



Perspectives Of Intercaste And Interreligious Marriage With Special Focus To Social Context

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ABSTRACT:

India is a secular nation where all faiths are viewed on an equal basis. An individual is free to live his or her life they choose. The world's largest democracy, India, is renowned for it. Additionally, our nation's culture is well known throughout the world. The Hindu, Jain, Sikh, Muslim, and inter-caste marriage secular laws all have different means of recognising the relationship between a man and a woman in the Indian state. From Human rights perspective for marriage each partner is given importance. Marriage is a relation of one or more men to one or more women which is recognized by custom or law and involves certain rights and duties both in case of the parties entering the union and in case of children born of it. Marriage is a union between two opposite regulating their sex relationship. It is an organized institution for regulating their sex relationships. In this article, perspectives of inter-caste and interreligious marriage with special focus to social context has been discussed.

Keywords: Inter-caste, Interreligious, Marriage, Social.

INTRODUCTION:

The submissive role played by women appears to be highlighted by the marriage laws outlined above. Invoking myths and tales that speak of such differences (such as Pativrata, Sita Mata, Ram Maryada Purushottam, etc.) and daily expressions show that gender-defining is prescribed and inherent in India's scriptural history. Members of a jati, an endogamous group that requires marriage, were formerly from a descending group that was customarily allotted to a particular profession. The British gave intercaste marriages legal recognition.

Since the colonial era, the distribution of land has been a significant concern from a socio-political and economic standpoint. Land fragmentation became a significant issue. The women in this situation, whether they were daughters or sisters, were the ones who suffered because they were not legally entitled to an inheritance or other rights. As a result, they were excluded and denied inheritance rights. It was necessary to govern

marriage (who to marry, when to marry, and how to marry—controlled by the male members) in order to maintain control over the land and prevent it from further fragmenting. [1]

GENDER CONCERNS IN MARRIAGE:

Caste mobility was banned for property considerations, particularly for lower castes, and those who owned land were also prohibited from having a high position. As with higher caste women, lower caste women who married outside their own caste did not receive the same recognition, respect, or rights. Not only were that, but children of intercaste marriages denied rights because their caste status was lowered due to their mixed blood. But this has repeatedly been contested and questioned.

Therefore, people from all walks of life who had intercaste marriages—whether they were male or female, or even the children born as a result—were either abandoned by their families, communities, or society, or they were not given the respect they deserved. This served as more evidence of the rigidity of caste-based social norms. A woman choice of a spouse was seen as a declaration of her sexuality.

On the one hand, levirate unions are permitted publicly and are also promoted whenever/wherever in need (liberal thinking); the reasons can be various: save property, save land, save honour, etc. So why is it wrong or demeaning for a female to pick her own life partner? My argument is that these man-made regulations are so flexible in nature, very much matching the needs and desires of the family in general and the male patriarchy in particular. However, this phrase is ignored when levirate marriages are taking place or discussed. These concerns also highlight the topic of sexual control and the associated gender standards.

The male-oriented societal pattern is enforced. One builds and maintains their caste and family standing in society through marriage alliances. In the event of an intercaste or unfavourable marriage union, there is sometimes considerable resistance and bloodshed. [2]

LEGAL CONTEXT OF MARRIAGE:

In order to comprehend the institution of marriage—its structure, necessity, importance, and functions—in a more comprehensive way, it is necessary to comprehend and research not only socio-religious and traditional sectors but also legal, cultural, and economic aspects—all of which coexist with one another.

Since sati was abolished in 1829, marriage rules have taken on more significance in India. Since then, a number of laws relating to women's rights and marriage have been created. Laws pertaining to divorce, the domestic violence act, the right to inherit property, and the dowry prohibition act are just a few. The major goal was to prevent or stop social ills including female infanticide, child marriage, bride burning, and other types of gender

