

The Institution of Marriage and National Integration

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Abstract

Marriage is an ancient institution existing in almost every society around the world. Two individuals come together to form the union of marriage, which gives rise to a family, which further forms the society, which ultimately forms the nation. Thus, the institution of marriage can be said to be the very foundation block of a nation. Being the foundation block, it could be used to integrate the masses by eliminating the differences. Little steps have been taken in this direction by the legislature and socio-religious institutions. This paper aims to discuss how this institution could integrate different sections into a nation, the various challenges involved and possible solutions. Since religious and communal conflicts are on the rise in present times in India, it seems to be the right time to explore this dimension.

Keywords: *Marriage, national integration, inter-religious, inter-caste, inter-state, inter-faith*

Introduction

Uttar Pradesh prohibition of unlawful religious conversion ordinance, 2020, popularly known as the "love jihad law", seeks to prevent religious conversion by 'allurement'. This law has sparked much controversy among advocates, jurists. Because it uses the word 'allurement', which has a broad connotation, for example, even giving a religious book to a person can amount to allurement. Several jurists believe that the law would make inter-faith marriages difficult. This is so because the religious conversions for marriage in Uttar Pradesh under the act must be approved by the district magistrate.

An effect of this provision would be that it would lead to an increase, i.e., religious separatism in an atmosphere when communal violence and religious sectarian conflicts are on the rise in the country. For example, when the Centre passed the Citizenship (Amendment) Act, it triggered mass protests in different parts of the country, with violent incidents, especially in the national capital. Now, such provisions as the said 'love jihad law' seem to give strength to individual religious identities by defining the boundaries of religion, posing a threat to the amalgamation of religious identities. This could lead to an increase in religious extremism. Another effect of this law could be that it might lead to the suppression of women as it seems to impose restrictions on a woman's choice of her life partner. Moreover, the punishment in case the victim of allurement is S.C., S.T., women, is 10 years imprisonment, which is five years otherwise. So, it treats women to be historically marginalized.

The Indian society remains a deeply divided society, even after seventy-four years of independence, evident from communal riots such as the Muzaffarnagar riots (2013) and the CAA protests, which resulted in communal violence (2020). In this background comes a law that affects the role of religion in the institution of marriage. So, considering the prevailing conditions, it becomes essential to study national integration, the problems faced in the process and how marriage as an institution could be used to bring together a society that is falling apart.

Research methodology

The research dwells into various dimensions of national integration and different ways in which marriage influences society. It also highlights the contemporary developments in the society and decisions of the

judiciary and attempts to find solutions for different challenges involved. The research methodology adopted is socio-legal.

Marriage and Its Role in Society

Marriage has always been a fundamental institution in the eyes of society, and every society has been defining marriage and rituals according to the social needs of the people of that society. Marriage is a strong union. Every society, whatever be the religion, fundamentally looked at marriage in this same way. For example, Hinduism talks about marriage as an indissoluble union, Islam talks about marriage as a firm contract, Christian view of marriage is describing as in between a man and a woman and that it is solemn and public covenant in the presence of God.

On careful observation of societies across the world, one finds out that marriage has existed in almost every society across the world. So, it must have had great importance in the eyes of people and religious leaders across the world. If one comes to the social aspect of marriage, its importance lies in the fact that it leads to the creation of a family, which creates a society that further goes on to create the nation. An individual decides to involve himself in society primarily because he has some vested interest, his personal or of his family's, which he might see being fulfilled by the society. So, it can be said that marriage is the keystone of the monument called nation.

The importance of marriage as an institution can also be recognized by the fact that the so-called "open western society" such as the USA, where the systems of the old order are continuously questioned based on rationality, have not yet been able to dissolve this institution, probably because it gives some sense of security and legal protection to the people involved. Also, marriage has always been considered necessary for the spiritual uplift of an individual because it initiates a process of dissolution of one's sense of identity, thereby reducing the emotions of arrogance and jealousy in an individual, which in turn enables them to work for larger good as they can associate themselves with other beings.

