

Inter-Caste And Inter-Religious Marriages Under The Indian Legal System: An Analysis Of Theory And Practice

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ABSTRACT

India possesses a unique and unparalleled diversity in terms of culture, language, race, religion and caste which constitute a basic fabric and an integral part of our society. But unfortunately there are some cultural limitations still prevalent and carried on from preceding generations based on rigid beliefs and unethical practices which have acted as hurdles for cherishing and realizing the dream of pure secular India. An inter-caste or inter religious marriage is one among them. Inter-caste and inter-religious unions are still frowned upon in our society, and persons who marry outside of their caste are viewed as treasonous. Kerala is the state with the highest literacy rate in the country of India. The decision of a girl to marry according to her own will and convert to a different faith, however, sparked national debate. The technological age of information, communication and social networking sites where personal relationships are chosen and shared openly all have helped to break the barriers and build secular bonds as there has been a massive spurt in inter-caste and inter-religion marriages. According to information obtained from the Department of Stamps and Registrations, 2,624 marriages got registered under the Special Marriage Act in 2013-14, which increased to 10,655 the following year. The number has reached 8,391 by January of 2015-16, a 306% rise from 2013-14 to 2014-15. It is in the light of above brief analysis this paper endeavors to discuss in part- wise 1st the social norms and sociological perceptions about inter-caste and inter-religious, 2nd the status and the law prevalent and protecting such marriages, 3rd the existing scenario the practical aspects and ground realities among the elite and poorer sections of our society.

Key Words: *Intercaste, Interfaith, Constitution of India, Secular, Judicial Precedent*

INTRODUCTION

*In the case of Shakti Vahini*¹ the Hon'ble Supreme court quoted following observation-

"Assertion of choice is an inseparable facet of liberty and dignity". That is why the French philosopher and thinker, Simone Weil, has said: -"Liberty, taking the word in its concrete sense consists in the ability to choose." When a person's right to free will is violated for the sake of social prestige and their physical frame is regarded with the utmost indignity, it has a chilling impact on society as a whole..

The institution of marriage is considered as an important social custom in every religious, caste, community and hence society. It is only the perceptions and sanctions that make the marriage to be practiced, accepted and adopted differently in different societies. The marriages in western societies are found to be based on more liberal views and individual choices i.e. above the lines of caste and religious. But in eastern societies like ours the institution of marriage is still influenced and dominated by the religious and caste factors. In Indian society people from generations have adopted rigid approach towards this sacred institution. In the past, most Indians felt it was unacceptable to discuss marriages between individuals of different castes and religions. But as time passed, attitudes changed and inter-caste marriage started to become accepted in society, though not entirely. People couldn't envision marrying outside their caste. They believed that marriage was only permissible within the same group and caste. Those who ventured to marry outside their caste faced the consequences of violence, societal boycott, familial boycott, and murder (honour killing). Even in the twenty-first century, some regions of India still

¹*Shakti Vahini v. Union of India & Ors* AIR 2010 SCC 2311

practice honor killing in instances involving marriages between different castes. In Indian civilization, caste creates such a strong and inflexible barrier that it is nearly unthinkable for two people from different castes to get married. The concept of caste being peculiar to Indian society and along with religious beliefs both have acted as a great hurdle for the path for the progress harmony of our country. For ages, Indian culture, particularly Hindu society, has been split along caste lines. The caste system has been so deeply ingrained that India is still striving to overcome this societal evil. History records the extraordinary efforts undertaken by many social reformers and people to liberate India from the shackles of the caste system and religious doctrine that governs social interactions.

