

INTERCASTE MARRIAGES: NEED OF SECULARISM

Amanpal kaur

Research Scholar

Guru Nanak Dev University

Amritsar

The concept of religion, caste and racism is part of Indian society from ages. It is an ancient pillar of a society which has its roots deep down where differences of thoughts, mindsets of people and their views depends upon the surroundings they live in. It acts as a glitch in the modern time period although some social reformers tried to change the mindsets, as the modern era comes with new mind set, choices as well as opinions of an individual. It is important to understand the essence of fundamental rights while living in a democratic country. India is one of the greatest examples of secularism in worldwide, where the term secularism stands for the diversity of people their religions along with their rituals; this diversification itself is an essence of free thoughts and liberty. Where the symbolic line “Unity in diversity” suggesting the believe that unity is not only with the people of same community or caste it is also with different communities as well.

India is the country of god and goddesses where marriage defines the relationship of not only two people but also two families as well, the history of this institution can't be recognised however social thinkers and philosophers of Indian Veda identifies that it is an institution of values ethics and moral principles. Customs and traditional values play an important role even before the family laws were made or codified these traditions act as practice. But the validation of any marriage is defined through the constitutional provisions of country individuals are living.

The Constitutional provisions include section 5 of the Hindu marriage act it tends to provide the main requirements of the individuals to get married and if any of the requirement is void or not fulfilled according to act the marriage itself is considered to be void, one such requirement is that a female should be of 18 years of the age and male should be of 21 years of the age while entering into this tenure of marriage. However even if it is a personal choice of person then also this society doesn't entertain the same.

The role of secularism is an important aspect in these kinds of marriages however an auspicious relationship begins with favourers of the society but these special marriages are either solemnized depending upon the conditions imposes on both the individuals or are not performed.

As per article 21 of the Indian constitution the freedom and liberty is the fundamental right of the individuals where they are allowed to work, to follow and even what is their own choice regarding marriage. The laws have some essence that is why they are made in ordered to be followed effectively and efficiently. Awareness about the rights plays a vital role for an individual especially in the cases where society fails to understand about the perspective of an individual. It is also important to understand the want of the society but not on the ground of declining the choices and need of the people. There are various case laws which tend to embark the

essence of this sacred institution of marriage that it is not only about the age of majority but also freedom of choice as well. it was held in the case **Lata Singh v.State of Uttar Pradesh (AIR2006SC2522)**ⁱ

The Supreme Court viewed the right to marry as a component of right to life under Art 21 of Indian Constitution the court observed that: “This is a free and democratic country, and once a person becomes a major he or she can marry whosoever he/she likes. If the parents of the boy or girl do not approve of such inter-caste marriage the maximum they can do is that they can cut off social relations with the son or daughter, but they cannot give threats or commit or instigate acts of violence and cannot harass the person who undergoes such inter caste marriage”. Both the parents in the case were adults and so free to marry of their choice.’ there is no bar to an inter-caste marriage under Hindu marriage Act or any other law’. Inter caste marriages are in fact in the national interest as they will result in destroying the orthodox caste-system.

There are various challenges which are need to be faced by the individuals to marry in some different caste and it takes a lot of efforts to be made just for a sake of society to accept what a decision of choice is been made. Today’s young generation is breaking the walls of caste and racism, tends to marry accordingly to their own will and they are smart enough to measure their compatibility with their partner their goals and important aspects which are considered in the Marriage , various metropolitans cities tends to promote the same however there are few orthodox mind set of people exiting which tends to find hard to accept the other person choices believes culture and other aspect as a result it sometimes become difficult to make a best use of the fundamental rights granted to the individuals and it also include the concept of honour killing as a result it is actually a glitch in the thought process of people of different caste creed or any other community as a result, finds difficult to get married to one another even after the provisions given to the individuals, in the recent case of Laxmi bai Chandaragi B vs. The State Of Karnataka on 8 February, 2021 it was held that when two people are well educated and aware about their own rights then there is no issue in getting to married to the person as per the constitutional provision but the main reason of the concern is that fear of parents or facing this society tends to play a role where two individuals are not open about their relationship if they do so it will be difficult for them to survive , police authorities have taken a great initiate to reduce the peer pressure of the individuals with respect to society and family members as well this is biggest challenge up till now even in this case judgment was in support of the individuals not in favour of caste creed or society . However young generation is setting the example of diversification and moreover the freedom to choice a person themselves however this history is now being change in modern trends because youth itself is welcoming new beliefs and thoughts.