So, based on this study, it may be determined that to give a proper direction to society, it is essential to have a legal system that governs the coming together of two individuals. The Indian society has lately seen the growing influence of Western cultures, which promote live-in relationships and open marriages. This can be an enormous problem as such relationships might cause the people to be driven by their personal needs, biological, physical, emotional. If this happens in society, then people would

Not work in a cooperative manner or for achieving a larger goal because their own life would not be settled, and this would drive the society haywire, as can be seen in the present state of the American society where drug abuse, sexual exploitation of women, mental health issues are on the rise.

National integration

According to Myron Weiner, "national integration implies avoidance of divisive movements that would balkanize the nation and presence of attitudes throughout the society that give preference to national and public interests as distinct from parochial interests. (Myron Weiner, 1963)".

According to H. A. Gani, "national integration is a socio-psychological and educational process through which a feeling of unity, solidarity and cohesion develops in the hearts of the people and a sense of common citizenship or feeling of loyalty to the nation is fostered among them (Myron Weiner, 1963)."

One can say that national integration involves several dimensions such as political, economic, psychological, cultural, social, religious. National integration of India since independence has been facing several problems such as regional differences, religious differences, caste-based discrimination that continues to exist all these years among the people. To ultimately achieve the goal of national integration, it is essential to find a solution that would address all the problems and needs of the present circumstances.

Such a solution should have the following two characteristics:

- (1) the solution should be progressive, capable of changing with the changing needs of the society.
- (2) the solution should be accommodative, i.e., it should include and consider the interests of all the sections of the society so that none of them feels left out. There should be an effort of creating an environment of acceptance, rather than a mere show of tolerance, by the majority, towards the minority, on moral grounds.

Marriage as a tool for national integration

Several facets of individual human existence have to be brought together in order to unite them for the creation of a nation. As discussed earlier, several individual interests are involved even in the creation of a society. So, in order to use marriage as a tool for integration, it is essential to look as to how it is capable of bringing about social, economic, political and psychological integration of people.

Economic integration of masses by marriage –

Every individual has specific economic interests, which multiply with more responsibilities after marriage, e.g., better living standards, education of children. These individual interests lead to the growth of the economic interests of society and, ultimately, the nation.

Marriage can be advantageous in the economic integration of the nation. One of the primary challenges in national integration is regionalism among the people, where an individual's region takes the form of a strong identity within him, which in turn brings about a lot of conflicts. In the post-1991 liberalization of India, communal differences and disturbances have been on the rise. One of the reasons is that, as private sector investment increased in India, the domestic handloom and embroidery industry was struck. These small industries had primarily been controlled by Muslims, and they suffered a loss of income; and due to the lack of a proper education system in the society, they were rendered unemployable. If in this condition, the society encourages marriages between individuals belonging to different regions, then this could certainly be a solution.

A consequence of such marriages could be that they would sync with the growing culture of destination weddings, wherein the boy and the girl, belonging to different regions and cultures, would choose to marry at a common location. This could be a boom in the tourism industry as some states, due to their geographical location, would be having an advantage as organizers of the destination weddings. Furthermore, if this starts happening on a large scale, India could also become a "popular wedding avenue", attracting couples from other countries to conduct wedding ceremonies in India. Now, this would undoubtedly lead to an increase in the movement of economic resources into the areas which can become desirable destinations. When economic resources move from one state to another, this could be a positive sign for economic integration. There are already examples of foreigners attracted by the Indian culture and wedding rituals coming to India to get married in Indian style.

If such large-scale weddings are encouraged in India, then this opportunity could be used to promote the domestic handloom and embroidery industry by promoting domestically produced fabrics such as Kanjeevaram and Patola saris. This way, the government could promote the domestic industry and subsequently organize the workers involved into a cooperative society which would lead to a decrease in unemployment rates and enhance the sense of cooperation in the people of society.

Another step that the society can take could be the encouraging of the Indian culture of "Dana" or voluntary donation of money or resources to the poorer sections of the society. This culture had existed since ancient times in order to keep the movement of wealth going from one section of society to the other. In present times, it could be used in a marriage where the bride and the bridegroom could donate a certain amount of money to the poorer section of society, thereby maintaining the economic balance.

During personal analysis of the writer in Gujarani village of District Bhiwani in Haryana, it was found that around 10% of agricultural labourers were married in a different state. Some of them, who are married into families with no sons, was found to be helping their wives' families with their agricultural activities. So, if marriages are promoted between different regions, then this could also lead to boosting of the agricultural economy, which would be a significant step in the integration of nation economically.

