

Rights of Minorities in the 21st Century: A Comparative Study of India and Pakistan

Saddam Khan¹ Muzammilur Rahman²

^{1,2}Research Scholar

^{1,2}Department of Political Science

^{1,2}Aligarh Muslim University, Aligarh, India

Abstract — The protection of minority rights is a critical issue in democratic societies, particularly in countries with diverse religious, ethnic, and linguistic communities like India and Pakistan. Both nations, emerging from the Partition of British India, have developed distinct legal frameworks for minority protection, shaped by their unique socio-political environments. This paper aims to examine how secularism in India and Islamic law in Pakistan influence the legal and social experiences of minorities. The research explores the central question: How do the legal frameworks in both countries address the protection of religious and ethnic minorities, and what are the implementation gaps? Using a qualitative methodology, this study analyzes constitutional provisions, legal texts, and case studies, supported by data from human rights reports. The comparative analysis focuses on legal guarantees, social realities, and the ongoing challenges faced by minorities in both countries, highlighting both similarities and divergences in their approaches.

Keywords: Minority Rights, Religious Discrimination, Hindu Nationalism, Blasphemy Laws, Secularism, India, Pakistan

I. INTRODUCTION

The protection of minority rights is a cornerstone of democratic governance and human rights promotion in modern states. This principle is enshrined in various international agreements, such as the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (United Nations, 1992). Religious minorities, in particular, often face unique challenges in societies where the majority's religion or ideology significantly influences state policies and public discourse.

In the 21st century, the protection of minority rights has become a critical indicator of a nation's commitment to human rights, democracy, and social justice. In pluralistic societies, where diverse ethnic, linguistic, and religious groups coexist, safeguarding minority rights is not only a legal obligation but also crucial for maintaining social harmony and political stability (Smith, 2018; Minority Rights Group International, 2022). The ability of a state to address the needs and rights of minority groups reflects its broader commitment to inclusivity and justice.

India and Pakistan, two nations with shared historical roots but differing ideological frameworks, offer contrasting models of how states can approach minority rights. Both countries emerged from the 1947 Partition of British India, a significant historical event that not only divided the subcontinent geographically but also left a legacy of religious and ethnic tension that continues to shape their contemporary politics (Jalal, 2017). The Partition created new national boundaries that intensified communal identities and

conflicts, setting the stage for ongoing challenges related to minority protection.

India, with its constitutional commitment to secularism, officially recognizes the diversity of its population and strives to protect the rights of various minority groups, including Muslims, Sikhs, Christians, and others (India Constitution, 1950). The Indian Constitution guarantees equal rights and non-discrimination under Articles 15 and 25, and establishes mechanisms for the protection of minority rights through bodies like the National Commission for Minorities (Kumar, 2019). Despite these provisions, recent years have witnessed a rise in Hindu nationalism, which has put significant pressure on India's secular framework and raised concerns about the marginalization of religious minorities, particularly Muslims (Sengupta, 2021).

Conversely, Pakistan was founded as an Islamic Republic, and its legal and governance structures are heavily influenced by Islamic principles (Pakistan Constitution, 1973). The Pakistani Constitution guarantees certain rights for religious minorities, including the protection of their places of worship and the freedom to practice their religion (Ahmed, 2020). However, in practice, religious intolerance has increased, particularly against Ahmadis, Christians, and Hindus, exacerbated by the intertwining of religion and state (Iqbal, 2022). The legal and social environment in Pakistan has thus created challenges where minorities often face discrimination and violence.

This paper aims to provide a comparative analysis of the legal frameworks, socio-political realities, and challenges faced by religious minorities in India and Pakistan in the 21st century. By examining constitutional provisions, historical developments, and recent political dynamics, this study seeks to illuminate how both nations balance majority rule with minority rights. The analysis will draw on legal texts, historical accounts, and contemporary reports to explore the similarities and differences in how these two neighboring countries address the protection and rights of their minority populations.

II. REVIEW OF LITERATURE

This paper critically examines the rights and status of various minority groups in contemporary India and Pakistan, focusing on legal frameworks, political representation, socioeconomic conditions, religious freedoms, and instances of discrimination. The Sachar Committee Report (2006) reveals that 31% of Muslims in India live below the poverty line, compared to 22.7% of Hindus, highlighting the need for targeted economic and educational interventions. S. Irfan Habib (2013) emphasizes the persistence of socio-economic challenges faced by Muslims despite some improvements, suggesting new strategies to address these historical inequalities. Pradeep K. Mehta (2018) discusses the impact

of communal violence on political representation, indicating that such violence hampers minority political engagement. In "Secularism and Its Discontents: The Indian Case," Amartya Sen (2006) critiques the practical application of secularism in India, arguing for its strengthening to protect minority rights effectively.

In Pakistan, Ayesha Jalal (2012) examines the complexities of identity and citizenship for religious minorities, attributing their marginalization to historical injustices and legal frameworks. Khan (2017) explores the detrimental effects of blasphemy laws on religious minorities, particularly Christians and Ahmadis, advocating for urgent legal reforms. Muhammad Zia (2019) highlights how the politicization of Islam has increased intolerance toward minorities, emphasizing the need for inclusive policies. Meanwhile, Fazal-ur-Rehman (2020) analyzes the socioeconomic conditions of minorities, revealing disparities in access to education, employment, and healthcare, calling for targeted government interventions.

Recent literature, such as Rakesh Sood (2020), documents the rise of Islamophobia in India, while Nilofer Shaikh (2021) addresses the compounded socio-economic challenges faced by Muslim women, suggesting targeted interventions for their empowerment. Rajeev Bhargava (2019) evaluates government programs aimed at economic empowerment for minorities, noting implementation challenges. Anju Sharma (2022) analyzes educational disparities among Muslim students and recommends exploring new approaches to enhance their access to education. Sandeep Pandey (2024) reviews the political participation of Muslims, advocating for strategies to enhance their representation. Additionally, Zainab M. Ali (2023) investigates the impact of recent legal changes in both countries on minority rights, highlighting a concerning trend towards increased marginalization and suggesting the need for comprehensive reform.

A. Statement of Problem

While both India and Pakistan have constitutional provisions aimed at protecting the rights of minorities, the lived realities for these groups often diverge sharply from the legal frameworks. In India, the rise of Hindu nationalism under the Bharatiya Janata Party (BJP) government has raised alarms about the erosion of secular values and the increasing marginalization of religious minorities. Events such as the introduction of the Citizenship Amendment Act (CAA) and the abrogation of Article 370 in Jammu and Kashmir have intensified debates over whether India's secular commitment is under threat.

In Pakistan, the dominance of Islamic law and the influence of religious extremism have created significant barriers to the realization of minority rights. The constitutional declaration that Ahmadis are non-Muslims, along with the harsh application of blasphemy laws, has made life precarious for these groups. Religious minorities in Pakistan face systemic discrimination and violence, often with little recourse to justice due to the politicization of religion in public life.

Given these complexities, this research seeks to compare the legal and political frameworks of minority rights

in both countries, offering insights into the successes and shortcomings of each approach.

B. Defining Minority Rights in the Global Context

The term 'minority' generally refers to groups within a population that differ from the majority in terms of religion, language, ethnicity, or race. Globally, minority rights are recognized as essential to ensuring equality and protecting cultural diversity. The United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious, and Linguistic Minorities (1992) emphasizes that minorities should enjoy the same rights as others and be able to preserve their unique cultural identity without facing discrimination (UN General Assembly, 1992). Similarly, the International Covenant on Civil and Political Rights (1966), a key international treaty, obliges states to respect the rights of individuals to enjoy their own culture, practice their religion, and use their language (UN General Assembly, 1966).

Despite these international frameworks, the application and enforcement of minority rights can vary significantly depending on a country's legal and political context. In regions where religion and ethnicity are closely linked with national identity, such as South Asia, this variation is pronounced. Both India and Pakistan, despite their shared history, offer distinct approaches to minority rights due to their different constitutional and legal frameworks.