Marriage is considered a sacred founding that binds together the woman and man in a holy union giving their relationship deeper and practical significance in a social status of the parties. When a marriage takes place, two souls come opening a new chapter in their lives. However, peoples selfishness has tainted the sanctity of such relationships. God did not establish a caste system for man or woman when He created them. So, how can human beings classify God's creation into classes and communities? This issue stems back to the era of queens and kings as well, when a caste structure was in place. Previously, it was traditional to marry within the same caste. Anyone who attempted to break traditional standards was severely punished, and whole villages were barred from engaging with families involved in inter-caste marriages.²

THEORETICAL AND HISTORICAL PERSPECTIVES

The wedding is the most significant event in a family in Indian culture as it embodies every conceivable social obligation, association, customary respect, associated belief, and wealth. In Indian society, it is a widely accepted custom that guardians and various relatives of the woman and the other party have a fundamental responsibility to arrange her marriage. Marriage partnership entails some redistribution of wealth, as well as establishing and reconstructing societal realignments, and, clearly, results in the natural expansion of families.³ The caste system in India has existed since the period of Kings and Queens, and marriages revolve around caste. Punishment and expulsion from the community were the consequences of disobeying societal rules. The stringent traditions and beliefs were so harsh that family members were forced to kill their own children owing to societal pressures. Due to their traditional outlook, Indians were unable to imagine marriages between members of other castes outside of their own caste, community, or religion. Marriages could only take place between members of the same caste and group; those who sought marriages outside of their caste risked violence, rejection from their families, social exclusion, and even death. For centuries, the distinction between castes has been a rigid aspect of Indian customs, resulting in discriminatory and unjust restrictions within Hindu traditions. Disparities between members of various castes have been exacerbated by this prejudice, which has harmed society. Despite the world advancing, some people in India still adhere to rigid caste-based restrictions. In Hindu society, caste frequently determines marriage arrangements; intercaste unions are viewed as evil and are not sanctioned by elders. Hindu society's elders are against intercaste marriages for a variety of reasons, such as fear of social conventions and reputational damage, cultural differences that could make it difficult for the couple to settle down and follow each other's customs, worries that the children of intercaste marriages could have imperfections, and potential social pressure on the family and couple. Intercaste marriages are forbidden in a number of Indian states, not only.⁴ In several Indian States, other than the fear of dilution of personal values such sorts of marriages are also discouraged for the fear of distribution of property to people from other sects. The empirical research done in rural Andhra Pradesh discovered that 936 persons in the sample desired the children of their families to get married within their caste, whereas just 29 were not very concerned about caste in marriage. This conservative stance regarding inter-caste marriage partnerships was pervasive, not only among a few important caste groups. It was equally widespread across all castes and socioeconomic classes. Overall, it was determined that castes at both the top and bottom of the class structure aim to better their social position by limiting marriage ties to their own caste, with only a few exceptions. Brahmins, at the pinnacle of the caste order, were staunchly against marriage between different castes. On the other hand, intercaste marriage is becoming more acceptable among Kayasthas, Baidyas, and other Hindus. Additionally, educated and urban classes were found to be more liberal regarding inter-caste marriages compared to their uneducated and rural counterparts.⁵

Like caste religious has also much deeper and broader impact on overall attitude, thinking, perception and lifestyle of person. The challenges for inter-religious married couples are hence more complicated and dominant. Whether or not a couple is successful in persuading their parents to approve of their marriage determines the degree of

² Ambedkar.B.R, *castes in India: Their mechanism, genesis and development* (2002), In the essential writings of B.R. Ambedkar, ed valerian Radrigues, 242-62 "New Delhi, Oxford university press.

³ Kanaskar and Ghimire, Conducted a study on *intercicies of intercaste marriages between Dalits and. Non Dalits in Nepal's"*. Journal of marriage and family V.62 (2).pp.238-268.

⁴ www.srjis.com (visited on 29 August 2019)

⁵ Sarkar, B.N., 1970, *Casteism in matrimonial engagements in West Bengal*, Tech. Report No. Demo Research and Training School, Indian Statistical Institute, Kolkata.

