी को बताना चाहूंगा। अभी एक अखबार वासे ने उन से यह पूछ स्था, मैं इसस्पिए यह बात कहना चाहता हूं कि ऐसे अयोग्य गृह मंत्री के रहते हुए अपने देश की What is the the condition of law and. order in the country?

तो ज्ञानी जो ने सहा कि ला का मामला तो देखते हैं ला मिनिस्टर घौर आडंर हमारे यहां सिर्फ श्रीमती इन्दिरा गांधी दे सकती हैं— मैं तो सिर्फ घर मंत्री हूं। यह स्टेटमेंट होम मिनिस्टर ने दिया है। ऐसे इन्काम्पीटेन्ट होम मिनिस्टर से मैं कहना चाहूंगा . . .

SHRI MOOL CHAND DAGA (Pali): From where is he reading this sentence?

MR. DEPUTY-SPEAKER: He may be saying in a jocular way!

थीं जगपाल सिंह : कन्दर्शन के मामले में जो मिनिस्टर का स्टेटमेंट ग्राया था उस स्टेटभेंट को बापिस लिया जाना चाहिए। जहां तक रंग भेद की बात है, मैं तो कहना चाहंगा कि हमारे देश में माइनोरिटीज के साथ, ग्रैड्यूल्ड कास्ट्स ग्रीर ग्रैड्यूल्ड ट्राइब्स के साथ, जिन की संख्या करीब 14-15 करोड़ है, जिन को इनसान नहीं समझा जाता है, जिन को जानवरों से भी बदतर समझा जाता है, उन के साथ जो व्यवहार किया जाता है उस की घोर सरकार का ध्यान जाना चाहिए। इस मुल्क में क्या हो रहा है घह सरकार को सोचना चाहिए। हमारे देश में जो लोग दूसरा धर्म ग्रहण कर रहे हैं वह धर्म भी हमारे देश का ही एक धर्म है। ग्राज यदि कोई बौद्ध हो जाए या ईसाई हो जाए तो कोई चिन्ता नहीं होती फिर इस में क्यों चिन्ता की जाती है ? हमारा देश एक सेक्यूलर स्टेट है इसलिए कन्बर्शन के धगेंस्ट में मिनिस्टर ने जो स्टेटमेंट दिया है जो कि संविधान के विरुद्ध है उन के खिलाफ कार्यवाही होनी चाहिए !

इन सब्दों के साथ मैं घपनी बात समाप्त करता हूं धौर सरकार से घपील करता हूं कि हमारे देश में करोड़ों लोगों के खिलाफ र्भा जनपास सिंही का पाना .

जो रंगभेद की नीति चल रही है उस की ग्रधिक चिन्ता करें बजाए ग्रंगोला, लैटिन धमरीका या ग्रफीका के।

MR. DEPUTY-SPEAKER: Xavier Arakal.

SHRI XAVIER ARAKAL (Ernakulam): This Bill is brought to accord legal sanctity to the Convention of 1973 and India became a party to the Convention in 1977. In 1980 a Bill had been brought here. It is a slow process. If we examine the history of humanity we will see that it is full of inhuman atrocities against human beings. The struggle in South Africa today is not confined to that country; it is being taken far and wide. A moot question is whether this world can eradicate the inhuman atrocities against human beings. No doubt, this is a pious wish. But the admirable part of this Bill is that we are endorsing a great noble idea of human rights. While a should respect another man, reckoning h's right as human right is our own right. In that context in the canvas of this humanity and its history we have to visualise the impact of this Bill.

My friend put a very pertinent question here. What is happening in India as well should be taken into consideration. Because as per Clause 2 of the Bill, the provisions of the International Convention have become the law of the land here. If you refer to Clause 3, it categorically says, "Every person to whom international criminal responsibility applies ....". If that is so, this Bill has a great impact, great so to say on its application to human conduct and dignity.

As I said earlier, the United Nations -which is said to be the greatest gathering of human beings once-has passed so many resolutions on so many occasions. Many resolutions have been passed on various human atrocities whether racial or otherwise. But the implementation of such resolutions is disappointing. I am not saying this to thwart the endeavour of our Govern-

ment but to highlight the point that we are becoming inhuman in our approach towards human beings on the earth. Unless there is some change in our morals and our attitude and see a coloured man or a brown man or a white man as our brother as Mahatma Gandhi had said, it is not possible to effect vely implement these resolutions.

This idea is a nobel one. Ever since civilisation and culture sprouted earth, the rishis of India had pronoun\_ ced the noble idea 'love thy neighbour as thysel'. But it has not succeeded, If you examine all the clauses of this Bill, I do not know how far we are going to implement it except to become a part and parcel of the global movement for a human society. In that context, this Bill is very important because India always cherishes the noble idea of brotherhood. The western concept of casteism is there. But we have the noble perception of brotherhood in our culture and civilisation. That philosophy is reflected in this Bill. We do not know how far it will take us in implementing it. To a certain degree, the Bill is silent on that aspect. There is a great ambiguity there. If you see the Schedule, Articles I, II and III, certain sub-clauses have been deleted. Maybe the hon. Minister can enlighten us as to why this has been done. But this is a great discrimination. I do not know why for India those sub-clauses in the Schedule have not been incorporated. However, I am extremely happy that the Bill is brought in 1980 to become a partner in a great noble philosophical utopian movement. (Interrupfions) Is it not? Probably you can correct me. I have little knowledge of history. As far as I know the history of human society is full of discrimination and neglect. Therefore, I say that this is a step forward for a noble cause of human rights.

SHRI INDRAJIT GUPTA (Basirhat): Sir, while welcoming this Bill I also have to take note of the fact that the international convention to which this Bill gives an effect as far as India is concerned, was adopted in the Assembly of the United Nations in 1973 i.e. 8 years ago, and India became a party to it on the 22nd October, 1977 i.e. very nearly 4 years ago. And it is only now that our sovereign Parliament is in a position to legislate...

THE MINISTER OF EXTERNAL AF-FAIRS (SHRI P. V. NARASIMHA RAO): The Bill was introduced in 1978. It lapsed because of the dissolution of Parliament. Then it was re-introduced in 1980. So it is not a case of delay.

SHRI INDRAJIT GUPTA: I am not saying that it is a case of wilful delay.

SHRI P. V. NARASIMHA RAO: Delay beyond our control.

SHRI INDRAJIT GUPTA: I do not think that it is very relevant in the context of this particular Bill to mention, or to bring in something that some of our young friends have brought in here, for which I have got every sympathy of course, namely, that I do think that India's voice in the councils of world on this question of apartheid would perhaps be much more powerful and would earn more respect, if we were also able to show that in our own country and within our on society all forms of caste oppression and caste discrimination have been done away with, which unfortunately we have not yet been able to do. However, that is a separate matter and I think these things are judged by the fact that in a particular country if the laws or the Constitution of that country provided for doing away with this kind of discrimination, whatever the implementation of it may be that is taken at its face value.

The question of apartheid is a different line in the sense that the regime in South Africa has, by its very laws and Constitution put on the statute book, institutionalised on its statute book this whole system of apartheid. It does not pertend to say that there is no apartheid, while in practice al-

lowing it to go on. It sanctifies apartheid as a system for which it has logislated and it claims that it is determined to uphold it.

This Bill has stated in the Statement of Objects and Reasons that the purpose is to make it possible for the States which are parties to the Convention to take more effective measures at the national and international level with a view to suppression and punishment of the crime So, it is not as though this Bill is only meant for the purpose of some moral disapproval of apartheid, which we have been doing for I do not know how many years. Somebody mentioned that we have been doing it from the time of Gandhiji's first efforts in Satyagraha in South Africa. Everybody knows that India has been standing against the crime of apartheid. This Bill is supposed to enables us to take more effective measures at the national and international level against anartheid. So, naturally, I would like to know from our Government whether this so-called enabling Bill is going to help them to be a little more effective in the way of practical measures. We do not know what they have in mind; so they should tell us what they are going to do.

It is not a secret, though it is not mentioned in the body of the Bill, that this United Nation's convention is primarily against the South African regime it is mentioned in the body of the convenant or Convention itself. Now never a day passes when you do not read in the papers of some abominable crime which is being committed by the South African regime. The latest, as everybody knows is the intervention or attack on the soid of Anglo. They have not attempted to conceal it; they have said, they are trying to justify it by saying that the Swapo fighters, who are struggling for the independence of Namibia, have set up bases [Shri Indrajit Gupta]

inside Angolan territory and, therefore, the South African forces are justified in going into Angola in order to destroy these bases of Swapos. This is the defence they are putting forth. Every day reports are coming in of how the South African army and the air force have been attacking and raiding Southern Angola, They have killed thousands of people, destroyed villages and towns, and the Government of Angola has accused these invading forces even of having committed a number of atrocities in villages, including brutalising and raping of women.

In the United Nations also there is a big outcry against it. Resolutions have been moved demanding that the latest brutal assult by the South Africans on independent Angola should be condemned. Opposition is coming there already from the Western powers, who are always real supporters of South Africa. The United States Government, the British Goy-ernment and others have raised objections in the United Nations only in the last two days to the wording of this Resolution which has been moved by third world countries, and they want it to be softened down, as usual, and that means they will not allow a really strongly worded resolution of condemnation to be passed. India in this matter has always consistently been supporting such re-I would like to know solutions. that now when we are passing this Bill into a law whether the Government of India is seriously thinking of taking any more positive initiatives. any bold initiatives, in these matters because as many of my friends have mentioned. India is just not one of many countries as far as this question goes. We are the people whom the coloured people of South Africa as well as the people of so many African nations always looked up to primarily for assistance, for help and

solidarity, and that is natural because of the very birth and structure of the Third World, the way it developed historically. So, what do we propose to do about this crime which is being committed before our very eyes in a most blatant fashion every day? Somebody here has mentioned the need for giving more material aid to the fighters of SWAPO as well as to the people who are being persecuted in South Africa simply because they belong to the African National Congress. It is good our Government allowed these organisations to set up their own offices in our own country. For that our Government deserves to be congratulated. moral support is not enough because these last bastions of fascist reaction of which the symbol now is South Africa have to be destroyed. It is no longer a question of carrying on for years to give just some kind of moral condemnation. The time has come when these bastions have to be destroyed and the people have to win their freedom. But unfortunately, every day we have seen-now for example, I read just now in the papers that more and more of these patriots of South Africa are being rested and sentenced to death, Just recently, on the 19th of August, this month, three young men again who are members of the African Nationnal Congress Anthony Tsotsobe, aged 25, Johannes Shabangu, aged 26 and David Moise, aged 25 have been sentenced to death. Their only crime is they belong to an organisation, the African National Congress which is dedicated to the fight against apartheid and to abolish this system. Hundreds of these people are still languishing in jails. Many of them are under sentence of death and they have been savagely tortured inside the jails.

