

# DEMOCRACY IN A PLURALISTIC SOCIETY: A COMPARATIVE ANALYSIS OF SRI LANKAN AND INDIAN CONSTITUTIONS

U. A. H. H. Udagearachchi  
*Department of Law, University of Peradeniya*

## **Introduction**

Pluralism in a society is the presence of more than one cultural identity among its population. According to the dictionary definition, pluralism is a state of society in which members of diverse ethnic, racial, religious, or social groups maintain an autonomous participation in and develop their traditional culture or special interest, within the confines of a common civilization. The majority of Commonwealth countries are plural societies, where different ethnic, racial, cultural and religious groups live peacefully together. In this sense Sri Lanka can also be identified as a pluralistic society because it is a multi-ethnic, multi-religious, and multi-lingual society.

Democracy is a key characteristic of a plural society. By definition democracy means the government by people. This right can either be exercised directly or through representatives. In situations where direct democracy is unsuccessful as a result of a diverse population spread over a large geographical distance, representative democracy becomes useful. In this system, representatives are chosen by the people to make decisions on behalf of them. Therefore, the representative body becomes a manageable size for doing the business of government. But a vast majority of countries that call themselves representative democracies are not true democracies. Most of them are actually just elected dictatorships.

When considering a democracy in a plural society, India provides the best example for it. India is the world's most complex and comprehensively pluralistic society, home to a vast variety of castes, tribes, communities, religions, languages, customs and lifestyles. But it was the first among major democracies in the world to recognize and provide for the right of cultural collectivities - diverse religious and linguistic communities living in the country. The Constitution of India has created an institutional structure and principles that would allow diverse people to

live together as citizens of India. By a constitutional amendment, a new system of rural local bodies called '*panchayats*' and local municipalities were introduced in 1993. The constitution of India has become the best guarantee for a viable and vibrant nation.

Thus it is obvious that, to ensure a vibrant democracy in a plural society, the Constitution is important. The Constitution of a state acts as the supreme law of the country. The new government of Sri Lanka has endorsed the need for constitutional reforms enacted to significantly prune the powers of the executive presidency and to strengthen democratic governance, with a mandate to address minority aspirations of devolution while maintaining the unitary character of the Sri Lankan state.

A meaningful new beginning for Sri Lanka is only possible when a revived awareness and recognition of the linguistic, religious and ethnic diversity that already exists in Sri Lankan society is achieved. The recognition of this essential diversity is, as the Canadian philosopher Charles Taylor suggested, fundamentally linked to politics of recognition. The objective of this study is to understand how to establish a democratic society in Sri Lanka as a plural society by establishing strong institutional structures through constitutional reforms. In order to achieve this objective, the researcher seeks to look at the patterns of other jurisdictions of plural societies particularly the Constitution of India.

### **Methodology**

This is a comparative analysis of Sri Lankan law with international guidelines and a selected jurisdiction; namely, India. Statutes, books, journals, articles and other relevant documents were analyzed where necessary.

### **Result and Discussion**

When compared to the democracy of other pluralistic societies, it is observed that Sri Lanka needs some reform. The author suggests the existing system of government in Sri Lanka as a pluralistic society, should be changed by strengthening democracy. For an effective democratic society this study suggests a government, which consists of three levels, namely the central government, regional governments and

municipal governments. Also the national legislature should be a bicameral one, elected by the people. The regional governments should also have bicameral legislatures. The central government and regional governments should in turn share the legislative powers of the people, which should base itself on the principle of popular sovereignty. Further there should also be an extensive framework of checks and balances. Furthermore these checks and balances should include the constitutional prohibition of discriminatory legislation, guarantee fundamental rights and freedoms for all, unanimity as well as veto power in legislation, promotion of common values, equalization programs and people's exchange programs at different levels. Through these changes, an opportunity can be created for people who belong to different cultural groups, to participate in the decision making process. In a pluralistic society it is essential to consider all opinions of effected parties when implementing rules and regulations. On that basis, representation of all parties in society is a positive way to establish democracy in Sri Lanka.

### **Conclusion**

Based on the comparative study of selected jurisdiction, it can be recommended that it is essential to introduce an effective democratic system in Sri Lanka. In multicultural, multi-ethnic and plural societies, social justice, economic progress and political democracy can be achieved only through accommodation of diverse interests and identities. If democracy is not receptive to various identities in a plural society, then it remains only a majoritarian democracy that under privilege minorities. Therefore the Constitution should ensure special provisions for the protection of minority rights as well as balancing group rights with individual rights. Many pluralistic societies have proven that pluralistic views can exist side by side as long as they are mutually respected.

### **References**

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