India is home to a diverse array of minority groups, including Muslims, Sikhs, Christians, Buddhists, Parsis and Jains. The Indian Constitution, adopted in 1950, enshrines principles of secularism and provides various protections for minorities. For example, Article 15 prohibits discrimination on grounds of religion, race, caste, sex, or place of birth, while Article 29 and 30 protect the rights of minorities to conserve their culture and establish educational institutions (India Constitution, 1950). However, the practical implementation of these rights has been challenged by rising Hindu nationalism and social tensions that occasionally undermine the constitutional guarantees (Kumar, 2019).

Pakistan, established as an Islamic Republic in 1947, has a majority Muslim population but also includes significant non-Muslim minorities, such as Hindus, Christians, Sikhs, and the Ahmadiyya community. The Pakistani Constitution of 1973 guarantees certain rights for religious minorities, such as the protection of their places of worship and freedom of religious practice (Pakistan Constitution, 1973). Nonetheless, the intertwining of Islamic principles with state law has led to significant challenges, particularly for groups like the Ahmadiyya, who face legal and social discrimination (Ahmed, 2020; Iqbal, 2022).

The comparative study of minority rights in India and Pakistan provides valuable insights into how different legal frameworks and historical contexts influence the protection and treatment of minorities. Both countries reflect the complexities and challenges of implementing international norms within their specific socio-political environments.

C. Post-Partition Realities: The Formation of Two Nations

The 1947 Partition of British India was a watershed moment, resulting in the creation of two distinct states: India and

Pakistan. This event was not merely a geopolitical reconfiguration but also a profound transformation of social and communal landscapes that had evolved over centuries. The Partition, marked by extensive migration, violence, and upheaval, divided not only territories but also intertwined communities, deeply affecting the socio-political fabric of the subcontinent (Jalal, 2017).

India emerged as a secular state committed to the principle of pluralism. The Indian Constitution, adopted in 1950, enshrined secularism as a fundamental tenet, guaranteeing equal rights to all citizens regardless of religion, caste, or ethnicity. This constitutional commitment aimed to accommodate India's diverse population, including significant Hindu, Muslim, Sikh, Christian, Buddhist, and Jain communities (India Constitution, 1950). The secular framework sought to foster an inclusive national identity while providing legal protections to minority groups. However, the challenge of balancing this pluralistic vision with the realities of a diverse society has been ongoing. The rise of Hindu nationalism and periodic communal tensions have posed significant challenges to the secular ethos of the Indian state, leading to concerns about the effective implementation of minority protections (Sengupta, 2021).

Pakistan, in contrast, was founded as an Islamic Republic, with Islam as a foundational element of its national identity. The country's constitution reflects this foundational principle, establishing Islamic law as a guiding framework for governance. Although the Constitution of Pakistan guarantees certain rights to religious minorities, including protection of their places of worship and freedom to practice their faith, the integration of Islamic principles into the legal and political system has often led to complex dynamics for minority groups (Pakistan Constitution, 1973; Ahmed, 2020). Initially, Muhammad Ali Jinnah, Pakistan's founder, advocated for religious tolerance and equality. However, over time, the intertwining of religion and state has led to increasing challenges for non-Muslim minorities, including Ahmadis, Christians, and Hindus, who often face social and legal discrimination (Iqbal, 2022).

The different paths chosen by India and Pakistan post-Partition reflect their respective approaches to managing pluralism and minority rights. India's secular framework aims to integrate diverse communities within a unified national identity, while Pakistan's Islamic foundation seeks to align governance with religious principles. These foundational differences have shaped how each country addresses the challenges of maintaining minority rights and social cohesion in the 21st century.

D. Research Objectives

The primary objective of this research is to undertake a comparative analysis of the protection and realization of minority rights in India and Pakistan. Specifically, it aims to:

- To Assess the constitutional and legal provisions for minority rights in both countries.
- To Examine the political and social challenges that hinder the full realization of these rights.
- To Analyze the impact of recent political developments on religious minorities in both nations.

- To Offer policy recommendations for improving the legal and social environments for minorities in India and Pakistan.

E. Research Methodology

This study employs a multi-faceted approach that includes literature review, legal analysis, secondary data analysis, case studies, and policy evaluation. It reviews academic sources and reports to establish historical and current contexts, analyzes constitutional provisions and laws affecting minority rights, and assesses socioeconomic and educational indicators using data from government and NGOs. Case studies of recent events highlight the impact of communal violence on minority communities. Additionally, qualitative data is gathered through interviews and surveys to understand experiences of discrimination and resource access. Policy evaluation examines government initiatives aimed at minority protection, identifying implementation gaps. Reports from NGOs and community organizations are also considered to assess their contributions. This comprehensive methodology ensures a nuanced analysis and offers actionable recommendations for improving minority rights in both India and Pakistan.

III. HISTORICAL AND LEGAL CONTEXT OF MINORITY RIGHTS

A. India: Secularism and Constitutional Protections

India's Constitution, adopted in 1950, is fundamentally anchored in the principle of secularism, a concept that, while not explicitly stated in the original text, was formally recognized by the 42nd Amendment in 1976. This commitment to secularism aims to ensure equal treatment of all religions by the state, a principle crucial for a diverse and multi-religious society like India.

The Indian Constitution provides a comprehensive framework for the protection of minority rights through several key provisions:

- Articles 25-28: These articles guarantee freedom of religion, allowing individuals the right to practice, propagate, and manage religious affairs. Article 25 specifically ensures that every person has the right to profess, practice, and propagate religion, subject to public order, morality, and health. Article 26 grants religious denominations the right to establish and maintain institutions for religious and charitable purposes. Articles 27 and 28 deal with the freedom from taxation for the promotion of any particular religion and the right to not be compelled to attend religious instruction or worship in educational institutions funded by the state (India Constitution, 1950).
- Article 29: Protects the rights of any section of citizens to conserve their distinct language, script, or culture. This provision aims to preserve the cultural heritage of various communities, ensuring their ability to maintain and celebrate their unique identities.
- Article 30: Grants minorities the right to establish and administer educational institutions of their choice. This article supports the establishment of institutions that cater specifically to the educational needs of minority

communities, thereby promoting their educational rights and cultural preservation.

These constitutional guarantees are further reinforced by judicial interpretations that affirm India's secular commitment. In the landmark case of *Kesavananda Bharati v. State of Kerala* (1973), the Indian Supreme Court declared that secularism is a fundamental aspect of the Constitution's basic structure, which cannot be altered by any amendment (Basu, 2018). This ruling underscores the judiciary's role in upholding the secular nature of the state and protecting minority rights.

Moreover, India's secular framework has accommodated the coexistence of various personal laws governing marriage, inheritance, and divorce for different communities. This legal pluralism reflects the country's effort to balance religious traditions with constitutional principles (Sinha, 2021).

However, the secularism enshrined in the Constitution faces challenges, particularly with the rise of Hindu nationalism spearheaded by the Bharatiya Janata Party (BJP). Under Prime Minister Narendra Modi, controversial policies such as the Citizenship Amendment Act (CAA) 2019 and the National Register of Citizens (NRC) have been criticized for discriminating against Muslims, raising concerns about the erosion of secular values (Menon, 2020). Additionally, incidents of communal violence, such as the 2002 Gujarat riots, have highlighted the vulnerabilities that minorities, especially Muslims, face in India, and the ongoing tensions between secular principles and political realities (Jaffrelot, 2019).

B. Pakistan: Islamic Law and Minority Protections

Pakistan's legal framework is profoundly shaped by Islamic principles, reflecting its identity as an Islamic Republic. The country's commitment to Islam was established with the adoption of its first Constitution in 1956, which declared Pakistan an Islamic Republic. This commitment was further entrenched in subsequent constitutions, particularly with the Objectives Resolution of 1949. This resolution, which serves as a preamble to the Constitution, emphasized the role of Islam in governance while also promising to safeguard the rights of minorities (Pakistan Constitution, 1973).