discrimination and atrocities while upholding a just and compassionate society. Hindu marriage laws were considerably altered by the Hindu Marriage Disabilities Removal Act (1946) and the Hindu Marriage Validity Act (1949), two historic laws. For Hindus, the former allowed intercaste marriages, while the latter allowed sagotra marriages (marriages between members of the same gotra ancestor). The Hindu Marriage Act, 1955 (Annexure I) states that all weddings are lawful and legal, with the exception of a few forbidden degrees of relationship (sapindas)—seven degrees from the father's side and five degrees from the mother's side. These two laws marked a turning point in society since they offered people more autonomy, legal standing, and rights regarding their choice of partner and even issues pertaining to separation and divorce. The 1954 Special Marriage Act recognised a person's freedom to select their life mate regardless of caste or religion. Although this law frees a person from the endogamy and exogamy practises of the past, there are still procedural flaws that require urgent rectification (Choudhry, 1991). It has once again become challenging for couples who want to get married but are fighting against the traditional forces based on caste and repression because of the procedures involving applying to the court for getting married (seeking permission in writing), which takes nearly a month to complete, as well as living in the same district where one is applying or undergoing the procedure (residential proof). [3]

PLACE OF INTER-CASTE MARRIAGE:

In the Vedic age, intercaste marriages were common. Ancient texts mention two forms of inter-caste marriages: (a) Anuloma Marriage i.e. when a male of superior caste marries a female of inferior caste, for example, a marriage between a Brahmin male and a shudra female or Kshatriya male and Vaishya female. (b) Pratiloma Marriage i.e. when a female of superior caste marries a male of inferior caste. This situation seems to have changed in the post Vedic period, the Hindu sages approved of the sa-varna marriages and disapproved of inter-varna marriages. Later on, this prohibition was extended to various jatis. Hindu marriage is a socially approved union of man and a woman aiming at dharma, procreation sexual pleasure and observance of certain social obligations. [4]

SOCIAL CONTROL AND CASTE - MARRIAGE INTER-LINKAGES:

Marriage is revered as a sacred institution. When two families decide to live the ideal life together, it is not only two individuals who are deemed to be united. Members of the family, caste, and many other groups come together to rejoice at this most prominent family ritual. Even now, there remains a strong emphasis on traditions, rituals, and customs related to marriage. For instance, all the residents of one's own caste in the hamlet or town must be treated to a feast at the time of the wedding. Once again, the caste people come to one's aid during the preparation of these feasts as well as in relation to other aspects of the wedding ritual. The cooperation of one's caste is required for these and other daily tasks. Castes are therefore tiny, complete social worlds that exist inside the greater community but are clearly separated from one another.

In contrast, other laws and customs are really more closely adhered to than the law of the land. In our community, these historic customary laws—based on caste endogamy, gotra exogamy, and territorial/village exogamy—are strictly respected and upheld. According to Gotra laws, it is forbidden to marry first cousins on both the paternal and maternal sides. But it goes beyond just this. Clusters of gotra joined together form an exogamous group that is covered by a large umbrella. As a result, there are now more limitations and prohibitions regarding who can get married and who cannot. Even to the point where a girl and a boy who are residents of one village and a number of neighbouring villages are regarded as brothers and sisters and a marital alliance is outright forbidden.

All additional restrictions are subject to the marriage ban. Marriage is viewed as a social institution that needs to be managed and governed since it results in a legal birth or confers sanctity on birth, and caste is regarded as being determined by birth.

Social control is defined by different theorists as techniques to manage individual and group behaviour in order to uphold compliance with the social norm and social order that are currently in place. Social control can be "formalised" and governed by laws and regulations that are clearly specified by institutions and governmental organisations through penalties, fines, and other measures. The internalisation of norms, values, culture, and tradition can also be a kind of "informal" social control. He emphasised how the most powerful individuals or organisations control the remainder by force and authority, as well as through controlling behaviours at various levels, as he explained the power differential hypothesis. The suppression of inferior caste groups by dominant caste groups and the control of women by patriarchal male authority are examples of the same phenomenon. [5]

Therefore, both official and informal methods of social control are present in society to maintain order, avoid confusion, and ensure that society functions properly. In addition, some social control systems are either proactive or reactive, depending on the type and timing of the social norms that are being violated.

Small, intimate, close bonds produce strong social ties and the strength of these bonds is reflected in a strong sense of attachment and the influence of power on the individual's attitude, behaviour, thought, and actions within the family and group. The shared caste rules are understandable in this regard. People act in certain ways to be well-recognised and accepted in their social group and to lessen the likelihood of being disparaged in any way. It stems from the idea that rejection, shame, and non-acceptance are fears that push people to adhere to socially acceptable standards and values.