From a news report of 29th August from Nairobi we are reminded that there are hundreds of people who are at present restricted under the banning order imposed by the white minority regime of South Africa.

What do they mean by that. They are not physically put behind the bars.

I quote below the report which has come from the Press Trust of South Africa dated 29th August, 1981:

"Although they are not physically put behind bars, in many ways they are forced to be their own jailers. The effect is psychologically crippling...."

One lady, Mrs. Florence Mkize, aged 45 mother of four children and sole breadwinner in the family says:

"You cannot go to the doctor without getting permission from the Magistrate, You are forbidden to be in the company of more than at a time or attend person parents' meetings at your children's You cannot even go to church to worship."

These kinds of laws are enforced in South Africa under what is called the Internal Security Act. Previously, Sir, it used to be called the Suppression of Communism Act and that Act has defined communism to mean any doctrine or scheme which aims at bringing about any political, dustrial or social or economic change within the Republic of South Africa. This is the kind of barbarous regime which is in force there. People are, of course rising in revolt against this regime not only within South Africa itself, we are reading every in the papers of demonstrations taking place in a little country like Zealand because the South African Rug by Foot Ball Team, of course, consisting of all whites has gone on tour to New Zealand, New Zealand authorities invited them. Tens of thousands of people in New Zealand are protesting against the presence of this team from an apartheid country on their soil. You are reading how police is being employed to guard all these foot ball grounds to see

that some of the matches can be placed without interference by demonstrators.

Next winter an English Cricket Team is due to come to our counry. Already in the papers there are reports that that team may include, it may because names have not been announced, may include two gentlemen, one by the name of Boycott and one by the name of Parker about whose cricket talents I have nothing to say but who are reported to be professional players, have spent many years as players, playing and coaching players in South Africa. Even yesterday and today the papers are carrying this query whether the Cricket Control Board in India would agree to a team coming to play in India if it includes these type of people in it? I do not know what the Government's view in the matter is

I forget the exact figure, some crores of rupees have been given by the Government of India to Mr. Richard Attenborough to make the still much publicised film on Mahatma Gandhi which will now probably be completed and will soon shown. I think that we have financed this film so heavily and the script has also been shown to many people of this country and am told has been approved by them, we would like to know whether at any stage the Government of India tried to see to it, they had the right since they were financing the film to a large extent, whether they saw that Mr. Attenborough has depicted in this film part of Gandhiji's activities in South Africa in his youthful days? Did they bother to emphasise and not to underplay the anti-apartheid aspect of his struggle in South Africa simply because it is film being made by a British Company? I hope it does not try underplay just because we did not speak-about it. Then everybody knows that this regime could not exist for a single day had not military

[Shri Indrajit Gupta]

economic, financial, commercial and other aid been given to it by some Western powers and particularly by the United States of America, So. we have a hig moral obligation to do something practical in this matter and some of things that we are doing in the context of our own relation with the United States in the field of financial and commercial relations. I think should not give the impression to the people in South Africa that these have some inhibiting effect on us, in really taking bolder measures in support of the struggle there.

Vigilance is also very necessary. Sometimes lack of vigilance may create unfortunate mis-understanding abroad. I am not blaming this Government for all that. For example, during the Janata Party's regime there was a meeting. It was never denied. There was a meeting Frankfurt Air Port between Morarji Desai and some Minister the South African Government; whether it was pre-planned or not, I do not know? It would not have been purely accidental. That meeting took place at Frankurt Air Port. was reported in various newspapers. Nobody knows what took place in those private talks. But certainly it was not good, I think for the image of India that the Prime Minister of our Government at that time should have had some sort of a secret confabulation with the South African Minister, although it was on a third country third party soil.

Again I would refer to the tanks which we sold. Due to lack of vigilance, due to the fact that we depend on private arms traders and manufactures and due to lack of vigilance of finding out who would be the eventual end user of these tanks. Centurion tanks sold from India made their appearance in South Africa, on the side of the aparthald regime. Of

course, we have not sold them directly, we could not do that. But via these arms traders who brought these tanks from us, eventually. those tanks appeared in South Africa, on the side of the apartheid regime, If we had been more vigilant and strict about the endusers clause in the transactions, that we must be satisfied this material will not find its way ultimately to a party with whom we do not have that kind of relations at all and whom we disapprove of then such a thing would not have happened. So, vigilace is also necessary.

In conclusion, I would say, now that we are passing this Bill which I am sure will be passed unanimously with the support of all sections of this House, the Government should take courage in its hands and assure us that, since this Bill enables them to take more effective action, both at national and international level against the perpetrators of apartheid, the Government has something in mind and will tell us that, so that the country will welcome any such measures in that direction.

PROF. N. G. RANGA (Guntur): 'Mr. Deputy-Speaker, Sir, I am glad that there is support from all sections of the House for this Bill.

I congratulate our Minister, Mr. Narasimha Rao, also for trying to gain as many friends as possible for our country in different parts of the world except South Africa.

So far as South Africa is concerned, India has taken, as Mr. Indrajit Gupta has just now testified, a consistent stand in regard to apartheid. Mahatma Gandhi initiated the world debate and also world protest against this dreadful system. Only last year, we honoured one of the great freedom fighters. Mandela, by offering him Nehru Award. It was my privilege to initiate a discussion in the United Nations last year in the usual tradition that has grown there for

385

India to initiate such a discussion on the move of the United Nations to condemn South Africa for perpetuating this apartheid.

This Bill is being brought here none too soon or rather it is being passed none too soon, which was brought before Parliament, anyhow, whether it is this or earlier one, three years ago and I am glad it is now going to be passed. How is it going to be implemented? Against whom would it be implemented. There is a mention of companies here. There are many companies. Government companies as well as private companies which would be doing business with South Africa. They would come within the mischief of this Bill if they were to carry on business and other transactions which would strengthen South Africa.

My hon. friend, Mr. Indrajit Gupta in his usual studied and able manner, drew our attention to various failures on the part of this Government as well as many other Governments which claim to be democratic in implementing this Convention, Peoples' Republic China is one of the offenders; England has been one and so also America. These people have been carrying on their trade with South Africa in a willy-nilly fashion, underground manner, and have contributed to strengthen South Africa, weakening the moral behind the stand taken by the United Nations during all these years. We have not . been able to do anything against these countries because they are too powerful. When I say 'we', I mean the rest of the world. They have not been able to do anything.

The United Nations has been ineffective and, at the same time, United Nations has this to its credit that on behalf of humanity as

whole it has been continuously. consistently, condemning the system of 'apartheid' and assisting all those people and the countries which cosperate with South Africa, directly or indirectly but I cannot say 'knowingly' or 'mknowingly' because my Hon. friend has just new warned about this vigilance but certainly directly or indirectly it has been sondemning them and keeping them interationally as untouchables.

Now, coming to the present stuation as it is now, my Hon. friend would like us to go to the rescue of Angola. How would you like to do But we have our own problems here, of security. But I cannot very well suggest that our Government should send troops, armaments etc. to their rescue. But may I not suggest that we may think of sending one or two medical mission in order to help those people and provide them Red Cross assistance and aid? I would like the Government of India to think on those lines.

Secondly, the distant Cuba, Congo, the small miniature country like Congo or Cuba, was able to send her volunteers. Now, I am sure would it not be possible for so many of our own village panchayats and panwho are brought up in the tradition of anti-imperialism for more than a century, brought up in the antiimperialist atmosphere or struggle for more than a century, to volunteer to go there and help those people, if not in a military manner, at least in a quasi-military manner and to assist them?

It is for the Government to explore that possibility also. I note that my hon. friend from Tamilnadu B.L.D. made some reference to our Harijans and their plight. We are all in favour of giving every [Shri Indrajit Gupta]

possible assistance to our Harijans, to rise to a status of equality with all other sections of the people. We are also conscious of the many disabilities that they suffer from. At the same time, I would like them to remember the fundamental difference between 'apartheid' system and our present social system here. In South Africa. It is not possible for the leaders of those blacks to play the role which our Harijans are able to play in our Parliament, in our State Cabinets as well as in the Central Cabinet and even in our own village panchayats and panzilla Parisamitis and chayats It is not possible for children to go to same colleges school and same as is possible here for our Harijans and, on tope of it here is our own Constitution which makes any kind of discrimination unlawful and illegal and, what is more, in this country all those of us who are in favour of Gandhian way of approach towards humanity are ashamed of this kind of discrimination that is being practised in several villages. It is not so in South Africa.

There in South India, where some of these unfortunate things had happened recently, there arose two great men in, the recent past Shri E. V. Ramaswamy, Naicker and also Anna. They roused these people, They roused the Harijans, the backward classes and other people begin to feel, from a political point of view, from a social point of view, to be as good as the others and to learn to struggle for their rights, and to fight for their rights and to die for their rights also. It is because of that atmosphere, some of those people, those Harijans, who were so unhappy at the kind of diserimination that is being shown to them in some of their villages, had the temerity, had the social sense of protest to big bid good-bye to the traditional religion of their own

forefathers and protest in the manner in which they have done,

Therefore, our position here and our conditions here are entirely and radically different from what you find in South Africa. Let us not unnecessarily give a handle to those enemies outside India as well as in India too, by simply talking in this irrelevant manner, if I may say so, about our own difficulties here which we were trying to remove in every possible manner and compare them with this system, this horrible system, this devilish system that you have in South Africa.

Therefore, I am very happy and i am sure our Minister for Foreign Affairs would be able to take this message to the United Nations and its Secretary General also, that our Parliament, consisting of all political parties of all colours also in our own way and of all religions is unanimous in continuing to condemn that system and in passing this legislation whereby the Government is empowered to punish those people who give directly or indirectly any kind of strength or any kind of support to the votaries of this system.

