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# **THE CONSTITUTIONALITY OF INTER-CASTE MARRIAGE AND ITS POSITIVE IMPACT ON SOCIETY**

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## **Abstract**

In India, the inter-caste marriage system is more common. In order to achieve social equality and to eradicate casteism, the Indian government is actively promoting and encouraging inter-caste marriage. The freedom to marry the person of one's choice is a key component of Article 21 of the constitution, which also guarantees the right to life and liberty. Such a right shall be enforced by the State. Inter-caste marriage, according to Dr. Ambedkar, is "the real remedy for breaking caste," and the "fusion of blood" will foster a sense of belonging. Legislation was passed to protect them, and other government programs also offer the spouses financial support. In Indian families, marrying someone from a different caste might lead to issues. It is a sobering fact that despite technology breakthroughs and other development-related issues, this topic continues to be of great concern. The goal of this study is to gather information about the impact of the practice of inter-caste marriage from secondary sources, such as newspapers and online reports, and to critically evaluate each example that is mentioned.

**Keywords:** Inter-caste, marriage, constitution, Act, Law, caste

## **Introduction**

A marriage between two or more castes is referred to as an inter-caste marriage. People only got married inside their own caste or religion in ancient India, and these relationships were referred to as inter-caste marriage. When arranged marriages were the norm, people could only get married to persons of their own caste, and inter-caste marriages were discouraged. Most conservative Indian households do not support or approve of inter-caste marriage. Inter-caste

marriage is one of the main issues India is now dealing with. However, due to an increase in education, job, urbanization, and middle-class economic background, inter-caste marriages are currently permitted in a small number of households in India.

The right to marriage is an element of the right to life, as stated in Article 21 of the Indian Constitution. The Human Rights Charter includes the right to marry as part of the freedom to form a family. No matter a person's gender, they have the freedom to marry whoever they choose. "Notably, one's freedom to marry the person of one's choosing is a crucial component of that freedom. However, the Special Marriage Act becomes mandatory in exceptional situations if such matrimonial links are between members of different castes. The freedom of conscience and the free practice, professing, and spreading of religion is guaranteed by Articles 25 to 28 of the Indian Constitution (India 1949). Section 25(1) provides the following: "Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion" (India 1949).

According to the Special Marriage Act, 1954, which allows for a special type of civil marriage performed "by a registrar appointed by the state that is available to all persons in India, irrespective of the religion, caste, or faith to which either party belongs" (Professor 6 Apr. 2019; US Sept. 2015, 6), inter-caste marriages are legal in India. I've attached a copy of the Special Marriage Act of 1954 to this a response.

India's constitution, which was adopted in 1949, states in part that "The State shall not discriminate against any citizens on grounds only of religion, race, caste, sex, place of birth, or any of them" (Article 15(1)). According to Article 17, "'Untouchability' is eliminated and its practice is outlawed in all forms. According to Indian law from 1949, "Any disability imposed because of 'untouchability' shall be a crime punishable by law." The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (India 1989), as modified in 2018, imposes penalties for crimes involving caste-based discrimination. (India 2018).

Shahu Maharaj was of the opinion that the caste distinction would not be eliminated unless the prohibitions on marriages were adhered to. He approved intercaste marriage as legal in his state by passing the intercaste marriage Act. In the state of Kolhapur, the intercaste marriage act was

passed, making it legal. He ended the "Balutedari System" on February 22, 1918, by publishing a proclamation in the Kolhapur state government gazette. Anyone was allowed to practice any profession with permission. Shahu Maharaj's freedom of occupation allowed the populace to be emancipated from a form of social restrictions.

Indian society has changed to some extent as a result of the changes in time and era that have occurred today. With numerous social reforms on the horizon, Indian towns have displayed a remarkable growth in inter-caste and inter-religious marriages, ultimately helping the communities and castes to exist together.

## **What is Inter-Caste Marriage**

Hindus divide their communities based on their castes. An inter-caste marriage is one in which a member of one caste marries a member of a different caste outside of their own. A Punjabi lad marrying a Brahmin girl, for instance, is an inter-caste union of the so-called upper castes. Inter-caste marriage issues can arise when a Baniya girl marries a Dalit male since the so-called lower caste is associated with the upper caste.