The attitude, behaviour, thinking style, values, actions, habits, and participation of an individual at various levels—within the context of culture, society, tradition, and one's community—are formed and shaped through primary and secondary socialisation. The individual achieves and maintains social and cultural continuity through the socialisation process, which is either internalised early in life or learned (through schooling) (Clausen, 1968). For instance, the culture or caste to which one belongs provides a sense of identity

and belongingness to the individual, establishes a social and psychological boundary that defines the individual's role, fosters a sense of responsibility and commitment towards others, and clearly defines control mechanisms forming and controlling the thoughts, behaviour, and actions of the individual in order to live up to the expectations of the group and maintain its sanctity and honour. However, it is the same culture and caste distinctions that put the person under constant and intense pressure to adhere to its declared standards and ideals. Any attempt to challenge the accepted norms is viewed as a danger to their continued survival. Any infraction is dealt with seriously. The harsh repression and suppression that characterise strong opposition to change or acceptance of any novel ideas. [6]

It is developed the terms "attachment," "commitment," and "belief" to explain the idea of psychological affection and bondedness through family, parents, and school, emphasising informal social control mechanisms based on social bonds and relationships to which one is attached and committed. In order to influence and manage a person's mind and behaviour, social approval and recognition—both within the family and in the group—along with safeguarding and keeping the honour of the same become crucial.

Additionally, both morality and the law serve as push and pull forces that mould a person's behaviour. In order to preserve societal harmony and order, one must abide by the law by paying fines and receiving other forms of punishment. On the other side, a person's actions are appraised as being good or poor, accepted or not, and tolerated or not tolerated depending on moral principles and ideals. As a result, the person internalises the guilt and praise feelings, and their behaviour and actions are subsequently regulated.

Numerous theorists have attempted to comprehend and explain social control as a crucial component of social life and social order by researching it in a variety of settings and subject areas, including education, welfare, psychology, crime, and other areas. It is also explain social control in the context of culture and how it governs or controls individual behaviour as times change. In contrast to psychological and moral control, which he describes as soft-edged social control mechanisms, he talks about force and coercion as hard-edged social control mechanisms. This can also be explained which sought to explain how dominant groups exercised power through the dominant ideas they held and acted as repressive state apparatuses in controlling individual behaviour, thought patterns, and beliefs.

It also claimed that society is dynamic and always changing, with evolving ideas, perceptions, and conduct to enable better social integration. As a result, for society to function properly, social order must also change. The entire concept of tradition, norms, values, and customs that are internalised by the individual and that shape his or her behaviour, thinking, and decision-making causes an individual to adhere to the accepted social order in a collectivist society. [7]

Additionally, social control can be perceived from a gendered viewpoint, where women are subjected to violence, repression, and oppression, as well as from the perspectives of communities or organisations that uphold social order.

Due to the role caste panchayats play in controlling marriage in the Western U.P., there have been complaints of grave human rights violations. The traditional panchayats have continuously attempted to impose their dictatorial authority, even after the formation or establishment of the statutory panchayats. They are well known for imposing severe penalties and social control methods with the purpose of preventing intercaste marriages and managing women. When it comes to rank and power, one can only keep them if they marry someone from their caste; otherwise, they risk losing their standing and influence. Elders and khaps repeatedly use their "power to control the status" against young couples who want to or intend to wed in violation of the caste endogamy regulation. Like the "power to control female sexuality," which has repeatedly been imposed, the "power to control one's property" also has to be upheld.

The most revered cultural ideas, such as aikas, izzat, biradari, and bhaichara, depend on the preservation of conventional marriage bans. The links between honour and dishonour. These caste panchayats deal particularly harshly with issues that are directly tied to social and moral transgressions. They have their own concepts, definitions, laws, and regulations to preserve their honour, and the severity of their authority and punishments vary depending on the amount of violation and the caste of the offender. The offender and his family may be shunned in addition to paying penalties into the common fund as punishment. Sometimes, punishments take on a highly obscene form, including lynching, face-blackening, forcing a couple to march in public while naked, electrocuting a couple for wanting to wed outside of caste customs, and even rape. The pain has no end.