भी जववाल सिंह फश्यव (ग्रांवला): माननीय उपाध्यक्ष महोदय, मैं रंगभेद विरोधी (संयुक्त राष्ट्र नन्वेंशन) विधेयन का समर्थन करने के लिये खड़ा हुआ हं इस बिल पर कोई चर्चा हो उस से पहले जिन्होंने रंगभेद की नीति का विरोध करते हुए अपनी कुर्बानी दी, जातिभेद और वर्णभेद के विरोध में अपनी कुर्बानी दी उन सब की-किंग लूथर, महात्मा गांधो, डा० ग्रम्बेदकर श्रौर पेरिया स्वामी की याद माती है।

मुझे कुछ बातें कहनी हैं। केवल एक लकीर पीटने के लिये इस बिल को तैयार किया गया. जितना विस्तृत और विशाल इस का स्कोप होना चाहिए या, जितनी चीजों ना इस में

145454 समावेश होना चाहिये था, वह इस में नहीं किया गया। भौर इस बिल की रूप रेखा ते यह स्पष्ट साफ मालूम होता है कि एक्ट बन जाने के बाद यह हमारी कानून की किताबों में रहेगा, लेकिन इस का इस्तेमाल नहीं होगा। भारत एक ऐसा देश है जहां पर हर पद पर रंग पर, जाति पर, क्षेत्र, भाषा भीर धर्म भीर वर्ण पर, हर जगह एक ऐसी व्यवस्था चल रही है जहां लोगों के साथ भेदमाव ही नहीं होता है बल्कि उन के जीवन का भी कोई मुल्य नहीं रहा है। ग्राज जब हम दुनिया में रंग मेद का विरोध कर रहे हैं हमारी निगाहें लगी हुई हैं भल्मोड़ा में हुए कामटा कांड पर जहां 14 इरिजनों की हत्या की गई थी, लेकिन उस के मुजरिम धाज बरी हो गए क्योंकि प्रोजीक्यूशन उस को सिद्ध नहीं कर सका । जज ने तो यहां तक लिखा है कि प्रोजीक्यूशन ने इसमें कमियां छोड़ी हैं। मैं सरकार से पूछना चाहुंगा जो जाति के नाम पर कामटा के लोग मारे गये थे क्या प्रोजीक्युशन करने वाली इन्वेस्टीगेशन ग्रयौरिटी का ग्राप ने कोई जवाबतलब किया है? क्या उस के खिलाफ कोई विभागीय कार्यवाही की है, कोई सजा दी है ? कैसे ै लोगों का विश्वास जमेगा ? ग्राप ऐक्ट तो बना लगे, गिनती बढ़ जाएगी, लेकिन लोगों को न्याय नहीं मिल सकेगा। इस बिल के अन्दर श्राप को रंगभेद ही नहीं जातिभेद, वर्णभेद, भाषाभेद से ले कर धर्म भेद सारी चीजों को इस में जोड़ना चाहिये। हम गांधी भौर भ्रम्बेडकर के देश के लोग माज दुनिया के काले भीर गोरे जातिकों के लिए रो रहे हैं उनके साथ हो रहे रंग-\_ भेद और भेद-भाव के लिए, लेकिन हम अपनों के साथ क्या कर रहे हैं ? ग्राज कितने प्रतिशत भारक्षण को इसने पूरा है भौर हमारी क्या नीति है ? भापने इस बिल में क्या किया है, कौनसी यापने प्रासीक्युशन मशीनरी तैयार की

389 Anti-Apartheid

है, कीन से कंजिंक्टिंग कोड की व्यवस्था की है ? कोई भी ऐसी चीच इसमें नहीं की है जिसते इस तरह का एक्ट कारगर रूप से रंग-भेद की नीति को समाप्त करने वाला साबित हो सके । केवल दूनिया को दिखाने के लिए, प्रन्तर्राष्ट्रीय लकीर पर चलने के लिए हमने बिल पास कर दिया, एक्ट पास कर दिया, इतने पर तसल्ली मत कीजिए।

माज देश के सामने एक समस्या है भाई जनपाल सिंह ने उसके बारे में बड़े, . धक्छे रूप में मागाह किया है।

MR. DEPUTY-SPEAKER: This Bill is to help the world-not only this country.

SHRI JAI PAL SINGH KASHYAP: Not this country, Sir.

माज लोगों ने जो धर्म-परिवर्तन किया है, क्यों किया है ? मान-सम्मान नहीं है। क्या रामनाथपुरम्, क्या मीनाक्षीपुरम जहां चाय को पीने के लिए कुल्लहड़ से ऊपर से डाला जाये मुंह में, और अगर हरिजन क्य लड़का मुंह से पी ले तो उसका हाथ काट दिया जाये, गांव के गांव जलाये जायें. धीरतों को बेइज्जत किया जाये, पुलिस साथ चसे भीर हरिजनों का शिकार किया जाये, उनसे नहा जाये कि इस धर्म में बने रहो, धर्म मत छोड़ना, घरे, तुम्हें मुसलमान होने में क्या मिलेगा ? लेकिन आज हरिजन कहता है कि हमें हिन्दू रहने में क्या मिलेगा ? घपमान भौर बेइ जिती मिल रही है, हमारी जान-माल की हिफ़ाजत नहीं है।

माप देखिए, एटा में पिछले 7 जुलाई, से क्या हो रहा है ? घहीरों के करों में पुलिस घुसकर भीरतों के साथ बदसलुक ही नहीं कर रही है, उनके साथ बलात्कार सामृहिक रूप से किये जा रहे हैं, घापकी पुलिस पड़ी हुई है, डाकुओं के नाम पर

30

Convention) Bill

. [Shri Jaipal Kashyap]

Ann-Ayartheid

उनके वरों से धनाज निकाल कर तालावीं भीर नुजी में पेंका जा रहा है और उन्हें सताया जा रहा है ? क्योंकि चन्त डांकुओं से अवड़ा हुआ था, महीरों से उसका कोई वास्ता नहीं था लेकिन यहां पर जातियां के मामले पुलिस के सहारे तम किये जाते हैं।

पुलिस को साथ ले कर प्राज 25,000 एन-काउंटर पूरे हिन्दुस्तान में पुलिस ने झूटी मुठभेड़ दिखा कर किवे हैं। 25,000 लोगों की हत्वा इस देश में की गई है भौर उसमें से 95 फीसदी लोग बैकवर्ड क्लासेज के हैं या शिह्यूल्ड कास्ट्स के हैं या माइनोरिटीज के लोग हैं। यहां रंज-भद, जालि-भेद और वर्ष-भेद की बात सुनने को कोई तैयार महीं है।

क्या ग्राप एक पालियामेंटरी कमेटी इस बात के लिए बनायेंगे कि हिन्दुस्तान में जितनी मुठभेड़ पुलिस ने की हैं, उनकी जांच करे कि कितनी गलत बुठभेड़ दिखाई मई हैं घीर कितनी गलत हत्याएं की गई है ? क्या उन पुलिस के लोगों पर मूकदना चलाया जा सकेना ? इसमें प्रापकी हिम्मत नहीं है।

#### 15.47 hours

[SHRI HARINATHA MISRA in the Chair] ग्राप तो दूनिया में वाह्यबाही विखाना चाहते हैं कि हमने रंग-भेद की नीति पर यू एन को के कन्वेंशन के मुताबिक बिल तैकार कर दिया है । एक कागज का दुकड़ा हमने जोड़ दिया है।

हममें कालों में क्या कमी है ? किया मार्टर ल्थर ने कहा या कि हमारी सुरत भक्षी है, रंग काला है, हमारे ग्रांठ मोटे हैं, लेकिन हमारा बूंसा मजबूत है।

वे बोक्तें, तुम इमासे बात को वहीं क्षत्रोगे तो दुन्हारे विसाय की खिड़कियों को इन धपने चूंसों से तोव वेंचे । जो कुछ इस देश में हो दल है, दुनिया में हो दहा है, बाब हम काले वर्ग के लोग वा छोटा नहें जॉने बलि बोग कभी पीछे नहीं रहे, लेकिन क्षेत्र इमें जिलता रहा है।

भ्राज मंडल कमीशन को लीजिए, बैकावर्ड क्लासेंच के 60 फीसदी लोगों की जिन्दगी उससे जुड़ी हुई है लेकिन उसकी 🛊 रिपोर्ट ग्राज तक यहां पेश नहीं की गई है। हमसे वायदा किया गया था कि उस रिपोर्ट की इस सल में ही पेश किया जावेगा ।

इस देश के लाखों-लाखों जो दस्तकार है, कुम्हार हैं, माली हैं, गडरिये, धीवर, मल्लाह, केवट भीर कहार हैं, पददलित लोग हर जगह समाज में पड़े हुए हैं, उनके लिए भी कुछ नहीं कर पाये हैं।

ब्राप इसको छोड़िए, जाति और भेद के ऊपर ही नहीं जो सारे भेदभाव हैं, वह इस एक्ट के मातहत बंबनीय होने चाहियें। इसका एक स्काप बनाया जाए, इसकी एक प्रक्तीक्यमन मंभीनरी तय की जाये । इसका फैसला सेने के लिए जितने जब हों रंग-भेद, जाति-भेद भीर वर्ण-भेद में जितनी बातें होती हैं, उन सब का फैसला करने के लिए इन्हीं वर्ग के जजों की जब नियुक्त किया जायेगा तभी न्याय मिलेगा । वर्नी इन सरीबों को न्याय नहीं मिलेगा । जब बिह्यूल्ड कास्ट्स भीर शिह्यूल्ड ट्राइब्ब के कमेंचारियों के प्रोमोशन का सवाल बातां है, तो उनकी कान्फिडेंशल रिपोर्ट पहले से बिगाइ दी जाती है, ऊपर से नीचे तक मामला तब कर लिया जाता है, उनके, विरुद्ध ब्लैक स्पाट लगा दिया जाता है इक्सप्सेनेमन का मौका नहीं जिलता है और

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इस तरह उनका प्रोमीयन रोक दिया जाता । सरकार में ऊपर तक कोई सुनने बाला नहीं है।

भीमती कृष्णा शाही (बंगूसराय ) : बिल क्या है और बोल क्या रहे हैं ?

औ जनपाल सिंह कदयय : हम पर कीत रही है। कभी हमारे साथ एक बहीने के लिए भंगिष वज जाइवे भीर टट्टी की टोकरी उठा कर देखिए, तो पता चल जायेया कि कनबेन्सन के साथ इसका क्या सम्बन्ध है। (व्यवधान ) हम सब मानों में बाप से बारो हैं- योग्यता, गिक्त और ईमानवारी में प्राणे हैं। हम भ्रष्ट नहीं हैं। भ्रष्टाचार भ्रापकी भोर है। (व्यवधान) ये जोग सच बात को बर्दाश्त नहीं कर पा रहे हैं।

सभापति बहोदय: झाप इधर्-उधर की बात क्यों कर रहे हैं ?