“We must first put the notion of inter-caste marriage in context in order to fully comprehend this topic. When two persons from different castes fall in love with one another and decide to get married, this type of marriage occurs. According to the Indian Human Development Survey only 5% of marriages in India are inter-caste marriages. This shows that intercaste marriages in India are still challenged and highly stigmatized even in the 21st century”.  
(<http://www.thehindu.com/data/just-5-per-cent-of-indianmarriages-are-intercaste/article6591502.ece>)

## **Impact of Inter caste marriage**

In India, the practice of arranged marriages is still very common, and one of its fundamental tenets is the rigorous observance of caste laws. Hindus favor tying the knot with members of the same caste; for instance, Brahmins marry other Brahmins, Rajputs mate with Rajput families, and so on. The practice of getting married within one's sub-sect is common among Muslims and Sikhs as well. For instance, Jat Sikhs won't wed into a Ramdasia household. Traditionally, a Shia Muslim family will find a match within their own community, a Sunni Muslim family within their own, and so on. Christians, Parsis, and Jain people also marry inside their own

communities. Inter-caste relationships are thought to cause numerous issues and hardships for the couple as well as their families.

The social stigma and worry of exclusion are two common drawbacks of inter-caste marriage that deter people from breaking from the custom of getting married within their communities. In addition, the partners have a hard time assimilating into one other's cultures. We received a question from a girl who claimed that if she proceeded with the intercaste marriage, her parents would kill themselves. What were her options in this situation? Even though there are legal safeguards in place to protect couples who choose to marry the person of their choice, outside their caste or group, inter-caste marriages also result in honor killings. Despite the fact that things are changing and more people are accepting of interfaith and intercaste marriages, this is still more common than urban India rather than the rural. An inter-caste marriage has its own set of difficulties that the couple and their family must overcome almost on a daily basis, even in the most liberal communities. In this post, we'll talk about the issues that intercaste love marriages typically cause for couples.

Priyanka Gandhi and Robert Vadra, Sachin and Sara Pilot, and Ram Vilas Paswan and Reena Sharma are just a few examples of successful inter-caste marriages. In fact, Dalit leader Ram Vilas Paswan went as far as to say that "inter-caste marriage is the biggest weapon to end societal divisions." This view is also reflected in the Indian government's policy on the matter, aligned with the constitutional tenets of secularism, equality, and personal liberty. While there is no dedicated inter-caste marriage act, such unions have legal sanction under the likes of the Hindu Marriage Act, 1955, as well as the Special Marriage Act, 1956.

### **Inter Caste Marriage Registration - Court Marriages**

Families typically do not assist or accompany couples who marry outside their caste during the wedding procedures. They are thus left with two choices: the first is to wed according to Hindu customs and obtain their inter-caste marriage certificate from the Registrar of Marriage. The Special Marriage Act of 1954 offers a different route to marriage. The Act permits marriage between couples regardless of their religious affiliation, making it an example of an Indian marriage law that is secular. The prerequisites for a legal marriage under SPA 1954 are the same as those under the Hindu Marriage Act, as previously mentioned. The Marriage Registrar of an appropriate jurisdiction must be notified by the parties desiring to wed under the Act. 30 days in

advance. They must visit the Marriage Registrar for inter caste marriage registration with necessary documents and duly sign the inter caste marriage application form. They can also seek protection from the authorities who are obligated to protect couples in inter-community or inter-caste marriages. Such an officer publishes the notice in his/her office and Marriage Register. After 30 days have passed and there has been no opposition to the party's notice to marry.

## **Inter Caste Marriage Scheme**

Couples who have recently got married in an inter-caste marriage are given incentives under the Odisha Government Inter-Caste Marriage Scheme. This program provides financial support of Rs 2.5 lakh to assist couples in settling down during the early stages of their marriage.

The Himachal Pradesh government launched the Inter-caste Marriage Scheme to encourage intercaste marriages and societal integration. Couples from different castes who get married can receive up to Rs. 75,000 in financial aid under this program. The program attempts to eliminate caste distinctions and advance societal peace.

Under this program, young people from general castes are given an incentive payment of Rs. 200000/- for getting married to young people from scheduled castes. Applicants are required to get their marriage registered with the Collectorate under the Hindu Marriage Act of 1955. Also, it is mandatory to submit your complete application along with all necessary letters within one year of the date of marriage on the “Scheduled Castes Development Portal” plans of the Madhya Pradesh government.