The current Constitution of Pakistan, adopted in 1973, includes several provisions aimed at protecting minority rights:

- Article 20: Guarantees freedom of religion, allowing individuals to profess and practice their religion subject to law, public order, and morality. This provision is intended to ensure that religious freedoms are protected within the boundaries of legal constraints.
- Article 36: Specifically mandates the state to protect the legitimate rights and interests of minorities, highlighting the state's responsibility to uphold the rights of non-Muslim communities (Pakistan Constitution, 1973).

Despite these constitutional guarantees, Pakistan's legal system has experienced increasing Islamization, especially under the military regime of General Zia-ul-Haq (1977-1988). During this period, the introduction of the Hudood Ordinances and the reinforcement of blasphemy laws significantly affected minority communities (Khan, 2017). The Hudood Ordinances, which were intended to implement

Islamic criminal laws, have been criticized for their harsh impact on non-Muslims, particularly women and religious minorities.

The blasphemy laws, which criminalize offenses against Islam, have been used disproportionately against religious minorities. The case of Asia Bibi, a Christian woman who was sentenced to death for alleged blasphemy and later acquitted by the Supreme Court in 2018, highlighted the misuse and abuse of these laws. Bibi's case drew international attention to the severe repercussions of blasphemy laws and the challenges faced by religious minorities in Pakistan (Ahmad, 2019).

Additionally, the Second Amendment to the Constitution (1974) formally declared the Ahmadiyya community as non-Muslim, institutionalizing discrimination against this minority group. Ahmadi, who consider themselves Muslim, have faced significant legal and social exclusion as a result of this amendment (Rahman, 2018). This institutionalized discrimination reflects broader challenges in Pakistan's approach to religious pluralism and minority rights.

IV. COMPARATIVE LEGAL FRAMEWORKS: INDIA AND PAKISTAN

A. Constitutional Guarantees: Secularism vs. Islamic State

A comparative analysis of the constitutional frameworks of India and Pakistan underscores the profound differences between their approaches to minority rights and the role of religion in state governance. These differences reflect the distinct ideological foundations upon which each nation was established and the ways in which these foundations have influenced their legal and political environments.

1) India's Secularism:

India's Constitution, adopted in 1950, enshrines secularism as a foundational principle, guaranteeing equal rights to all citizens irrespective of their religion. This commitment to secularism is reflected in several key provisions:

- Article 15: Prohibits discrimination on the grounds of religion, race, caste, sex, or place of birth.
- Article 25: Ensures freedom of religion, allowing individuals to practice, propagate, and manage religious affairs.

Despite this framework, India's secularism is under increasing strain, particularly with the rise of majoritarianism and policies perceived as discriminatory. For instance, the Citizenship Amendment Act (CAA) 2019 and the National Register of Citizens (NRC) have been criticized for potentially marginalizing Muslim communities and undermining the secular ethos of the state (Rao, 2020). These policies have sparked widespread protests and debates about their impact on religious minorities.

The Indian judiciary has historically played a crucial role in safeguarding minority rights, interpreting the Constitution to uphold secular principles. Landmark rulings, such as the *Kesavananda Bharati* case, have reinforced the importance of secularism as part of the Constitution's basic structure (Basu, 2018). However, recent trends suggest a growing challenge to secularism, with concerns about the erosion of constitutional protections and increasing communal tensions (Rao, 2020).

2) *Pakistan's Islamic Identity:*

Pakistan's Constitution, adopted in 1973, establishes the country as an Islamic Republic, reflecting its identity as a state grounded in Islamic principles. While the Constitution includes provisions intended to protect minority rights, such as:

- Article 20: Guarantees freedom of religion, subject to law, public order, and morality.
- Article 36: Mandates the state to safeguard the rights and interests of minorities.

The practical application of these protections is complicated by the predominance of Islamic laws in Pakistan's legal system. The Hudood Ordinances and blasphemy laws, introduced and reinforced during General Zia-ul-Haq's regime, have had a disproportionately negative impact on non-Muslim minorities. These laws have been criticized for institutionalizing religious intolerance and discrimination (Khan, 2017).

The Second Amendment to the Constitution (1974), which declared the Ahmadiyya community non-Muslim, exemplifies the institutionalized discrimination faced by religious minorities in Pakistan (Rahman, 2018). The case of Asia Bibi, a Christian woman sentenced to death under blasphemy laws and later acquitted, highlights the contentious nature of these laws and their impact on minority communities (Ahmad, 2019).

B. *Political and Social Dynamics Affecting Minority Rights*

The political and social dynamics of India and Pakistan play a crucial role in shaping how constitutional protections for minorities are implemented, often exacerbating existing tensions and marginalizing vulnerable communities.

1) *India: The Rise of Hindu Nationalism*

In India, the political ascendancy of the Bharatiya Janata Party (BJP), along with the growing influence of Hindutva ideology, has created a more hostile environment for religious minorities, especially Muslims. The BJP's electoral success has been closely linked to promoting Hindu nationalism, which envisions India as fundamentally a Hindu nation. This shift has led to an erosion of the secular framework that the Indian Constitution seeks to uphold.

Two major developments illustrate the marginalization of Muslims under this political dynamic:

- Citizenship Amendment Act (CAA) 2019: The CAA provides a pathway to Indian citizenship for religious minorities from neighboring countries, excluding Muslims. Critics argue that the act, combined with the proposed National Register of Citizens (NRC), disproportionately targets Muslims by creating a bureaucratic mechanism that could render many stateless (Jaffrelot, 2019).
- In May 2024, the Indian government published the rules for implementing the 2019 Citizenship (Amendment) Act (CAA), fulfilling a long-anticipated BJP campaign promise. Amending the country's 1955 Citizenship Act, the CAA established a religious criterion for fast-track citizenship for non-Muslim immigrants (from Hindu, Sikh, Jain, Parsi, Buddhist, or Christian communities) fleeing neighboring Muslim-majority countries, including Afghanistan, Bangladesh, and Pakistan. The law excludes Muslim refugees, including Rohingya

Muslims from Burma and Ahmadiyya Muslims from Pakistan and Afghanistan, as well as Tamil Hindus from Sri Lanka. The act states that an individual must have lived or worked in India prior to December 31, 2014, in order to apply for citizenship.

- Mob Violence and Lynching: Since 2014, there has been a rise in mob violence, particularly lynchings, often justified as protecting cows, which are sacred in Hinduism. These acts of violence have disproportionately targeted Muslims and Dalits, who are accused of cow slaughter or beef consumption. The state's response to such incidents has often been muted, with accusations of complicity in failing to prosecute the perpetrators (Rao, 2020). These developments have fueled fears that India is moving away from its secular roots and embracing a majoritarian approach that marginalizes non-Hindu communities.
- The political climate has emboldened vigilante groups and extremists who push for anti-conversion laws, asserting that Hinduism must be protected from so-called "forced conversions" by Muslims and Christians, further straining communal relations.

2) *Pakistan: Religious Extremism and Legal Discrimination*

In Pakistan, political dynamics are deeply intertwined with religious extremism, which continues to influence both governance and social attitudes. The state's reluctance to address or reform discriminatory laws has further entrenched the marginalization of religious minorities, particularly Christians, Hindus, and Ahmadis.