श्री जयपाल सिंह कश्यप : सभापति महोदस, विदेशों में रंग-श्रेद होता है, मगर यहां भी रंग-भेष हो रहा है। मैं मंत्री महोदय से प्रवृरोध करता हूं कि इस बिल के प्रभाव-क्षेत्र को विस्तृत किया जाये और इसमें इन सब बातों का समावेश किया जाये। मैं भ्रापको धन्यवाद केता हूं।

भी मूलवन्द डागा (पाली) : संझा-पति महोदव, रंगभेद मानवता के खिलाफ क् एक प्रपराध है, सदन के दोनों तरफ बैठवे वाले माननीय सदस्य यह बात बहुत विस्तृत रूप में कह चुके हैं। यह कोई ऐसा सवाल नहीं है, जिस पर एक दूसरे के साथ मतमेद प्रकट किया जाए। तैयुक्त राष्ट्र संघ की महासभा ने जो एक कन-बैन्शन स्वीकार किया या, मेंबी महौदय उसको सदन के सामने लाए है।

इस काम की राष्ट्रपिता बापू ने बहुत पहले सुरू कर विशा था। हमारा संविधान इसका एक जीवित उदाहरक है। उसमें ये सब बाल लिखी हुई हैं। सभापति महोदय, जब भाप कुसी धर भा जाते हैं, तो लोग अपने दिल की बात कहते हैं भीर भाप उनको इजाजत वेते

समापति महोवच : यह मेरी विशेषना है या लोगों की विशेषता है ?

> एक माननीय सदस्य : श्चापकी ।

भी मुलचन्द डागा: माननीय सदस्य ने कहा है कि हम लोग रंगभेद का विरोध कर रहे हैं, तो हम यह भी देखें कि ह्यारे समाज में यह कलंक न रहे और इमारे समाज पर कोई उंगली न उठा सके। हम बहुत विनों से कहते भाए हैं कि हम एक कोवण विहीन भीर जाति बिहीन समाज बनावेंगे । लेकिन जब समीज की व्यवस्था जोषण और वमन पर टिकी हुई है, तो लोग अपनी श्वायाज बुलन्द करते हैं। इस लिए कभी कभी हमें प्रपत्नी घोर जरूर देखना चाहिए । अपने यन्दरं झाकने में कोई हानि नहीं है।

में इस दिल के सम्बन्ध में दो तीन बार्स जानना चाहता हूं । इस विल का इम्प्लीमेंटेशन कैंसे हीगा । मेहरबानी कर के सूझे इज़ाएँ कि इस कानून की बारायें का सरलंबर करने पर किस किमिजल प्रोसीजर कोर्ड के अन्तर्गत चलाना होगा। इसका प्रोसीजर क्या होका ? सारा साइलेंट है इस के प्रक्ट । मूझ कालूम

## श्री मूलबन्द डागा

नहीं हुआ कि आप ने एपार्थींड की जो डेफिनीशन है वह क्या दी है ? मुझे श्रभी तक यह मालूम नहीं हुआ कि इस का चालान कुसूर करने के बाद कहां पर होगा ? हमारे पारूलेकर साहब बतायेंगे, वह बहुत बड़े वकील है, मुझे श्रभी तक नहीं मालूम हुमा इस ऐक्ट में । मैं यह नहीं समझ पाया कि जो ऐक्ट प्राप पारित करने जा रहे हैं उस को कार्य कप में ग्राप किस तरह परिणित करेंगे। यह एक सवाल सामने खड़ा है। इसीलिए मने अपना एक अमेंडमेंट इस में दिया है भीर उस में यह कहा है :

"Provisions of the Code of Criminal Procedure, 1973 and Evidence Act, 1872 shall apply to all the trials under this Act."

फिर आप ने एक बात और कही। मुझे एक बात यह समझ में नहीं बाई कि जब ग्राप ने शेड्यूल के ग्रन्दर ग्राटिकल 2 का हवाला दिया है तो उस में श्रापने (सी) और (डी) जो है उस को क्यों हटा दिया ? ग्राप ने शेड्यूल में जो बातें बी है उस में आर्टिकल 2 के अन्दर (ए), (बी) और फिर (ई) और (एफ) वे दिया, (सी) और (डी) को म्रोमिट नर दिया । (सी) और (डी) को मैं वेखता हं उसी प्रार्टिक्ल में तो (सी) इस प्रकार है :

"Any legislative measures other measures calculated to prevent a racial group or groups from participation in the political, social economic and cultural life of the country and the deliberate creation of condition preventing the full development such a group or groups, in particular, by denying to members of a racial group or groups basic human rights and freedoms, including the right of work, the right to form recognized trade unions, the right to education, the right to leave

and to return to their country, the right to a nationality, the right to freedom of movement and residence, the right to freedom of opinion and expression ,and the right to freedom of peaceful assembly and association"

# भौर भ्राप का (डी) इस प्रकार है:

"Any measures, including legislative measures designed to divide the population along racital liner by the creation of separate reserves and ghettes for the members of a racital group or groups, the prohibition of mixed marriages among members of various racial groups, the expropriation of landed property belonging to a racial group or groups or to members thereof."

माननीय विदेश मंत्री जब बिल पर अपना उत्तर दें तो मुझे यह बतायें गे कि यह (सी) ग्रीर (डी) जो कि इस बात को स्पष्ट करता था कि मानव-मानव के अन्दर कोई भेद नहीं है, किसी भी सूरत में नहीं है, इस को उन्होंने क्यों हटा दिया ?

हम तो बहुत पुरानी बात कहते हैं कि : हरि को भेजें सो हरि का होई। जाति पाति पुछे नहिं कोई । हमारे यहां तो कोई भेदमान है ही नहीं, लेकिन शगर भेवमान नहीं है तो फिर क्यों यह कहना पड़ा कि----

हरिको भजे सो हरि का होई । जाति पाति पूछे निह कोई । तो दिमाग में कुछ भौर रहता है। इसलिए यह तो बहुत बड़ा स्कोप था, इस को आप ने क्यों निकाल दिया ? मेरी समझ में यह बात नहीं भाई । मैं तो यह समझता हूं कि जो शेंड्युल घाप ने रखा है उस शेंड्यूल (2) के अन्दर यह तो दो आप ने हटाए है, इन को उस में इन्क्लूड करना चाहिए या । इस से इस को ज्यादा ताकत मिलती । लेकिन भाप ने बिल से

इन को क्यों हटाया यह बात मेरी समझ में नहीं माई।

अब इस के भलावा यह भाप ने लिखा है अपने ऐक्ट में

"The Central Government may, from time to time, by notification in the Official Gazette, amend the Schedule in conformity with any amendments, duly made and adopted, of the provisions of the said Convention set out therein."

श्राप कह रहे थे कि जब श्रमेन्ड मेंट होगा तब गजट में पब्लिश कर देंगे। बहुत ग्रच्छा, लेकिन मैं कहना चाहता हूं कि जब हाउस में विघेयक पारित हो रहा है तो वह अमेन्डमेंट जो होंगे उनको ग्राप सदन की मेज पर क्यों नहीं रखें गे? बाप शेंड्यूल में कोई ब्रमेन्डमेंट लाना चाहते हैं तो जो बिल यहां पर ग्राप पास कर रहे हैं उसके बाधार पर उस भ्रमेन्डमेंट को यहां सदन की मेज पर रखना मेरे हिसाब से जरूरी होगा। 16. hrs .

इसके घलावा भापने कहा है कि सजा दी जायेगी तो जैसा मैंने पहले ही कहा कि इस बिल में अभी पूरी डेफिनी-शन ही नहीं माल्म हुई है कि एपारबीड क्या है ? सभी लोग रंगभेद कहते हैं नेकिन ग्रगर हमने साळय ग्रफीका से सम्बन्धित कन्वेन्शन के बाधार पर इसकी डेफीनीशन भी तो वहां केवल गोरे ग्रीर काले के बीच में यह रंगभेद मौजूद है, वहां एक दूसरे को अपमान की नजर **दे** देखा जाता है, ठीक व्यवहार नहीं किया जाता है, खुले रूप में ग्रमद्र व्यव-हार हो रहा है । चैम्बसं डिक्सनरी में इसका मतलब लिखा हुआ है-रिशयल **चेग्रीगेशन प्रैक्टिस्ड इन साऊथ एफीका ।** भापने बिल में रंगभेद को डिफाइन नहीं किया है। प्राप कन्वेशन्स को पेश कर रहे हैं और कानून बनाने जा रहे हैं लेकिन कानून बनने के बाद वह केवस

बलमारी में बन्द रखने के लिए नहीं होना चाहिए बल्कि उसको अमली रूप देना चाहिए । हमार देश में बापू ने भीर भारतीय संस्कृति ने मगना है कि मानव भीर मानव में कोई भेव नहीं है इसलिए इसको कानुनी रूप देने से पहले ला डिप्पाटमेंट को भी भापको कन्सल्ट करना चाहिए ताकि इसमें जो कमिया रह गई हैं उनको भी दूर किया जा सके। जहां तक इस बिल की भावनामों का सम्बन्ध है, उससे किसी को भी असहमित नहीं हो सकती है, सभी लोग एक स्वर इसको पारित करेंगे लेकिन जो सुझाव मैंने दिए हैं उन ५र यदि ग्राप गौर करते हैं तो ठीक है वरना मैंने अपना कत्तंच्य पालन कर दिया है।

(United Nations

Convention) Bill

श्री एन० ई० होरो (खुंटी ) सभापति जी, रंगमेद विरोधी (संयुक्त राष्ट्र कर्न्वेशन) विघेयन जो यहां सदन में उपस्थित निया गया है उसका मैं समर्थन करता हूं लेकिन में सहना चाहुंगा कि, जैसा कि डागाजी ने कहा है, कि जिस रूप में इस विधेयक को यहां पर धाना चाहिए या उस रूप में नहीं भाया है। यूनाइटेड नेशन्स कन्वेंसन के जो प्राविजन्स है उनको रखने का जिन्ह वहां पर किया गया है, मैं भी यही कहना चाहता हूं कि जिस रूप में यह विधेयन **प्राया** है उससे ऐसा लगता है कि यह बहुत प्रभावी नहीं होगा । इसने इन सिद्धान्तों को स्वीकार किया है कि देश में और विदेशों में रंगभेद की नीति को दूर किया जाए। यह रंगभेद का जो प्रपराध है, वह मानवता के प्रधिकार के खिलाफ है। मैं इस देश का भीर इस सदन का ध्यान भाकवित करना चाहुंगा कि हमारे देश में रंगभेद की नीति है भीर रोज मानवता अधिकार का हनन हो रहा है, तो हम किस मुंह से बन्तर्राष्ट्रीय क्षेत्र में प्रमावशाली हम से कह सकते हैं। प्रफ़ीका में रंगभेद भाम्बोलन भपनाया जा रहा है। इसके लिए कम स कम नैतिक बल तो होना चाहिए, सेकिन वह नैतिक बल मिनता नहीं

[बी एन० ईं होरो]

जहां पर रोज मानवता के अधिकारों का हनके हो रहा हो और वुनिया में जा कर कहें कि यह दोषीदार हैं, यह नहीं होना चाहिए। इसीलिए इस बात को देख कर मुझे ऐसा लगता है कि इसको हम पास तो कर लैंगे, और मैं भी इस विधेयक का समर्थं न कर रहा हूं, लेकिन यह बिल्कुल कोरा कागज रह जाएना और हमारे .....