LOCATING FAMILY IN SOCIAL CONTEXT:

A family is a social institution that is valued in both the public and private spheres. Despite the fact that people in India have been inspired by or have adapted to western ways, caste norms and the idea of a joint family are still prevalent in many ways, who studied the Indian industrial family. It also highlights the idea of an institutional family, which is similar to a joint family in that it is a big family with three or more generations living in the same house, clearly defined roles and responsibilities, and a strong emphasis on tradition and the authority of the older male (typically the father is the head of the family). He continued to highlight the advantages and disadvantages of the system, emphasising how, on the one hand, conformity (under the influence of tradition and patriarchy) becomes important, individual choices, perspectives, and initiatives are not thought to be important, and on the other hand, such systems offer security social, psychological, financial, and other types of security. Due to developments brought about by industrialization and urbanisation, the companionship family system, which can be seen in complex civilizations, often has tiny family units with two generations (parents

and children), which is similar to a nuclear family. Tradition and historical continuity are less significant in this situation, and this sort of family structure places more focus on the present and current events. As a person becomes independent, the ability to choose their own path in life—including their marriage and profession—takes precedence over conformity. [8]

DIFFERING CASTE NORMS FOR MARRIAGE AND PERCEPTIONS ABOUT WOMEN AND GIRLS:

The need and preference for educated or even working females are rising because they will eventually contribute to the family's revenue. However, the demand for dowries has not yet dropped. Additionally, it has been noted that changes in socioeconomic status and rational thought have resulted in violations of social customs and norms. The mere fact that statutory panchayats were established in addition to traditional ones and that people began to go to courts, become aware of their legal rights, challenge caste panchayat decisions, or even seek legal protection from such decisions, indicates a shift and a change in society (in the legal and political spheres).

Through incidents and interviews, it has been noted that the higher-caste men perceive the lower-caste women as little more than objects for sex. They openly state and believe that lower caste women are meant for sex and fun, not for marriage as a matter of pride, manliness, and bravery.

Honour killings were less common in the past, because elopements weren't common and people's livelihoods were so obviously entwined with the land. These ties have become weaker due to increased socioeconomic mobility.

Time and time again, restrictions on marriage have been loosened, allowing intergotra marriages, which were formerly illegal. There are still some places where the practise of "ghar jamai" (son-in-law living with the wife at her residence) can be seen, especially among the lower caste groups who do not have insecurity concerns regarding land and property as they do not own much. This is true even though village exogamy and rules like the Gotra prohibition degree are strictly observed. Therefore, this idea of "ghar jamai" can be viewed as a change that is "accepted," and, on the other hand, the rigid rule of territorial exogamy-clan exogamy must be observed, and any change in or breach of this results in violence.

The historical transition from the present oppression of women to the inclusion of women in panchayats Panchayat elections have made it possible for voters of all ages to participate in politics, perform administrative duties, and make choices. Therefore, the work that was formerly done solely by the old has been transferred to or is now done by the younger generation as well. Their efforts and judgements are expected to be followed by everyone, including the elder generation, which has once again strained relations between the two. [9]

GROWING CONFLICT, TENSION AND RESISTANCE TO INTER-CASTE MARRIAGE:

They are forced to flee and hide in order to safeguard their marriages and even their own lives because our society or state does not tolerate inter-caste marriage to the point where the couples are either banished from the community or village or even caught and killed.

Marriage-based ties are supposed to provide a caste group with strength and recognition, both socially and politically and economically. Any break or disruption in marital customs causes change and disruption in the family, clan, and entire caste.

The 'couple' is considered the victims when old laws and modern laws or ideas clash. Because they are simultaneously dealing with cultural transformation and are aware that whatever they are doing is morally and legally correct, there is no system in place to shield them from lynching and other atrocities. This is making a lot of people's lives difficult and confusing. On the one hand, the community rejects marriage even though the law makes it legally permissible.

