

Inter Caste and Inter Religious Marriages in India: Issues and Challenges

Dr. Dinesh Kumar

Research Scholar

Department of Human Rights, School of Legal Studies

Babasaheb Bhimrao Ambedkar (A Central) University

Lucknow, Uttar Pradesh, 226025

Abstract

A strong matrimonial institution has been in existence since ancient times. Marriage is one of the universal social institutions. It is established by human society to control and regulate the sex life of man. Marriage is one of the most important institutions associated with the identity of women in the Indian society. Indian society has always been governed by patriarchal norms. In the Indian context, there has been a practice of marriage bonds in homogeneous and same religion, although there are abundant examples in history in the context of intercaste and inter-religious marriages since ancient times. However, in the present times, due to political, social interests, the issues of the parties of inter-caste and inter-religious marriages being victims of mental torture are coming to light day by day, which are hurting the life, liberty, dignity of human beings. As a result, there is a violation of constitutional values and human rights. Caste system is an inevitable problem of our country. In fact we can say that it is dividing the nation at a time when we have to unite to face the challenges faced by the nation. Therefore, inter-caste and inter-religious marriages are really in the national interest as they will destroy the caste system. Indians have had a conservative mindset over the years. They could not imagine marriage beyond the same caste. He was of the belief that marriage is possible only within the same community and caste. Those who dared to inter-caste marriage by violating social norms had to face the consequences of violence, social boycott, family boycott and death (honour killing). Even in this twenty-first century, honour killing is prevalent in most parts of India, when there are cases of inter-caste marriages. History shows that efforts have been made by various social reformers and individuals to free

India from the clutches of caste system, untouchability and race discrimination and when we talk about Indian marriages which are inter-caste and inter-religious, so it seems taboo to most people. But to eradicate caste system and caste discrimination, it is necessary that there should be inter-caste and inter-religious marriages.

Introduction

Marriage is one of the most important institutions which are linked to the identity of women in Indian society. It is considered to be essential for everyone. It is linked to social obligations, traditional values and kinship bonds. Expectations and ideals related to women's marriage have significant social consequences. Indian society has always been governed by patriarchal norms.

The right to marry a person of one's choice is integral to Article 21 of the Constitution. The Constitution guarantees the right to life¹. This right cannot be taken away except through a law which is substantively and procedurally fair, just and reasonable. Intrinsic to the liberty which the Constitution guarantees as a fundamental right is the ability of each individual to take decisions on matters central to the pursuit of happiness. Matters of belief and faith, including whether to believe are at the core of constitutional liberty.

Article 16 of the universal declaration of human rights states that-(1) "man and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family they are entitled to equal rights as to marriage, during marriage and at its dissolution²"

Article 16 of the universal declaration of human rights states that (2) "marriage shall be entered into only with the free and full consent of the intending spouses³"

Lata Singh vs. State of U.P and another⁴ case justice Katju held in this case There is no dispute that the petitioner is a major and was at all relevant times a major. Hence she is free to marry anyone she likes or live with anyone she likes. There is no bar to an inter-caste marriage under the Hindu Marriage Act or any other law.

Hadiya case⁵ Supreme Court observe that Right to marry person of one's choice is integral to right to life & liberty "The choice of a partner whether within

¹ INDIAN CONSTITUTION ART.21

² UDHR, ART.16 (1)

³ UDHR,ART.16(2)

or outside marriage lies within the exclusive domain of each individual. Intimacies of marriage lie within a core zone of privacy, which is inviolable," wrote Justice Chandrachud

K S Puttaswamy v Union of India⁶ This Court in a decision of nine judges held that the ability to make decisions on matters close to one's life is an inviolable aspect of the human personality: "The autonomy of the individual is the ability to make decisions on vital matters of concern to life... The intersection between one's mental integrity and privacy entitles the individual to freedom of thought, the freedom to believe in what is right, and the freedom of selfdetermination the family, marriage, procreation and sexual orientation are all integral to the dignity of the individual."

