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PERMANENT MISSION OF INDIA TO THE UN, GENEVA

HUMAN RIGHTS COUNCIL

10TH SESSION (02-27 March 2009)

Report of the Special Rapporteur on Freedom of Religion or Belief

(12 March 2009)

Statement by India as Concerned Country

Mr. President, Distinguished Special Rapporteurs,

My delegation would like to thank the Special Rapporteur on the Freedom of Religion or Belief, Ms. Asma Jahangir, for the report on her Mission to India in March 2008. At the invitation of the Government of India, and as a demonstration of India's openness and commitment to human rights mechanisms, Ms. Jahangir spent a fortnight in India from 03 to 20 March 2008, visiting seven states including Jammu and Kashmir, Gujarat and Orissa where she met with the Chief Ministers, the highest elected political representatives in the states. At the federal level, she had meetings with the External Affairs Minister, Ministers of Minority Affairs and Culture and Chairperson of the National Human Rights Commission. She also interacted with the Chief Justice of India and other members of the Supreme Court which constitute the higher judiciary, besides members of civil society and other stakeholders.

Mr. President,

For millennia, the Indian subcontinent has provided shelter to countless strands of religious and philosophical thought. Indeed, it has been an integral part of our historical tradition to accept and absorb all religions and spiritual experiences as true and valid. India has been the birthplace of Hinduism, Buddhism, the Sikh and Jain faiths, while the great teachings of Islam, Judaism, Christianity and Zoroastrianism quickly found fertile ground in India centuries ago. Today, everyone of the world's major religions has a home in India, making it a nation of unparalleled diversity and plurality. Given India's civilisational ethos and its historical intercourse with, and assimilation of, different cultures and religions over the millennia, it was but natural that the leaders of our freedom struggle and the founding fathers of independent India adopted a

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Constitution which makes India a secular republic and guarantees for every citizen of India the freedom of religion and faith as a justiciable and enforceable fundamental right. The commitment at the highest levels of the polity to uphold the rights guaranteed in the Constitution, India's independent judiciary, a free and vibrant media and civil society act as bulwarks against religious intolerance.

Mr. President,

The Special Rapporteur has acknowledged the remarkable religious diversity in India, as also the various Constitutional safeguards, and the Government's comprehensive policy for improving the condition of minorities and its commitment to secularism that form the bedrock of the culture of pluralism and tolerance which characterizes India. In this context, we are surprised at her reference to the so-called "institutionalized impunity for those who exploit religion and impose their religious intolerance on others..." as well as "impunity of communalized police forces at the state level". We reject these allegations categorically.

While our political system and Constitution do not differentiate between the adherents of different religious beliefs, actual practices and attitudes are important issues to be tackled. Whenever aberrations have been noticed, the Government has endeavoured to take corrective action not only in terms of law enforcement but also through promoting the appropriate social ambience as well.

While considering the report of the Special Rapporteur, it is important to reiterate that India has put in place over the past several decades the legislative framework and the administrative apparatus to implement the provisions of the Constitution and laws and regulations concerning freedom of religion and faith and the protection of minorities. Occasionally, there are "implementation deficits" as in the case of many areas in any other country. However, fortunately for India, these deficits are brought to light by a vigilant media and an active civil society. It is also important to bear in mind that the State is not engaged in practising any denominational discrimination, nor is the State running institutions of religious instructions or indoctrination. It is not the Government's case that everything is perfect with regard to the freedom of religion and faith or protection of minorities. It can perhaps never be so in any society. But it is very much the Government's case that adequate systems and safeguards are in place to tackle the aberrations and the extreme fringes of different religious groups, both from a

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legislative and administrative framework viewpoint, as well as in terms of judicial remedies.

A federal Ministry of Minority Affairs has been created in 2006 to enable special focus on the minorities. The Prime Minister's 15-Point Programme for the Welfare of Minorities announced in June 2006 envisages location of a certain proportion of development projects in minority concentration areas for ensuring that the benefits of the schemes, included in the programme, flow equitably to the minorities. Apart from many other religions, India is home to the second largest Muslim community in the world. In order to address issues relating to their development, a High-Level Committee headed by Justice Rajendra Sachar was set up by the Prime Minister in March 2005 to report on the social, economic and educational status of the Muslim community in India. The report was submitted in November 2006 and is being acted upon. Thus, in keeping with our commitment to secularism, the Indian polity has always sought to preserve and promote the secular fabric of Indian society of which the freedom of religion or belief is a vital component.

India appreciates the observations made by the Special Rapporteur which are a well-researched and unbiased reflection of India's religious diversity and pluralism. In conclusion, Mr President, I would once again like to thank the Special Rapporteur for her Report and assure her that the Government of India will give her recommendations careful consideration.

Thank you, Mr. President.