



SOUTH ASIA'S DILEMMA: BALANCING MAJORITY DECISIONS WITH MINORITY RIGHTS

Saeed Ashraf

Advocate High Courts of Pakistan/Legal Practitioner, Law
Teacher, Researcher & Law Drafting Expert

Dr. Farzana Arshad

Assistant Professor of History, G.C. University Lahore

Toseef ur Rehman

Assistant Professor of Political Science, Govt. MAO College,
Lahore/ Ph.D. Scholar at Punjab University, Lahore

ABSTRACT

The history of the democracies of South Asia is a troubled history of finding the balance between the principles of majority rule and minority rights, the struggle which is connected to the colonial heritage, ethno-nationalist politics, and the institutions' weakness. This article examines the challenge that India, Pakistan, Sri Lanka and Bangladesh face as far as trying to reconcile democratic governance with pluralism, which usually results in systematic marginalisation of religious, ethnic and linguistic minorities. Comparative analysis is used by the study to shift the focus on the recurrent patterns of majoritarian exclusion; India's Hindu nationalist policies, Pakistan's blasphemy laws, Sri Lanka's post-war reconciliation failures, and Bangladesh's erosion of secularism, whilst also exploring country-specific challenges which are specifically affected by history and politics. The article is anchored on the premise that unrestricted majoritarianism threatens to make democracies ethnocracies in which the electoral processes mask institutionalized discrimination. It evaluates the constitutional guarantees, socio-economic differences, and resistance, in which there are differences between the law and what is practiced. Finally, the paper provides policy options, including more judicial oversight, inclusive political representation, participation of the civil society, and international cooperation. By challenging these dynamics, the article contributes to broader debates about pluralist democracy in deeply divided societies, and reveals the urgent demands for institutional reforms for the protection of minority rights in South Asia.

Keywords: South Asia, Majority Rule, Minority Rights, Democracy, Hindu Nationalism, Blasphemy Laws, Ethno-Nationalism, Pluralism, Constitutional Safeguards, Inclusive Governance.

Introduction

South Asia's vibrant yet contentious democracies present a fundamental governance challenge: how to reconcile majority rule with robust protections for minority communities. Across the region from India's Hindu-Muslim tensions to Sri Lanka's Sinhala-Tamil divide and Pakistan's persecution of religious minorities democratic processes frequently empower ethnic and religious majorities while marginalizing vulnerable groups (Jaffrelet, 2021). This tension stems from colonial legacies that politicized identity and post-independence nation-building projects that equated national unity with majority culture (Chatterji, 2022). The resulting dilemma pits democratic principles against pluralist ideals, creating systems where electoral majorities can legally entrench minority disadvantage through constitutional amendments, discriminatory laws, and unequal resource allocation (Sen, 2021).

This issue demands urgent scholarly attention for three compelling reasons. First, South Asia's demographic diversity makes minority rights protections essential for social stability in a region home to over 500 distinct ethnic groups and every major world religion (UNDP, 2023). Second, the global resurgence of ethnic nationalism has intensified these tensions, with majoritarian governments in India (BJP), Sri Lanka (Rajapaksa administration), and Pakistan (military-establishment) implementing policies that explicitly privilege majority communities (Ahmad,

2022). Third, these dynamics have transnational implications, fueling refugee crises, cross-border tensions, and challenges to international human rights norms. Recent developments like India's Citizenship Amendment Act (2019), Sri Lanka's forced cremation policy for COVID-19 victims (2020), and Pakistan's blasphemy law prosecutions demonstrate how majority rule can become a vehicle for institutionalized discrimination (Chakrabarti, 2023).

This article will systematically analyze this tension through comparative case studies of India, Pakistan, and Sri Lanka, examining three key dimensions: (1) constitutional and legal frameworks that enable majority domination, (2) socioeconomic impacts on minority communities, and (3) emerging resistance movements and alternative governance models. The analysis will draw on recent legislation, judicial decisions, human rights reports, and ethnographic studies to reveal both regional patterns and country-specific dynamics. By interrogating how democratic institutions simultaneously empower and endanger minority populations, the article aims to contribute to broader debates about pluralist democracy in deeply divided societies.

Conceptual Framework

The foundational tension between majority rule and minority rights represents one of democracy's most enduring paradoxes. Majority rule, as a cornerstone of democratic governance, empowers numerical majorities to make binding decisions through electoral processes and legislative action (Dahl, 1989). However, unfettered majoritarianism risks degenerating into what John Stuart Mill termed the "tyranny of the majority," where dominant groups systematically marginalize minority populations (Mill, 1861/1991). Minority rights protections, conversely, establish legal and institutional safeguards to ensure all citizens enjoy equal treatment regardless of their numerical representation (Kymlicka, 1995). In South Asia's plural societies, this tension manifests acutely, where democratic majoritarianism frequently collides with the region's extraordinary religious, linguistic, and ethnic diversity. The challenge lies in creating governance systems that respect popular sovereignty while preventing the numerical majority from becoming a permanent ruling class that monopolizes power and resources (Lijphart, 2012). This dilemma grows more complex when majorities claim democratic legitimacy for policies that explicitly disadvantage minorities, as seen in India's citizenship laws, Sri Lanka's language policies, and Pakistan's blasphemy statutes (Varshney, 2022; DeVotta, 2020; Ahmad, 2022).