Haryana State's Mukhya Mantri Samajik Samrasta Antarjatiya Vivah Shagun Yojna The wedded couple is given a reward in the amount of Rs. 1,01,000 for their efforts.

Intercaste partnerships are still stigmatized in some parts of India, which makes those who marry outside their caste vulnerable to discrimination, hostility, and marginalization. The Dr. Savita Ambedkar Inter Caste Marriage Scheme, launched by the Government of Rajasthan, intends to encourage inter-caste weddings by providing a financial incentive of Rs 10 lakh.

The Telangana government has a plan called the Inter-Caste Marriage Scheme 2023 to encourage intercaste unions among the SC population. The yojana awards couples who wed outside of their

caste Rs. 2.5 lakh.

All prior intercaste marriages received compensation in the amount of Rs. 50,000 under the Maharashtra Intercaste Marriage Scheme. The Maharashtra government has now decided to increase this incentive amount to Rs 3 lakh in conformity with the new verdict, after which the favored couple will receive Rs 3 lakh in aid under the Maharashtra Inter-caste Marriage Act. Inter-caste unions, Puducherry's Adi Dravidar Welfare Department gives inter-caste married couples an incentive at the rate of Rs. 50,000/- in an effort to promote inter-caste marriage and eradicate untouchability and casteism in society.

Scheme for Inter-caste Marriage Himachal Pradesh The 'Annihilation of Caste' essay by Dr. Bhim Rao Ambedkar, in which he proposed the elimination of caste systems, can be used to understand the origins of the inter-caste marriage program, whereby he suggested the termination of the evil practice of caste systems in India. According to Dr. Ambedkar, "I am convinced that the real remedy is intermarriage." The sensation of kinship, or of being kindred, can only be produced by the fusion of blood; caste cannot produce the separatist emotion or the experience of being outsiders.

In addition, the government promotes marriages between members of scheduled and non-scheduled castes under the Dr. Ambedkar Scheme for Social Integration. Additionally, there is a clause that protects couples who worry about repercussions from their families for deciding to wed someone outside of their caste, community, or religion, including the possibility of honor killings. Inter-caste weddings continue to be a challenge for thousands of couples, despite all the significant socioeconomic shifts and legal restrictions. Despite the fact that more people have spoken out regarding interfaith and inter-caste weddings, they still come riddled with issues and problems that need to be dealt with and taken care of by the system.

## **Law to protect inter-caste marriage in India**

To legalize and record interfaith and inter-caste marriages in India, the Special Marriage Act (SMA) was passed in 1954. It allows two adults to legally wed one another through a civil contract.

Both spouses must be able to give consent and healthy at the moment of marriage, according to

Section 4 of the Act. The parties who wish to get married must notify the local marriage officer in accordance with Sections 5 and 6. Significantly, the area encompasses the residence of one of the spouses for the last 30 days. The notice of marriage is published in the marriage officer's office.

A legal action can be brought against the marriage if someone has any objections to it. Within a period of 30 days and If any such objection is sustained by the marriage officer, the marriage can be rejected.

At last, a scheme is also run by the Center to promote inter-caste marriages. It offers Rs 2.5 lakh if one of the partners is a Dalit.

### **Judiciary on Inter-caste marriages**

Whatever the Caste in India, the Supreme Court upheld in 2018 that marriage between consenting adults would be permitted.

In 2021, the Supreme Court emphasized the right of adults to choose their life partner and the need for society to learn to accept inter-caste and inter-faith marriages while hearing a case of an inter-caste marriage where the couple was seeking protection from a criminal case filed by the father of the woman.

The judges emphasized the "need for special rules and a training module for policemen to deal with such "socially sensitive issues."

In 2018, the Supreme Court ruled that attempts to dissolve marriages between consenting adults by khap panchayats were unlawful (The Times of India with PTI on Mar. 27, 2018; Reuters on Mar. 27, 2018). demanded harsh penalty for "village councils that impose punishments, including murder," on inter-caste marriages (Reuters 27 Mar. 2018). The Supreme Court reportedly ordered state governments to adopt "remedial, preventive, and punitive" measures to stop "honor killings" and establish "special cells" in every district to investigate harassment and threats against inter-caste relationships (US 13 Mar. 2019, 38). This is according to US Country Reports 2018. There was no information on whether such "special cells" had been constructed among the sources the research team consulted. The Delhi High Court emphasized in August 2022 increasing public awareness of the presence of special cells in each district to handle

complaints relating to harassment of inter-caste marriages. The Supreme Court issued the order to establish the cells.