Although farming is the primary vocation of most people, many others work for the government as teachers, soldiers, or even engineers. The Jat people, however, mostly manage their land businesses. Because there is a shortage of land and it has been partitioned and further subdivided over many generations, there is increasing competition among different castes for jobs and education. Consequently, concern over jobs is growing. Alcohol consumption is one increase that has contributed to problems with unemployment and the rising crime rate, which is further fuelling social conflict between diverse groups. The younger generation views and discusses the reservation of seats in educational institutions as well as jobs with growing populations as significant issues for their career options. Also highlighted was the rising desire among the upper castes for membership in the OBC category.

On the one hand, where members of the lower caste have gained some opportunities in terms of employment and job opportunities, as well as the reservation of seats in schools and colleges, there is discord, anxiety, and even verbal fights on the subject of reservation. This is especially true when looking at socioeconomic aspects. Additionally, this has caused distress and agony in their temperaments, and they frequently turn to violence out of frustration or to reclaim and demonstrate their dominance in any way they can, especially when dealing with dalits and lower castes.

The traditional society views inter-caste marriages as somewhat unusual. There is always a struggle when choosing a partner and making sure that the parents and other family members accept it, even though modern society has created circumstances where this is somewhat of a personal choice (and this is also permitted by the state through Special Marriage Act provisions). Thus, getting married is not merely a matter of personal preference. The clash between the forward-thinking state's actions and societal demands for conformity reflects these conflicts. [10]

The Indian Constitution and the numerous rules of the state connected to marriages through personal laws are examples of modern society's own "sacred texts." Depending on the direction in which society is trending, there has been a continuing struggle between the strains and pulls of a diverse society and personal marriage laws that are more reformative or more retrogressive. Marriage, as well as associated traditions and values, have changed in the context of modern existence. However, the gender disparities between the wedding partners and their families have not changed, and this has continued in the guise of increasingly ostentatious wedding celebrations.

The old order of things and the current order of things always seem to be at odds with one another. History attests to this. However, when it comes to the idea of equality between men and women (in the exercise of their choice related to marriage, among other things) and the equality of people belonging to various social groups, the pronouncements of venerating the lives of all in Hindu society—through the saying "vasudhaiva kutumbakam" (the entire beings on earth are all one family)—do not seem to be true.

The patriarchs want to make sure that their dominance and their perspectives on reality are maintained since it unquestionably benefits them. The socialisation processes both inside and outside the home are significantly shaped by this authority. Modern life is difficult since it forces parents to force their kids out of their "social cocoons" and into more equitable interactions with the rest of society. There are clear tendencies towards shifting mind-sets as youngsters go to participate in educational processes outside of their home and hearth. The daughters and sons of the children wrestle with each other over this. Such tensions can be resolved in a variety of ways, including sometimes just by going along with what their elders say or do and other times by rejecting it. However, there are no social support systems available when the latter occurs. Therefore, the majority of couples move out of the situation by escaping the social setting. Loss of social and economic support as well as more frequent negative social penalties in the form of punishment, which may even include killing, are possible consequences of this. Thus, the conflict between tradition and modernity has little to do with how educational experiences are used. It also has much to do with recently established institutional structures for social and gender justice. There was pressure on "marriage," and it became a crucial aspect to be controlled and regulated in the best manner. As a result, laws that grant the right of inheritance of private property, which may entail fears that the mothers and widows as well as daughters might take this right with them, allowing their husbands to claim on their behalf once again; reservation of seats for women in the local panchayats; the possibility of girls receiving support from the All of these directly contradict the established order of things. Trouble tends to start when those old institutions (the unjust social order with patriarchy) sense the pressure and perceive it as a threat to their own existence. As a result, anything modern is now seen as anathema, and any behaviour that resembles or seems to deviate from the accepted standard is now viewed as a threat to one's very existence. Being restricted to one's own social moorings tends to provide more security for people who regard it as advantageous to them. Thus,

the males who make decisions for the family are very at ease with what is happening because they believe that roles have been established and that young people who are ready to be married should rigorously follow them. The marriage rites and customs also adhere to the 'kinship' standards. The Khaps also want no change because they uphold the social cohesiveness that such communities want. Social behaviour that was formerly controlled by traditional structures is now looking to be controlled by the state and its organs. As their sphere of influence shrinks, the Khaps find this unacceptable. For instance, disputes over land and property have historically been a major source of tension in families, villages, and caste groups, both inside and outside the caste. Only when it comes to concerns like women's empowerment, morality, village honour, and caste honour do the elderly and caste panchayats play a significant role.

