

Indian nightclubbers say they were turned away from the Baghdad Cafe

BY BENITA VAN EYSSSEN

The party of six did a double-take when the nightclub bouncer said politely: "No Indians allowed."

Renuka Dhanrag and her friends were turned away from the Baghdad Cafe in Sandton last weekend.

"It was unbelievable and embarrassing. I had been there 10, maybe even 15 times before and suddenly I was not allowed in because my friends and I are Indian," the young architect said this week.

One of the club's owners, who declined to be named, put Dhanrag's allegations down to "another disgruntled patron who couldn't get in" to his popular club that night.

"Yes, I turn people away if they are not dressed appropriately or if the place is full. Also if I feel they won't fit in with the rest of the crowd, but never on the basis of their race," he said.

From the entrance that night Dhanrag could see other Indians inside, while white patrons were let in without question.

"There is always a racial mix at my club," said the owner, who maintained that his bouncers would never make a racist statement of that nature. After all, he says, two of his doormen are Indian. Making a profit is his motivation for being selective at the club, where entrance is free on most nights.

Was the bouncer's comment made tongue-in-cheek, or were the constitutional rights of Indian nightclubbers violated that night?

Johnny Sexwale, Gauteng premier Tokyo Sexwale's brother, asked himself a similar question

this week. He accused the manager of a Free State hotel of racism after Sexwale and his brother-in-law Keith Mokaope were told to drink in their hotel rooms because the bar was not a public venue.

Nightclubs, bars, restaurants, even public swimming pools are just some of the places that carry signs stating that right of admission is reserved.

Morgan Moodley, head of legal services at the Human Rights Commission, outlined the purpose of the sign: "It gives an establishment the right to turn someone away. If someone were drunk or aggressive, for instance, or posed some sort of threat to others in or around the premises, they could be kicked out or refused entry." It would be legal and within the owner's rights to insist on required membership.

However, he said, there was no legal basis for exclusion on the grounds of religion, sex or race.

The bill of rights equality clause states: "No person may unfairly discriminate directly or indirectly against anyone on one or more grounds including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth." The same clause also makes provision for legislation to be enacted to "prevent or prohibit unfair discrimination" within three years.

The department of justice has completed its draft bill on the elimination of discrimination. This will be submitted to the minister, Dullah Omar, within a few days.

"The bill takes into account discrimination at all institutions, including private institutions," said Paul Setsete of the justice ministry.