difficulties that interfaith unions in India present. While some couples succeed in getting their parents to approve of their marriage, others choose to elope. But the history of these kinds of unions shows that the difficulties they faced before marriage don't actually end there; they still have ongoing obstacles to overcome that call for perseverance and enormous effort.⁶ The most prevalent issue that couples face in inter-religious union is strong rejection from parents and social condemnation. An inter-religious unions have the tendency to provoke the communities of opposite religious groups and often result in communal clashes. A number of such incidents of communal disharmony have been reported all across the country because of inter-religious marriages. Inter-religious marriages have thus always been a difficult terrain. They defy many conventions and practices, inciting religious zealots. The "threat" posed by these kinds of relationships has frequently led to "constructed" campaigns that mirror the apprehensions and concerns of conservative groups. Particularly in India, the Hindu rightwing has been adept in inciting fear around manifestations of love, such as Valentine's Day, gay relationships, and intercaste and interreligious romance, portraying them as one of the greatest dangers to cohesive communal bonds and boundaries. The most recent of these constructs by the Hindu right is the purported "Love Jihad" or "Romeo Jihad" organization, which is said to have been started by young Muslim males and Muslim extremists with the intention of converting females of Christian and Hindu faith to Islam via deceit and fake displays of love. Organizations such as the VHP, Sri Ram Sene, ABVP, and "Hindu Janjagruthi Samiti" held meetings, distributed leaflets, and even filed legal proceedings in Kerala, Karnataka, and Delhi, claiming that the organization was planning to win over young women in order to compulsively and deceitfully convert them to their religion as part of an Islamist conspiracy. They also claim that Muslim youths are getting money from overseas to buy extravagant presents, cars, fashionable clothing, and cell phones in an effort to entice and win over Hindu females. The implications of such a campaign for instilling hatred, having anti-women connotations, and causing panic are numerous. There have been several demonstrations against this vile campaign. The hate campaign by Hindu organizations has drawn the attention of several human rights organizations, student organizations, and secular agencies.⁷ Although there were inquiries, there was insufficient proof to support the theory that the non-Muslim females were tricked into conversion. Following a thorough investigation into the purported "love jihad" issue, Cobrapost and Gulail collaborated to uncover the following: certain right-wing Hindu organizations and their affiliates use drugs, violence, coercion, deception, and other forms of blackmail to rescue Hindu girls from Muslim husbands who they claim have deceived them into marriage. The push against this "love jihad" is part of a bigger game plan to disseminate an atmosphere of hatred against a particular faith community by presenting an apparent risk for the majority Hindus. The Gulail investigation revealed a systematic effort to use the "love jihad" phenomenon to create communal divisions within communities. "Love jihad" combines patriarchy and communalism aiming to restrict the freedom of choice of the Hindu girls while simultaneously portraying the Muslim community as an enemy. It is alleged that random instances of interfaith couples running away are part of a plot by Muslims to ensnare Hindu women and proliferate. This led to a sense of uneasiness, and Muslims were viewed as a threat, resulting in communal strife.⁸

RELIGIOUS PERMISSIONS ON INTERRELIGIOUS MARRIAGES

Islam: Although Islam typically disapproves of interfaith unions, there are several circumstances in which Muslim men are allowed to wed non-Muslim women and bring up their children as Muslims. Specifically, a Muslim man is permitted to marry a woman who follows a monotheistic religion, such as Judaism, Christianity, or Sabianism, provided their children are raised as Muslims. However, Islam strictly prohibits Muslim women from marrying non-Muslim men.

Hinduism: In traditional Hinduism, interreligious marriage is unacceptable. Marriages even between different castes within Hinduism are uncommon, let alone with people from other religions. The four castes (Brahmins, Kshatriyas, Vaisyas, and Sudras) do not typically associate socially or intermarry.

Christianity: Similar to Hinduism and Islam, Christianity also opposes interreligious marriages. Christianity views marriage as a divine institution, not a human construct dependent on social institutions for its character and essential nature. A marriage between a Christian and a non-baptized person is not considered sacramental. Like Islam, Christianity also has concerns about the religious upbringing of children in such marriages.

Interreligious marriages have historically posed both an ideological dilemma and a perceived threat to various religious groups. While each religion promotes brotherhood and acceptance of others, extending these principles to interreligious marriages creates unique challenges. One primary reason organized religious bodies oppose such

⁶ <https://www.jodilogik.com/wordpress/index.php/love-marriages-in-india/> (last visited 31 August 2023)

⁷ <https://www.researchgate.net/publication/260468360>, Hindu Women, Muslim Men: Love Jihad and Conversions, Article in *Economic and political weekly* · December 2009 by Charu Gupta.