- Blasphemy Laws: Pakistan's blasphemy laws, which carry severe penalties, including death, have often been used as tools of personal vengeance rather than genuine religious protection. Minorities are disproportionately targeted, and accusations of blasphemy can trigger mob violence, leading to extrajudicial killings. The state's failure to protect accused individuals, or to reform these laws despite international criticism, has allowed the misuse of blasphemy allegations to persist. Religious minorities live in fear of being accused, and those accused face a lengthy and dangerous legal battle, as seen in high-profile cases like that of Asia Bibi, who spent years on death row before her acquittal (Hussain, 2018).
- Exclusion of Ahmadis: Pakistan's political establishment has institutionalized discrimination against the Ahmadiyya community. The Second Amendment (1974) declared Ahmadis as non-Muslims, effectively excluding them from the political and religious life of the country. Ahmadis are barred from referring to themselves as Muslims, using Islamic terminology, or engaging in Islamic practices. This exclusion has led to widespread persecution, with Ahmadis facing violence, social ostracism, and legal discrimination. The state's inaction on these issues reflects the influence of extremist religious groups who wield significant political power (Ahmad, 2019).
- Sectarian Violence: Pakistan also grapples with sectarian violence, particularly between Sunni and Shia Muslims. Shia minorities have been frequent targets of violent attacks by Sunni extremist groups. The state has struggled to control sectarian militancy, which not only

threatens religious minorities but also undermines broader national stability. The sectarian divide remains a significant challenge in Pakistan's efforts to ensure equal protections for all religious groups

V. CONTEMPORARY CHALLENGES FACED BY MINORITIES

India, with its population of over 1.3 billion, is renowned for its religious diversity. According to the 2011 census, while Hindus constitute about 79.8% of the population, Muslims (14.2%), Christians (2.3%), Sikhs (1.7%), and Buddhists (0.7%) form significant minority groups (Government of India, 2011). India's constitutional framework, particularly Articles 25-28, guarantees freedom of religion and prohibits discrimination based on religious grounds (Constitution of India, 1950). The principle of secularism, although not originally part of the Constitution, was added via the 42nd Amendment in 1976, further emphasizing the state's commitment to religious neutrality (Bhargava, 2010).

However, recent years have seen growing concerns about the erosion of these protections. The rise of Hindu nationalism, spearheaded by the Bharatiya Janata Party (BJP) under Prime Minister Narendra Modi, has led to what some scholars term as a "majoritarian turn" in Indian politics (Jaffrelot, 2021). Incidents of communal violence, particularly against Muslims, have increased, and policies such as the Citizenship Amendment Act of 2019 have been criticized for discriminating against Muslim migrants (Human Rights Watch, 2020).

Recent data further illustrates the challenges faced by religious minorities in India. The National Crime Records Bureau reported a significant rise in communal violence, with 857 cases of communal/religious rioting in 2020, up from 438 in 2019. Hate crimes have also been a serious issue; Amnesty International India recorded 902 hate crimes against minorities between 2015 and 2019, with Muslims being the most targeted group. Economic disparities remain stark, as highlighted by the Sachar Committee Report (2006), which noted that only 8% of urban Muslims held formal sector jobs, compared to the national average of 21%. Educational disparities are also prevalent, with the National Sample Survey (2017-18) indicating that the literacy rates among Muslims (77.2%) and Buddhists (81.3%) are lower than the national average of 84.7%. These statistics underscore the ongoing socio-economic and educational challenges faced by religious minorities in India.

A. *India: The Rise of Hindu Nationalism*

In recent years, Hindu nationalism has significantly reshaped India's political and social landscape, leading to the marginalization of religious minorities, particularly Muslims. This rise has been driven largely by the Bharatiya Janata Party (BJP) and its promotion of Hindutva, an ideology that envisions India as a fundamentally Hindu nation. The increasing influence of this ideology has led to several challenges for minority communities.

1) *Recent Development*

– The Citizenship (Amendment) Act (CAA)

Enacted in 2019, the CAA offers Indian citizenship to non-Muslim refugees from Afghanistan, Bangladesh, and Pakistan, but excludes Muslims. This selective approach has

been widely criticized for violating the secular nature of the Indian Constitution and for discriminating against Muslims. Critics argue that the act, combined with the proposed National Register of Citizens (NRC), could effectively render many Muslims stateless, as they may struggle to provide the necessary documentation to prove their citizenship (Menon, 2020). The CAA has sparked protests across the country, with opponents labeling it an attack on India's secular fabric.

The Citizenship Amendment Act (CAA) of 2019 marks a historic shift in India's citizenship laws by establishing a religious criterion for the first time. It fast-tracks citizenship for non-Muslim religious minorities—Hindus, Sikhs, Jains, Parsis, Buddhists, and Christians—fleeing persecution from neighboring Muslim-majority countries, including Afghanistan, Bangladesh, and Pakistan, while explicitly excluding Muslims. Critics argue that the CAA, when paired with the proposed National Register of Citizens (NRC), creates a discriminatory framework that could render many Muslims stateless (Jaffrelot, 2019).

In May 2024, the Indian government finally published the rules for implementing the CAA, fulfilling a long-standing BJP campaign promise. However, the act continues to exclude vulnerable groups such as Rohingya and Ahmadiyya Muslims and Tamil Hindus from Sri Lanka. Applicants for citizenship must have resided or worked in India before December 31, 2014. This exclusionary nature has sparked intense criticism, with opponents claiming the CAA violates the Indian Constitution's principles of religious non-discrimination and equal protection under the law.

The announcement of the CAA in 2019 triggered mass protests, where hundreds were injured and thousands arrested, with prominent activists like Umar Khalid, Meeran Haider, and Sharjeel Imam still in detention as of September 2024. The recent publication of the CAA's implementation rules reignited protests and led to a number of petitions challenging the act in the Supreme Court.

Several Indian states, including Tamil Nadu, West Bengal, Kerala, Punjab, Rajasthan, and Madhya Pradesh, passed resolutions opposing the CAA. Tamil Nadu's Chief Minister reaffirmed in February 2024 that the state would not implement the law, vowing to "stand with minorities and our Sri Lankan brethren." Similarly, the West Bengal Chief Minister in March argued that the CAA could be used to "turn legal citizens into foreigners." Kerala, the first state to legally challenge the act, renewed its Supreme Court plea in 2024, emphasizing that the CAA's classification based on religion and country is discriminatory. Meanwhile, in June 2024, Madhya Pradesh granted citizenship to three individuals under the CAA, further illustrating the divide in the law's reception across the country.

2) *The National Register of Citizens (NRC)*

When combined with the Citizenship Amendment Act (CAA), is viewed by human rights advocates as a powerful tool for marginalization, particularly targeting India's Muslim population. Critics argue that the NRC could enable the government to strip millions of people, especially Muslims, of their citizenship, rendering them stateless. The government's pilot NRC project in Assam in 2018 aimed to identify "undocumented immigrants" in the state, requiring residents to prove that they or their ancestors entered Assam

before March 24, 1971. Failure to do so meant exclusion from the citizenship list.

In 2019, the Assam government released the final NRC, which omitted 1.9 million people from its citizenship rolls. Among those excluded, an estimated 700,000 were Muslims, while 500,000 were Bengali Hindus, and 200,000 belonged to Assamese Hindu communities like the Koch-Rajbongshi, Das, Kalita, and Sarma groups. This sparked widespread fear of mass disenfranchisement and statelessness.

In July 2024, the Assam government took steps to halt the referral of individuals entitled to citizenship under the CAA to the controversial Foreigners' Tribunals—quasi-judicial bodies responsible for determining the citizenship status of “suspected foreigners.” However, despite this order, Assam police, working alongside the Tribunals, declared 28 Muslims as “non-citizens” that same month and sent them to deportation centers.

By September 2024, Assam Chief Minister Himanta Biswa Sarma announced that all residents must submit an NRC application to receive identity cards, further intensifying fears of exclusion. The NRC, in conjunction with the CAA, continues to be a flashpoint for debates over citizenship and human rights, with concerns that the process could disproportionately strip vulnerable populations of their rights and legal standing in India.

3) *Expropriation and Demolition of Places of Worship and Muslim Property*

Since the beginning of 2024, Indian authorities have increasingly facilitated the expropriation and demolition of Muslim places of worship, with Hindu temples being constructed on the ruins of mosques. The most prominent example is the Ram Temple in Ayodhya, consecrated in January 2024, a project championed by Prime Minister Narendra Modi. This temple now stands on the site of the Babri Masjid, which was demolished in 1992 by a Hindu mob believing it to be the birthplace of Lord Ram. While the Indian Supreme Court acknowledged in 2019 that the destruction of the mosque was an “egregious violation” of the law, it nevertheless awarded the land to Hindus, granting Muslims an alternative plot to build a new mosque. As of September 2024, this mosque remains unbuilt, reflecting the continued marginalization of the Muslim community in India.

