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RESEARCH ARTICLE

FREEDOM TO CHOOSE A MARTIAL PARTNER: STILL A FAR-FETCHED IDEA?Kritika[^]

ABSTRACT

A woman has the right to control her body and mind but choosing the partner of choice is denied or systematically discouraged in the shadow of approval of the community and families. In South Asian countries, there hardly had been any social practice of seeking the consent of women before marriage. However, with the increased educational level, the consent of women is promoted but still used as a mere formality. The Constitution of India provides special provisions for protecting women's freedom which has been respected by the Supreme Court and High Courts through multiple judgments and has tried to transform the patriarchal traditions of the society. However, this transformative approach adopted by courts has not been able to reach the ground realities and the beliefs of communities. The legal support in favor of this right is often molded to restrict women's access to it.

In this paper, the researcher has looked into various judgments to figure out the position and role of judicial courts in upholding women's right of choosing their partner and their self-autonomy. The researcher has outlined the socio-cultural attributes such as caste and religion in affecting such rights and has studied the judicial verdicts on inter-religion/inter-caste marriages and their implication and has examined the legality and desirability of the recent Uttar Pradesh Prohibition of Unlawful Religious Conversion Ordinance, 2020 to get a complete picture.

Keywords: Right of choice, Women's Rights, Love-Jihad, Article 21, Right to marry, Anti-conversion Laws

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INTRODUCTION

“Liberty, taking the word in its concrete sense consists in the ability to choose”

- Simone Weil

Vikram Seth’s novel titled “A Suitable Boy” starts with the statement, “You too will marry a boy I choose.”¹ The above statement can aptly describe the contemporary status of women in our society. Their right to make choices regarding their sexual or marital relationships is systematically discouraged or simply denied in approval of the community and families perceived right to control her body and mind. So, if a woman steps outside of existing social norms or rules that are unacceptable or inappropriate in her family’s eye, she would have disdained the ‘honor’ and the respect of the family. For instance, if she indulges in a premarital relationship, has an inter-religious or inter-caste marriage, or leaves her husband among many other socially unimaginable things.²

In a pluralistic society like India, social justice is human beings having a diversity of views, cultures, and goals in life which have to cohabit with each other. An early libertarian like Immanuel Kant sees or rather confines the role of the State to the protection of liberty only and lays down those human beings should be left to pursue their life goals as long as it does not harm the liberty of another.³ Likewise, J.S. Mill emphasizes limiting freedom only when it causes harm to others⁴, implying that he agrees with the harm principle of liberty limiting principles⁵ and disregards the remaining three principles (legal moralism, legal paternalism, and offence principle) which a State uses to justify imposing restrictions on individual liberty. Liberals’ view is that unless a rational individual is not causing any harm to others, he is free to choose his course of actions, even if that results in the society or the State thinking otherwise.⁶

The “right to choose a relationship” for a woman, denotes her choice of whether she wants to get married, how and when she wants to get married, whom she wants to get married to, or whether she wishes to continue or exit an existing marital relationship. All these choices cannot be restricted in any arbitrary way by the family, community, or even the State.⁷ Through several verdicts passed by the Supreme Court and different High Courts, the author can safely rely on the premise that it is now considered being a fundamental part of the right to life.⁸ However,

¹ VIKRAM SETH, *A SUITABLE BOY: A NOVEL* (Harperperennial 1993).

² Dr. Dharmendra Kumar Singh, *Inter-Caste or Inter-Religious Marriages and Honour Related Violence in India*, 6 INTERNATIONAL JOURNAL OF HUMANITIES AND SOCIAL SCIENCE INVENTION, 7 (2017).

³ SUSAN MELD SHELL, *KANT AND THE LIMITS OF AUTONOMY* (Harvard University Press 2009).

⁴ Bruce Baum, *J. S. Mill on Freedom and Power*, No. 2, POLITY 31, 187-216 (1998).

⁵ Joel Feinberg, an American political and legal philosopher, categorized liberty limiting principles as harm principle, offence principle, legal moralism and legal paternalism.

⁶ David Brink, *Mill’s Moral and Political Philosophy*, The Stanford Encyclopedia of Philosophy (2018), <https://plato.stanford.edu/archives/win2018/entries/mill-moral-political/>

⁷ Shakti Vahini v. U.O.I., AIR 2018 SC 1601.