⁸ <https://www.mangalorean.com/love-jihad-the-reality/> By Joseph Pereira, Mangaluru. Team Mangalorean.-October 6, 2015

marriages is the fear of losing followers.⁹

THE LAWS FOR THE INTER-CASTE AND INTER-RELIGIOUS MARRIAGES IN INDIA

From times immemorial Indian has been stratified on caste and religious lines, that is why endogamy is still the most preferred form of marriage. The feelings of pride in ones caste, differentiation from other castes and maintenance of pure blood lines are some of deeply motivated factors favoring endogamic practices of marriages in Indian society. Furthermore, in India, marriage between members of different religious and socioeconomic backgrounds is uncommon. But in the modern India With the increasing urbanization, education and employment of women in modern occupations and the emerging middle class have had a strong influence in paving the way for inter-caste and inter-religious marriages as a result we have witnessed a huge growth of Love marriages involving choice of partners from different castes and communities which may not be approved by the family members or the society of either the bride or the groom or both on various grounds including fear of dilution of particular social understandings, moral values and division of properties amongst individuals belonging to different community or social unit.¹⁰ The constitution's framers anticipated this issue and provided for their provisions in the fundamental rights backed up by the other legal remedies. The freedom of religion, which includes the ability to convert to any faith, is guaranteed by the Constitution. Empowering citizens to enjoy their freedom of marrying anyone they desire, regardless of faith, is crucial in a democratic nation. In India, the Constitution guarantees the right to life, which includes the liberty to choose spouses. Legally, girls under 18 and boys under 21 cannot marry, but beyond these age restrictions, individuals can freely choose their spouse regardless of religious differences.¹¹

In contemporary secular India, people have the option of getting married to somebody from an entirely distinct caste, religion, or community, or they may decide to get married within their own. For inter-religious marriages, couples can either convert or register their marriage under the Special Marriage Act, which is religion-neutral and applies to all parties registered under it. Additionally, the Central Government has enacted the Foreign Marriage Act, 1969, which allows Indian citizens to marry abroad, whether with another Indian citizen or a foreigner. Both Acts are not concerned with the religion of the individuals and include provisions for inter-religious marriages and marriage registration. Consequently, marriages registered under this act are known as civil marriages. **Section 4** of this Act specifies the criteria required for the solemnization of marriage, which includes monogamous marriage. Both partners must be of sound mind and free of any mental disabilities. Males must be a minimum of twenty-one years old, while females must be no less than eighteen years of age. Both parties should not fall under the prohibited degree of relatedness unless the tradition of one of the parties allows such a marriage.¹² The procedure for registering a marriage under the Special Marriage Act (SMA) is straightforward. Once these prerequisites are satisfied, a written application has to be sent to the district marriage officer in the area where either partner has lived for the previous thirty days. After that, the marriage officer sets a notice period of thirty days during which objections may be raised based only on the conditions outlined in Section 4. The marriage officer has the authority to inquire into any objections. If no objections are raised within the 30-day notice period, the marriage could be solemnized in any manner at marriage officer's workplace or any other location in their presence. All information is entered by the marriage officer into the marriage notice book, that needs to be signed by the couple and three other witnesses. The SMA gives wide protection to such couples and such registration is subjected to following consequences.

- 1) Section 19 states that any Hindu, Buddhist, Sikh, or Jain registered under the SMA is not entitled to joint family property.
- 2) This section does not apply to intra-religion marriages among Hindus, Buddhists, Sikhs, or Jains.
- 3) Personal laws regarding succession, maintenance, or divorce do not apply to those married under the SMA.
- 4) Their succession laws are governed by the Indian Succession Act.
- 5) Marriage registration provides indisputable evidence of the marriage.
- 6) The specific SMA laws pertaining to divorce, invalidity, custody, and other relevant concerns apply to the marriage.