्सभापति महोदय : श्राप हृदय से समयैन कर २हे हैं।

श्री एन० ई० होरो : सभापति जी, हमारा समय ज्यादा नहीं है, इसलिए अप हमें बोलने वीजिए। मैं इसका समर्थन करते हुए कहना चाहता हं कि यह कोरा कागज रह जाएगा । धपने देश के धिन्दर यदि मानवता के अधिकारों का हनन होता रहेना तो इसका समाधान नहीं होगा। इस मिए हम यह कहेंगे कि यह विल्कुल हिरोकेसी होगा । यदि घाप विधेयक के घाटिकल 2 और 3 में देखेंगे तो पायेंगे कि किन के कपर काइम हो रहा है धौर किन को सजा होगी। बहा गया है कि ग्रो व्यक्ति है, जो संस्थान है, जो इण्डिविज्यूल्स हैं भौर हमारे देश में जो राज्य की सरकारें हैं, जी कि मानवता के घांघकारों का इनन कर रहीं है भौर जहां जनता के मौखिक ग्रधिकारों का 🞮 सरकार कर रही हो या सरकार के प्रतिनि कर रहे हो, तो उसको धाप कैसे वंडित कीजिएगा । ग्रापने ग्राटिकल-6 में नहा है नि जिसको बाप सजा देंगे, वह केन्द्र की सरकार की धनुसति के धनुसार ही हो सकती है। यदि केन्द्र की सरकार की मनुमति नहीं होगी, तो वह सजा नहीं पा सकता है। इसारे माननीय सदस्य, की डागा जी दे ठीक ही कहा है कि यदि द्याप सजा देना चाइते हैं तो उसके लिए क्यनून सो होना चाहिए कि सी अपर पी की के तहत या किस कानून के तहत साप छसको बंड वेंगे। मैं मंत्री जी से कहना

बाहता हूं कि ब्राज इस विधेवन को तो पास कर दिया जाएगा लेकिन दूसरा अमेंडमेटिकिए। विधेवक लायें, काम्प्रिहेंसिव बिल लायें, ताकि उसमें सब का समावेश ही सके। हवारे यहां जो घटनायें हो रही है, उसका भी समाधान इसके द्वारा कर सकोंगे ग्रीर विदेशों में भी कर सकेंगे। अपाधिड का मतलब जो. क्वी-क्वी साउव-बफ़ीका समझा जाता है इसकी डफिनिशन होनी चाहिए । मुख्य बात यह है कि मानवता के ग्रधिकारों का हनन इसके खिलाफ जब जुल्म होता है, तो इसका सम्बन्ध है कि हमारे देश में क्या हो रहा है या नहीं हो रहा है। मैं उल्लेख नहीं करना चाहता हूं, सभी जानते हैं कि इरिजनों के ऊपर भीर भा:दवासियों के कपर क्या हो रहा है, त्रिपुरा में क्या हुआ, धसम में क्या हुआ- क्या हुम यह कह सकते हैं कि हमारी सरकार के प्रतिनिधि सरकार की व्यवस्था ग्रत्याचार नहीं कर रही है। भ्राप जब यह स्वीकार करते हैं कि यह काम हो रहा है, तो भ्राप उनको कसे दंडित करेंगे। यह केन्द्र की सरकार राज्य सरकारों को कैसे दंडित करेगी. जो खुद यह कानून बना रही हो भीर मानवता के ग्रधिकारों का दुरुपयोग हो रहा हो।

मैं ज्यादा समय न लेते हुए माननीय मंत्री जी से घपील करूंगा कि यदि हम ईमान-दारी घौर प्रभावधाली ढंग से इस विधेयक को घपना करके दुनिया में इसको दूर करना चाहते हैं। तो हम को इस विधेयक को सक्षम बनाना होगा, इस के लिए चाहे सरकार की तरफ़ से कोई घशेण्डमेण्ट ग्राये या इस को वापिस कर के कोई कम्प्रीहैन्सिव बिल लायें, तब ठीक होगा, नहीं तो हय को लगता है कि यह लज्जाजनक ग्रीर हास्यास्पव बात होगी, हिपोकेसी होगी, दुनिया को दिखाना बाहते हैं कि हम भी रंग-मेंद के विरोधी हैं, लेकिन इस से सच्चाई को ढांक नहीं सकते। SHRI CHITTA BASU (Barasat): Sir, I rise to welcome the Bill and I am glad that I have been able to associate myself with the adoption of a Bill of this nature.

In the Statement of Objects and Reasons, it has been clearly stated that this international convention declares that Apartheid is a crime against humanity. It has further gone to say that the practices of Apartheid and other acts which following from this system, namely, discrimination, segregation constitute a grave threat to international peace and security.

Sir, this has been stated and I think the entire House and the nation as a whole will endorse the Government of India's view in regard to the policy of Apartheid pursued in South Africa and I also endorse that view.

But, I have got one complaint to make. The complaint is precisely that the Government have failed to take adequately commensurate measures to uphold this noble principle that our country and the nation has upheld. There have been oscillations; there have been vacillations on the part of the Government in the matter of upholding this principle and condemning the particular State which is responsible for institutionalising the system of Apartheid.

Sir there is no doubt that South Africa is a racist State and is practising Apartheid. There is not a shred of doubt about it. But while we condemn the practices of South Africa, · we conveniently ignore or rather wish away the complicity of the Western particularly the United States of America in backing this ra-Cal regime on Apartheid.

Sir, it is well known that South Africa regime exists today because of the material, economic, political and commercial assistances offered by the United States of America in particular and other Western countries. It is well known that it is the United States of America and other Western countries which vetoed down the Security Council Resolution urging for or asking for the economic sanction against South Africa. As a matter of fact, these countries are assisting economically, politically and in all possible ways to prop up the South African regime on racialism. The United States as well as some Western countries are not against the policy of Apartheid. This became evident because they boycotted the Conference against Apartheid held in Paris last April. From that it is clear that they are not agreeable to condemn the racist regime in South Africa. South Africa has been all along violating the UN Resolutions, directions and they are acting in flagrant violation of the UN Charter and they are going very well marrily.

I want to bring to your notice a perceptible change in the policy of the United States Reagen Administration. The United States of America is working round the clock to nullify or sabotage the United Nations Plan to solve the Namibian problem and ensure independence to them.

The United States of America has let it known to the world that they are not going to condemn South Af rica as a racial State or practising apartheid. As a matter of fact, their attitude is softening towards South African regime. They have decided recently to send back the military personnel to South Africa and are also willing to restore the supply of nuclear fuel to South Africa which was stopped during the regime of Carter. Therefore, the United States of America are going out in all possible ways to buttress this recist regime.

My complaint against the Government is that there has not been strong enough campaign on the part of the Government of India in the international forum to see that the attitude of the United States of America and other western countries is condemned from the international forum. There has not been any adequate step taken by the Government of India in this direction. That is precisely my complaint against the Government.

[Shri Chitta Basu]

The latest crime of South Africa is that they attacked the people of Angola. They have moved 75 km, deep into the territory of Angola and conducted an act of aggression in all possible ways. But the United States are not willing to condemn this act of aggression. The western countries are not in a mood to condemn this act of aggression on the territory of Angola. Of course, the Government of India has expressed a view that it is not justified. I want that the Government of India should mobilise international public opinion against this policy of support by the United States of America and other western countries to buttress the South African racist regime.

Therefore, we shall not end up by the adoption of the Bill. Much remains to be done and it is to be done by constantly building up international public opinion against the South African regime and those countries which are practising apartheid. Therefore, let the hon. Minister know the House what steps and what policy he is going to adopt in order to create public opinion in the international arena to see that the system of appartheid is abolished for all time to come; and we should also express our solidarity. We should give not only moral support, but if possible some material support to the freedom fighters in Angola, Mozambique and Namibia; and that is also the policy of the Government of India. There is no doubt about it. We cannot adequately help the freedom merely by expressing our solidarity or sympathy. So, the Government should take certain steps in giving them material assistance in the matter of winning their freedom.

भी पीयूष तिरकी (श्रलीपुरहार ) : सभापति महोहय, यह जो रगभेव के श्रपराध के दमन और बच्ड हे सम्बन्धित श्रन्तर्राष्ट्रीय कन्बें जन को प्रभाषी करने बाला विश्वेयक सरकार की तरफ है लाया गया है, मैं उस

का समर्थन करता हूं किन्तु मुझे संदेह है कि हमारी सरकार ने इस विद्येयक को लाने में जितनी तत्परता दिखाई है। उस मामले में वह उतनी सीरियस है। उस में इतनी सीरियसनेंस है इस में मुझे संदेष्ट पालियामेंट में तो कानून बनाने की शांक्त है और यहां कानून बनते ही जाएंगे किन्तु कानूनों का कहा तक पालन किया जाता है यह कहना बड़ा मुश्किल है। हमारे देश में इतने कानून हैं कि कौन कानून कहां पड़ा हैं यह कोई नहीं जानता। बड़ें से बड़ा वकील भी उनको खोज कर म्छाय बिला सके. यह उसके लिए संभव नहीं है। इन कानुनों का पुलिदा बढ़ता ही जा रहा है। यह एक और कानून बन जाएगा। इसके ज्यादा कुछ नहीं होगा।

मेरे कहने का मतलब यह हैं कि बुनिया के सारे टेश रंग मेर नीति का जिरोध कर रहें ने इसलिए हमें भी यह दिखाना है कि इस भी रंग मेर की नीति के विरोधी हैं। उर मुझे यद आजाता है कि एक प्रस्ताव लाया गया कि च्या रहो। दूसरे ने भी यह प्रस्ताव लाया कि च्या रहो। बीसरे ने भी यह प्रस्ताव लाया कि च्या रहो। बीसरे ने भी यह प्रस्ताव लाया कि च्या रहो। जब सभी च्या रहो, च्या रहो का प्रस्ताव लाये तो सभी भोर से बोर भीर हल्ला मचना शुक्र हो गया। यही बात यहां पर हो रही

