APPENDIX

Declaration by
The Government of India

WHEREAS the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights, were adopted by the General Assembly of the United Nations in resolution 2200 (XXI) of 16 December 1966, which Covenants are reproduced in the Annexure to this Document;

AND WHEREAS it is fit and expedient to accede to the aforesaid Covenants subject to the following Declarations:

I. With reference to Article 9 of the International Covenant on Civil and Political Rights,

- With reference to Article I of the International Covenant on Civil and Political Rights, the Government of the Republic of India declares that the words "the right of self-determination of peoples" as contained in Article 1(1) of the International Covenant on Civil and Political Rights, do not apply to sovereign independent States or to a Section of a people or nation—which is the essence of national integrity.

- With reference to Article 9 of the International Covenant on Civil and Political Rights, the Government of the Republic of India takes the position that the provisions of the article shall be so applied as to be in consonance with the provisions of clauses (a) to (f) of Article 12 of the Constitution of India. Further, under the Indian Legal system, there is no enforceable right to compensation for unlawful arrest or detention—so that the expression of a right to a remedy, as contained in Article 9 of the International Covenant on Civil and Political Rights, and Article I of the ILO's Declaration on Fundamental Principles and Rights at Work, is interpreted as meaning that the provisions of Article 9 shall be so applied as to be in consonance with the provisions of Article 12 of the Constitution of India.

- With reference to Article 7 (c) of the International Covenant on Economic, Social and Cultural Rights, the Government of the Republic of India declares that the provisions of the said Article shall be so applied as to be in consonance with the provisions of Article 16 (4) of the Constitution of India.

NOW, THEREFORE, BE IT KNOWN that the Government of the Republic of India, having seen and considered the said Covenants, do hereby accede to the same subject to the above-mentioned Declarations.

IN TESTIMONY WHEREOF, I, NEELAM SANJIVA REDDY, President of India, have signed these Presents and affixed my Seal at New Delhi this the sixth day of Chaitra of the Saiga year one thousand nine hundred and one corresponding to the twenty-seventh day of March of the Year one thousand nine hundred and seventy-nine; the Thirtieth year of the Republic of India.

Deposited with the U.N. on 10.4.79

President of India

The Government of India
Declaration by