

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

RAJYA SABHA
UNSTARRED QUESTION NO. 718

TO BE ANSWERED ON THE 2ND MARCH, 2016/PHALGUNA 12, 1937 (SAKA)

Enacting law in conformity with UN Convention on Genocide and racial discrimination

718.SHRI AVINASH PANDE:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government is planning to enact any law in conformity with India's obligations under the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, 1948 and/or the International Convention on the Elimination of All Forms of Racial Discrimination, 1965; and

(b) if so, the details thereof and if not, the reasons therefor?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI KIREN RIJIJU)

(a) & (b) By acceding to the Convention on the Prevention and Punishment of the Crime of Genocide in 1959, India has recognized genocide as an international crime. The principles embodied in the Convention are part of general International law and therefore already part of common law of India. The provisions of Indian Penal Code including the procedural law (Criminal Procedure Code) provide effective penalties for persons guilty of crime of genocide and take cognizance of the acts which may be otherwise taken to be in the nature of genocide, as culpable offences.

Regarding International Convention for Elimination of All Forms of Racial Discrimination, it is stated that adequate safeguards exist in the Constitution of India and other legislations expressly prohibiting racial discrimination in all forms. The Constitution of India is widely recognized as a progressive document that provides a comprehensive legal frame work for guarantee of human rights. The principles enshrined in the Part-III of the Constitution of India provide legal frame work to combat all forms of discrimination including those forms that are based on race, religion, caste, colour and creed. These are further strengthened by comprehensive legal framework with independent and impartial judiciary, a secular and pluralistic polity, a vibrant civil society.