The consecration of the Ram Temple was followed by a wave of violence against religious minorities across six states. In Maharashtra, for example, violence erupted after Hindu nationalist processions passed through predominantly Muslim neighborhoods. Along Mira Road, mobs vandalized Muslim-owned shops while police stood by. In the aftermath, authorities used bulldozers to demolish what they deemed “illegal” structures—part of a broader tactic often referred to as “bulldozer justice,” where Muslim homes, businesses, and places of worship are razed under the pretext of removing unlawful encroachments.

In February 2024, the Delhi Development Authority (DDA) demolished the 600-year-old Akhoondji Mosque, claiming it was an illegal encroachment, even though the mosque's imam asserted he had not received any prior written notice. The DDA further announced plans to demolish 20 more religious structures in Delhi's Sanjay Van area, 16 of which are Muslim shrines. Similarly, in Uttarakhand, the

demolition of a mosque and Muslim seminary in February led to deadly clashes and an internet shutdown. By July, the DDA also demolished the Faizyab Mosque and Madrassa in Delhi's Sarai Kale Khan area, deepening the atmosphere of fear and marginalization.

4) *Places of Worship Act*

The expropriation of mosques and other Muslim properties directly violates India's Places of Worship (Special Provisions) Act of 1991, which aims to preserve the religious status of places of worship as they stood on August 15, 1947. This act explicitly prohibits the conversion of any place of worship from one faith to another, with the notable exception of the Babri Masjid in Ayodhya. However, despite this legal protection, in February 2024, an Indian court allowed Hindus to worship inside the Gyanvapi Mosque in Varanasi, citing claims that the mosque was built on the ruins of an ancient Hindu temple. BJP MP Harnath Singh Yadav has since called for the repeal of the Places of Worship Act, deeming it “unconstitutional” and fueling further controversy over the fate of minority religious sites in India.

These developments highlight growing tensions surrounding religious freedoms and the protection of minority rights, particularly for Muslims, amid a rising wave of Hindu nationalism. The systematic demolition and expropriation of Muslim properties, often carried out with official sanction, reflect broader trends of marginalization, intensifying the communal divide across the country.

5) *Waqf Amendment Bill*

In August 2024, the Indian government introduced the Waqf Amendment Bill, igniting concerns among the Muslim community. The bill seeks to repeal and replace the 1995 Waqf Act, a law that governs the management of *waqf* properties—endowments given for charitable or religious purposes under Islamic tradition. Waqf properties, which include mosques, graveyards, and other religious sites, are managed by Waqf Boards in each state, ensuring that they remain non-transferable and held in perpetuity for the designated purposes.

The 2024 amendment proposes to significantly expand the government's oversight of these religious endowments. It calls for the mandatory inclusion of non-Muslim members on Waqf Boards and aims to restrict the declaration of *waqf* properties to instances where formal documentation exists, rather than relying on an owner's oral declaration. Muslim leaders and legal experts have raised alarms, arguing that this bill would undermine the community's control over its religious and charitable institutions, eroding the autonomy enshrined in the original 1995 act.

This legislative push comes amid increasing disinformation about the economic status of Muslims in India, with critics claiming that wealth is disproportionately concentrated within the community. Prime Minister Modi himself made inflammatory remarks during the national election, further fueling the narrative. The introduction of the Waqf Amendment Bill is seen as part of a broader pattern of state-led efforts to weaken Muslim institutions and diminish the influence of Muslim bodies over their own religious properties. If passed, the bill threatens to exacerbate the existing marginalization and erode the legal safeguards protecting minority rights in India.

B. State and Local Laws Impacting Religious Minorities: Uniform Civil Code and Personal Status Laws

Since 2019, Prime Minister Modi and the BJP have pushed for the implementation of a Uniform Civil Code (UCC), a legislative reform aimed at standardizing personal status laws that currently vary across India's religious communities. These personal laws govern vital aspects of life, such as marriage, divorce, adoption, inheritance, and succession, and are deeply intertwined with religious traditions. Critics argue that the UCC threatens India's secular foundation by disregarding the country's diverse religious practices and imposing a one-size-fits-all framework that may not respect the beliefs of minority communities.

In February 2024, Uttarakhand became the first Indian state to pass a UCC bill, setting a uniform set of rules on personal status issues such as marriage and inheritance. The state-level UCC bill is seen as a model for other states, and its passage has stirred significant debate. The new law, for instance, sets the minimum age for marriage at 18, aligning with Hindu and secular norms but differing from Muslim practices, which often do not have similar restrictions. The Muslim community, in particular, has voiced concern, viewing the UCC as a direct threat to the Islamic *Shari'a* law, which governs their personal matters. Sikh groups have also expressed opposition, arguing that the UCC undermines Sikh identity and religious autonomy.

The law's reach goes beyond marriage and inheritance; it also imposes criminal penalties for not registering live-in relationships within a month, punishable by up to six months in jail. This provision intensifies the surveillance and policing of interfaith couples, who already face societal hostility and, in many cases, violent threats from their families. In July 2024, for example, the Uttarakhand High Court ordered police protection for an interfaith couple in a live-in relationship after the couple reported receiving threats from their parents. The court also directed the couple to register their relationship under the UCC, highlighting the growing pressure on interfaith unions under this new legal regime.

The introduction of the UCC at both state and national levels is seen as part of the BJP's broader ideological push for a homogenized national identity. This move, however, risks alienating India's religious minorities, many of whom view the UCC as an encroachment on their rights to practice and govern their personal lives according to their religious traditions. The battle over the UCC is emblematic of deeper tensions in India's pluralistic society, where the balance between secular governance and religious autonomy continues to be a contentious issue.

1) Anti-Conversion Laws

Throughout 2024, state authorities across India continued to enforce and expand anti-conversion laws, targeting religious minorities under the guise of preventing coerced conversions. These laws, which exist in 12 of India's 28 states, go beyond addressing cases of force or fraud, often criminalizing conversions made voluntarily. Penalties for violating these laws can include hefty fines and prison terms, with authorities particularly focused on restricting interfaith relationships, often invoking the conspiracy theory of "love jihad"—the

unfounded belief that Muslim men deliberately seduce Hindu women to convert them to Islam.

In the first half of 2024, several states aggressively applied these laws, particularly against Christian communities. In June, for instance, Uttar Pradesh authorities arrested 13 Christians, including four pastors, on allegations of conducting forced conversions. The crackdown continued in July, with more arrests across the state. That same month, the Uttar Pradesh government proposed amendments to strengthen its existing anti-conversion law, seeking to increase penalties to life imprisonment and make it easier for anyone to file complaints against suspected violators. The proposed changes would also make religious conversion a non-bailable offense, escalating the legal risks for religious minorities, especially Christians and Muslims.

Several other states followed suit. In February 2024, the Chhattisgarh government introduced new legislation targeting "illegal conversions," citing concerns over Christian pastors allegedly converting Hindus by force. Assam took a different approach, passing the Assam Healing (Prevention of Evil) Practices Bill, which prohibits prayer-based healing methods. The state's chief minister also indicated plans to curb Christian evangelism, further restricting religious freedom for the minority Christian community.

The enforcement of anti-conversion laws wasn't limited to new conversions. In Gujarat, authorities issued a circular in April requiring Hindus who wish to convert to Buddhism, Sikhism, or Jainism to seek approval from a district magistrate, under the Gujarat Freedom of Religion Act. Rajasthan, too, made headlines when its BJP-led government withdrew a 2008 anti-conversion law to replace it with stricter legislation aimed at preventing "love jihad" and unauthorized conversions.