Achieving an equitable balance between these competing democratic imperatives presents formidable challenges. First, the very institutions designed to protect minority rights—constitutional courts, human rights commissions, federal structures—often remain dependent on majority-controlled political systems for their enforcement power (Choudhry, 2023). Second, majoritarian governments frequently frame minority rights protections as "special privileges" that undermine national unity, weaponizing populist rhetoric against vulnerable groups (Mudde, 2019). Third, persistent minorities—groups that consistently find themselves on the losing side of democratic decisions—face structural disadvantages in political representation and resource allocation (Duyvendak & de Waal, 2023). These challenges appear particularly acute in South Asia, where colonial legacies of divide-and-rule governance and post-independence nation-building projects have institutionalized identity-based hierarchies (Chatterji, 2022). The region's experience demonstrates how

majoritarian democracy, when unchecked by robust institutional safeguards, can produce what Guillermo O'Donnell called "delegative democracy"—where elections exist but constitutional liberalism erodes (O'Donnell, 1994). Recent scholarship on "ethnocratic regimes" suggests that many South Asian states exhibit hybrid characteristics, combining formal democratic procedures with systemic minority exclusion (Yiftachel, 2022).

The different approaches to this dilemma range from competing visions of democratic governance. That is why consociational theorists such as Arend Lijphart (2012) promote power-sharing arrangements, proportional representation, and minority veto power as institutional correctives to majoritarian excess. Rather, deliberative democrats focus on public reason and representative decision-making structures that dispense with simplistic majority-minority dichotomies (Habermas, 1996). Federalist solutions offer territorial autonomy to compact minority groups while liberal pluralists focus more on the protection of individual rights as opposed to group claims (Kymlicka, 1995). South Asia's constitutional experiments reflect these theoretical tensions—India's elaborate affirmative action system, Sri Lanka's failed power-sharing agreements, and Pakistan's paradoxical combination of Islamic majoritarianism with reserved parliamentary seats for minorities all represent attempts to reconcile these competing imperatives (Jaffrelot, 2021; Wickramasinghe, 2022; Khan, 2022). Historical precedents from other divided societies, from Belgium's linguistic federalism to South Africa's post-apartheid constitutionalism, offer comparative insights but also cautionary tales about the limits of institutional engineering (Horowitz, 2023). As South Asia's democracies navigate rising majoritarian nationalism, these theoretical frameworks provide essential analytical tools for understanding both the region's governance challenges and potential pathways toward more inclusive democratic practice.

Historical Context of South Asia's Democratic Framework

The colonial influences have a profound historical context of the democratic framework of the South Asia and they have greatly influenced the political structure of the region and minority-majority dynamic. When under the colonial rule of the British, the governance systems that were established in South Asia usually tended to concentrate power a way that heightened ethnic, religious and language differences. These divisions were further institutionalized through policies that favored some over others and marginalized others thus creating an imbalance of power that has continued to define South Asia's political environment. For example, the British used the "divide and rule" strategy that aggravated the conflicts between religious communities, particularly, Hindus and Muslims. This rift became so important in the partition of the British India in 1947 that led to the formation of Pakistan. The colonial legacy also bequeathed South Asia with deeply rooted societal divisions, that influenced the post independence wrangles for establishing a just democratic structure. The intricate pattern of majorities and minorities in South Asia is a remnant of this colonial past in which the colonial masters promoted competition and division between different groups of people. The initial political systems created in the new independent state were meant to control such divisions, but they have at times failed in promoting equal rights for all citizens, particularly the minorities (De Waal & Duyvendak, 2025).

After winning independence, South Asian countries experienced difficulties in striking a balance between the rights of the majority and those of the minority in the new democratic governments. In India, for instance, the issue was to create a secular state where religion had been dominating the nation's politics for ages. Indian constitution was to shield religious and cultural minorities by such policy measures as affirmative action and

secularism. However, achieving a balance between the minority rights and the majority's interests has been fragile. Pakistan, in the same way, struggled with the issue of striking a balance in Islamic identity and the rights of non-Muslim minorities, including Hindus and Christians. After independence in Sri Lanka, the Tamil minority of the country was subjected to severe discriminations, and the Sinhala dominated government passed language laws, which denied the Tamil speakers jobs and access to education in the government. This resulted in decades of civil uprising and warfare. The emergence of Bengali nationalism in Bangladesh brought language as a core of the country's identity, but the mistreatment of religious minorities remained a constant issue of dispute. The Nepal, another country from South Asia, has also faced a serious issue of balancing the interests of the Hindu-majority and the ethnic minority rights, particularly with the growing democracy movements that call for greater inclusiveness in governance. These post-independence strife throws light upon the problem of harmonisation of different communities within the same democratic setup (Ghani, 2022; Sriram, 2021).

In an effort to curb these challenges, South Asian countries have put several constitutional measures in place to protect the rights of the minorities. Secular constitution of India guarantees protection of religious minorities and provides them with the legal protection when fighting against discrimination and demanding for equal treatment. The Indian state has also adopted affirmative action strategies like reservations in education and government jobs in order to cater for the historically disadvantaged persons. In Sri Lanka, the Official Language Act of 1956 was passed by the government that made Sinhala the only official language in the country and therefore, Tamil-majority north demanded equal status for Tamil and thus resulted in civil conflict. The Sri Lankan constitution subsequently accommodated provisions for handling the language issue, but the nation remains to be faced with ethnic conflicts. Pakistan's constitution has also provisions for the protection of the minority religious minority, and provides equal rights for non-Muslims, although such protections are often debated in practice. Bangladesh, being a majority Muslim country has also put in place mechanisms for the protection of its Hindu minority although communal clashes are still an issue. Nepal, a country that is majority Hindu, has also made attempts of protecting ethnic minorities even as questions of representation and protection of these minorities continue to exist. Although these constitutional measures provide hope for superior representation and rights for the minorities, the problem lies with the implementation of these measures as it is fraught with social, political, and religious divisions (Chowdhury, 2023; Narain, 2020).

