



भारत

INDIA

PERMANENT MISSION OF INDIA

TO THE OFFICES OF THE UNITED NATIONS, ITS SPECIALISED AGENCIES
AND OTHER INTERNATIONAL ORGANISATIONS IN GENEVA

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STATEMENT BY

H.E. MR. SWASHPAWAN SINGH

AMBASSADOR AND PERMANENT REPRESENTATIVE OF INDIA

AT THE

**70TH SESSION OF THE COMMITTEE ON THE ELIMINATION OF
RACIAL DISCRIMINATION**

CONSIDERATION OF 15TH-19TH PERIODIC REPORTS OF INDIA

GENEVA

FEBRUARY 23, 2007

CERD REPORT, 23 FEBRUARY 2007

INTRODUCTORY STATEMENT BY PR

Mr. Chairman,

I would like to begin by extending, on behalf of the Indian delegation, warm greetings to the members of the Committee. We look forward to an interesting and lively discussion in the two sessions we have to discuss India's report. Permit me to introduce to you the distinguished members of the Indian delegation.

- (i) We have with us the Solicitor General of India Mr. Goolam E. Vahanvati. A distinguished lawyer, he served as the Advocate General of the State of Maharashtra of which Mumbai is the capital before being appointed Solicitor General of India in June 2004;
- (ii) Next is Dr. Sundeep Khanna, Additional Secretary in the Ministry of Social Justice & Empowerment which is entrusted with the welfare, social justice and empowerment of disadvantaged and marginalized sections of society. Dr. Khanna is a Member of the Indian Administrative Service with thirty five years of experience in government in various capacities;
- (iii) Mr. Manjeev Singh Puri is Joint Secretary, heading the United Nations Division dealing with the Treaty Bodies in the Ministry of External Affairs. He is a

distinguished diplomat and has served in several of India's Missions abroad including as Consul General in Cape Town, South Africa.

- (iv) Mr. Narinder Singh is Joint Secretary and heads the Legal and Treaties Division of the Ministry of External Affairs. He was recently elected a member of the International Law Commission;
- (v) Dr. Dipankar Gupta is Professor with the Centre for the Study of Social Systems of the prestigious Jawaharlal Nehru University, New Delhi. He has authored several books including one titled "Interrogating Caste" published by Penguin in the year 2000. A Fulbright Fellow in 1998, Professor Gupta has taught as a Visiting Professor in the University of Toronto and the University of Strasbourg. He was also awarded the Leverhulme Professorship at the London School of Economics in February 2003.
- (vi) Mr. Rajiv Chander is Minister (Political and Economic) in the Permanent Mission of India to the UN in Geneva. He has served in several of India's Missions abroad including as Consul General in St. Petersburg.
- (vii) Mr. Munu Mahawar is First Secretary (Political) in the Permanent Mission of India to the UN in Geneva. He is a Member of the Indian Foreign Service and has served in Moscow.

The members of the delegation would be making presentations, after which we all look forward to hearing your comments and observations .

2. India's 19th consolidated Report, though regrettably late, is a comprehensive document designed to provide an overview of how, in the world's largest democracy, pluralism and respect for diversity inform all aspects of our polity and society. It would be of interest to the Committee members to know that along with the freedom struggle, which was for the realization of the human rights of the people of India to live in freedom and dignity, a process of social reform was also underway. Both these processes converged and found expression in the Indian constitution which came into effect in January 1950, less than three years after gaining independence. The Constitution embodies the very essence of the freedom struggle and is reflective of the ethos of pluralism and tolerance engendered by a multi-religious, multi-cultural, multi-lingual and multi-ethnic society. A society that traces its lineage to over five thousand years of recorded history.

3. The Indian Constitution was framed against the backdrop of one the largest migrations in human history, precipitated by the partition of India which saw millions perish in the fire of communalism. Despite this the commitment to pluralism and tolerance never wavered and informs all aspects of the Indian Constitution. It is one of the longest in the world and drew inspiration from the richness of our experience of assimilating many religions and cultures over the millennia. It also drew upon the leading democratic constitutions of the modern world and international covenants, in particular, of the fledgling United Nations. The impact of India's independence and the path it charted for itself in the early years of our freedom on the process of decolonization the world over is well recognized.