Justice Jasmeet Singh said, "It's a noble cause. But it shouldn't be an empty formality or paper exercise. Please sensitise people. In case they are at a nascent stage, please activate them. It's the need of the hour. It's a wonderful purpose, remarked Justice Jasmeet Singh. But it shouldn't just be a formality or a drill on paper. Sensitize folks, please. Please activate them if they are just getting started. The time calls for it.

The observations were made by the Supreme Court as it was deliberating a Karnataka inter-caste marriage case. On Tuesday, the Supreme Court ruled that people of legal age have the freedom to pick their life mate while also urging society to accept interfaith and intercaste unions.

The court stated: "Educated young boys and girls are increasingly choosing their life partner on their own. While society and parents may view this as a deviation, the police authorities are duty-bound to keep such couples out of trouble the violation the law

The USCIRF claims that Indian state institutions face "serious capacity" issues that make it difficult for them to address issues of communal violence or deliver justice to those who have been victims of widespread past acts of violence; however, the source makes no specific mention of these issues and instead claims that the Supreme Court, the Ministry of Minority Affairs, and the National Commission for Minorities are active and "provide opportunities for the government to protect minorities and counter of intolerance"

**The Special Marriage Act states that a marriage between two persons can be legalized, only if the following conditions are satisfied at the time of marriage**

- At the time of their marriage, neither of the two had a spouse who was still alive.
- Neither of the two is mentally incompetent to provide their lawful assent to the marriage.
- Neither partner has been experiencing mental illnesses to the point where they make them unfit for marriage or childbearing.
- Neither party has experienced frequent epileptic seizures or episodes of madness.
- The bride must be 18 years old, and the groom must be 21 at the time of the wedding.
- Given that a tradition controlling at least one of the parties permits a marriage between

them, even when both parties are inside the range of prohibited relationships, the marriage may be solemnized.

- Both parties must be Indian nationals who reside in the regions covered by this Act if the marriage is consummated in the State of Jammu and Kashmir.
- When a marriage is intended to be performed in conformity with the Act, the parties must notify the marriage officer of the district where the marriage will be solemnized in writing, using the form outlined in the Second Schedule.
- Following the expiration of the thirty-day notice period that was published in accordance with a subparagraph of the Act, the marriage shall be solemnized.
- In the thirty days before the wedding, at least one of the parties who will perform the marriage must have lived there by the date on which the notice for marriage is issued to the registrar.
- The marriage officiate is required to post a copy of the notice of the intended marriage in a visible location within his office.
- If the marriage officer declines to perform the proposed marriage, any party may prefer an appeal to the District Court, within whose local limits the marriage officer holds his office, within a period of thirty days of the intended marriage. The District Court's determination regarding the prospective marriage's solemnization shall be final.

Therefore, it may be claimed that the Special Marriage Act is essentially codified legislation designed to grant legality to a select number of marriages that have been determined to be null or voidable because it is one of the most secular laws in civil matters for an individual. This step can further help in strengthening good relationships between various castes and religions. terms of numerous personal laws. Because of this quality of the act, it is one of the most secular laws in civil matters for an individual. This step can further help in strengthening good relationships between various castes and religions.

## **Youth Perspectives on Inter-Caste Relations**

The term "inter-caste marriage" (ICM) refers to unions involving partners from several castes and ethnic groups. Hindu religious beliefs are the foundation of caste, a form of social order that has existed in India from the early The caste system has its roots in Hinduism, but it has an impact on all of Indian culture. In India, castes and ethnic groups are not at all segregated from one another. They had been communicating with one another for a long time.

Furthermore, there has been a significant shift in people's perspectives about caste behavior as a result of increased globalization and educational opportunities. Opportunities for international travel, employment, and study have facilitated encounters and relationships with people from many castes. Additionally, more and more young people in India are in contact with one another across caste and ethnic lines in schools, colleges, and workplaces. . As a result, many people are getting married to persons from different castes and ethnic groups. This study investigates how educated young people feel about inter-caste marriage in this rapidly changing social environment [xix].

In India, there is a correlation between the acceptance of inter-caste unions and the better educational attainments of several minority castes. The educational institutions promote inter-caste connections by facilitating inter-caste encounters amongst individuals of comparable status. Inter-caste marriages are becoming increasingly popular among the younger generation as higher education becomes more widely available to both men and women.