As of August 2024, legal challenges questioning the constitutionality of anti-conversion laws were pending in seven states: Gujarat, Chhattisgarh, Madhya Pradesh, Himachal Pradesh, Jharkhand, Karnataka, and Uttar Pradesh. These laws, critics argue, are used to harass religious minorities, particularly in rural areas, and reinforce majoritarian narratives that undermine the secular principles enshrined in India's constitution.

2) Anti-Cow Slaughter Laws

India's constitution mandates states to enact measures to prohibit the slaughter of cows and calves, which are regarded as sacred in Hinduism. Consequently, 20 of India's 28 states have established anti-cow slaughter laws. However, these laws have been exploited by vigilante groups and self-proclaimed "cow protectors" to target religious minorities, particularly Muslims, Christians, and Dalits.

In the wake of the national elections in June 2024, there was a notable increase in violence linked to "cow vigilantism," with approximately a dozen incidents reported. One of the most harrowing events occurred in August, when a group of cow vigilantes beat a Muslim migrant worker to death, falsely accusing him of consuming beef. Just a day later, a 72-year-old Muslim man was violently assaulted by a mob of Hindu men who suspected him of carrying beef in his bag. In another shocking case the same month, a group of "cow protectors" shot and killed a 19-year-old Hindu student, mistaking him for a Muslim cow smuggler.

While some arrests were made in these incidents, the perpetrators often operate with a sense of impunity. Many face minimal consequences for their actions, frequently being released on bail within 24 hours. This lack of accountability not only emboldens cow vigilantes but also perpetuates a climate of fear among religious minorities, exacerbating communal tensions and violence across the country. Critics argue that such vigilante actions, fueled by anti-cow slaughter laws, undermine the rule of law and contribute to a broader environment of intolerance and discrimination in India.

3) Significant Religious Freedom Challenges across India

a) Hate Speech, Misinformation, and Disinformation
In the lead-up to the June 2024 elections, political figures increasingly employed hate speech and discriminatory rhetoric against Muslims and other religious minorities. Prime Minister Modi repeatedly claimed that the opposition party intended to “wipe out [the] Hindu faith from the country” and had plans to reduce Hindus to “second-class citizens.” He perpetuated negative stereotypes about Muslims, labeling them as “infiltrators.” Union Home Minister Amit Shah echoed these sentiments, falsely asserting that opposition leaders would impose Shari’a if elected, despite no mention of Shari’a or Muslims in the opposition’s election manifesto.

Misinformation and hate speech from Indian government officials often incite violence against religious minorities, including cow vigilantism. For instance, attacks against Muslims in Mira Road after the inauguration of the Ram Temple in January were fueled by inflammatory speeches from two Members of the Legislative Assembly (MLAs), Nitesh Rane and Geeta Jain. Rane explicitly threatened the Muslim community, inciting the Hindu population to “ignite and retaliate.” Although First Information Reports (FIRs) were filed against them, the Mumbai police claimed that terms like “jihadis,” “Rohingya,” and “Bangladeshis” were not aimed at Muslims, thus falling outside the scope of penal code protections against hate speech.

The UN Committee on Racial Discrimination (CERD) expressed concerns about the rise in hate speech targeting Rohingya refugees, alongside the Indian government’s actions regarding the arbitrary detention and forced return of this community to Burma. In February, BJP MLA T. Raja Singh further exacerbated tensions with a 40-minute speech that openly called for violence against Muslims and the demolition of mosques in Kashi and Mathura, framing Muslims as a threat to Hindu identity and calling for preparations to “fight for the protection of our country and religion.”

b) Attacks against Religious Minorities

In March, a group of UN experts raised alarms about increasing violence and hate crimes against religious minorities leading up to the national elections. They highlighted incidents of vigilante violence, arbitrary killings, property demolitions, and harassment, urging the Indian government to fulfill its obligation to prohibit religious hatred that incites discrimination and violence.

From January to March, there were 161 reported incidents of violence against Christians in India, with 47 occurring in Chhattisgarh. These incidents included violent attacks on churches, harassment, and false allegations of

forced conversion. Muslims continued to face targeted violence as well. In March, a group of Hindu students violently attacked foreign Muslim university students in Gujarat while they were praying during Ramadan. Subsequently, the university issued new guidelines prohibiting prayer in common spaces. Following the election results, during which the BJP lost its national majority, at least 28 attacks against Muslims were reported between June and August.

Religious educational institutions also faced harassment. In February, Hindu organizations stormed a Catholic school in Assam, demanding that teachers cease using Christian imagery. Additionally, in March, the Allahabad High Court struck down a previous ruling regarding the governance of madrasas, effectively banning Islamic schools in the state and ordering that affected students enroll in public schools. This ruling raised concerns about the future of religious education and the targeting of minority religious practices in India.

c) Crackdown on Civil Society and Faith-Based Organizations

In 2024, the Indian government intensified its repressive tactics against religious minorities and their advocates abroad. Journalists, academics, and civil society organizations documenting violations of religious freedom in India have reported facing denial of consular services, including the revocation of Overseas Citizen of India (OCI) cards, as well as threats of violence and surveillance. In April, international reporting linked an official in India’s Research and Analysis Wing (RAW) to a 2023 assassination attempt on an American Sikh activist in New York, raising serious concerns about the safety of those advocating for religious rights.

The Indian authorities have routinely used discriminatory legislation to target religious communities and their advocates. They have exploited anti-terror and financing laws, including the Unlawful Activities Prevention Act (UAPA), to suppress civil society organizations, religious minorities, human rights defenders, and journalists who report on religious freedom issues. Originally enacted in 1967, the UAPA was amended in 2019 to empower the government to designate individuals as “terrorists” without due process. The law vaguely defines “unlawful activity” as any action “intended to disrupt India’s sovereignty, integrity or security,” encompassing “disruptive speech.”

In 2024, several religious minorities and human rights activists continued to face detention without trial under the UAPA, including individuals like Hany Babu and Rona Wilson. GN Saibaba, an academic and human rights activist who had been detained under the UAPA since 2017 for criticizing state violence against religious minorities, was released in March. He reported experiencing police abuse, torture, and denial of medical care while in custody.

- Abrogation of Article 370: In August 2019, the Indian government revoked Article 370, which granted special autonomy to the state of Jammu and Kashmir, the only Muslim-majority region in India. The move was framed by the government as necessary for the region’s integration into India, but it has been viewed by many as a further marginalization of Muslims in Kashmir. The region has since experienced heightened militarization,

restrictions on civil liberties, and economic challenges, deepening the alienation of its Muslim population (Rao, 2020).

- Communal Violence and Lynching: Under the influence of Hindu nationalist groups, incidents of communal violence have risen, with religious minorities often being targeted. Mob lynchings, particularly in the name of "cow protection," have disproportionately affected Muslims, who are frequently accused of cow slaughter. Such acts of violence are rarely prosecuted effectively, leading to a climate of fear and insecurity among Muslims and other minorities (Jaffrelot, 2019).
- Anti-Conversion Laws: Several states in India have introduced or strengthened anti-conversion laws, purportedly to prevent "forced" or "fraudulent" religious conversions, particularly to Islam and Christianity. These laws are often used to harass and intimidate minority communities, who are accused of converting Hindus. In practice, these laws have led to increased surveillance of Christian and Muslim religious activities, contributing to the sense of alienation and persecution felt by these groups.

d) Social and Cultural Exclusion:

Hindu nationalism has also manifested in everyday social and cultural life, further isolating minorities. The politicization of cultural symbols, such as the cow, and the aggressive promotion of Hindi as a national language have created a sense of exclusion among non-Hindu communities. Additionally, the rewriting of history to emphasize Hindu contributions while downplaying the role of Muslims and other communities has led to concerns about cultural erasure.

In this environment, Muslims in particular face a dual threat: political exclusion and social stigmatization. The combination of discriminatory policies, communal violence, and cultural marginalization has severely challenged India's secular ideals and the constitutional protections meant to safeguard its pluralistic society.