⁸ Shafin Jahan v. Ashokan; Shakti Vahini v UOI; Lata Singh v State of U.P.; Salamat Ansari v State of U.P.

the legal support in favor of this right is often molded to restrict women's access to it as will be discussed through acts and ordinances passed by different states recently. In matters relating to oneself, the autonomy of each individual to make willing choices is now fundamental to the jurisprudence of liberty and individuality. With these precursors in mind, the researcher will study the women's right to marry a partner of her choice.

HISTORICAL BACKGROUND

The position of women in India has never been stagnant. It has always been rather dynamic but has undoubtedly deteriorated. This can be analyzed through the historical perspective and the principle of patriarchy. In the Vedic period, women enjoyed various privileges that men did,⁹ such as rights to perform ceremonies and other rituals, the right to choose their spouse through Swayamvara,¹⁰ widow remarriage, the right to education and many more.¹¹ According to Rigveda, the wife and husband are equal in every way since they are equal halves of the same substance. In other words, Hindus believe that a man and a woman are two sides of the same person. According to the scriptures, Lord Shiva's body was consisting of two halves, one male and the other female, also known as 'Ardhanarishwar'.¹² Over several characteristic advancements, both men and women achieved the status of divinities which terrified the divine beings, and they went to Brahma for help. He divided women into two groups i.e., chaste, and unchaste. Under these, the women who were constructed out of fantasy became sinful while the others stayed pious and chaste. This notion of chastity led to the subjugation of women and, subsequently, the sexuality of women was in the control of men which ultimately created a dominant patriarchal structure.¹³

The Manusmriti also determines the status of women, such as under verse 3.12, which mentions that Brahman men can marry Brahman, Kshatriya, Vaish, and even Shudra women.¹⁴ Verse 3.17 mentions that a Brahman, who marries a Shudra woman, degrades himself and his entire family, hence becoming morally degenerate which would result him losing his Brahmanical status.¹⁵ The Manusmriti may be one of the strongest advocates for the subordination of women in the post-Vedic era, as it privileges Brahmin men over others. Since the imposition of Brahmanical austerities on the entire society, the caste system's and joint family system's stringent constraints, the dearth of educational opportunities for women, weakened the social, cultural, and religious

⁹ R. C. MISHRA, *WOMEN IN INDIA: TOWARDS GENDER EQUALITY* (Authorspace 2006).

¹⁰ Swayamvara was a customary practice in ancient India where a girl of marriageable age chooses a husband from a group of suitors. Here, svayam means 'self' and vara means 'groom' in Sanskrit.

¹¹ Atasi Mahapatra, *Gender equality and ancient Indian culture: A study*, 7 INTERNATIONAL JOURNAL OF HUMANITIES AND SOCIAL SCIENCE INVENTION, 4 (2018).

¹² Id.

¹³ DR. KAVITA A. SHARMA, *MAHABHARTA THROUGH THE EYES OF WOMEN*, REFERENCE FROM THE MAHABHARATA OF KRISHNA-DWAIPAYANA VYASA, (5th edition 1991).

¹⁴ GEORGE BUHLER, *SACRED BOOKS OF THE EAST LAWS OF MANU*, 25 (1886).

¹⁵ GANGANATHA JHA, *MANUSMRITI WITH THE COMMENTARY OF MEDHATITHI* (Wisdom Library 2 1920).

foundations of the country. Thus, the secondary status of women shows its patriarchal foundation.¹⁶

Women have long been regarded as conquests. Consider the marriage of Lord Ram and Sita in the Ramayana as well, it was narrated that Sita's father set up a challenge for the princes from all kingdoms, seeking the 'chosen one' who could break the divine bow (Dhanush)¹⁷. That prince would be Sita's rightful husband. Lord Rama alone did so, giving Sita no choice but to be married to him.¹⁸ One would be awarded as a trophy to the person who puts on the best show of strength despite liking to be married to that person or not.

Similarly, in Islam, it is considered *haram* (forbidden) for the *wali* (parent) to compel a woman to marry someone she did not wish to or did not like.¹⁹ This is based on what the Prophet said: "The virgin should not be married until she has given her consent".²⁰ Although Islam has given liberty to both men and women to choose their partners, some privileges are reserved only for men, such as the right to marry a non-Muslim.²¹

All these aspects of Hindu mythology or Islamic culture are not substantive, but an ongoing process that affects the status of women even today. It can be observed that the conditioning and societal norms built over the years still play a pivotal role in constraining women's choice of marriage, but not that much of a man.