हमारे देश में कानून की बात हता नहीं है जितनी कि प्रेक्टिश की बात है। कानून से प्रेक्टिश जो होती है वह ज्यादा खतरनाक होती है। इमारे यहां जो सोशल प्रेक्टिश है वह बिल्कुल जाति के ऊपर श्राधारित है। इसीलिए, हर जगह हर रोज ज्यादित्यों हो रही हैं। इसके लिए लोग ही बोबी नहीं हैं, गवनमेंट को भी बोबी ठहराया जा सकता है। कोई भी बाह्मण कहीं पर जा कर रह सकता है लेकिन स्वार ससम का द्राहबल सहीं पर जा कर

रहता है तो यह ट्राइक्ल के नाम से नहीं रह सकता । प्रगर वह इसरी जगह नाएगा तो दूसरे नाम से रहेगा, पंजाब में जाएगा तो वह बोण्डेंड लेकर के नाम से रहेना क्योंकि ट्राइवल जाति को ग्राफि-शियल रिकगनीशन नहीं है। यह बतरनाक बात है।

मसम में दाइबल जाति के लोग 40 लाख हैं जिनको कि ट्राइबल सूची में आना चाहिए था ताकि वे ट्राइबल की सुख-सुविधा पा सकेँ। वे लोग हमारी सूची में नहीं श्रा सके इसलिए वहां हम सरकार भी नहीं चला सके। यह बात पहले हमारे विचार करने की है। हम इण्टरनेशनल क्षेत्र में यह कहने जा रहे हैं कि हम रंगमेद नीति के बहुत बड़े विरोधीं हैं। हम दुनिया को यह दिखाना चाहते हैं कि हम इसके खिलाफ हैं। दुनिया को इसके खिलाफ उपदेश देने में भीं हम माहिर हैं। लेकिन विदेश मंत्री जी यहाँ बैठे हुए हैं, इनसे पूछा जा सकता है कि हमारे यहां जाति के नाम से रेजिमेंट हैं, कोई डोगरा के नाम से रेजिमेंट है. कोई जाट के नाम से रेजिमेंट है। हम इन धर्म के नाम छे रेजिमेंटों को क्यों नहीं मुद्ध करते हैं ? हिन्दुस्तान में जो इतना जातिबाद है. धम के नाम से रेजिमेंट है, क्या यह रंगभेद नहीं है ? इस किस्म से जाति के नाम पर रेजिमेंट को ठीक करना क्या बहत जकरी नहीं है ?

Example is better than precept.

इस बात को कहने के लिए जहाँ हम तैयार हों वहां हमें अपने में सुधार लाने की भी चेष्टा करमी चाहिए। हमारे यहाँ जो भी सोशल संस्थाए या दूसरी संस्थाएं इस काम को करती हों, इस प्रकार की कुरीतियों को इटाने की चेच्टा कर रही हों उन्हें हमे ज्याचा से ज्यादा प्रोल्साहन देना चाहिए भीर हमें अपना ज्यादा से ज्यादा समय इस काम में लगाना चाहिए। इमें

एँसे कानूनों को ज्यादा से ज्यादा लाना चाहिए जिनमें कि ऐसे भपराधों के लिए सजा देने की व्यवस्था हो। प्रनर हम ऐसी व्यवस्था करते तो में इस बिल का भीर ज्यादा पूरे दिल से समर्थन करता। वैसे इस बिल में करने को चुछ नहीं है, जो कुछ भी यहां पर हो रहा है वह विखाने के लिए हो रहा है। फिर भी यह एक शुक्यात है इसलिए में इसका समर्थन करता हुं भीर द्यापका ज्यादा समय न लेकर धन्यवाद देता 💆 ।

Convention) Bill

भी सुन्दर सिंह (फिल्लोर) : महात्मा गांधी जी ने कड़ा है :---

"I shall work for an India in which the poor shall feel that it is their country and in whose making they have an effective voice, an India in which there is no high class or low class of people, an India in which all the communities shall live in harmony."

क्या सारे हारमाँनी में रह रहे हैं ? आज महात्मा गांधी के उसुनों पर कोई अमल नहीं हो रहा है; रोज समाचार शत हैं कि यहाँ इतने आदमी मर गए-- वड़ी इतने बादमी मर नये। ब्राज हमारे यहाँ पर यह हालत हो नई है। महात्मा गांडी भी चले गये, जवाहर लाल जी भी चले गये, कोई प्राप्तमी लाइट दिखाने वाला नहाँ रह गया। सिर्फ इंदिरा गांधी जी रह गई है. उनको भी सोन मिस-लीड कर रहे है, कोई ठीक बात नहीं बताता । इसका नतीजा यह है कि हिन्दुस्तान में नर्गब-हरिजनों की बुरी हामत है। जब हिन्दु-स्तान में बूरी हालत है सो बाहर क्या मण्डी हालत होगी ? गरीबों को जो तकसीफ हिन्दुस्तान में हैं भीर कहीं नहीं हैं। पहले जो हमारे जीहर ये उनके सारी वृतिया कांपती बी ग्राज जो लीडर है, उनका कोई असर नहीं है, इमारे मकवाना औ है, उनका कोई घसर नहीं है। पहले जो नीवर वे उनका असर होता वा- कोई

[श्री सुन्दर तिह]

भावमी उनकी तरफ देख नहीं सकता था। हरिजनों भीर गरीबों की हालत क्यों खराब, है, क्योंकि किसी भी कानून पर भ्रमल नहीं हो रहा है। कानून भ्राप बनाते हैं पर उन पर श्रमल नहीं होता है।

> 'बाहर मिया पांच हुमारी—बर में बीबी करमां दी मारी "

भाप जो मरजी नर लें सारे आदमी मिल लीड कर रहे हैं। जब देश में गरीबों की और हरिजनों की बुरी हालत है तो बाहर आपका क्या जोर पड़ना है। हिन्दु-स्तान के बाहर आपकी बात किसने सुननी है।

मैं इस बिल का समर्थन करता हूं, इसमें कोई अब नहीं है, लेकिन इस वक्त जो गरीब-हरिजनों की हालत है, इसकी वजह यह है कि कोई ग्रादमी उनकी बात सुनने वाला नहीं है। कोई बड़ा लीडर नहीं रह गया है, जो ये वे मर गए, कुछ इघर चले गए, कुछ उधर चले गए। ग्रापको पता लगेगा जब ग्राप दुबारा इलेक्शन में ग्राएंगे। सच्ची बात मैं अकर कहूंगा।

गरीबों की बुरी हालत है, यहां तक कि को हरिजन अफसर हैं, उनके रिकार्ड खराब किए जाते हैं। अब किससे कहें, किसके सामने जा कर रोएं। यह सिल-सिला बहुत खतरनाक है।

मैं मानता हूं कि ह्यारी सरकार बहुत प्रच्छी है, लेकिन जब तक कानूनी पर प्रमल नहीं होगा, तब तक गरीबों की हालत भुधर नहीं सकती।

अभी मेरे पास तार आए हैं, गुरवासपुर में 2 आदमी करल कर दिए गए, लेकिन पुलिस कुछ नहीं कर रही है। और भी कई जकह ते लोगों के मरने की बबरें हैं। श्रुक्तित कुछ महीं कर हो है। जन तक कोई जीडर नहीं साएगा, तब तक काम नहीं हो सकता।

महास्मा गांधी और जवाहर लाल नेहरू के पीछे लोग भागते थे, उनकी बात मानते थे, अब भी जब तक कोई हमारा लीडर नहीं होगा, तब तक काम नहीं हो सकता। हमारी सरकार को सही नक्या रखना चाहिए, आपने ही सारे काम करने हैं, अपोजीशन ने कुछ नहीं करना है। "जो यहां भूखा वह लाहीर में भी भखा" जब यहां पर हालत खराव हैं तो बाहर भी हालत प्रच्छी नहीं होगा। में जाहता हूं कि गरीबों की मदद करनी चाहिए, कामूनों पर प्रमल होना चाहिए, जब यहां उनकी हालत प्रच्छी होनी तो बाहर भी हालत प्रच्छी होनी तो बाहर भी हालत प्रच्छी हो जाएगी।

THE MINISTER OF EXTERNAL AFFAIRS (SHRI P. V. NARASIMHA RAO): Sir, Twelve hon. Members have participated in this debate and I would express my gratitude to all of them for the views they have expressed both on the Bill and otherwise. I may, however, be forgiven if I prefer to confine my reply to the Bill itself and to the extent the provisions of the Bill have been commented upon.

This, as I had submitted to the House at the beginning, is not a case of delay in passing the Bill. The delay that has occurred is not intentional on the part of the Government. The first introduction of the Bill had taken place within one year of India accepting the Convention, it was in 1978 that the Bill had been introduced. For various reasons it was not found possible to fit it into the legislative programme of Parliament then. Meanwhile Parliament was dissolved and after the new Parliament came into being, the Bill was introduced once again at the earliest. Even after that it has taken more than a year because, as I pointed out, we were again not in a position to accommodate it in the last Session in spite of our efforts to do so. I am glad that this time we

have been able to bring this Bill for discussion and we will be passing it shortly.

Sir, the purport of the Bill is very limited and pointed. There was a Convention. India became a party to that Convention. As a corollary to becoming a party to the Convention, we have to make the relevant portions of the Convention part of our Statute. That is the limited purpose of the Bill. The Convention that was accepted by the United Nations was fully subscribed to by us and therefore, it becomes our responsibility to make this own law, to adopt the relevant portions of the Convention because it stands, the Convention is of the United Nations and it cannot be acted upon in this country until it assumes the form of a law to be passed by this august House, this Parliament, and it is only for that purpose that in clause 2 it has been clearly stated:

"Notwithstanding anything to the contrary contained in any other law, such of the provisions of the International Convention on the Suppression and Punishment of the Crime of Apartheid as are set out in the Schedule, shall have the force of law in India."

So, the idea is that such of the provisions that are relevant to our conditions here and relevant from the point of view of legislatability have to be brought into a law and they have to be given the force of law in this country. In the Schedule the relevant portions from the Convention have been given verbatim. It would not be proper for us, it would not be open to us while regislating, to change the wording of the Convention itself. We have to accept it as the provisions of the Convention stand in the original. A point has been raised why certain provisions have been left out; that is why I pointedly made a reference to the relevant provisions. Shri Daga raised the question of sub-clauses (c) and (d) which according to him should not have been omitted. I would like to respectfully submit to the House that in their very nature the provisions (c) and (d) cannot be a subject matter of legislation by this Parliament.

### (e) reads as follows:

"Legislative measures and other measures included to prevent a racial group or groups from participation in the political, social, economic and cultural life of the country, etc. etc."

(c) deals with legislation. How is it possible for us to legislate on the possible legislation of any country? It is just not possible. Therefore, we had to delete (c).

### (d) reads as follows:

"Any measures including legislative measures divide the population along racial lines by the creation of separate reserves and ghetos for the Members of the racial group or groups; the prohibition of mixed marriages among members of the various racial groups."