Under the Special Marriage Act , individuals do not need to renounce their religion; they can continue to be governed by their own personal laws, and the SMA should avoid creating laws related to succession.¹³ Promoting

⁹ Bambawale, Usha., *Interreligious Marriages*.(1982) Pune: Dastane Ramachandra & Co.P67-69

¹⁰ Caldwell, J. C., Reddy, P. H., & Caldwell, P. (1983). *The Causes of Marriage Change in South India. Population Studies*, 37(3), 343–361

¹¹ <https://www.thebetterindia.com/123240/special-marriage-act-wedding-religion-india-hadiya/>(last visited 1st Aug 2019).

¹² Bare Act- Special Marriage Act 1954.

¹³ <https://www.lawfarm.in/blogs/legal-provisions-involved-in-an-inter-religion-marriage>, By Garima Singh August 4 2016,(visited last 1st Sept.2023)

inter-caste marriages has been a strategy by the government to reduce caste prejudice and discrimination. For many years, central assistance has been provided to states to encourage such marriages. To support social integration, the Indian government introduced the Dr. Ambedkar Scheme, which financially assists couples married across different castes during their initial phase. This scheme aims to address issues of employment and poverty and is part of the implementation of the Protection of Civil Rights Act¹⁴, 1955, and the SC-ST (Prevention of Atrocities) Act¹⁵. The amount of the incentive is determined by the state government.¹⁶ Additionally, the Law Commission of India, proposed a legal framework for a bill titled “Prevention of Interference with the Freedom of Matrimonial Alliances (in the name of Honour and Tradition)”.¹⁷ The main recommendation of the proposed bill is as follows:

- 1) This legislation has been proposed to safeguard the liberty of spouses and their families by addressing the issue of excessive and unreasonable intrusion by “caste assemblies” or “panchayats” in legitimate sagotra, interfaith, or inter-religious weddings. It aims to establish a threshold preventing gatherings or assemblies that seek to disapprove of such marriages and interfere with the conduct of the couple. Those who assemble to condemn these marriages and take action against them will be considered have participated in an illegal assembly and will be required to serve a minimum mandatory punishment.
- 2) Acts that threaten the liberty of couples or their families, such as social boycotts or harassment, are considered offenses with a mandatory minimum punishment. Additionally, there is a required minimum punishment for criminal intimidation committed by participants in unlawful gatherings or by those working on their behalf.
- 3) Section 6 of the proposed Bill establishes that it is presumed that anybody taking part in an illegal gathering also intends to conduct or aids in the commission of offenses.
- 4) The Sub-Divisional / District Magistrate is empowered to forbid unlawful assembly and to implement preventative measures. Additionally, an SDM/DM is required to accept requests or information from anybody who wants to be protected from a group of people or family members who have opposed or are expected to oppose to a legal marriage.
- 5) The existing sections of the Indian Penal Code remain unaffected by the contents of this proposed bill. To the greatest extent feasible, care has been made to ensure that the requirements do not conflict with those of the general criminal code. Stated differently, any criminal act that does not come under the particular provisions of the proposed Bill is subject to punishment under the general penal law.
- 6) The offense is “cognizable, non-bailable, and non-compoundable”, and it shall be adjudicated by the district Session Court.

JUDICIAL RESPONSE AND ACTUAL PRACTICE OF INTER-CASTE AND INTER-RELIGIOUS MARRIAGES

While the higher court in India has always stood to protect inter-caste couples, but at lower level some parts of the local judicial system shown lack of seriousness in addressing such issues and in imposing strict punishments upon individuals restraining inter-caste and inter-religious marriages. Human Rights Watch notes in its latest report on India that caste panchayats, village councils founded on caste basis, and local village officials are increasingly using the following methods to commit violence against inter-caste marriage couples: “honour killing”, “public lynching” of couples or their relatives, bride or groom murder, rape, public beatings, and other forms of punishment. This is especially typical in cases when the wife or husband are Dalits.¹⁸ The higher judiciary especially Hon’ble Supreme Court has played a crucial role in realizing all heinous crimes committed against couples of such mixed marriages. Time and again the judiciary has issued various guidelines for ensuring the safety and security of such couples. The apex court has been instrumental in striking down the validity of village caste based councils and khap panchayats. In its various judgments it has categorically denied to acknowledge and impose any extra-judicial judgments on intercaste based couples. In the case of *Arumugam Servai*¹⁹, the Supreme Court harshly condemned the practice of khap/katta panchayats taking the law into their own hands and engaging in aggressive acts that harm the personal lives of those marrying according to their wishes. In a case of *Bhagwan Das*²⁰ the Apex Court opined: “The so-called honour killing comes within the category of rarest of the rare cases

¹⁴ Protection of Civil Rights Act, 1955 (Act.22 of 1955)

¹⁵ Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Act. 33 of 1989).