SOCIO-CULTURAL ASPECTS

Choosing a spouse is one of the most significant events in one's life as it links directly to the spiritual, moral, and social union of the marriage and the rights and duties that are tied with it. Different religious and cultural norms govern the selection of a marital partner. According to a United Nations report (1988), the process of choosing a spouse is quite complex in traditional societies.²² That is because it is conditioned by several cultural features, norms, and values which are to govern every society. Mostly the decision of marriage is taken by the father or any other male family member. Often, the consent of the woman is obtained, but it is mere verbal consent, reflecting that the practice is just a formality with no factual basis. But most marriages are primarily a result of heavy social pressures and manipulations. This imposition is especially high

¹⁶ Supra note 9.

¹⁷ The story of lord ram's marriage part 1, available at https://tulsidas-ram-books.weebly.com/uploads/2/1/7/4/21746472/42_a__the_story_of_lord_rams_marriage-part_1.pdf

¹⁸ Sohini Chatterjee, YOUTH KI AWAZ, <https://www.youthkiawaaz.com/2014/09/just-loyal-wife-sita-remembered-woman-stood/>

¹⁹ "When they reach their term, place not difficulties in the way of their marrying the husband of their choice if it is agreed between them in kindness" (Qur'an, 2:232).

²⁰ Sahih al-Bukhari 6968; Muslim, 1419.

²¹ Nayer Honarvar, *Behind the Veil: Women's Rights in Islamic Societies*, 6 JOURNAL OF LAW AND RELIGION 355, 32 (1988), www.jstor.org/stable/1051156.

²² J. SHEELA, WOMEN'S MARRIAGE IN INDIA: CULTURAL PRACTICES, AGE AND MATE SELECTION IN DELHI, INDIA (Dominant Publishers & Distributors 2003).

on women as they are expected to raise children and be the face of the family in social situations. If she refuses any of the demands of her family, she is looked down upon. There is constant “psychological manipulation” compelling her to surrender.

In South Asian societies, arranged marriages are a norm. The family’s elders decide the fate of a young couple as they deem fit. It can be said that there is hardly any social practice of seeking consent from women before their marriage.²³

CONSTITUTION AND RIGHT OF CHOICE

Individual autonomy for one’s choices in life is a right that needs to be protected. According to Libertarians, individual autonomy is the most important value which cannot be infringed by the State.²⁴ Such autonomy has manifold dimensions and is protected by our Constitution as well. The right to choose a life partner is a vital aspect of this autonomy and forms part of the right to life under Article 21.²⁵

In *Arumugam Servai v. State of Tamil Nadu*²⁶, the Apex Court strongly condemned the practice of killing young couples who married against the wishes of their family or community. The Court strongly deprecated Khap Panchayat’s issuance of *fatwas* or community *bahiskar* against young couples under this category. In another case of *Lata Singh v. State of Uttar Pradesh*²⁷, Justice Katju observed that in a democratic country, an adult is free to marry whomever he or she wishes. Parents or communities who do not approve of such relationships can only cut off social relations but cannot instigate acts of violence or harass individuals entering inter-religion or inter-caste marriages. The Panchayat-dars, the community, or the parents are not permitted to interfere with the life and liberty of individuals who marry as per rules and regulations set up by the law. This includes not creating a hostile atmosphere for such couples.

Recently, in *Shakti Vahini v. UOI*²⁸, Justice Dipak Mishra begins his judgment by quoting the French philosopher Simone Weil²⁹, to emphasize the importance of liberty. The Court observed that consent of a community or family does not hold much significance if two adults decide to enter wedlock. Justice Mishra further explained that once two individuals marry out of the will, their course of a marriage is to be determined by their choices and they have every right to choose the path they want. Therefore, any infringement of this right is considered a breach of their constitutional right under article 21.

²³ A. Saktanber, *Living Islam: Women, Religion and the Politicization of Culture in Turkey*, LONDON I.B TAURIS (2002).

²⁴ Bas Van der Vossen, *Libertarianism*, The Stanford Encyclopedia of Philosophy (2019 Edition), <https://plato.stanford.edu/archives/spr2019/entries/libertarianism/>.

²⁵ *Shafin Jahan v Asokan* (2018) SCC OnLine SC343.

²⁶ (2011) 6 SCC 405.

²⁷ AIR 2006, 5 SCC 475.

²⁸ AIR 2018 SC 1601.

²⁹ Liberty, taking the word in its concrete sense consists in the ability to choose.