India

India's Constitution, enacted in 1950, was designed to protect the rights of minorities and ensure social justice for historically marginalized groups. The Constitution includes various measures to protect religious, cultural, and social minorities, with Article 15 and 29 being the most prominent ones, wherein discrimination against people on the basis of religion, race, caste, sex and place of birth is forbidden. In addition to this, India's legal system also incorporates the affirmative action in the form of reservations (or quotas) for the Scheduled Castes (SCs), Scheduled Tribes (STs) and Other Backward Classes (OBCs) in education and government jobs. Such provisions seek to correct past wrongs towards these groups for equal opportunities in their development (Dube, 2023). Moreover, the Constitution's commitment to secularism guarantees the protection of religious minorities, ensuring their rights to practice and propagate their faith without fear of discrimination. However, despite these sturdy constitutional guarantees, the on-ground application of these safeguards has been riddled

with difficulty, especially as religious and political flare-ups in the country grew in number (Singh, 2022).

In the past years, India has experienced an increase in Hindu nationalism, which is a movement that dictates that India is predominantly a Hindu state. This movement is based on the ideological foundation of Hindutva which was developed in the 1920s by Vinayak Damodar Savarkar and boasts of the superiority of Hindu culture in the Indian society. The Hindutva ideology has acquired much political momentum especially with the emergence of the Bharatiya Janata Party (BJP) that projects Hindu nationalism thoughts. This shift has posed significant challenges for India's minority communities, particularly Muslims, Dalits, and other marginalized groups. The rising dominance of Hindutva has caused concerns about discrimination and alienation since the ideology tends to link national identity to the Hindu religious practices, marginalizing the various cultural and religious communities that comprise the citizenship of the country (Nair, 2024). Due to this, the effect on Muslims has been most striking with news of heightened communal violence and alienation. Dalits, historically subjected to the caste system's atrocities, have also faced discrimination despite constitutional safeguards. The increase in the cases of Hindu nationalism has aggravated the situations, contrary to the vision of the founders of India (Kalim, 2016).

The current issues to the minorities' rights in India have been compounded further with the controversial policies like the Citizenship Amendment Act (CAA) and the National Register of Citizens (NRC). The CAA was established in 2019, and it provides a way to citizenship for non-Muslim refugees who are from Afghanistan, Bangladesh and Pakistan, but the objectors state that it is discriminative amongst Muslims because they are excluded from its provisions. This has sparked widespread protests across the country, with critics alleging that the law is part of a broader agenda to marginalize India's Muslim population (Kapur, 2024). The NRC which was enforced in Assam in the year 2019 and which intends to find the illegal immigrants has also raised eyebrows as the concerns of disenfranchisement of Muslims has also been raised as many of them fear that they will be left out of the final list and made stateless. There has been criticism regarding the CAA and NRC as they have been viewed in on the potential of heightening religious differences and making minorities feel insecure. These steps have triggered hot debates on the essence of citizenship laws in India and their conformity with the secular constitution, and many see them as attempts to institutionalize religious discrimination (Banerjee, 2023).

Pakistan

Pakistan's Constitution, adopted in 1973, offers specific provisions to protect the rights of minorities, particularly through Article 20, which ensures freedom of religious practice, and Article 25, which guarantees equality before the law. The Constitution also acknowledges the need to ensure that religious and ethnic minorities like the Hindus, Christians, Sikhs, among others have a representation in the National assembly. In addition, the Constitution institutes the protection of the minority's rights with the establishment of a National Commission for the non-Muslim communities to facilitate the welfare and rights of the minorities. Nevertheless, even with these provisions in the constitution, ensuring the effective protection of the minority rights in Pakistan remains one of the challenges. The legal framework is mostly eclipsed by the wider political and religious environment, and the minorities, particularly religious minorities, experience many difficulties in the realization of their rights and being equal in reality. For example, religious minorities tend to undergo discrimination at several settings such as employment, education, and law enforcement (Abbas, 2020). Hussain, 2021).

The role of Islam in the identity of Pakistan as an Islamic state has a tremendous impact on the consideration of

non-Muslim minorities. The country is a homeland for the Muslims of the Indian subcontinent and Islam is the essence of political and legal structures of the country. This identity is strengthened through the constitution that states that Islam is the official religion and that the "Islamic way of life" is used as a guiding principle (Tikekar, 2021). Therefore, non-Muslim minorities of the country of Pakistan are subject to different forms of discrimination, particularly, in the case of blasphemy laws. These laws that stipulate extreme punishment to the alleged offenders who are said to have insulted Islam or its religious symbols have been criticized for being taken overboard against the religious minorities especially Christians and Ahmadis. The implementation of such laws has also led to a lot of violence, harassment and even wrongful imprisonment of members of the minority communities who are targeted based on personal or political reasons. Blasphemy laws have led to the intolerance of religion and one can be lynched or the right of the minorities is annulled on allegations of blasphemy (Siddiqui, 2019).

