

सत्यमेव जयते

The Anti-*Apartheid* (United Nations Convention) Act, 1981

(ACT NO. 48 OF 1981)

[*As on the* 1*th October*, 2026]

IndiaCode

THE ANTI-APARTHEID (UNITED NATIONS CONVENTION) ACT, 1981

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title and extent.
2. Application of the International Convention on the Suppression and Punishment of the Crime of Apartheid.
3. Punishment for international criminal responsibility.
4. Offences by companies, organisations or institutions.
5. Place of trial.
6. Previous sanction of the Central Government for arrest or prosecution.
7. Provisions as to Extradition Act.

THE SCHEDULE

IndiaCode

THE ANTI-*APARTHEID* (UNITED NATIONS CONVENTION) ACT, 1981

ACT NO. 48 OF 1981

[18*th December,* 1981.]

An Act to give effect to the International Convention on the Suppression and Punishment of the Crime of *Apartheid.*

WHEREAS an International Convention on the Suppression and Punishment of the Crime of *Apartheid* was adopted by the General Assembly of the United Nations on the Thirtieth day of November, 1973;

AND WHEREAS India, having acceded to the said Convention, should make provisions for giving effect to it;

BE it enacted by Parliament in the Thirty-second Year of the Republic of India as follows:—

1. Short title and extent.—(*1*) This Act may be called The Anti-*Apartheid* (United Nations Convention) Act, 1981.

(*2*) It extends to the whole of India.

2. Application of the International Convention on the Suppression and Punishment of the Crime of *Apartheid*.—(*1*) 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.

(*2*) 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.

(*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.

3. Punishment for international criminal responsibility.—Every person to whom international criminal responsibility applies under article III of the said Convention, as set out in the Schedule, shall be punished with death, or imprisonment for life, or imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Explanation.—For the purposes of this section, the reference in clause (*a*) of article III of the said Convention to "article II" shall be construed as a reference to the provisions of article II of that Convention as set out in the Schedule.

4. Offences by companies, organisations or institutions.—Where an offence under this Act has been committed by a company or an organisation or an institution, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company, organisation or institution, as the case may be, for the conduct of its business or affairs, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

Explanation.—For the purposes of this section, "company" means any body corporate and includes a firm or other association of individuals.

5. Place of trial.—Any person committing an offence under section 3 may be tried for the offence in any place in which he may be found or in such other place as the Central Government may, by general or special order, published in the Official Gazette, direct in this behalf.

6. Previous sanction of the Central Government for arrest or prosecution.—No person shall be arrested or prosecuted in respect of any offence under section 3 except with the previous sanction of the Central Government or such officer or authority as may be authorised by that Government by order in writing in this behalf.

7. Provisions as to Extradition Act.—For the purposes of the Extradition Act, 1962 (34 of 1962), the offence under section 3 shall not be considered to be an offence of a political character.

THE SCHEDULE

(*See* sections 2 and 3)

PROVISIONS OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF *Apartheid* WHICH SHALL HAVE FORCE OF LAW

* * * * *

Article II

For the purpose of the present Convention, the term "the crime of *apartheid*", which shall include similar policies and practices of racial segregation and discrimination as practised in southern Africa, shall apply to the following inhuman acts committed for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them:

(*a*) Denial to a member or members of a racial group or groups of the right to life and liberty of person:

(*i*) By murder of members of a racial group or groups;

(*ii*) By the infliction upon the members of a racial group or groups of serious bodily or mental harm, by the infringement of their freedom or dignity, or by subjecting them to torture or to cruel, inhuman or degrading treatment or punishment;

(*iii*) By arbitrary arrest and illegal imprisonment of the members of a racial group or groups;

(*b*) Deliberate imposition on a racial group or groups of living conditions calculated to cause its or their physical destruction in whole or in part;

* * * * *

(*e*) Exploitation of the labour of the members of a racial group or groups, in particular by submitting them to forced labour;

(*f*) Persecution of organisations and persons, by depriving them of fundamental rights and freedoms, because they oppose *apartheid*.

Article III

International criminal responsibility shall apply, irrespective of the motive involved, to individuals, members of organisations and institutions and representatives of the State, whether residing in the territory of the State in which the acts are perpetrated or in some other State, whenever they:

(*a*) Commit, participate in, directly incite or conspire in the commission of the acts mentioned in article II of the present Convention;

(*b*) Directly abet, encourage or co-operate in the commission of the crime of *apartheid.*

* * * * *

IndiaCode

STATEMENT OF OBJECTS AND REASONS

The object of the Bill is to give effect to the provisions of the Inter-national Convention on the Suppression and Punishment of the Crime of Apartheid, which was adopted by the General Assembly of the United Nations on the 30th November, 1973, and to which India became a party on the 22nd October, 1977. The purpose of the said Convention is to declare that *apartheid* is a crime against humanity and that inhuman acts resulting from the policies and practices of *apartheid* and similar policies and practices of racial segregation and discrimination constitute a serious threat to international peace and security and to make it possible for the States Parties to the Convention to take more effective measures at the national and international levels with a view to the suppression and punishment of the crime of *apartheid*.

2. The Bill gives effect to the Convention, in particular to Articles II and III thereof, as set out in the Schedule to the Bill which, respectively, define the crime of *apartheid* and apply international criminal responsibility, irrespective of the motives involved, to individuals, members of organisations, institutions, etc., who commit the said crime. The Bill also seeks to make the commission of the said crime punishable with death or imprisonment and fine.

P. V. NARASIMHA RAO.

NEW DELHI;
The 29*th October*, 1980.

IndiaCode