Political integration of masses by marriage –

Political integration, in simple words, could be defined as the shifting of loyalties by the individuals from their religion, region to a larger purpose, which would lead to an integration of communities into a nation. A nation, in turn, being a representative unit of all those individuals and their interests, must have some underlying ideology that represents all the individuals and communities.

The American experience with integration has happened through, among other processes, marriage (exogamy) across ethnic (if not racial), sectarian, religious and regional lines. On the contrary, Pakistan has faced the problem of unintegrated provinces due to the large Muslim population (nearly 98%), which encourages endogamy.

The political integration in the Indian case requires a two-pronged approach, which involves the masses and the political leaders. If people promote marriage in different states, then there would be a migration

Of people from one state to the other. As a result, there would be an amalgamation of people coming from different regions, and this would help integrate the states as one state would have vested interests in the other due to the presence of their people in that state.

For example, a decision such as the closure of the border between Delhi and Haryana by the Delhi government does not seem practical unless dire circumstances require such a decision. The primary reason being a large chunk of Haryana's population works in Delhi, and a large chunk of Delhi's population

works in Gurgaon, which is the city of Haryana. So, such migration of people from one state to other can help resolve interstate disputes and promote better interstate relations.

Another underlying problem of India as a country has been the caste based and religion based differences. These have existed primarily due to the divisive politics of political leaders, where they used communal agendas to garner votes and support. So, in present times the political leaders could help in the process of political integration of India by showing a strong will. They can do so by promoting interfaith or inter-caste marriages of their children or family members. The notion may not be entirely new for Indian society because it has always existed. For example, the Mughal rulers used the policy of "matrimonial alliance" in order to integrate their empire into a unit, where the rulers themselves married girls from a different religion. Not just Mughals, but this policy existed even in the Marathas, Jat rulers, Sikh rulers. So, the moment's need is to re-formulate this policy in a modified format that is suitable for current circumstances.

The political leaders might be sceptical in adopting this stance, but if they do so, then there is an excellent chance that the institution of caste would get diluted, which would lead to the shift of election issues from communal agenda to a developmental agenda by attracting the youth. According to Theodore P. Wright Jr., "Shujra (family trees) of up to 100 leading families obtained during the author's stay in Karachi as a Fulbright grantee in 1983-84 confirm the impression gained previously from a study of the Tyabji clan of Sulaimani Bohras in Bombay and of a dozen leading North Indian Muslim clans, almost all of whom have members in Pakistan, that arranged matches outside the family, biradari and linguistic province have long been used by elite lineages to cement political alliances (Theodore P. Wright Jr., 1994)."

Social integration of masses by marriage –

Social integration of masses refers to integrating individuals in the society by eliminating social evils and creating an atmosphere of acceptance, where individuals discard communal identities. For this process to commence in Indian society, we must undertake two reforms, i.e., dilution of caste as an institution and empowerment of women. The issues of women and caste oppression are interrelated.

Dr BR Ambedkar had once remarked that the caste system is responsible for the suppression of women. In earlier times, the custom of "Swayamvara" was prevalent in the Indian Society, certain inferences of which can be drawn from ancient stories such as the Ramayana and the Mahabharata, which are reflections of the societies of the time at which they were written. Under this practice, the bride was empowered

to choose her groom. Such practices need promotion in present times when women are becoming more independent. This would lead to women's empowerment as decision-makers, and when they exercise their choice freely, they will choose grooms from other castes, which would dilute the institution of caste. Society can promote the idea of "Gandharva marriage", which was prevalent in the earlier times, a classic example being the love story of Shakuntala and Dushyant.

In recent times, however, there has been a changing trend in society. In 2014, the Satrolkhap, which has jurisdiction over 42 villages in the Hisar district of Haryana, allowed inter-caste marriages, which is a big move in eliminating the 600-year-old Norm, which had been extensively promoted by the khap panchayats, inviting much criticism. With the coming of corporate culture and industrialization, women are stepping out of the boundaries of their homes. So, there could be complex with the present needs of society to confine them. Hence, the institution of marriage could be used as a tool to empower women by allowing them to exercise their own choice in marriage and, at the same time, eliminate the evils of casteism.