The discrimination against religious minorities in Pakistan has been high especially in the Hindus, Christians and Ahmadis. Hindus who are the largest minority in Pakistan have had issues of forced conversion of people, kidnapping of women and attack on temples. Comparatively, the Christians have been under discriminatory laws and practices, the misuse of the blasphemy laws to solve personal problems. The Ahmadiyya community that claims to be a religion but is considered to be a heresy religion by orthodox Islamic groups is severely hunted down and cannot claim to be Muslim as it is stipulated in the Constitution (Maqbool & Anwar2019). Ahmadis are constantly under attack by religious extremists and religious practices of Ahmadis are a crime. The role of the military in the political decision making in Pakistan also makes it more difficult to protect the minority rights. Military has always been a powerful force in the political arena of the country, and its role in governing the country tends to bring policies that favor the majority Muslim population, at the expense of minorities. This military intervention also helps in militarising religious nationalism as it will further marginalise non-Muslim communities (Mufti, 2019).

Sri Lanka

Sri Lanka's ethnic composition has significantly shaped its political landscape, particularly in relation to the dominance of the Sinhalese majority and its impact on the rights of Tamil and Muslim minorities. The Sinhalese community comprising around 75% of the population is historically politically and culturally powerful and this has marginalized the Tamil and Muslim minorities (Welhengama & Pillay, 2020). The Tamils community which is mainly based in the northern and eastern parts of Sri Lanka remained politically and socially excluded for a long time, especially after the introduction of the Sinhala-only language policy in the 1950s, which proved disadvantageous for the Tamil speakers, in government, education, and employment. This was exacerbated by the emergence of Sinhalese nationalism, which saw policies that tended to marginalize the interests of minority groups. Muslims, who are not so targetted as the Tamils, also have problems in areas like land tenure and political power, especially in areas where Sinhalese interests predominate. The political system dominated by the Sinhalese has failed to address the concerns of ethnic minorities, a grievance that has lingered over the years to create separatist sentiments among the Tamils and friction with the Muslims (Abeysekera, 2019).

The Sri Lankan Civil War (1983-2009) between the government and the Liberation tigers of Tamil Eelam (LTTE), highlighted the sheer degree of challenges associated with a majoritarian system which suppresses the minority rights. The conflict, which spanned more than two decades, was strongly enveloped by the

exclusionary policies of the Sri Lankan government against the minority of the Tamil. The war brought out the failure of the Sinhalese-majority government to assimilate the Tamils into the political and social fibre of the nation (Pillay, 2021). The Tamil demand for autonomy and recognition of their linguistic, cultural, and political rights escalated into an armed struggle, and the LTTE's tactics including suicide bombings and guerrilla warfare led to widespread violence and human rights abuses on both sides. The government's response, which included military offensives and the use of heavy artillery in civilian areas, resulted in a humanitarian crisis, particularly during the final stages of the war. Many tens of thousands of Tamils were killed, and hundreds of thousands were displaced. The war did not only accentuate the ethnic lines, but it also brought into the fore the difficulties of pursuing minority rights in a majoritarian political arena. The international community and human right organizations are still condemning Sri Lanka for not doing enough to ensure that the atrocities that were committed in the course of the conflict are not satisfactorily addressed and the victims are not given justice (Kadirgamar, 2018).

There was substantial amount of hindrances faced by post-war Sri Lanka in their attempts of reconstructing and reconciling a society which was substantially divided. Although the end of the civil war marked the end of the armed struggle, the scars of ethnic tension and bloodshed that spanned decades are still there. Sri Lankan government has taken measures to reconcile, which includes constitutional changes, devolution of power in Tamil majority regions, and rehabilitation programs aimed at repairing the north and the east provinces (Gnanapala & Pillay, 2020). However, the Tamil and Muslim communities feel that these attempts have not been sufficient enough because the powers that be remain in the hands of the Sinhalese-majority government and the concerns of the minority groups are not addressed properly. Reconciliatory efforts have been frustrated by political opposition, especially from hardliners of the Sinhalese nationalists, and the absence of responsibility of war crimes perpetrated in the course of the conflict. In addition, the present problems like land grabbing in Tamil majority regions and the marginalization of Muslim communities continue to exist, thereby requiring thorough reforms that guarantee equal rights and opportunities for all ethnic minorities. This road to the real reconciliation is still full of impediments given that the Sinhalese-dominated political regime fails to assimilate the interests and rights of the minority groups into the national agenda (Somasundaram, 2021).

Bangladesh

Bangladesh has a diverse population with different ethnic and religious minorities like the Bengali Hindus, indigenous people, Rohingya refugees, etc. In the past, Bengali Hindus – the largest religious group in Bangladesh – have been discriminated and marginalised, particularly as far as their land rights, political representation and social service are concerned. Indigenous people especially those in the Chittagong Hill Tracts have long fought for the recognition and protection of their rights with both cultural assimilation pressure and encroachment on their land by settlers. Another large minority group is the Rohingya refugees who have been fleeing persecution in the country of Myanmar. They have been subjected to enormous challenges such as lack of access to basic services, education, and legal protection even after decades of operating in the country. The governmental reaction towards those minorities has been contradictory, as the government fails to enforce the protection of those minorities in the political sense or the lack of resources. Despite legal provisions that protect minority rights, such as those outlined in Bangladesh's constitution, the practical realities for these minorities often fall short of ideal protections (Ali, 2019; Sadiq, 2017).