India today is very different from the traditional aspects as earlier considered as the fundamental blocks , the mindset and view points were way to different which only deals with the context of superiority of community with respect to other communities . The term secularism wasn’t so much into the picture unlike today because everyone considered there native places or the caste to be better than others, not only Hindu - Muslim issues but also Hindu within communities issues took a spark when the a person himself decide who to marry and what is their choice of choosing their partners instead of working with what society states. The term inter caste marriage refers to interfaith marriage where two people are from different caste and religion but have same thought process.

Justice Kaul quoted B.R. Ambedkar’s Annihilation of Caste, in which the ‘Father of the Constitution’ said, “I am convinced that the real remedy is intermarriage. 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”

This is one of the essential fundamental right given to the person and these can only be adhere if the individual tends to follow whatever is written . Marriage as a term is been considered it an institution which gains its importance depending upon the bond of the individual earlier this bond was only being rigid to the parents or orthodox mentality however with a change of thoughts and mindset of young people it has become flexible in a manner of understanding of the two people who binds together in this auspicious bond. The mindset of the people would only be change depending upon the thoughts mental state of the individual when modern thinking comes into existence it actually comes with millions of changes , one such example is living in relationship with the growth of youth generation thinking of an individual is being acceptable by the parenting communities as well even the kid born out of the relationship is authorised legally to be part of his father’s property ,the consent of two partners is needed to sustain the bond .

According to the 2017 Study conducted by the Indian Statistical Institute, inter-caste marriages are more frequent in rural areas (5.2%) than urban areas (4.9%). The Survey also found that the inter-caste marriages are more common among poor people (5.9%) than rich people (4.0%). According to the Studies conducted by the National Council of Applied Economic Research in 2016, about 5% of the marriages in India are inter-caste marriages. Mizoram had the highest number of inter-caste marriages, where about 55% of the marriages were inter-caste marriages and Madhya Pradesh had the lowest number of inter-caste marriages, where only 1% of the marriages were inter-caste marriage.

According to a survey, the education of the husband’s mother has a significant effect on inter-caste marriages. The probability of inter-caste marriages was found to increase by 36% with a 10 year increase in education of the husband’s mother.ⁱⁱ

When a marriage of same caste, creed or race is accepted why can’t the acceptance of inter relationship bond be considered or being valued in the Indian society?

Marriage is a soulful bond which not only requires the love but the respect and mutual consent in every sphere of life it will help in promoting the following aspects of life:

- Promoting the primacy of consent , consent itself states that saying yes t from something to everything be it emotional , physically eve mentally the decision of lives are always based on consent of individuals . Consent in every sense plays an important role in inter caste marriages as well because it is an institution which agrees on something mutually but only depends upon the individuals mind set and thinking where allowance of choice is considered .
- Secondly it helps in growing of society in good and positive manner , something better happening for the people who are living in society ultimately benefits the society as a whole where not only the understanding among the individuals but also promotes diversification in societies .
- Freedom of choice and practising any religion: as per article 25 of the Indian constitution stated that every individual has a right to follow any religion it wants to follow and every aspect should be taken into the account accordingly it is the choice of a person which religion it tends to follow because the secularism ensures this aspect also it can’t be force if a person wants to follow or convert himself or herself into the Hindu or Christian or Muslim or any other community as well. This would ensure the broader concept and new way of living the lives, these decisions can be made only after attaining the age of majority. But in interfaith marriages it is not necessary for an individual to change the religion as per the special marriage act.