In *Shafin Jahan v. Asokan*³⁰, famously known as the Hadiya case, the Apex Court has condemned the practice of branding women as “weak and vulnerable, capable of being exploited in different ways” when they go against society’s expectations of who their life partners should be. The Court also took cognizance of the Kerala High Court’s verdict that the court’s interference in deciding a suitable partner for said Hadiya, is “entering prohibited terrain.” The court observed that one’s choices must be respected because it belongs to them. Society’s approval for those intimate decisions should not be the determining factor. The Constitution protects personal freedom from disapproval. Diversity and plurality of our culture are its strength, as it holds that an individual’s decision to marry, whom to marry, when to marry, etc. are outside the control of the State.

Recently, Allahabad High Court, in a much controversial verdict,³¹ declared two judgments passed by the single judge bench as “bad in law”. The two single bench precedents held that conversion of religion, merely for the purpose of marriage is not valid.³² However, the Division Bench overruled this and held that the “Right to live with the person of one’s choice irrespective of religion is intrinsic to Article 21.”³³ The court ruled that the previous single bench decision failed to recognize “the issue of life and liberty of adults in choosing their partners or freedom of choice as to whom one wants to live with.”³⁴ The Court further reiterated *Lata Singh* judgment that neither the State nor family can object to the relationship of adult individuals emerging out of their free will.³⁵

It can be concluded through these cases that when two adult individuals choose each other as life partners, they express their choice which is protected under the Constitution, i.e., the right to choose a marital spouse has the sanction of constitutional law.

UTTAR PRADESH PROHIBITION OF UNLAWFUL CONVERSION OF RELIGION ORDINANCE, 2020³⁶

The Ordinance draws two of the most intimate parts of a person’s life together: love and faith. It brings both under the purview of a state that can take full charge of whom to love and whom to marry. Superficially, it appears to be similar to the other anti-conversion acts passed by other states such as Odisha’s Freedom of Religion Law passed in 1967, Madhya Pradesh (1968),

³⁰ (2018) SCC OnLine SC343.

³¹ Priyanshi @ Km. Shamren and ors. v. State of U.P., decided on 23.09.2020.

³² Smt. Noor Jahan Begum @ Anjali Mishra and Another vs. State of U.P. and others, decided on 16.12.2014 and Priyanshi @ Km. Shamren and others v. State of U.P. and Another, decided on 23.09.2020.

³³ Salamat Ansari & 3 Others v State of U.P. & 3 Others, CrI. Mis. Writ Petition No- 11367 of 2020.

³⁴ Para 15, Salamat Ansari & 3 Others v State of U.P. & 3 Others, CrI. Mis. Writ Petition No- 11367 of 2020.

³⁵ Para 17, Lata Singh v. State of U.P., AIR 2006, 5 SCC 475; para 6, Salamat Ansari v State of U.P.; The Leaflet, 23rd November 2020, <https://www.theleaflet.in/single-judge-decision-against-conversion-just-for-marriage-bad-law-says-allahabad-hc-state-interference-in-personal-relationships-an-encroachment-on-right-to-freedom-of-choice-of-two-adults/#>

³⁶ Uttar Pradesh Ordinance No. 21 of 2020.

Arunachal Pradesh (1978), Tamil Nadu (2002), Gujarat (2003), Jharkhand (2017), Uttarakhand (2018), but upon closer consideration, the Uttar Pradesh ordinance is much more virulent.³⁷

1. **Deception and consent obtained by fraud debate**

According to the Uttar Pradesh state government, cases of the alleged "love jihad" slogan have increased exponentially in several regions over the last few years. Although 'love jihad' has no definition, the Chief Minister has defined it as jihadis tampering with the honor of women by hiding their actual names and identities. The State claims that women are influenced by men to convert their religion and get married.³⁸

Recently in Kanpur, a group of parents from a specific locality had complained that their daughters were allegedly being trapped by Muslim men.³⁹ These allegations were looked into by a Special Investigation Team (SIT) and shortly before passing this Ordinance, SIT submitted its report ruling out any organized conspiracy behind inter-religion marriages. Not just that, even the National Investigation Agency that investigated the Hadiya case, also held the same.⁴⁰ The Home Affairs Ministry of the Central Government also advocated to Parliament that there is no such concept as "love jihad" which had been investigated or reported by any of its central agencies.⁴¹ Hence, it raises a substantial question as to what was the compelling ratio that forced the State to use emergency executive power to enact such a law.