Language and secularism have been the most important forces in influencing the protection of the minority rights in Bangladesh. The country's history, particularly the Language Movement of the 1950s, in which the Bengali language was defended against Urdu imposition, significantly influenced the national identity. The nation's secular constitution entered into force after the nation experienced a nationalistic zeal of linguistic and cultural identification. Secularism (Article 12 of the Constitution of Bangladesh) ensures the equality of all religions but has been questioned by increase in religious intolerance and political Islamism. Time has witnessed political changes which have led to the weakening of secularism in practice as religious parties get their way into the political arena. The growth of the Islamist parties and the slow Islamization of the state apparatus has made it more challenging for religious minorities, such as Hindus, Christians, and indigenous people, to realise their rights in the country. This has been exacerbated by regular communal violence, which continues to dent the protection of minority groups. Despite this, the secularism is still a constitutional principle and the political and social sphere has been shifted towards more Islamic identity that created tensions and inequality in a non-Muslim minority (Mannan, 2020; Islam, 2019).

In the last few years, the management of religious minorities' rights in Bangladesh has become a major issue, especially under the Rohingya refugee problem. Ever since the massive influx of Rohingya refugees who escaped from violence in Myanmar that entered the country, Bangladesh has not been doing a good job of ensuring that these people receive proper care and protection. The Rohingya have been pushed into overcrowded camps, and they suffer from poor living conditions, lack of access to healthcare and education, and lack of legal status. The government's response to the Rohingya crisis has been criticized for its lack of a clear, long-term solution, and for its treatment of refugees as temporary visitors rather than as individuals with fundamental rights. Moreover, religious minorities in Bangladesh, specifically Hindus and the natives, still suffer the occasional violence and discrimination, especially in cases of political unrest or if the religious conflict is heightened. The political situation in Bangladesh, characterized by political polarization and a constant state of upheaval, has deepened the problems that these minority groups face and both government and opposition have been known to sometimes use minority rights as a political tool. Although some measures have been taken to improve the situation, such as the creation of commissions to address the indigenous rights, there is much to be done to guarantee the safety of the minorities as well as legal protection and social integration (Jahan, 2021; Rahman, 2020).

Comparative Analysis of South Asian Democracies

The South Asian democracies have similarities in their struggles of balancing majority rule against minority rights, heritage of colonial times and post-independence nation-building initiatives. All over India, Pakistan, Sri Lanka, and Bangladesh, majoritarian politics tend to sidelined religious, ethnic, and linguistic minorities, even with constitutional protections. One of the recurring themes is politicization of identity in which dominant majorities i.e. Hindu in India, Sinhalese in Sri Lanka and Muslim in Pakistan and Bangladesh use democratic means to entrench their position at the cost of minorities. For instance, discriminatory laws like India's Citizenship Amendment Act (CAA), Pakistan's blasphemy statutes, and Sri Lanka's Sinhala-only language policies can give a peek of how legal systems can create exclusion. These frictions are exasperated by the socio-economic disparities as the minorities do not receive equal distribution of resources, political representation and justice. The history of partition, civil wars and communal violence in the area contradicts the delicacy of pluralist democracy in which majority rule is not checked. On the same note, the rise of

ethno-nationalist ideologies such as Hindutva in India or Sinhalese nationalism in Sri Lanka has further intensified such tension by calling minority rights as threats to national unity. These daily travails are a reflection of a regional tendency of the formally inclusive democratic institutions that rarely protect the minorities from such systemic discrimination and bloodshed.

Despite all the differences that exist among those countries, they have common challenges that are based upon certain historical and political conditions. The Indian paradox is the discrepancy of the secular constitutional ideals and the policies of Hindu nationalism in which case the protection of the minorities has been tolerated while the growth of Islamophobia and the caste-based discrimination has become the norm. The Islamic nature of Pakistan, makes the rights of minorities difficult as the blasphemy laws and military hegemony burdens Hindus, Christians and Ahmadis too much. The reconciliation process in the Sri Lanka after civil war is still ridden with contentions with political exclusions of Tamil minorities and their land rights, whereas the Muslim minority suffers from Sinhalese-Buddhist majoritarianism. In the meantime, Bangladesh is faced with the erosion of secularism with Hindu and indigenous peoples' experiencing communal violence and Rohingya refugee crisis puts the limits of humanitarian governance to test. The international pressure has played a subtle role in solving these problems. Organizations like UN and human rights organizations have shone the light on abuses from CAA in India to Sri Lankan war crimes but the contribution is usually cut short by the geopolitical moves and the internal resistance. For example, the blasphemy laws in Pakistan persist despite the global outrage and the response of Bangladesh's handling of the Rohingya calamity has been lukewarm. These disparities help to reinforce the fact that while international norms are the rules to accountability, their effect remains localised in the political will and the subtle manoeuvres of regional dynamics.

Policy Recommendations and Solutions

To address the ever-present dilemma that South Asia has been facing in terms of balancing between majority rule and minority rights, the governments should embark on far-reaching reforms that would make the constitutional guarantees better, increase political inclusivity, raise public consciousness, and increase international cooperation. First, the legal frameworks should be strengthened to ensure that the minority rights are not mere symbolic but enforceable. This involves rewriting discriminative legislations such as India's Citizenship Amendment Act (CAA); Pakistan's blasphemy laws and Sri Lanka's majoritarian language policies and ensuring minorities' protection through ensuring judicial independence. The constitutional courts should be able to find the legislation discriminative to the minority rights and the national human rights commissions need to be given a higher degree of independence to investigate the violations. In addition, affirmative actions like reservation in India ought to be applied to other South Asian countries in order to compensate for past wrongs done to the marginalized groups in the countries.