C. Pakistan: Religious Extremism and Legal Discrimination

In Pakistan, religious extremism and legal discrimination have created significant challenges for religious minorities, who face systemic persecution and violence. One of the most prominent legal instruments used to marginalize non-Muslim communities is Pakistan's blasphemy laws, which carry severe punishments, including the death penalty for those convicted of insulting Islam or the Prophet Muhammad.

1) Blasphemy Laws and Their Impact:

Pakistan's blasphemy laws, particularly Sections 295-B and 295-C of the Pakistan Penal Code, have been disproportionately used against Christian, Hindu, and Ahmadi communities. While the laws are ostensibly designed to protect all religions, they are often misused to target religious minorities, frequently based on personal vendettas or social conflicts (Ahmad, 2019).

The assassination of Punjab Governor Salmaan Taseer in 2011 marked a turning point in the national discourse around these laws. Taseer had called for reforms after defending Asia Bibi, a Christian woman sentenced to death for blasphemy. His murder by his own security guard, who was celebrated as a hero by extremist groups, illustrated

the deep entrenchment of religious extremism in Pakistan's political and legal systems. Attempts to reform the blasphemy laws have since been met with staunch resistance, and even raising the issue publicly can result in threats or violence.

The case of Asia Bibi, who spent nearly a decade on death row before being acquitted by Pakistan's Supreme Court in 2018, drew international attention to the plight of religious minorities. While her eventual release was hailed as a victory for justice, her case also highlighted the pervasive atmosphere of fear and intimidation faced by those accused of blasphemy, as well as the risks faced by those who dare to defend them (Hussain, 2018).

2) Ahmadiyya Community:

The Ahmadiyya community, declared non-Muslim by a 1974 constitutional amendment, faces severe discrimination and exclusion. Ahmadis are forbidden by law to refer to themselves as Muslims or to practice Islam publicly. Violating these restrictions can result in criminal charges under Pakistan's blasphemy laws, further marginalizing the community. Ahmadis are also prohibited from holding public office or voting in general elections unless they renounce their faith.

This legal discrimination against Ahmadis is reinforced by frequent acts of sectarian violence. Ahmadi mosques have been attacked, their graves desecrated, and community members have been murdered in the name of religious purity. Despite the persecution they face, the government has shown little inclination to address their grievances or to repeal discriminatory laws (Rahman, 2018).

3) Sectarian Violence and Extremism:

Sunni-Shia sectarian violence is another dimension of religious extremism in Pakistan. While the Shia Muslim population is relatively large, they have been targeted by extremist groups like the Lashkar-e-Jhangvi and Sipah-e-Sahaba Pakistan. These militant organizations, which espouse a hardline Sunni ideology, have carried out bombings, assassinations, and other violent acts against the Shia minority, contributing to the overall climate of insecurity and intolerance in Pakistan.

The broader political landscape in Pakistan is shaped by a reluctance to challenge extremist groups. Religious political parties wield considerable influence, and the military has historically supported certain extremist groups for geopolitical purposes. This dynamic has created a situation where religious extremism is not only tolerated but, in some cases, encouraged by the state (Khan, 2017).

4) Social and Cultural Exclusion:

Beyond legal and political challenges, Pakistan's religious minorities also face social exclusion and discrimination. In educational curricula, non-Muslims are often portrayed negatively, while Islamic history and teachings are emphasized, reinforcing a sense of alienation among minority communities. Religious minorities, particularly Christians and Hindus, are often relegated to low-paying jobs and face significant barriers to upward social mobility.

VI. COMPARATIVE ANALYSIS

A. Similarities in Minority Rights Challenges in India and Pakistan

Both India and Pakistan share common challenges when it comes to protecting the rights of religious minorities, rooted in their shared colonial history and the circumstances of partition. In both nations, religious identity remains central to political and social dynamics, often leading to the marginalization of minority groups. Despite constitutional guarantees, both countries experience a gap between legal frameworks and the lived experiences of their religious minorities.

For instance, while India's Constitution guarantees religious freedom and equality, the rise of Hindu nationalism has seen increasing communal violence and discrimination, particularly targeting Muslims and Christians. Similarly, in Pakistan, although religious minorities are constitutionally protected, they face systemic discrimination through laws like the blasphemy laws, and are often victims of religious extremism. In both nations, religious minorities have become scapegoats in larger political and ideological struggles, facing social exclusion, violence, and legal discrimination.

B. Differences in both State Approaches to Minority Protection

The state structures of India and Pakistan also differ significantly in how they approach the issue of religious minorities, particularly given India's secular democratic framework and Pakistan's identity as an Islamic Republic.

India's Constitution, framed in the immediate aftermath of Partition, enshrines the principle of secularism, which is intended to ensure equal treatment of all religions. However, in practice, the rise of the Bharatiya Janata Party (BJP) and its alignment with Hindu nationalist organizations such as the Rashtriya Swayamsevak Sangh (RSS) has challenged this commitment to secularism. Policies such as the Citizenship Amendment Act (CAA) and National Register of Citizens (NRC) have been criticized for disproportionately targeting Muslims, raising concerns about the erosion of India's secular principles (Jaffrelot, 2019). While India claims to be a pluralistic society, religious minorities often face subtle and overt forms of exclusion, communal violence, and political disenfranchisement.

1) Pakistan's Islamic Framework.

On the other hand, Pakistan was established as an Islamic Republic with Islam as the official state religion. The Constitution of Pakistan places Islam at the center of its legal and political structure, which has implications for the rights and status of religious minorities. For instance, the country's blasphemy laws, which carry severe penalties for defaming Islam, have been widely misused against non-Muslims, leading to legal persecution and violence. Furthermore, the state's official stance towards certain sects, such as Ahmadis, has effectively marginalized them as second-class citizens. While there are provisions for the political representation of religious minorities, their influence is limited in a state where Islamic identity is paramount (Rahman, 2018).

C. Political Developments and the Impact on Minority Rights

Recent political developments in both countries highlight the vulnerabilities of religious minorities. In India, the political ascendance of Hindu nationalism under Narendra Modi's government has led to a surge in anti-Muslim rhetoric and violence, especially under the pretext of cow protection or concerns about demographic changes. In Pakistan, religious extremism, often fueled by sectarian divides, continues to threaten the safety and rights of Christians, Hindus, and Ahmadis.

Both countries have also witnessed increased majoritarian politics, where the majority religion (Hinduism in India and Islam in Pakistan) has been weaponized to consolidate political power, often at the expense of minority rights. These trends point to a common challenge in both nations: the difficulty of balancing majority rule with the protection of minority rights in deeply religious societies.

D. Legal and International Obligations

Both India and Pakistan are signatories to various international human rights instruments that commit them to protect minority rights, including the International Covenant on Civil and Political Rights (ICCPR) and the Universal Declaration of Human Rights (UDHR). However, the implementation of these obligations is inconsistent in both countries. While India's legal system is relatively robust, with an independent judiciary capable of upholding minority rights, the political pressure exerted by Hindu nationalist groups often undermines these protections. In Pakistan, the enforcement of minority rights is further complicated by religious laws that often conflict with international human rights standards, particularly in the case of blasphemy laws and laws that restrict religious freedoms (Khan, 2017).

VII. POLICY RECOMMENDATIONS

To address the challenges faced by religious minorities in India and Pakistan, the following policy recommendations are proposed:

A. Strengthening Legal Protections

Both countries should revisit and strengthen their legal frameworks for the protection of religious minorities. In India, this means ensuring that laws such as the Citizenship Amendment Act (CAA) and the National Register of Citizens (NRC) are implemented in a non-discriminatory manner, without targeting specific religious communities. The Indian judiciary should remain vigilant in upholding the secular principles enshrined in the Constitution and strike down laws or policies that violate minority rights.

In Pakistan, there is an urgent need to reform the blasphemy laws, which have been widely misused to persecute religious minorities. Repealing or significantly amending these laws to prevent their misuse would be a critical step toward improving the safety and rights of religious minorities in Pakistan. Furthermore, laws that institutionalize discrimination against Ahmadis and other religious minorities should be revisited to ensure that all citizens enjoy equal protection under the law.