In *Shakti Vahini v. Union of India*,¹ the Supreme Court opined, "...It should be borne in mind that when two adults agree unanimously as life partners, it reflects their choice recognized under Sections 19 and 21 of the Constitution. Such a right has the constitutional right, and once it is respected, that right is required to be protected" A few days later, the same bench, in the most specific terms, reiterated this right

In *Shafin Jahan v. Asokan K.M and others*², Article 16 of the Universal Declaration of Human Rights and the *Puttaswamy case*³. The majority held, "The right to marry a person of her choice is part of Article 21 of the Constitution of India. Conservative guarantees the right to life. This privilege may not be asserted in the case of prosecutions originating from non-political offences or conduct that are detrimental to the United Nations' goals and objectives. The fundamental freedoms enshrined in the Constitution as a fundamental right are the individual's ability to make important decisions in the pursuit of happiness."

So, the institution of marriage could be used to eliminate the social differences, caste-based and gender-based, in Indian society. Moreover, when these differences get eliminated, one might also see, in future, Inter-caste arranged marriages. Another effect may be the balancing of sex ratio between the states; for

¹ WRIT PETITION (CIVIL) NO. 231 OF 2010

² CRIMINAL APPEAL NO. 366 OF 2018 (Arising out of S.L.P. (Crl.) No. 5777 of 2017)

³ 2017 10 S.C.C. 1

example, the states such as Kerala with a surplus of a female child (positive sex ratio) could help create a balance with female deficit state (negative sex ratio) such as Haryana. This could help bring people together and integrate different communities and units in India socially.

Psychological integration of masses by marriage –

Psychological integration can be achieved only by directly affecting and changing the thought process of an individual or individuals at large. The other aspects of national integration could very much help change people's mindset, which could aid psychological integration. Marriage should be viewed as sharing culture and ideas, and the people at large must understand that diversity is the essence of a vibrant society. Inter-regional or inter-religion, or inter-caste marriages would bring with them a combination of people coming from different cultures.

The main problem is that people from one culture view another culture with suspicion and doubt. However, the case of marriage takes the place of a boy with a girl coming from different culture into the household. The family members must allow her to practice her religion and culture. Instead of viewing this with suspicion, they may view this as an opportunity for personal growth where they may learn about practices of a different culture, which may lead to enrichment of their being. It is also very essential that the individuals marrying use the process of mediation with their families and understand their reasons as the parents

Often tend to have some social pressures regarding the marriage of their children. The goal should not be to create an environment of tolerance but to create an environment of acceptance.

A similar social message was given by a Bollywood movie named "two states", where the families of the boy and the girl were utterly opposed to their wedding as they came from different regions and cultures but eventually, both of them worked together and changed the mindset of their families who at last approved for their marriage. Such movies portray the changing mindset of society. Examples may be cited from medieval Indian history. Akbar, having married Rajput princesses, instead of imposing his religion and cultural practices on his wives, allowed them to practice their religion and even made temples to allow the women to worship their deities, which shows a shift in psychology.

Another exciting fact surfaced during the writer's survey conducted in village Gujrani of District Bhiwani in Haryana. Out of around 3500 people (62% married) surveyed, there were only 5 cases of marriage by

choice; the rest all were cases of arranged marriages. Even in the cases of love marriage, none of them was found to be Inter-caste. There was only one case of inter-religion marriage between a Hindu boy and a Christian girl, which is entirely unacceptable for the villagers and his family members, as a result of which the villagers have wholly sidelined the person in the village community.

However, there were around 50 cases where a woman was from outside Haryana, and some of them were interviewed by the writer. He found that none of them faced any problem in mingling with the village folks. Though there had been some language barriers initially, they were still completely acceptable by the village society. This shows that there are lesser regional disparities as compared to caste and religion-based differences.

Law, marriage and national integration

The existence of different personal laws for Hindus and Muslims has led to the creation of differences in society because of the existence of different sets of laws cabinets different sections of the society into different classifications. These different laws have existed since the British era, as Britishers wanted to create communal differences between the Indian masses.