Secondly, political processes have to be inclusive in order to avoid a majoritarian rule. The proportional representation system would ensure voices of the minority in the legislatures. parliamentary seats allocated like Pakistan's quotas for non-Muslims can be done on regional basis. An example of power-sharing models such as consociationalism (in post-war Nepal) could be used to alleviate ethnic tension because the minorities would be guaranteed power of veto on important issues. Decentralization and federalism, particularly in Sri Lanka and Pakistan, could allow the areas that are rich in numbers of minorities to exercise more power over the local government. Third, civil society and education are on the frontline of inclusivity. States should introduce the

multicultural education in the school curricula to combat prejudice and media campaigns may challenge majoritarian narratives. Grassroots organizations, interfaith dialogues and minority-led advocacy groups must be encouraged so as to empower the marginalized voices. Finally, international cooperation is essential. The South Asian nations should work with the UN, ASEAN, and other regional bodies such as SAARC to develop monitoring mechanisms for the minority rights. The pressures from global institutions can encourage domestic reforms, humanitarian aid and expertise can come to aid in crisis management like Bangladesh's response to Rohingya's refugees. Through these measures South Asia can take steps towards more equitable democracies where majority rule does not imply trampling upon the rights of the minorities.

Conclusion

The controversy over dominance of majority rule vs. rights of minorities in South Asia brings out a fundamental paradox of democratic governance, a place where the electoral majorities are in the process of taking advantage of marginalized groups. The colonial legacies, ethno-nationalist movements and weak institutional protections have maintained cycles of exclusion as in India's Hindu-Muslim divides, Pakistan's blasphemy laws, Sri Lanka's post-war reconciliation failures, and Bangladesh's struggles with secularism. These challenges also provide an opportunity to rethink democracy beyond the box of majoritarianism. The path forward will entail constitutional formulations to institutionalize enforceable minority rights, representative political systems that amplifies the voices of the oppressed and grassroots movements that expose discriminative narratives. Without such moves, the South Asia's democracies are on the brink of becoming ethnocracies, where formality elections mask the systematic oppression. However, the rising activism of the civil society, judicial interventions, and international support give hope that the future of the country will be more pluralistic, where diversity is not only tolerated, but rather, embraced as one of the foundation stones of the national identity.

Looking Ahead, the region must embrace its democratic paradox and undergo structural changes, which would promote equity over the majoritarian dominance. This change can be brought about by technology advancement, youth-led revolutions and cross-border solidarity so as to establish a new era where the rights of the minority cannot be compromised on. Even the international actors should break away from the habit of symbolic condemnations, and into a continuous engagement through trade, aid, and diplomatic means to provide incentives for reform. The emergence of global human rights norms and regional alliances could also add more pressure on governments to adopt inclusive policies. Notwithstanding the future of political opposition and history grudges, South Asia's destiny lies in the ability to bring democracy to pluralism. With the change in the tenor of governance from division to unity the region can convert its current chaos to model for success of diverse societies since true democracy is not in rule by the majority but by the minority.

References

- Abbas, Q. (2020). Pakistan's Constitution and minority rights: A critical analysis. *Journal of South Asian Politics*, 28(2), 234-245. <https://doi.org/10.1080/1369183X.2020.2047598>
- Abeysekera, P. (2019). Ethnic politics and the quest for power in Sri Lanka. *South Asian Journal of Politics*, 24(1), 45-60. <https://www.jstor.org/stable/2644418>
- Ahmad, I. (2022). Majoritarianism and minority exclusion in Pakistan. *South Asia Review*, 15(3), 112-128.
- Ali, M. (2019). The rights of the minorities in Bangladesh: A case study of Hindus and indigenous communities. *South Asian Studies Journal*, 10(2), 117-130. https://d1wqtxts1xzle7.cloudfront.net/5041285/Rights_of_the_Minorities_The_case_of_Ban.pdf?1390839798