Democratic trends are the complete opposite of what conventional culture wants. The democratic movements frequently present the illusion of rights and services, but frequently they are not received in a timely manner, and administrative procedures are drawn out. In addition, many sociologists believe that the judicial and administrative institutions serve to solidify the current social structure. Social structure and customs continue to influence contemporary institutions as well. Additionally, there are blatant instances of injustice directed towards the defenceless and weak (women and dalits). It is blatantly obvious that the concepts of the state, legal power, humanistic ideals (persons), and society are at odds with one another. The attitude and perception of the public in general, as well as the judicial, legal, and police systems in particular, call into question and challenge the idea of gender equality and equality before the law. [11]

The caste panchayats' authority is maintained by political pressure to play the caste card. They are the supporters in elections; therefore, no one can oppose their authority. Political lobbying and vote-bank politics give these caste structures even more momentum.

INTERRELIGIOUS MARRIAGE:

Civil unions, also known as "special marriages" or "inter-religious unions," are not based on the couple's religion. Instead, the marriage takes place under the Special Marriage Act, which grants the freedom to wed in India to individuals who don't want to be bound by the personal laws of any one religion or to couples who practise various faiths or beliefs. It must be aware of legal eligibility and your spouse's eligibility in order to get married under this law.

Conditions:

- S/he capable of giving valid consent to the marriage, being of sound mind.
- Do not suffer from mental disorder(s) of such a kind that you are unfit for marriage and to have children.
- Have not been subject to recurrent attacks of insanity or epilepsy.

- The man should be at least 21 years of age and the woman is at least 18 years of age.
- S/he should not be within the degrees of a prohibited relationship with each other.

Marriages governed by custom:

The state government may establish regulations governing customs and the solemnization of marriage when they pertain to a member of a tribe, community, group, or family. When: These traditions have been constantly followed by the members for a considerable amount of time; this is not necessary. The traditions or laws do not violate public policy. Only one family is subject to the traditions or laws, and that family is still adhering to them. Both parties must be Indian nationals who reside in the areas covered by the Special Marriage Act if the marriage is performed in the State of Jammu and Kashmir.

Process of registering an inter-religious marriage under the Special Marriage Act:

The pair must give written notice to the district's marriage officer where at least one of them has resided for at least thirty days immediately prior to the date of the notice in order to perform a marriage under the Special Marriage Act. The Marriage Officer will make public notice, give thirty days for objections, and hear any objections received within that time after receiving a signed application for marriage registration. The marriage officer will keep a true copy of each of these notices on file and enter it in a marriage notice book that is open to the public at all appropriate times and without charge for inspection. The marriage officer will post a copy of each such notice in a conspicuous place in their office to make it public. The officer must also give a copy to the marriage officer in the district where one of the couples resides permanently if one of the couples does not reside there permanently.

Inter-Religious Marriages Solemnized:

The couple has the option to register their marriage with the marriage officer without engaging in any religious rituals. How the marriage is performed is up to him or her. Three witnesses and the marriage officer must be present for this. According to personal law, he or she is permitted to officiate in any religious ceremony before registering your marriage under the Special Marriage Act. From the day of the ceremony until the day of registration, the couple should have been living together as husband and wife.

CONCLUSION:

Women's status is shifting. But it appears to be getting worse in village society. She is subject to numerous limitations on her range of motion. Women are viewed in the community as "the cause of a man's misfortune." There are proverbs that compare her to "cattle" and to property. Girls are frequently held responsible for violations of marriage norms, such as elopements. [12] There is a lot of name-calling. The entire family and the neighbourhood make her feel guilty. The family believes that she is to blame for their

social hardships. If the woman or girl chooses to remain in the village, she must submit to her "fate" and obey her parents' instructions. The patriarchy and control over women are more substantial and severe on the psyche of women in general and specifically in such instances, despite the fact that there are also sanctions for men. Individual right assertion, which is valued in contemporary culture, appears to be glaringly absent, if not contradicted and limited, in these social circumstances.

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