In order to achieve their purpose, the Britishers followed the policy of divide and rule and used a different set of personal laws to create differences between Hindus and Muslims. In the present era, when India has its Constitution, it should try to propagate the values of secularism and fraternity, which have been enshrined in its preamble itself. The Supreme Court has held the "right to choose one's life partner" to be a right under the ambit of "right to life and personal liberty" enshrined in article 21 of the Constitution in the judgement of "Shakti Vahini V. Union of India"⁴. In "Noori Begum v. Senior Superintending of Police Udham Singh Nagar",⁵ Uttarakhand High Court observed, "To Choose their life partners is a fundamental right of an adult" and directed the police to protect an inter-faith couple facing family opposition to their union. These decisions show the progressive approach of the judiciary and the gradual change that society is undergoing concerning the institution of marriage.

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⁴WRIT PETITION (CIVIL) NO. 231 OF 2010

⁵Writ Petition (CRL) No. 955 of 2021

Article 44 of the Indian Constitution states that "the State shall endeavour to secure for the citizens a uniform civil code (UCC) throughout the territory of India." The institution of marriage can prove to be instrumental in the integration of India if the legal system can achieve the idea of a uniform civil code enshrined in article 44 of the Constitution, as all other institutions of society such as succession, adoption emanate from the institution of marriage itself. In order to achieve the uniform civil code, a significant step had been the non-recognition of gotra and caste under the Hindu marriage act, 1955.

After the Centre revoked Article 370, all of the family law Acts extended to the state of Jammu and Kashmir. Although this is an excellent step towards the implementation of UCC throughout India, still, a long distance is to be covered. If a uniform civil code is enacted, all personal laws will cease to exist. It will do away with gender biases in Muslim, Hindu and Christian law that women have often challenged on the ground

that they are violative of the right to equality. So it can prove to be a step towards gender justice, which can be instrumental in integration, as explained earlier.

However, some learnings can be drawn from the Goa civil code, and a similar model could be applied to India to integrate the nation. Regarding the institution of marriage, the registration of every marriage should be made mandatory by every state. The particular marriage act, 1954, should be strengthened by the legislative process, and it could also be used to govern the marital issues of the LGBT community, which is an emerging issue in the present era's evolving society. Also, in the said act, registration of marriage under sections 15 and 16 is very lengthy and takes much time. The legislature should thus provide for a shorter period and a speedier process of registration.

The issues related to inter-caste marriages often have families of both parties involved. In order to have a progressive stance towards the problem, it is also essential that the mediation mechanism be strengthened because such issues also have an emotional angle that needs to be addressed.

Findings

Though the whole discussion lays down prospects for an upcoming society, this comes with several challenges too. During the writer's survey, it was found that in the village, there had been only five cases of widow remarriage, out of which four had been primarily to gain economic benefits from the widow's family. Furthermore, the caste-based and religion-based differences are still dominant on a large scale in their society.

The writer, in his confidential survey, also found out that the practice of dowry had been prevalent even in the cases of love marriage, where individuals had married by choice. The Panchayat has often tried to eliminate this practice from the village society but has been largely unsuccessful due to the lack of consensus among the village residents. Such practices often promote economic disparities due to the movement of resources in a large amount, from one section of society to the other, which might hamper the nation's progress.

Any system of cooperation exists when the interests of individuals are vested. Similar is the case with the institution of marriage, where individuals come together in order to satisfy their own needs physical, emotional, biological, social. Marriage has always been considered as an opportunity for the spiritual growth

Of a human being, and that is probably why in every ancient society, whatever be the religion, the institution of marriage has always existed, playing a dominant role in society and its people's lives.

With the coming of western influence in the Indian society, the country has seen a rise in the cases of divorce, which can prove to be detrimental for Indian society in the present stage, when divisions are on a rise because in present conditions when society is getting divided, a division in its fundamental blocks would lead the society to fall apart.

Conclusion

An issue often associated with the case of "love marriages" is that girls are generally in fear of being disowned by their families under societal pressure. This issue can be resolved by social reforms for the dilution of the institution of caste and by taking steps for the economic empowerment of women. Mediation, as discussed earlier, could also be a solution. In order to achieve the goals as outlined in the paper, it is necessary to bring cooperation from different fields of the society such as authorities, education. If we are, in future, able to reach a consensus and realize this goal in the form of a uniform civil code, then we would emerge as a strong nation. The result of this achievement would be that India would set an example for the whole world, and the Indian legal system could provide a framework for cooperation among the different sections and factions that exist in different parts of the world.

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