- Banerjee, A. (2023). Minority rights and the rise of Hindu nationalism in India. *Journal of South Asian Studies*, 42(3), 217-233. <https://doi.org/10.1080/14631369.2023.2166460>
- Chatterji, A. (2022). Colonial legacies and identity politics in South Asia. *Modern Asian Studies*, 56(4), 789-812.
- Choudhry, S. (2023). Constitutional courts and minority rights in divided societies. *International Journal of Constitutional Law*, 21(1), 45-67.
- Dahl, R. (1989). *Democracy and its critics*. Yale University Press.
- DeVotta, N. (2020). *Sinhalese Buddhist nationalist ideology: Implications for politics and conflict in Sri Lanka*. Georgetown University Press.
- Dube, S. (2023). India's constitutional safeguards for minorities: A critical evaluation. *Indian Journal of Constitutional Law*, 17(2), 327-346. <https://doi.org/10.1080/1369183X.2024.2376411>
- Ghani, Z. (2022). Post-colonial nation-building in South Asia. *Asian Political Review*, 34(2), 200-218.
- Gnanapala, P., & Pillay, N. (2020). *The rise of Tamil separatism in Sri Lanka: Ethnic conflict and the quest for autonomy*. Routledge. <https://www.taylorfrancis.com/books/mono/10.4324/9780203797181/rise-tamil-separatism-sri-lanka-gnanapala-welhengama-nirmala-pillay>
- Habermas, J. (1996). *Between facts and norms: Contributions to a discourse theory of law and democracy*. MIT Press.
- Horowitz, D. (2023). *Ethnic groups in conflict* (2nd ed.). University of California Press.
- Hussain, M. (2021). Religious minorities in Pakistan: Constitutional safeguards and their implementation. *Pakistan Journal of Political Science*, 19(4), 302-317. <https://www.humapub.com/admin/alljournals/gpr/papers/1vyGIJmu8m.pdf>
- Islam, M. (2019). Secularism and religious intolerance in Bangladesh: Challenges in minority rights protection. *Asian Journal of Political Science*, 24(1), 60-75. <https://www.tandfonline.com/doi/full/10.1080/07329113.2017.1341479>
- Jaffrelot, C. (2021). *Modi's India: Hindu nationalism and the rise of ethnic democracy*. Princeton University Press.
- Jahan, M. (2021). The political crisis and minority rights in Bangladesh: The case of the Rohingya refugees. *Journal of Contemporary Politics*, 12(4), 204-222. https://link.springer.com/chapter/10.1007/978-981-32-9570-4_2
- Kadrigamar, L. (2018). Sri Lanka's civil war: Ethnic tensions and their impact on human rights. *International Journal of Peace Studies*, 12(3), 104-119. <https://www.jstor.org/stable/24711006>
- Kalim, A. (2016). *A critical study of Hindu nationalism in India*. Huddersfield University Press. https://eprints.hud.ac.uk/id/eprint/30664/1/Kalim_2016_A%20critical%20study%20of%20Hindu%20Nationalism%20in%20India.pdf
- Kapur, D. (2024). The Citizenship Amendment Act and its impact on Indian Muslims. *South Asian Review*, 9(1), 46-57. <https://doi.org/10.1007/s44282-024-00108-x>
- Khan, A. (2022). Islamic constitutionalism and minority rights in Pakistan. *Muslim World Journal of Human Rights*, 19(1), 88-104.
- Kymlicka, W. (1995). *Multicultural citizenship: A liberal theory of minority rights*. Oxford University Press.
- Lijphart, A. (2012). *Patterns of democracy: Government forms and performance in thirty-six countries* (2nd ed.). Yale University Press.
- Maqbool, M., & Anwar, R. (2019). Role of minorities in the political system of Pakistan: A historical overview. *Pakistan Political Review*, 22(1), 78-92. <https://www.taylorfrancis.com/chapters/edit/10.4324/9780367817848-9/non-muslims-islamic-republic-religious-minorities-pakistan-maneesha-tikekar>
- Mannan, M. (2020). Language and national identity in Bangladesh: The decline of secularism and its impact on minority groups. *South Asian Review*, 16(3), 123-138. <https://bangladeshwatchdog1.wordpress.com/2009/04/19/state-of-minorities-in-bangladesh-from-secular-to-islamic-hegemony/>
- Mill, J. S. (1991). *On liberty and other essays* (J. Gray, Ed.). Oxford University Press. (Original work published 1861)
- Mufti, M. (2019). Religion and militancy in Pakistan: A study of the Ahmadiyya persecution. *South Asia Journal*, 16(3), 123-135. https://csis-website-prod.s3.amazonaws.com/s3fs-public/legacy_files/files/publication/120709_Mufti_ReligionMilitancy_Web.pdf
- Mudde, C. (2019). *The far right today*. Polity Press.
- Nair, S. (2024). The challenges of secularism in India: The rise of Hindutva and its impact on minority rights. *International Journal of Political Science*, 17(2), 79-95. https://brill.com/view/journals/ijgr/17/2/article-p327_7.xml
- O'Donnell, G. (1994). Delegative democracy. *Journal of Democracy*, 5(1), 55-69.
- Pillay, P. (2021). War crimes and reconciliation in Sri Lanka: A case study of post-conflict recovery. *Peacebuilding Journal*, 29(2), 99-112. <https://www.proquest.com/openview/dc9833a90def96ed52000b311ab41584/1?cbl=2026366&diss=y&pq-origsite=gscholar>
- Rahman, M. (2020). Current challenges in protecting religious minorities in Bangladesh: The case of Hindus and indigenous people. *International Journal of Human Rights*, 28(1), 65-81. <https://heinonline.org/HOL/LandingPage?handle=hein.journals/dkauvylw30&div=6&id=&page=65>
- Sen, A. (2021). *The argumentative Indian: Writings on Indian history, culture, and identity*. Farrar, Straus and Giroux.
- Siddiqui, S. (2019). Blasphemy laws and religious intolerance in Pakistan: A socio-political perspective. *Journal of Political and Social Studies*, 34(2), 190-205. https://dlwqtxtslx7le7.cloudfront.net/120943040/Maqbool_20anwar_20political_20sci_202019-libre.pdf
- Singh, P. (2022). India's constitution and the protection of minority rights: A historical overview. *Indian Political Science Review*, 34(1), 101-120. <https://sprinpub.com/sjahss/article/view/sjahss-1-9-6-47-53>
- Somasundaram, D. (2021). Post-war Sri Lanka: Challenges in minority rights and reconciliation. *South Asian Review*, 22(4), 123-137. <https://www.jstor.org/stable/pdf/resrep26920.10.pdf>
- United Nations Development Programme (UNDP). (2023). *Human development report 2023: South Asia's diversity and governance challenges*. UNDP.
- Varshney, A. (2022). *Ethnic conflict and civic life: Hindus and Muslims in India* (2nd ed.). Yale University Press.
- Welhengama, G., & Pillay, N. (2020). The politics of majority and minority rights in Sri Lanka: A study of ethnic relations. *South Asian Journal of Historical Studies*, 27(2), 121-137. <https://www.jstor.org/stable/48614435>
- Wickramasinghe, N. (2022). *Sri Lanka in the modern age: A political history since 1948* (2nd ed.). Hurst & Co.
- Yiftachel, O. (2022). *Ethnocracy: Land and identity politics in Israel/Palestine*. University of Pennsylvania Press.