The English term caste is derived from Portuguese word *casta* means pure breed. The ancient Indian society was divided into four varnas - *brahmana*, *kshatriya*, *vaishya*, and *shudra*⁷, the terms *varna* and *jati* literally meaning is colour or species. Most Common interpretation of *varna* is as a broad all-India aggregative classification, while *jati* is taken to be a regional or local subclassification involving a much more complex system castes and sub-castes.⁸ Caste is determined by birth – a child is "born into" the caste of its parents. Caste is never a matter of choice. One can

4 2006(5) SCC

5 CrL.A. 366/2018

6 2017 (10) SCC 1

7 PURUSHA SUKTHA- HYMN XC. RIG VEDA Slovak 12

The Brahman was his mouth, of both his arms was the kshatriya made. His thighs became the

Vaisya, from his feet the Sudra was produced

8 Ghurye G.S. Caste and race in india, page n.46

Never change one's caste, leave it, or choose not to join it, although there are instances where a person may be expelled from their caste. Caste involves a system consisting of many castes arranged in a hierarchy of rank and status. In theory, every person has a caste, and every caste has a specified is always a hierarchy. Castes also have sub-castes and sometimes sub-castes may also have sub- sub-castes. Membership in Castes involves strict rules about marriage.

Castes were traditionally linked to occupations. A person born into a caste could only practice the occupation associated with that caste, so that occupations were hereditary, passed on from generation to generation. On the other hand, a particular occupation could only be pursued by the caste associated with it –

members of other castes could not enter the occupation. These features are the prescribed rules found in ancient scriptural texts. Most important, once caste became rigidly determined by birth, it was in principle impossible for a person to ever change their life circumstances. Whether they deserved it or not, an upper caste person would always have high status, while a lower caste person would always be of low status. Finally, castes are not only unequal to each other in ritual terms they are also supposed to be complementary and non-competing groups.

Marriage is one of the universal social institutions. It is established by the human society to control and regulate the sex life of man. Edward Westermarck in his "*History of Human Marriage*" defines marriage as 'the more or less durable connection between male and female lasting beyond the mere act of propagation till after the birth of offspring'. Marriage is a sacred institution which binds both the woman and man in a lifelong relation. It gives this relation a meaning. When a marriage takes place, two souls are united and this opens new vistas in their lives. But, human beings are so selfish that have virtually spoiled the sacredness of these relations

Family: The word 'family' has been taken over from Latin word 'Famulus' which means a servant. Family consisted of a man and woman with a child or children and servants.

Definition of inter caste in Merriam Webster Dictionary is *Existent between or involving two or more castes.*⁹ Inter-caste marriage is a marriage between spouses of different ethnicities and castes. Caste is a form of social organization based on Hindu religious belief and has been practiced from the early time in India. Traditionally called mixed marriage, is marriage between partners professing different religions. Although interfaith marriages are most often contracted as civil marriages, in some instances they may be contracted as a religious marriage. This depends on religious prohibitions against the marriage by the religion of one (or both) spouses, based on religious doctrine or tradition.

B R Ambedkar in his book *Annihilation of Caste* had spoken about the importance of inter-marriage, remarking, "*I am convinced that the real remedy is inter-marriage. Fusion of blood can alone create the feeling of being kith and kin, and unless this feeling of kinship, of being kindred, becomes paramount, the separatist feeling — the feeling of being aliens — created by caste will not vanish. Where society is already well-knit by other ties, marriage is an ordinary incident of life. But where society is cut asunder, marriage as a binding force becomes a matter of urgent necessity. The real remedy for breaking caste is inter-marriage. Nothing else will serve as the solvent of caste.*"

It is not for the first time that there has been enthusiastic support for intercaste marriage as a means to end the evils of caste. Inter-caste marriage is the biggest weapon to end societal divisions and to promote "social equity", the central government offers an amount of Rs 2.5 lakh for inter-caste marriages. (Incidentally,

it must be pointed out that only around 10 percent of the applicants get the amount, and there is very low awareness about the scheme.) Last year, it was also reported that the Maharashtra government is planning to enact a law to promote inter-caste marriages.