4. We are proud that in those early days of our independence several bold measures were enshrined in the Constitution that have enabled India to flourish as a democracy for six decades and preserve its humanist traditions in the face of several challenges. The basic political, social and economic rights found pride of place in the Constitution and became the beacon guiding the political leadership of various persuasions for over half a century and put India firmly on the path to becoming a modern nation state.

5. The Government of India is committed to combating and eliminating discrimination in all its manifestations basing itself on our Constitution, which has made human rights and fundamental freedoms as justiciable rights. The Constitution proscribes discrimination on any ground, including race. Appropriate legislation has been enacted to give effect to this constitutional provision. The Indian Penal Code prohibits dissemination of ideas that promote disharmony on any ground, including race. The Constitution pioneered affirmative action programmes for the socially disadvantaged. We have put in place an administrative and institutional structure to address within our democratic framework, different forms of discrimination. Our independent judiciary, an ever-vigilant media and an active civil society have strengthened the government's efforts for attaining equality.

6. The Committee is familiar with the legal position of the Indian delegation that it views caste-based discrimination as an issue outside the purview of the definition of racial discrimination under Article 1 (1) of the Convention. This continues to be our position.

7. The Indian Constitution, framed by eminent legal luminaries, is an eclectic document that drew deeply from India's ethos and civilization and at the same time incorporated the most progressive modern concepts drawn from the leading constitutions of the day. Given the *sui generis* position of caste in India, it directly addressed the issue with clearly guaranteed rights and affirmative action aimed at ensuring that the disadvantaged castes were brought into the mainstream of Indian society and polity. The Indian Constitution draws a distinction between caste, race and descent considering these as separate concepts. Our delegation would be elaborating on this aspect in its detailed presentation.

8. We are deeply conscious of the fact that implementation in a country as vast, populous and diverse as India is a daunting task. We have persevered diligently and will continue to do so. Ours is a work in progress. We are encouraged by the work undertaken and the progress achieved. We are open and indeed welcome the advice and suggestions of those in India and in the international community who wish to assist us in this enterprise. It is in this spirit that we have engaged in a dialogue on this issue in the Human Rights Committee. We are thus open to dialogue and discussion. However, this must be within the parameters set out for us by our Constitution, which has served us well for the past nearly sixty years. To do so otherwise would be unconstitutional, with far-reaching and unacceptable social and political consequences.

9. Therefore, we are not in a position to accept reporting obligations on this issue under the Convention. We would, however, be happy to provide information to the distinguished members of the Committee on issues relating to caste that may be of interest to them.

10. There is no state-sponsored, institutionalised discrimination against any individual citizen or groups of citizens. We are conscious that much remains to be done. Action at the level of the Government, however important it may be, is not enough unless there is a change in social attitudes and values. Such changes cannot be achieved simply by legislation. Education is an important tool in this endeavour. The report details the efforts being made to provide universal education and also secure the economic advancement of those most in need. The objective is to empower the disadvantaged segments of society, for it is only through the full realization of their potential that India's economic and social growth can be consolidated. Indeed as India's economy modernizes and expands more resources would be available to promote awareness and provide jobs and training to those most in need. The National Rural Employment Guarantee Scheme is an important effort in this direction.

11. The National Human Rights Commission of India has grown into an institution which is respected internationally and has been active in promoting the agenda of Human Rights nationally. Public confidence in the institution is reflected in the fact that since its inception in 1993 it has registered well over 500,000 complaints. Some 15 States of India have set up their own State Human Rights Commissions.

12. We similarly value the growth and increasing contribution of civil society to India's economic and social development. They facilitate debate and discussion on important national issues and concerns. They are an essential component of the democratic discourse of our vibrant polity.

13. India is amongst the countries that have been affected most by the scourge of terrorism. The dastardly attack on the Indian Parliament, the indiscriminate bombings and killing of scores of innocent civilians in Mumbai, Delhi and other parts of India underscore vividly the need to protect the lives of the people of India.

14. In the face of these adversities our faith in our Constitution and the basic values and institutions it embodies has never wavered. India is on the way to becoming a modern nation state, able and willing to engage more effectively with the world and play a larger role in the comity of nations. Thank you.

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