This again consists of measures which could be taken either by a soveriegn Government or by a sovereign legisla-On either of these this Parliament cannot legislate. Therefore, these two have been left out, advisedly. We have examined the matter in all its aspects and it has been found that a legislative provision which would have sought to cover these two provisions ipso facto have become infructuous. Since we do not want this infructuous legislation or infructuous provision in this legislation, those two have been left out.

Another point which has been raised after very good speeches on the undesirability of apartheid and practices relating thereto and the brave struggle of the people of South Africa—Namibia, etc., is that Government of India should not only give moral support which we have been giving for decades but we should also give material support. I am glad to

[Shri P. V. Narasimha Rao]

inform the House that we are also giving material support to the extent posible. When I was in Algiers for the meeting of the Non-aligned Coordinating Bureau on the question of Nambia. I had occasion to make an announcement on behalf of the Government on something which we considered necessary and possible under the circumstances. And I may also inform the House that it was very greatly appreciated. We are in constant touch with the leaders of the ANC and SWAPO. Almost every time I go either to New York or to any of the African countries we do get in touch with the representatives of SWAPO or ANC in that particular capital. They also try to get in touch with us and it has never happened that we have missed each other. We are in constant touch. A SWAPO office, as has ben pointed out has been allowed to be opened in Delhi and, we will try to give them all facilities that could be given by the Government. So all these things are going on.

The point is well taken that we should go to their help to the extent possible and the point has been noted. It is being acted upon.

In regard to the procedural aspect, which happens to be the subject matter of one of the amendments given by Shri Daga, I would like to submit that we have made a penal provision. A penal provision, unless otherwise stated, is procedurally subject to the Criminal Procedure Code. If there is a special procedure in the law itself, then, to that extent, Criminal Procedure Code may not apply. But if there s no special procedure, automatically, the provisions of the Criminal Procedure Code apply. Here is as penal provision. have stated what the crime is and also what the punishment for the crime is going to be. If these two provisions are made, automatically, the procedure is that of the Criminal Procedure Code. This also, we have examined in all its aspects. I am satisfied that there is no need of accepting the amendment which he has tabled.

In regard to the third amendment which he has given, providing that whenever an amendment is made in the Act, which naturally, will be made corresponding to an amendment in the Convention, the copies of the Gazette Notification should be placed on the Table of the House. I have absolutely no hesitation in accepting it because this sovereign Parliament has a right to know what amendments have come from time to time. The only reason why it was not considered necessary was that this Convention is not likely to be amended. So, it is more or less an academic question. Even so, since Mr. Daga has brought an amendment, I have no reason to reject it; I have no reason to refuse it. Let the amendment be carried: I am prepared to accept it.

I think, I have covered all the points subject to the framework which I had placed before myself. I would only like to state that the effect of this legislation will be that whenever practices contained in the provisions of apartheid. as they are practised as they are in force in South Africa, are practised in our country, they become punishable.

Now, it has been pointed out that apartheid has not been defined. Apartheid is not just one word, as has been pointed out. Apartheid is a practice. It is sanctified by law and that is where the difference comes in. As has been pointed out by Mr. Indrajit Gupta. apartheid is something of just one practice. It is a. whole bundle of practices as a result of being sanctified by law in South Africa. So, it has certain connotations which we cannot bring in here just by giving a definition. Therefore, the Convention very clearly states:

"the term 'the crime of apartheid', which shall include similar policies and practices of racial segregation and discrimination as practised in southern Africa."

So, it is such a wide concept that it had to be quoted as such from the Convention and we had to take the phraseology of the Convention itself in the Schedule. It is not possible either to describe it or to define it. Therefore, what we have to see is, if there is a complaint in this country that such and such a person has committed an offence under the law, then the investigating authority will have to see whether the act committed comes within the scope of what is being practised in South Africa under the law of that country. That is what the investigation authority will have to satisfy itself about. Then it becomes an offence; it becomes punishable. That is how the procedural matters will take care of themselves.

As I said since this is a special legislation to which we cannot add from our side, its scope cannot be extended beyond what it is. There has been a suggestion that its scope should have been extended. I would like to state that it is just not possible to extend the scope of this particular piece of legislation because it is based on another Convention and that Convention is of limited scope. Without commenting on the other views expressed by my Hon. friends, I would like to state that there is nothing controversial about this We have done what we consider proper and as Hon. Members aware,, starting from Gandhiji right up today, we have never been lagging behind in our fullest support and help to the cause of the South African people, the Namibian people all those who are the victims of practices such as apartheid and we shall continue to help them and to stand by them until the problem is solved once and for all.

Thank you very much.

I would like to commend the Bill for the acceptance of the House,

SHRI INDRAJIT GUPTA (Basirhat): The Hon. Minister made a very welcome statement here that we are giving not only moral but material aid to the exvtent possible to people of Namibia and South Africa. I got an impression, may be wrongly that regarding this, when he was speaking at the meeting of the nonaligned Bureau at Algiers, perhaps, he spelt it out a little more than he is prepared to take this House into confidence.

SHRI P. V. NARASIMHA RAO: It is a question of failing memory. Nothing more.

SHRI INDRAJIT GUPTA: Failing memory? If he spelt it out there, he can spelt it out in the sovereign Parliament.

SHRI P. V. NARSIMHA RAO: Yes, Sir. I can certainly spell it out. There is no secret about it. But, at the moment as I say, in all sincerity I am telling you that I do not remember this figure.

MR. CHAIRMAN: There is no question of willing. The period has lapsed. Now he just does not remember the exact figure.

SHRI INDRAJIT GUPTA: Can he not remember what material aid we had give?

SHRI P. V. NARASIMHA RAO: 'Material' means in the shape of money. I did announce a figure. I do not want to quote a wrong figure.

SHRI INDRAJIT GUPTA: Is it money?

SHRI P. V. NARASIMHA RAO: Yes, money.

MR. CHAIRMAN: The question is:

"That the Bill to give effect to the International Convention on the Suppression and Punishment of the Crime of Apartheid, be taken into consideration".

415

The motion was adopted.

MR. CHAIRMAN: Now, we will take up clause by clause consideration of the Bill.

Clause 2—(Application of the International Convention on the Suppression and Punishment of the Crime of

### Appertheid)

SHRI MOOL CHAND DAGA: I beg to move:

Page 1, after line 18, insert\_

"(3) All such amendments shall be laid on the Table of both the Houses of Parliament as early as possible."
(3)

Will the hon. Minister say something on this?

SHRI P. V. NARASIMHA RAO: The wording of the amendment needs a little polishing. So, with your permission, I would like to move an amendment to the same effect and I will give you the new amendment.

His amendment is that it should be placed on the Table of the House. I will give the amendment.

I beg to move:

"Page 1, after line 18, insert-

"Every notification issued under sub-section (2) shall be laid, as soon as may be after it is issued, before each House of Parliament." (7)

This is the standard phraseology that we use. Not that I have anything to differ from what he said. This is the standard phraseology. So, I am giving this in this form. He will be kind enough to withdraw.

SHRI MOOL CHAND DAGA: Yes, Sir.

MR. CHAIRMAN: Is it the pleasure of the House that the amendment moved by Shri Mool Chand Daga be withdrawn?

Amendment No. 3 was, by leave, withdrawn.

MR. CHAIRMAN: Now the amendment moved by the Minister.

SHRI N. K. SHEJWALKAR (Gwalior): Please read the amendment, Sir. have to say a few words.

MR. CHAIRMAN: This is the amendment moved by the Minister:

"Every notification issued under sub-section (2) shall be laid, as soon as may be after it is issued, before each House of Parliament."

SHRDI N. K. SHEJWALKAR: Actually this section 2 and subclause 2 gives power to the government to enlist more offences. I do not know whether the learned Minister will approve of it because it is as good as giving a different definition to Section 3 because whatever the offences punishable, are mentioned in sections 2 and 3. If any further offence is to be added. I think the power should not be left to the Government only, even though as per the decision of the Subordinate Legislation Committee they are to be laid on the Table of the House. So far as the amendment is concerned, by itself it is all right basically but whether this power should remain to bring offences afresh is the question.

SHRI P. V. NARASIMHA RAO: I have already explained that the amendment will come here only when a corresponding amendment comes in the Convention. That is all. We are not going to bring any amendment on our own. The amendment first comes into the Convention and then consequently, it comes here. So it is not a fresh piece of legislation. What is being said is that if there is an amendment there, please issue a notification adding to it or amending it. Now, according to Mr. Daga, it will come before the Houses of Parliament.

SHRI N. K. SHEJWALKAR: Thank you, it is all right.

MR. CHAIRMAN: The question is:

"Page 1, after line 18, insert-

417

'(3) Every notification issued under sub-section (2) shall be laid, as soon as may be after it is issued, before each House of Parliament.'." (7)

The motion was adopted.

SHRI MOOL CHAND DAGA: It should be the amendment to the amendment I have moved.

MR. CHAIRMAN: Mr. Daga, you are forgetting that your amendment has been withdrawn by the leave of the House.

SHRI CHITTA BASU: Without his consent.

MR. CHAIRMAN: No, with the consent of all.

Now, the question is:

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

MR. CHAIRMAN: Now amendment No. 4 of Mr. Daga for insertion of a new clause—clause 2A.

Mr. Daga, are you moving it?

SHRI MOOL CHAND DAGA: I do not move this amendment.

MR. CHAIRMAN: You are a wise person.

Clause 3—(Punishment for international criminal responsibility)

SHRI MOOL CHAND DAGA: I beg

Page 2, line 4,-

for "ten years, and shall also be liable to fine" substitute—

"ten years or shall be liable to fine." (5).

1700 LS- 14

I have moved this amendment because they say that the imprisonment term may extend to ten years.

भी पी०बी० नर्शसह राव: नहीं, यह ठीक नहीं हैं। ग्राप केवल खुर्माना दें कर उस को छुड़वाना चाहते हैं, यह ठीक नहीं है।

SHRI MOOL CHAND DAGA: Sometimes, they are minor offences.

SHRI P. V. NARASIMHA RAO: No, Sir, this is not fair. You start with capital punishment and then say "or fine". This is not correct.

MR. CHAIRMAN: Mr. Daga, are you withdrawing?

SHRI MOOL CHAND DAGA: Yes, Sir.

MR. CHAIRMAN: Has the hon. Member, Shri Daga, the leave of the House to withdraw his amendment?

SOME HON. MEMBERS; Yes, Sir.

Amendment No. 5 was, by leave, withdrawn,

MR. CHAIRMAN: The question is:

"Thet Clause 3 stand part of the Bill".

The motion was adopted.