The government in Uttar Pradesh, northern India, is offering newlyweds 50,000 rupees and throwing in a medal and certificates too, the Times of India reports.

The caste system is an unavoidable problem of our country. In fact we can say that it is dividing the nation at the time when we have to be united to face the challenges before the nation united. Hence, inter-caste and inter religious marriages are in fact in the national interest as they will result in destroying the caste system. Provisions under Special Marriage Act, 1954: If anyone irrespective of religion can lawfully marries to any one of opposite gender, under this act. Marriage solemnized under this act is known as the “court marriage”. When a person solemnizes marriage under this law then the marriage is not governed by any personal law but it governed by the secular laws. Similarly the rights and duties arising out of marriage are also governed by the secular law.

Hindu law Justice and Equality are two aspects which has the constitutional validity in India. In order to achieve the following goals, several provisions are included in the constitution of India. On the same lines, Hindu Marriage Act, 1955 was framed. This act not only provides possibility of marriage between two people of different castes but also makes the valid one for years Indians had an orthodox mindset. They couldn't imagine marriages beyond the same caste. They had a conception that marriages are only possible in the same community and caste. Those who dared for the inter-caste marriage by violating the social norm had to face the consequence in terms of violence, social boycott, family boycott and death (honour killing). Even in this twenty first century, honour killing is practised in most parts of India when there are cases of inter-caste marriages. Caste is such a rigid and water tight compartment in Indian society that it is almost next to impossible to think of a marriage between a higher caste and a lower caste.

Conclusion

The concept of caste system and religious discrimination are like a ban on the path of India's progress. For centuries Indian society especially Hindu society has been divided on the basis of caste system and religion. The problem of caste system was so deep rooted that it took years for the Indians to come out of that idea. Even today also India is struggling to come out of this social menace. History reveals that efforts have been made by various social reformers and individuals

whose name doesn't appear in the pages of history to make India free from the clutches of caste system, Untouchability and race discrimination. And when we talk about Indian marriages, which are inter-caste and interreligious, it seems like a taboo to most of the people. But in order to eradicate the caste system and race discrimination it is important that there should be inter-caste and interreligious marriages. Marriages are regarded as the most important social custom and the best means to remove the barrier of caste system. Today in Indian society though we can see inter-caste marriages but mostly it is part of the city culture. The rural parts of the country still have a long way to go.

⁹ <https://www.merriam-webster.com/dictionary/intercaste>

Bibliography

- Pramila M.Panhalkar, Is Inter-Caste Marriage Really Remedy for Caste Equality?, Research Directions, Vol.1 Issue 4,2013.
- Rajib Lochan Dhar, Intercaste Marriage: A study from the Indian Context, Marriage and Family Review, vol.49, Issue 1,2013.
- Mondal, P. (2001), "Changes in the marriage system of Hindus in Modern India"
- Srinivas, M.N. 1994. The Dominant Caste and Other Essays. OxfordUniversityPressNewDelhi.
- Ghurye, G.S. 1969. Caste and Race in India. 5th edition, Popular Prakashan. Mumbai
- M.N. Das, Marriage and Divorce, 6th ed., 2002, Eastern Law House, New Delhi • Paras Diwan, Law of Marriage and Divorce, Universal Law Publishing Co, Pvt. Ltd., 6th ed., 2012

**International Journal of Research in Science advanced Technology and
management studies (IJRSTMS)**

ISSN: 2459-425X • Website: www.ijrstms.com

- Uberoi, Patricia. ed. 1994. Family, Kinship and Marriage in India. Oxford University Press. Delhi