Regardless of their ethnicity, caste, or social class, respondents demonstrated a high level of acceptability for inter-caste unions. Despite the fact that more young people are beginning to accept ICM, the majority of respondents are still opposed to it intermarriage. The replies show that inter-caste marriage is generally viewed favorably. This viewpoint does not reflect reality, as traditional caste values and the parental role continue to be important factors in inter-caste marriage.

The youth of our nation are currently working to raise awareness of the negative impacts of this system among the public through awareness campaigns and several other initiatives. A divided society does not last for very long. People are now thinking outside of these limitations thanks in large part to education. Why is there discrimination on earth although God did not practice it when He created humans based on caste or religion?

With this kind of prejudice, we are not only drifting apart but also growing hostile toward one another. Once again, the reservation system was crucial in bringing together many classes and religions. It has significantly decreased such caste and religious distinctions by giving India's oppressed population access to education and other possibilities.

The educated youth of today have a favorable view of these unions. They form positive relationships with those from various castes and religions as they learn together. Because of this, their thinking is getting better with each new generation. The sad issue is that older generations still have very rigid caste and religious marriage laws. Likewise, illiterate kids are likewise a problem in this way.

### **Possible Solution for Inter-Caste Marriage**

1. Stressing the importance of love and those they cannot have a happier married life if they marry someone else in order to persuade parents to accept the marriage proposals.
2. Educating the community about the true meaning of marriage and its values, eliminating unneeded beliefs and customs that undermine the cast's harmonious connection, and adjusting to modern society are all important.
3. Recognizing and honoring the customs and cultures of others. This will lessen friction in inter-caste weddings between the partners.
4. Teach the families that their daughters' and sons' lives are more important than the stereotypes and myths associated with their caste.
5. In a marital relationship, respecting one another's caste and culture will allow the couple's close relationship with their families grow stronger.

### **BENEFITS OF SC/ST INTER CASTE MARRIAGES**

#### **There are no restrictions on thoughts and viewpoints:**

When two persons of different religions get married, their perspectives and beliefs change. You become more accepting and tolerant of individuals from various cultures. Every day, your mind grows and you gain fresh perspectives on the world.

You have the chance to learn something new. It goes without saying that learning new things is a necessary part of marrying someone from a different caste. You will get knowledge of a particular culture, including their way of life and cuisine. Additionally, you'll get to participate in a lot of events, which means more fun and celebrations at home. As a result, life turns into a joyous the journey.

#### **You will have brighter children:**

Children born to parents from various castes are likely to be smarter/brighter and have a better

understanding of the outside world. The offspring will be smarter than those born to parents of the same caste due to the difference in DNA.

**Parenting could be done much more effectively:**

Parenthood will be carried out much more successfully, which is another important benefit. Couples from different castes have broader and more contemporary perspectives on life because of their varied upbringings. This is shown in their parenting. Parents will be able to instill in their kids a respect for and ability to make their own judgments. Parents of different faiths will benefit from a beautiful synthesis of conventional and contemporary philosophy.

**You are going to be more adaptable:**

More flexibility is possible when two castes or cultures coexist in the same home. Even if you might not always wish to follow their traditions or rites, you must learn to accommodate them. For example, if worship is required, you will assist in whatever way is necessary to make it a reality. Regardless of whether you agree with their interpretations of religion, culture, or ritual, you will learn about them.

SC/ST Inter-caste unions only lead to good things. Those who assert that inter-caste marriages lead to a lot of conflicts between couples fail to acknowledge that the conflicts arise from a lack of compatibility. Couples disputes have nothing to do with caste, religion, or culture. India actually requires such marriages in order for people to learn to coexist harmoniously.

**Conclusion**

The government mostly supports the eradication of caste barriers in India, but their focus is mainly on love marriages; they also encourage arranging marriages. Inter-caste marriages are expected to increase with modernization and socio-economic development. To reduce caste discrimination, it is crucial to glorify and promote these marriages, with incentives given to couples registering under the Special Marriage Act. The government should improve incentives, simplify procedures, and provide adequate appreciation and incentives to promote inter-caste marriages. The legislature should also make amendments to protect couples who believe they have committed a sin by marrying inter-caste. The procedure and registrars made under this act should also be simplified, and they can be given adequate appreciation and incentives to promote.

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