Clause 3 was added to the Bill.

MR. CHAIRMAN: There is no amendment to Clause 4.

The question is:

"That Clause 3 stand part of the Bill".

The motion was adopted.

Clause 4 was added to the Bill.

MR. CHAIRMAN: Now, clause 5. There is an amendment by Shri Daga. Are you moving.

SHRI MOOL CHAND DAGA: I am not moving.

MR. CHAIRMAN: The question is:

"That Clause 5 stand part of the Bill."

Convention) Bill

420

The motion was adopted.

Clause 5 was added to the Bill.

MR. CHAIRMAN: There are no amendments. Clauses 6 and 7.

The question is:

419

"That Clauses 6 and 7 stand part of the Bill".

The motion was adopted.

Clauses 6 and 7 were added to the Bill.

MR' CHAIRMAN: Now we take up the Schedule.

The question is:

"That the Schedule stand part of the Bill."

The motion was adopted.

The Schedule was added to the Bill.

Clause 1-(Short title and extent)

MR. CHAIRMAN: You may move your amendment, Mr. Minister.

Amendment made:

Page 1, line 9,-

for "1980" substitute "1981" (2)

(Shri P. V. Narasimha Rao)

MR. CHAIRMAN: The question is:

"That Clause 1, as amended, stand part of the Bill'.

The motion was adopted.

Clause 1, as amended, was added to the Bill

The Enacting Formula.

MR. CHAIRMAN: There is a Government Amendment-No. 1.

Amendment made:

Page 1, line 6.-

for "Thirty-first" substitute-

"Thirty-second" (1)

(Shri P. V. Narasimha Rao)

The motion was adopted.

MR. CHAIRMAN: The question is:

"That the Enacting Formula, as amended, stand part of the Bill.".

The motion was adopted.

The Enactiny Formula, as amended, was added to the Bill.

MR. CHAIRMAN: There are no amendments to the Preamble and the Title.

The question is:

"That the Preamble and the Title stand part of the Bill".

The motion was adopted.

The Preamble and the Title were added to the Bill.

17 hrs.

SHRI P. V. NARASIMHA RAO: Sir, I beg to move:

"That the Bill, as amended, be passed."

MR. CHAIRMAN: Motion moved:

"That the Bill, as amended, be passed."

श्री रामावतार शास्त्री (पटना): सभापति जी, मैं इस विधेयक का पूर्ण रूप से समर्थन करते हुए, कुछ निवेदन करना चाहता हूं। रंगभेद नीति के खिलाफ लड़ने की हमारी परम्परा बहुत पुरानी है भौर इस परम्परा को भौर भागे बढाना हमारा सबसे बडा कत्तंव्य है। इस सिलसिले में मैं भापको यह जरूर स्मरण दिलाना चाहता हं कि रंगभेद की नीति का विरोध करने में भापका साथ देने वाले कौन से राष्ट्र हैं। इसका स्मरण अभी करने की जरूरत है। तमाम समाजवादी मुल्क भौर नए आजाद मुल्कों में से ज्यादातर लोग 🤲 हो ग्राज रंगभेद की नीति का डट कर विरोध कर रहे हैं भीर इसका समर्थन कीन कर रहे हैं-खुले या छिपे प्रमरीकी साम्राज्यवादी प्रिटिश साभाज्यवादी और उन के पीछे चलने वाले तगुए-भगुए देश । दुर्भाग्य की बात है कि समाजवादी मुल्क चाईना भी

421

(प्राफ़ीका के साथ व्यापार सम्बन्ध बढ़ा रहा है। रंगभेद की नीति के सिलसिले में ही नहीं, मापकी वैदेशिक नीति, दूनिया के आजाद देशों को मदद करने की जो आपकी नीति है, इस तरह की नीतियों में कौन मापका साथ देते हैं, वहीं समाजवादी मुल्क भीर नए धाजाद मुल्क, जो कि कई सारे हैं। ये लोग प्रापका साथ देते हैं भौर बाकी साम्प्राज्यवादी मुल्क ग्रापका विरोध करते हैं, ग्रापको कमजोर करने की कोशिश निति है, उससे अलग करने की कोशिश करते करते हैं और भापकी जो प्रगतिशील वैदेशिक हैं। फिर भी ग्राश्चर्य की बात है कि ग्राज समाजवादी मुल्क के सरगना सोवियत यूनि-यन को भौर भमरीकी साभ्राज्यवाद को सुपर-पावर कह करके तराजु के एक ही पलड़े पर रखने की कोशिश करते हैं, यह कैसी नीति है। हर नीति पर ग्रापका समर्थन किया जाए, लेकिन ग्राप दोनों को एक ही पलड़े पर रख कर अपनी दुलमूल नीति का परिचय देते हैं या भ्रमरीकी साम्राज्यवाद को खुश करने के लिए इस नीति पर चलना चाहते हैं। ग्राज यह मौका है, रंगभेद नीति के खिलाफ इस विधेयक को स्वीकार करने के साथ-साथ भाप भपने दोस्त भौर दुश्मन को दूध और पानी की तरह मलग करके देखिए। एक साथ मिला कर नहीं देखिए । तो मेरा निवेदन यह है कि अभी सूपर पावर के नाम पर आप अपने मिल्र को और अपने दुश्मन को एक ही पलड़े पर मत रिखए-मेरा यही श्रापसे निवेदन

इन शब्दों के साथ मैं फिर झाखिर में इस विधेयक का रंगभेद की नीति विरोधी विधेयक का जिसे झापने पेश किया है, मानव मधिकार जो यू० एन० झो० का है उसके सिलसिले में, मैं इसका समर्थन करता हूं मौर झापसे जो मैंने निवेदन किया है, मुझे विश्वास है कि उस पर विचार करके झाप अपनी नीति में परिवर्तन करेंगे।

SHRI N. K. SHEJWALKAR (GWalior): I stand to congratulate the hon. Minister for bringing forward this Bill. In fact, so far as we are concerned our whole culture is one of वस् ध्व कट म्बकम . We treat all membeers of the world as our family memberes. Any sort of discrimination between one persons and another is not permissible to us. Actually I am proud that our hon, Minister has brought forward this Bill giving lead to this whole words. The matters which many of the hon. Members raised are not strictly relevant to this Bill. However, some of hose facts which they have mentioned cannot be ignored. We should try to follow this principle of वसधव क्ट्रम्बकम् in our own country also and all castes and all communities should not be differentiated against, because, all of us are one family.

With these words I congratulate the hon. Minister again for bringing forward this Bill and I support the Bill.

श्री पी०बी० नर्रासह राव :: सभापति जी, मुझे इतना ही कहना है कि रंगभेद विरोधी नीति को अन्तर्राष्ट्रीय समर्थन की कोई कमी नहीं है। बहुत बड़ी संख्या में राष्ट्र इस का समर्थन करते हैं भौर मुझे लग रहा है कि जो कल तक नहीं करते थे वे भी लाचार हो कर या उन के विचार परिवर्तन के कारण बागे करने लगेंगे, ऐसे लक्षण मुझे दिखाई दे रहे हैं। रंगभेद की नीति का किला कम से कम डावांडोल जरूर हो रहा है, अब टहना बाकी है, वह भी शायद जल्दी होगा क्योंकि इस में जो जन्तर्राष्ट्रीय एक-मत बनने जा रहा है, जबर्दस्त एकमत बनने जा रहा है, उस के भागे यह टिक नहीं पायेगा । बोड़ा समय चाहिए, यह प्रवश्य हो कर रहेगा । यही मैं प्रापसे कहना चाहता है।

SHRI SATYASADHAN CHAKRA-BORTY (Calcutta South): Just on a point of information. Our hon. Minister has said that most of the countries (including the big ones) are against Y S

[Shri Salyasadhan Chakroborty]

apartheid. Now will the hon. Minister kindly explain this? In that case, how is it that a small power, the White minority, is ruling that country actually in the face of such massive unity against apartheid? What is the reason for that?

PROF. N. G. RANGA (Guntur): Just remember. What happened in India before Mahatma Gandhi?

SHRI P. V. NARASIMHA RAO: Sir, in the Security Council, whenever sanctions are sought to be applied, the proposal to impose sanction is vetoed. Now, in the General Assembly we have an overwhelming majority. But that majority is of no avail when it comes to practical steps being taken. This is a vicious circle in which this matter is moving. That is why I said that I can see certain symptoms, and certain signs of the citadel of apartheid at least shaking, if not coming down immediately. Therefore, let us at least on this point not indulge in polemics any longer. Let us try to persuade more and more of those countries who till yesterday were not in a mood to support, but today, seem to be in a better mood to support. Their ideas seem to be undergoing a change. Therefore, the approach now should be one of persuasion. We have seen this confrontation in the UN and elsewhere. This has not really given us any practical results at all although almost the whole of mankind is behind this move. Still, in practical terms, results have not come. Today we are able to see some signs of improvement. Therefore I would appeal to the House that the new situation which we are able to see to some extent should be enabled to fructify.

MR. CHAIRMAN: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

MR. CHAIRMAN: The Bill, as amended, is unanimously passed.

17.11 hrs.

MERCHANT SHIPPING (AMEND-MENT) BILL

MINISTER OF SHIPPING AND TRANSPORT (SHRI VEEREN-DRA PATIL): I beg to move:

"that the Bill further to amend the Merchant Shipping Act, 1958, oe taken into consideration."

Sir with your permission I would like to say a few words while moving the Merchant Shipping (Amendment) Bill, 1981 for consideration and passing of the same. The Merchant Shipping Act as it is, does not provide for a cooperative society to own merchant ship. Section 21 of the said Act deems only those ships as Indian ships which are owned by a citizen of India or a company which satisfies certain conditions as stipulated in the section.

Recently, a question arose as to whether a cooperative society could acquire ship within the meaning of Section 21 of the Merchant Shipping Act, 1958. A Tribal Central Cooperative Society in Car Nicobar called M/s. Ellon Hinengo Limited desired to acquire a ship for marketing its agricultural products and supply consumer goods to the inhabitants of Car Nicobar group of Islands. The business used to be carried on previously by the Nicobar Commercial Company, a registered firm owned by M/s. Raj Lines, who owned a ship called m.v. "Safeena". Subsequently, the business was transferred by M/s, Raj Lines to the Tribal Cooperative Society who wanted to acquire a vessel to carry on the activities.

When the question of grant of permission to the Cooperative Society for acquiring the ship was considered it was found that the Society did not fulfil the requirements of Section 21 of the Merchant Shipping Act as it was nelther a citizen nor a company. This Ministry has been advised that only an amendment to Section 21 of the Merchant Shipping Act would make it possible or a cooperative society to acquire a ship.