¹⁶ [https://www.outlookindia.com/website/story/govt-to-give-rs-25-lakh-incentive-to-every-inter-caste-marriage-involving-a-dali\(last visited 1st Sept 2019\).](https://www.outlookindia.com/website/story/govt-to-give-rs-25-lakh-incentive-to-every-inter-caste-marriage-involving-a-dali(last%20visited%201st%20Sept%202019).)

¹⁷ Law Commission of India, “242nd Report on Prevention of Interference with the freedom of Matrimonial Alliances (in the name of Honour and Tradition): A suggested Legal Framework” (August 2012).

¹⁸ Human Rights Watch 2006, *India – World Report*, 18 January. (Cisnet India CX160821

¹⁹ *Arumugam Servai v. State of Tamil Nadu*, Criminal Appeal No. 958 of 2011

²⁰ *Bhagwan Das v. State (NCT of Delhi)* (2006), 5 SCC 475)

deserving death punishment. This is necessary as a deterrent for such outrageous, uncivilized behaviour. All persons who are planning to perpetrate „honour killing should know that the gallows await them” In the historic ruling in *Lata Singh*²¹ the Apex Court remarked and ordered as under:

“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 or inter-religious marriage the maximum they can do is that they can cut off social relations with the son or the daughter, but they cannot give threats or commit or instigate acts of violence and cannot harass the person who undergoes such inter-caste or inter-religious marriage. We, therefore, direct that the administration/police authorities throughout the country will see to it that if any boy or girl who is a major undergoes inter-caste or interreligious marriage with a woman or man who is a major, the couple are not harassed by any one nor subjected to threats or acts of violence, and anyone who gives such threats or harasses or commits acts of violence either himself or at his instigation, is taken to task by instituting criminal proceedings by the police against such persons and further stern action is taken against such persons as provided by law. We sometimes hear of ‘honour’ killings of such persons who undergo inter-caste or inter-religious marriage of their own free will There is nothing honourable in such killings, and in fact they are nothing but barbaric and shameful acts of murder committed by brutal, feudal minded persons who deserve harsh punishment. Only in this way can we stamp out such acts of barbarism”.

There is a positive and encouraging judicial response of the Indian judiciary towards favoring the inter-caste and inter-religious marriages. The latest and most vibrant precedent set by Hon’ble Supreme Court was in case *Shafin Jahan*²² in which Supreme Court not only struck down the Kerala High Court’s judgment but also gave a wide recognition to individual choices enriched under constitution. The court made following observations; The Supreme Court ruled that a person's ability to marry and select her faith is essential to living a purposeful life. Neither the state nor "patriarchal supremacy" can get involved in the choice she makes.. *“Freedom of faith is essential to his/her autonomy; Choosing a faith is the substratum of individuality and sans it, the right of choice becomes a shadow,”* Chief Justice Misra noted in a view agreed with Justice Khanwilkar. Justice Chandrachud noted, *“Matters of belief and faith, including whether to believe, are at the core of constitutional liberty. The Constitution exists for believers as well as for agnostics”.* The court determined that each person's right to follow a faith or way of life that they choose to adhere to is protected by the Constitution. *“Matters of dress and of food, of ideas and ideologies, of love and partnership are within the central aspects of identity. Society has no role to play in determining our choice of partners,”* And further *“The Constitution guarantees to each individual the right freely to practise, profess and propagate religion. Choices of faith and belief as indeed choices in matters of marriage lie within an area where individual autonomy is supreme”*²³

