



Statement by India in the Agenda Item 3 Interactive Dialogue with the Special Rapporteur on minority issues, during the 61st Session of the Human Rights Council (23 February – 31 March 2026), delivered by Mr. Gaurav Kumar Thakur, Counsellor, Permanent Mission of India, Geneva, 17 March 2026

Mr. Vice President,

India is firmly committed to empowering ethnic, religious and linguistic minorities and to nurturing our nation's pluralistic character. Our democratic ethos and Constitution guarantee fundamental rights to all its citizens.

The Constitution grants specific protections to all types of minorities and safeguards their identities. All minorities, whether defined by religion or language, can establish and administer educational institutions of their choice and choose the medium of instruction.

India has a dedicated Ministry of Minority Affairs and a National Commission for Minorities to address the concerns of religious minority communities and safeguard their interests.

Mr. Vice President

We reject the Special Rapporteur's (SR's) assertions on the Waqf (Amendment) Act 2025 as factually incorrect and based on a poor grasp of its background and history. The amendments undertaken by the Government are progressive. They promote transparency, gender equality and more effective waqf administration, while preventing arbitrary property claims, and empowering minority Muslim sects like Bohras and Aghakhani the right to preserve interests of their own community by establishing their own Waqf Boards.

SR's comments appear to rely on interactions with certain organisations whose only agenda is to peddle fake narratives and tarnish India's pluralistic ethos, for their own political ends. The tone and content of his comments reflect a clear, preconceived hostility towards India.

We also express our concerns to *suo moto* expand the mandate. Full statements including comments on the report being made available on the extranet.

Full Text of India's intervention

Mr. Vice President,

India is firmly committed to empowering ethnic, religious and linguistic minorities and to nurturing our nation's pluralistic character. Our democratic ethos and Constitution guarantee the fundamental rights to all its citizens.

The Constitution of India also provides for certain rights that are specific to minorities and protects their identity. Linguistic minorities are protected under the Constitution with special provisions to promote the right to conserve "distinct language, script or culture". All minorities, whether based on religion or language, have the right to establish and administer educational institutions of their own choice, as well as the medium of instruction in these institutions.

India has a dedicated Ministry of Minority Affairs and a National Commission for Minorities to address the concerns of religious minority communities and safeguard their interests.

We reject the Special Rapporteur's assertions on the Waqf (Amendment) Act 2025 as factually incorrect and based on a poor grasp of the law and its history. Perhaps it will be useful for SR to speak to minority Muslim sects within Muslim communities like *the Bohras* and *the Aghakhans* who benefit from the amendments by being able to institute their own waqf board to preserve their own community interests.

Perhaps it will also be useful if SR could examine how many other non-Islamic countries have extended protections to Waqf properties through a dedicated legislative process committed to preserving identities of these communities.

The Waqf (Amendment) Act introduces progressive reforms aimed at enhancing transparency, ensuring gender equality, streamlining waqf administration, and preventing arbitrary claims over properties.

SR's comments appear to rely on interactions with certain organisations whose only agenda is to peddle fake narratives and tarnish India's pluralistic ethos, for their own political ends. The tone and content of his comments reflect a clear, preconceived hostility towards India.

Because of India's robust constitutional safeguards, both the absolute numbers and the percentage of minority populations in India have consistently increased. This equality is not merely theoretical; it is reflected at the absolute highest levels of the Indian State. Minorities in India have seamlessly ascended to the highest political offices, grown on to become leaders in military, business, art, sports, culture and all other fields.

Mr. President,

Moving to the substantive comments on the report-

We are concerned by SRs attempts to *suo moto* expand his mandate. We recall Commission of Human Rights Resolution 2005/79 and subsequent resolutions that establish this mandate. The resolutions are very clear on the specific right holders which

are covered under this mandate. We urge the Special Rapporteur to strictly adhere to these parameters and work within this mandate.

Constitutional Equality underpinning any 'Root Cause Analysis' of discrimination against minorities

A genuine examination of the "root causes" of minority issues must begin by evaluating a nation's foundational laws which are the bedrock of ensuring minorities are not discriminated upon. One must ask: Do the constitutional provisions of a State themselves discriminate against minorities, particularly regarding the ability to obtain the highest political and administrative offices?

In India, the answer is a resolute no. India's greatest strength is its unparalleled pluralism. The Indian Constitution explicitly prohibits discrimination on the grounds of religion, race, caste, sex, or place of birth (Article 15) and guarantees equality of opportunity in public employment (Article 16). Articles 29 and 30 specifically protect the rights of minorities to conserve their distinct culture and establish their own educational institutions.

We urge the Special Rapporteur to examine all states on this specific benchmark as the constitutional law underpins legislative practices and general behaviour of a state towards its minorities.

The Legacy of Colonialism in discussions on Minority

When discussing forced displacement, we must acknowledge that the starting point of many minority issues can be traced to the forced migrations carried out centuries back during the colonial era. The imposition of imaginary cartographic divisions on diverse, indigenous populations across the world fundamentally ruptured natural demographics, leaving a legacy of division that many nations in the Global South are still managing today.

Non-discrimination based on religion, ethnicity and language in global migration pathways

There is a need to address discrimination in global migration pathways based on religion. We note with concern that several recipient countries, while devising migration pathways for incoming populations, implicitly or explicitly judge applicants based on their religion or cultural affinity. Controlling migration pathways based on religious preference rather than on objective skills or humanitarian needs contradicts the core tenets of non-discrimination.

Rights of the Minority Child

India remains deeply committed to the rights of child including children belonging to ethnic, linguistic and religious minorities. In alignment with our constitutional ethos and international frameworks, we ensure that minority children are not denied the right, in community with other members of their group, to enjoy their own culture, to profess and practice their own religion, and to use their own language. Our educational frameworks ensure that the distinct cultural identity of every minority child is preserved, celebrated, and passed on to future generations without prejudice.

We would request the Special Rapporteur to examine cases of children of diverse backgrounds, who do not have access to their own cultural identity and culture while under foster care.

In the same vein, we would also urge the Special Rapporteur to look at rising cases of forced abduction of minor girls from minority communities and their forced marriage and religious conversions being reported from certain countries. Such forced abductions, besides being a criminal violation of the rights of the child, rob these families from minority communities of their honour, safety and security of being in their ancestral land and force them to migrate to avoid persecution.