- Role of equality would be enhance in a manner that every person has his own choice of survival with a person he wants to doesn't matter what caste creed or race the person belongs too . As per article 14 of the Indian constitution it states equality before the law where law considered everyone to be equal thus inter caste marriage is also given the essence of privilege as a matter of fact because two individuals their own choices itself has a vital role .
- Education system would be equally developed in a form where good parenting would make a difference of the thoughts and opinions which is quite important in the society and one change would enlighten every aspect of individual lives as a whole.
- No Dowry concept, the term dowry refers to the amount or any materialistic thing which is actually demanded by the individuals in marriage however it has lead to many cases related to suicide, deaths assault physical harassment as well even if the marriage lands up in the same community or caste however this one judgement has changed the entire concept of this provision because of the change of mindset or new believes.
- Reducing the community tensions : as per the judgments of the supreme court it helps in reducing the community tensions because the young people have their own right of choice and moreover some training programmes are conducted so to guide the individuals to understand the norms along with two in new things in the society .
- The term love jihad is considered as a negative aspect stating that converting the religion of a person while forcing him or her to marry , this came into existence long back in 2009 however this concept is not understood by people properly because it is important for people to understand that even if they are marrying into different caste or creed then also it is not necessary to change the religion as per the special marriage act and it is important to consider the people have their own expectations and choices accordingly because when it comes to the sacred bond it is way more than any religion or caste or community .

It is basically a vicious circle where each and every factor situation depends upon each other as everything binds into one aspect which not only deals with equines but also freedom of choice. supreme court tends to assure the freedom in a manner while promoting to individuals own choices and aspects as well as way of making their own decision otherwise there will be no use of living in this democratic country, where every state has its own rules and regulations related to inter caste marriages but while going through the statically date it was seen that Tamil nadu is the state where the role of inter caste marriage is increasing from recent years as compare to other states , it basically help in growth , development of society as a whole ⁱⁱⁱ

The interpretation of judiciary over inter caste marriage is that where two people who are actually entering into the bond as a part of the majority it is has to their freedom whom to be with or wants who to be the part o their lives. this interpretation has given eminence amount of courage to the people who wanted the settlement together in spite of the act are being from different communities or caste or religion this is actually promoting not only the society development but also thought process of the people while reducing the racism or the caste factor as well so to promote unity and diversity as whole. people belonging to different caste community are also human beings and moreover it is the decision of the individual who to marry when to marry because it is a fundamental principle which states the right of equal opportunities choices as well as

many other factors as well, legally every individual has a right to marry and enter into the contract unlike the commercial contract between the partners or parties to contract, it is a bond which is shared by 2 individuals and as a couple they tend to owe the responsibilities to the society and family it is not an absolute right as it connects with some duties as well which not only involve the good parenting of two individuals but also social needs correspond to the thinking as well so that creating the discretionary choice of their kids whom to marry when to marry so to remove these ancient roots of orthodox mentality and to promote the peace, development along with social morality. moreover as per the philosophers or various bench members they tend to focus on the social norms while introducing the few guiding programs so to ensure the adequate mind set of people as it has given the authority to the police officers as well in those cases where the caste creed or racism plays a vital role specially in inter caste marriages. It is seen the education is a key element of guidance support of the new generation to understand their needs along with choices because marriage is an intimacy that lies under right to privacy stated in article 21 of the Indian constitution, a priceless bond which comes up with love affections and believes of building a better future together not only of two people marrying but the society as whole.

ⁱ<http://www.legalservicesindia.com/article/1001/right-to-marry.html>

ⁱⁱ https://en.wikipedia.org/wiki/Inter-caste_marriages_in_India

ⁱⁱⁱ

<https://epc2010.princeton.edu/papers/100157#:~:text=It%20is%20found%20that%20inter,Kerala%20it%20is%2019.65%20percent.>