References

- American Progress. (2020). Partisan gerrymandering limits voting rights. Retrieved from <https://www.americanprogress.org/article/partisan-gerrymandering-limits-voting-rights/>
- Bandyopadhyay, D. (2010). Meritocracy, affirmative action, and public policy: Debates on India's reservation system. *Journal of Social Justice*, 27(1), 42-59.

- Bickel, A. M. (1962). *The least dangerous branch: The Supreme Court at the bar of politics*. Yale University Press.
- Carnegie Endowment. (2023). India's new gender quota law is a win for women, mostly. Retrieved from <https://carnegieendowment.org/posts/2023/09/indias-new-gender-quota-law-is-a-win-for-women-mostly?lang=en>
- CECEurope. (2014). Pakistan hearing report: The protection of minorities and religious freedoms. Retrieved from https://ceceurope.org/storage/app/media/uploads/2015/07/Pakistan_Hearing_Report_130614.pdf
- Dawn. (2022). Minority rights and legislative challenges in Pakistan. Retrieved from <https://www.dawn.com/news/1861422>
- Dawn. (2023). Blasphemy laws and their impact on religious minorities in Pakistan. Retrieved from <https://www.dawn.com/news/1833192>
- Drishti IAS. (2020). Specification of ST, SC, and OBC: The Indian Constitution's provision for affirmative action. Retrieved from <https://www.drishtijudiciary.com/to-the-point/tp-constitution-of-india/specification-of-st-sc-and-obc>
- Duncker, M. (2016). *The ethics of minority rights: Defining and protecting the rights of vulnerable groups*. Oxford University Press.
- Ethnic Conflict. (n.d.). Bosnia and Herzegovina's consociational democracy. Retrieved from https://en.wikipedia.org/wiki/Ethnic_conflict?utm_source=chatgpt.com
- Human Rights Watch. (2021). Minority rights in South Asia: A comparative study. Retrieved from <https://www.hrw.org/report/2021/06/20/minority-rights-south-asia>
- IDEA. (2020). Marginalized groups and constitution building. International Institute for Democracy and Electoral Assistance. Retrieved from https://www.idea.int/sites/default/files/publications/marginalized-groups-and-constitution-building.pdf?utm_source=chatgpt.com
- Kymlicka, W. (2007). *Multicultural citizenship: A liberal theory of minority rights*. Oxford University Press.
- Lijphart, A. (1999). *Patterns of democracy: Government forms and performance in thirty-six countries*. Yale University Press.
- Manohar, A. (2013). The impact of employment quotas on the economic lives of disadvantaged minorities in India. *Economic and Political Weekly*, 48(7), 75-85.
- Mansbridge, J. (2016). *The tyranny of the majority: Majority rule and minority rights*. Harvard University Press.
- Meyer, R. (2019). *Constitutional protections for minorities in a globalizing world*. Cambridge University Press.
- Minority Rights Group International. (2024). New approaches to minority protection. Retrieved from https://minorityrights.org/app/uploads/2024/03/newapproachesminorityprotectionmrg.pdf?utm_source=chatgpt.com
- National Archives. (n.d.). 14th Amendment to the U.S. Constitution: Citizenship rights. Retrieved from <https://www.archives.gov/milestone-documents/14th-amendment>
- Piecznik, A. (1994). *The politics of autonomy: Regional government and minority rights*. University of Chicago Press.
- Presidential Council for Minority Rights. (n.d.). Singapore's Presidential Council for Minority Rights. Retrieved from https://en.wikipedia.org/wiki/Presidential_Council_for_Minority_Rights?utm_source=chatgpt.com
- Reynolds, A. (2006). *Electoral systems and minority representation: A comparative analysis*. Palgrave Macmillan.
- Ravaillon, M., & Datt, G. (2002). Human development and poverty reduction in India: The role of equity and efficiency. *World Bank Policy Research Working Paper No. 2893*.
- ResearchGate. (2013). The impact of employment quotas on the economic lives of disadvantaged minorities in India. Retrieved from https://www.researchgate.net/publication/228712197_The_Impact_of_Employment_Quotas_on_the_Economic_Lives_of_Disadvantaged_Minorities_in_India
- ResearchGate. (2023). Meritocracy and representation. Retrieved from https://www.researchgate.net/publication/373618786_Meritocracy_and_Representation
- Saxena, S. (2013). Constitutional safeguards for minorities in India: The case of religious and cultural minorities. *Journal of Indian Constitutional Law*, 34(2), 153-178.
- Supreme Court of the United States. (1954). *Brown v. Board of Education*, 347 U.S. 483. Retrieved from <https://supreme.justia.com/cases/federal/us/347/483/>
- Supreme Court of the United States. (2015). *Obergefell v. Hodges*, 576 U.S. 644. Retrieved from <https://supreme.justia.com/cases/federal/us/576/644/>
- Supreme Court of the United States. (2019). *Rucho v. Common Cause*, 588 U.S. _____. Retrieved from <https://www.law.cornell.edu/supremecourt/text/14-556>
- U.S. Department of State. (2023). 2023 report on international religious freedom – Pakistan. Retrieved from <https://2021-2025.state.gov/reports/2023-report-on-international-religious-freedom/pakistan/>
- Young, I. M. (2000). *Inclusion and democracy*. Oxford University Press.