



PERMANENT MISSION OF
INDIA
TO THE UNITED NATIONS OFFICE
GENEVA

STATEMENT BY MR. S.S. AHLUWALIA, MEMBER OF PARLIAMENT
AND ALTERNATE LEADER OF THE INDIAN DELEGATION TO THE
45TH SESSION OF THE HUMAN RIGHTS COMMISSION
UNDER AGENDA ITEM 22.

GENEVA, 27 FEBRUARY, 1989

Mr. Chairman,

On assumption of office, in his very first address to the nation on the 12th November 1984, Mr. Rajiv Gandhi, the Prime Minister of India stated (and I quote):

"Secularism is the bedrock of our nationhood. It implies more than tolerance. It involves an active effort for harmony."

This secularism is the very foundation of Indian democracy and the basis of India's unity in diversity. Mr. Chairman, I would like to reaffirm the commitment of India to secularism, the rule of the law and protection of the rights of religious freedom of all.

Freedom of religion or belief is intrinsic to the development of true democracy. The Constitution of India declares India to be a secular and democratic Republic where liberty of thought, expression, belief, faith and worship are guaranteed to all its citizens. The right of freedom of religion is one of the fundamental rights guaranteed by the Constitution. This includes the freedom of conscience and free profession, practice and propagation of religion and freedom to manage religious affairs. The individual can exercise his freedom either individually or in community with others and in public or private, according to the customs of the respective religion. The customary and codified personal laws of people of different religions, beliefs and faiths are fully guaranteed and protected. The individuals have a right to enforce these fundamental rights by reference

even to the Supreme Court of India, the apex body of the independent judiciary in India, in the event of their violation.

The rights and freedoms enjoined by the Constitution and the law are buttressed further by a vigilant press and public opinion. Every religious denomination has the right to establish and maintain institutions for religious or charitable purposes, to manage its own affairs in matters of religion, to own and acquire movable and immovable property and to administer such property in accordance with law.

We understand secularism to mean freedom of religion and conscience. A secular state to us means a state where all faiths and beliefs are honoured equally and are given equal opportunities and where the state does not allow itself to be attached to any one faith or religion by giving it the status of the state religion. The framers of the Constitution believed that if the state adopted ^a religion then those who did not belong to that religion would not feel that they had equal rights.

While the state has to guarantee rights through constitutional provisions and the right to legal remedy,

the people must also remain committed to tolerance to allow others of different faiths and persuasions to fully enjoy their rights and freedoms. The Indian Constitution enjoins that it shall be the fundamental duty of every citizen of India to promote harmony and the spirit of common brotherhood among all the peoples of India transcending religious, linguistic and regional or sectional diversities.

Intolerance and discrimination based on religion or belief has been one of the eternal causes of human suffering in several parts of the world. It was in this context that the United Nations General Assembly had adopted a resolution, as early as on 19 November 1946, declaring that it was in the higher interests of humanity to put an end to religious persecution and discrimination.

My delegation would like to briefly recall that following the study undertaken by Mr. Arcot Krishnaswamy, Special Rapporteur of the Sub-Commission on the "Study of Discrimination in the Matters of Religious Rights and Practices" the United Nations undertook a two-decade long drafting exercise at the end of which the Declaration on all forms of intolerance and of discrimination based on religion or belief was adopted in 1981. Despite the fact that the Declaration is not a legally binding instrument, my delegation would like to see that it is widely implemented.

My delegation has read with interest the report prepared by the Commission's Special Rapporteur on "Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief" which is contained in document

E/CN.4/1989/44. We have noted his conclusion that on the one hand incidents and governmental actions inconsistent with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief persist in nearly all regions of the world and in extremely varied forms, and on the other, genuine efforts are being made internationally and nationally to introduce and implement appropriate measures to combat this scourge. We are, however, happy to note his conclusion that information collected by him attests to a definite interest in this problem on the part of the international community and others to resolve it. We agree with the following views expressed in the report:

"The Special Rapporteur considers that although the phenomenon of intolerance with regard to religion or belief has specific features and manifestations, it cannot always be considered in isolation; the best guarantee of a climate conducive to tolerance and understanding in this sphere seems to be the efficient functioning of democratic institutions, within which the individual can freely express and manifest his beliefs and convictions within the limits set out by the law, without risk of harassment, and the implementation of socio-economic measures to reduce inequalities and, as far as possible, to remove at the root sources of interdenominational friction and tensions."

The Special Rapporteur has made certain recommendations towards the conclusion of his report. My delegation would like to state that we will study these recommendations in detail. We would also submit that future action in this area must be carefully considered and decided upon by consensus, given the sensitive and difficult nature of the exercise.

I thank you, Mr. Chairman.