B. Enhancing Political Representation

Both India and Pakistan should take steps to enhance the political representation of religious minorities. In India, this could involve creating mechanisms to ensure that minority communities have greater political voice and representation, particularly at the local and state levels, where issues of communal violence and discrimination often arise.

In Pakistan, while seats are reserved for religious minorities in the National Assembly and provincial legislatures, their political influence is limited. Ensuring that these representatives have real power to influence policymaking, rather than serving as symbolic figures, would be a critical step in improving the status of religious minorities.

C. Promoting Social Tolerance and Inclusion

Both countries need to invest in programs that promote social tolerance and inclusion. In India, educational reforms should emphasize the country's pluralistic heritage and promote an understanding of different religious traditions. Media campaigns that challenge the narratives of Hindu nationalism and emphasize the importance of religious diversity would also help reduce communal tensions.

In Pakistan, educational curricula need to be reformed to remove biased depictions of religious minorities and promote a more inclusive understanding of Pakistan's diverse religious heritage. Social media and traditional media campaigns could also play a role in countering religious extremism and promoting tolerance towards minorities.

D. Strengthening International Engagement

Both countries should strengthen their engagement with international human rights bodies and adhere to the obligations of treaties they have ratified, such as the ICCPR and UDHR. Regular reporting and engagement with mechanisms such as the United Nations Human Rights Council (UNHRC) would help ensure that international pressure is applied to improve the treatment of religious minorities.

India and Pakistan should also collaborate regionally to share best practices in minority rights protection. The South Asian Association for Regional Cooperation (SAARC) could be a platform for promoting dialogue and cooperation on this issue.

VIII. CONCLUSION

The 21st century has witnessed both progress and setbacks in the protection of minority rights in India and Pakistan. While both nations have constitutional and legal frameworks aimed at protecting religious minorities, the rise of religious nationalism and extremism has undermined these protections. India, under the influence of Hindu nationalism, has seen a decline in its secular ethos, with policies such as the CAA and NRC disproportionately affecting Muslims. Pakistan, with its Islamic framework, continues to struggle with religious extremism and the misuse of blasphemy laws, which disproportionately impact religious minorities such as Ahmadis, Christians, and Hindus.

Both countries need to address these challenges by strengthening their legal protections, enhancing political representation for minorities, promoting social tolerance, and

adhering to their international human rights obligations. Only through such measures can India and Pakistan ensure that religious minorities enjoy the full rights and protections promised by their constitutions and international human rights law. The comparative analysis of these two countries provides valuable insights into the complexities of protecting minority rights in pluralistic societies and offers lessons for other nations grappling with similar challenges.

IX. REFERENCES

- [1] Ahmed, M. (2020). *Religious Freedom and Minority Rights in Pakistan*. Oxford University Press.
- [2] India Constitution. (1950). *Constitution of India*. Government of India.
- [3] Iqbal, A. (2022). *Islamic Law and Religious Minorities in Pakistan: A Contemporary Analysis*. Routledge.
- [4] Jalal, A. (2017). *The Sole Spokesman: Jinnah, the Muslim League and the Demand for Pakistan*. Cambridge University Press.
- [5] Kumar, R. (2019). *Secularism and Minority Rights in India: Challenges and Opportunities*. Sage Publications.
- [6] Minority Rights Group International. (2022). *State of the World's Minorities and Indigenous Peoples*. Retrieved from MRGI website.
- [7] Pakistan Constitution. (1973). *Constitution of Pakistan*. Government of Pakistan.
- [8] Sengupta, S. (2021). *Hindu Nationalism and the Politics of Identity in India*. Palgrave Macmillan.
- [9] Smith, A. D. (2018). *National Identity*. University of Nevada Press.
- [10] India Constitution. (1950). *Constitution of India*. Government of India.
- [11] Kumar, R. (2019). *Secularism and Minority Rights in India: Challenges and Opportunities*. Sage Publications.
- [12] Pakistan Constitution. (1973). *Constitution of Pakistan*. Government of Pakistan.
- [13] UN General Assembly. (1966). *International Covenant on Civil and Political Rights*. United Nations.
- [14] UN General Assembly. (1992). *Declaration on the Rights of Persons Belonging to National or Ethnic, Religious, and Linguistic Minorities*. United Nations.
- [15] Ahmad, A. (2019). *The Plight of Religious Minorities in Pakistan: A Socio-Political Perspective*. *Journal of Human Rights and Democracy*, 17(4), 401-417.
- [16] Baxi, U. (2021). *The Impact of Islamic Law on Minority Rights in Pakistan*. *Journal of Law and Society*, 12(2), 122-139.
- [17] Basu, D. (2018). *Fundamentals of the Indian Constitution: Secularism and Minority Rights*. *Indian Journal of Constitutional Law*, 7(2), 213-230.
- [18] Bhargava, R. (2019). *Government Programs for Minority Empowerment in India: A Critical Review*. *Journal of Minority Studies*, 6(1), 55-72.
- [19] Habib, S. I. (2013). *Socio-Economic Challenges of Muslims in India: Historical and Contemporary Perspectives*. *Economic and Political Weekly*, 48(6), 19-24.
- [20] Hussain, A. (2018). *Religious Extremism and Minority Rights in Pakistan: A Study of Blasphemy Laws*. *Pakistan Journal of Social Sciences*, 15(2), 123-140.

- [21] Jaffrelot, C. (2019). *Hindu Nationalism and the Politics of Religious Minorities in India*. Asian Survey, 59(2), 223-242.
- [22] Khan, A. (2017). *Islamization and Minority Rights in Pakistan: A Historical Perspective*. Journal of South Asian Studies, 30(3), 341-357.
- [23] Mehta, P. K. (2018). *Communal Violence and Political Representation in India*. Journal of Politics in India, 10(4), 305-320.
- [24] Menon, S. (2020). *Citizenship and the Politics of Exclusion in India: A Study of the CAA and NRC*. Journal of South Asian Studies, 12(3), 89-101.
- [25] Panigrahi, K. C. (2015). *Legal Frameworks for Minority Rights in India: Gaps and Challenges*. Indian Journal of Law and Society, 6(1), 78-93.
- [26] Rao, V. (2020). *The Erosion of Secularism in India: Implications for Minority Rights*. Journal of Contemporary Politics, 14(2), 144-160.
- [27] Sachar Committee. (2006). *Social, Economic and Educational Status of the Muslim Community in India*. Government of India.
- [28] Shaikh, N. (2021). *Gender, Religion, and Socio-Economic Challenges: The Case of Muslim Women in India*. Journal of Gender Studies, 14(3), 211-225.
- [29] Sood, R. (2020). *Rising Islamophobia in India: An Analysis of Hate Crimes Against Muslims*. Journal of Hate Studies, 8(2), 35-55.
- [30] Pandey, S. (2024). *Political Participation of Muslims in India: Challenges and Prospects*. Journal of Minority Politics, 19(1), 67-80.
- [31] Zia, H. (2018). *Challenges to Religious Freedom in Pakistan: A Comprehensive Overview*. Journal of Human Rights, 17(1), 15-34.
- [32] Awan, A. (2020). *Minority Rights in Pakistan: Historical Context and Contemporary Issues*. Pakistan Journal of Political Science, 5(2), 115-130.
- [33] Raza, M. (2021). *The Impact of Sectarian Violence on Minority Rights in Pakistan*. Journal of Conflict Studies, 22(1), 56-75.
- [34] Nasir, A. (2022). *The Role of Education in Empowering Religious Minorities in India and Pakistan*. Comparative Education Review, 66(1), 23-46.
- [35] International Covenant on Civil and Political Rights (1966). United Nations.
- [36] United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious, and Linguistic Minorities (1992). United Nations.
- [37] <https://www.uscirf.gov/sites/default/files/2024-10/2024%20India%20Country%20Update.pdf>.