The actual practice of inter-caste or interfaith marriages in India at present provides a mixed and contrasting picture. It has been found that a number of factors affect the acceptance and opposition for such marriages e.g inter-caste and interfaith are more readily accepted in urban areas and among the elite classes with sufficient educational background. In India, individuals with a liberal outlook have come to understand that a successful marriage isn't dependent on sharing the same caste or religion. Instead, it's based on mutual understanding and compatibility. The key to a successful relationship lies in how well partners comprehend and respond to each other's needs and feelings. It is not required for you to be from the same caste or faith in order to have a stronger understanding with your spouse. Numerous examples demonstrate that people from vastly different backgrounds can lead happy lives together, largely thanks to education. For instance, Athar Aamir and Tina Dabi, the first and second IAS toppers, exemplify a successful interfaith marriage. Education has expanded perspectives, enhancing analytical thinking and altering views on social issues like marriage and relationships. Inter-caste and interfaith marriages symbolize social equality. To combat the caste system's constraints, inter-caste marriages have become essential. As globalization and education advance, societal views have evolved. Modernization has led to greater acceptance of inter-caste marriages in urban and progressive communities. There has been a noticeable shift in social attitudes, with parents and relatives increasingly open to marriages outside their own castes. However, in areas with limited educational exposure and modern influences, resistance to inter-caste marriages persists.²⁴

CONCLUSION AND SUGGESTIONS

Keeping in mind various socio-economic changes such as industrialization, urbanization, democratic values and western liberal education we must not hesitate to conclude that the rate of inter-caste and inter-religious marriage are on rise in India, as compared with pre-independence time. But the unfortunate thing is that our society has not been completely able to reject caste and religious differences and that is why Inter-religious marriages still meet

²¹ *Lata Singh v. State of U.P.* (2011) 6 SCC 405]

²² *Shafin Jahan v. Asokan K.M. & Ors* (2018 SC 343)

²³ <https://www.thehindu.com/news/national/right-to-convert-is-part-of-fundamental-right-of-choice-supreme-court/article23483824.ece>, (last visited 3rd Sept 2023)

²⁴ www.srjis.com--Scholarly Research Journal for Humanity Science and English Language, Attitude of civil society towards inter caste marriages- Mohd Zubair Kales-FEB-MARCH, 2014. Vol. -I, ISSUE-II

with resistance even today Kerala, known for having the highest literacy rate in India, saw a nationwide debate when a woman chose to get converted to another faith and marry of her own accord. In the unusual case of Hadiya, who converted to Islam and married a Muslim man, the Kerala High Court annulled her marriage to Shafin Jahan on May 24, 2017. It was only after Hon'ble Supreme Court intervened and rescued the couple. There is also no denying the obvious fact that some of the key factors influencing these kinds of mixed marriages include employment, academic achievement, and economic standing. The 2nd aspect of above analysis is that the incidence of such unions is very low in villages compared to cities. Our Bollywood world presents it a live example with interfaith marriages by various actors and actresses. The Aamir khan-kiran rao, saif ali khan-Kareena kapoor, Dilip kumar – Saira banoo have proved to be most successful and happy unions in the world suppressing caste and religious differences. The more interesting is that none of them have met with any opposition on the part of their nears and dears. In his influential essay “Annihilation of Caste,” Dr. B. R. Ambedkar argued that inter-caste marriage was the true solution for ending the caste system. He believed that the blending of blood through marriage would foster a sense of kinship and that only by establishing this kinship could the divisive effects of caste be eradicated. Dr. Ram Manohar Lohia also advocated for “roti and beti” (sharing food and marriage) as a means to abolish caste, highlighting the gender issues involved in inter-caste unions. Every Indian has an obligation to advise their elders that the inflexible caste system is antiquated and a major obstacle to the development of a successful and secular India, especially the younger generation. The youth might take a wide range of strategies to deconstruct this system. Last but not least, in order to eradicate the caste system that pervades Indian culture, it is critical that individuals receive an urgent scientific education that will liberate them from traditional constraints, and such marriages be celebrated, given media attention, and encouraged. It won't be long before caste and religion prejudice entirely disappears from India's marriage system.