2. **Law of un-freedom**

Section 6⁴² states that the marriage will be deemed null and void if it is solemnized with the sole intent of unlawful conversion or any unlawful conversion takes place for marriage unless the district magistrate gives prior sanction for the same. Sections 8 and 9 detail the pre and post-conversion procedures to be followed. It requires a 60-day notice to the District Magistrate prior to the conversion.⁴³ Not only the person who wants to convert but also the person who presides over such conversion has to apply to the district magistrate. And then the district magistrate, through the police, will investigate the "real intention" or "purpose" of such religious

³⁷ Mahir Desai, *Love Jihad: The Ordinance and Constitutionality*,

<https://cjp.org.in/love-jihad-the-ordinance-and-constitutionality/>

³⁸ Siddharth Vardarajan, *Raising 'Love Jihad' Bogey, Yogi Threatens Death for Men who 'Hide Identity, Disrespect Sisters'*, *The Wire* (Nov. 1, 2020), <https://thewire.in/communalism/raising-love-jihad-bogey-yogi-threatens-death-for-men-who-hide-identity-disrespect-sisters>.

³⁹ Sreenivisan Jain and Mariyum Alavi, *With No Credible Evidence, "Love Jihad" Cases In Kanpur Crumble*, *The NDTV*, (November 06, 2020), <https://www.ndtv.com/india-news/with-no-credible-evidence-love-jihad-cases-in-kanpur-crumble-2321766>.

⁴⁰ *The Wire* (2018), NIA Finds No Evidence of 'Love Jihad' After Kerala Probe, October 18, 2018, <https://thewire.in/politics/nia-love-jihad-kerala-hadiya>.

⁴¹ DNA India, *'Love Jihad' not defined in laws, no such case reported by central agencies: Govt tells Lok Sabha*, Feb 5, 2020, <https://www.dnaindia.com/india/report-love-jihad-not-defined-in-laws-no-such-case-reported-by-central-agencies-govt-tells-lok-sabha-2812257>

⁴² Uttar Pradesh Prohibition of Unlawful Conversion of Religion Ordinance, 2020.

⁴³ *Ibid.*

conversion. So, if the magistrate declares it positive, then criminal action can be initiated under Section 11.⁴⁴ Before approving the conversion, the authority will notify the public and seek objections on the same. All of this jeopardises a person's liberty and individual autonomy.

The person who caused the conversion and not the one who was converted bears the burden of proof under Section 12.⁴⁵ Therefore, it can be said that a woman's consent to such conversion is not relevant or sufficient, since her partner will have to prove the real intention of that conversion. This undermines the autonomy of individuals who had been converted by disregarding their liberty to choose their active religion and their life partner.

The Supreme Court in *KS Puttaswamy v Union of India*⁴⁶ upheld the right to privacy as a fundamental right and defined privacy as an important component of dignity. The choice of a marital partner is a personal decision and hence part of privacy. The court observed, "*Privacy comprises at its core the preservation of personal intimacies, the sanctity of family life, marriage, procreation, the home, and sexual orientation and ...personal choices governing a way of life are intrinsic to privacy.*" The court also stated, article 19 read with article 21 empowers an individual "*to have a choice of preferences on various facets of life, including what and how one will eat, the faith one will espouse...*" Analysed in the backdrop of right to privacy, the ordinance fails to address the requirement for declaring such marriages null and void. As discussed above through section 8 and 9, it forces marital partners to give undertakings on their personal choice of whom to marry. This unreasonable and unjustified interference of the state infringes the intended couple's right to privacy. In fact, it is more worrisome that the states of Haryana, Madhya Pradesh, Karnataka, and Assam have either made or are on the verge of making laws on similar lines. Uttarakhand already has such legislation.⁴⁷

3. The overreach of criminal law

The argument that marriage for the sole aim of conversion or conversion for the sole purpose of marriage is against morality is somewhat incorrect. As criminalisation solely on the ground that it is morally not acceptable fails the test of proportionality. J. S. Mill, *On Liberty*,⁴⁸ contends that not all non-disclosures cause genuine harm. Rather, in a majority of the instances, it involves only moral wrong which is objectionable merely on the grounds of political morality. Similarly, Joel Feinberg also insists that law cannot prohibit every act which causes harm. The state can only denounce actions that result in substantial harm.⁴⁹

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ 2019 10 SCC 1.

⁴⁷ The Uttarakhand Freedom of Religion Act, 2018.

⁴⁸ J.S. MILL, ON LIBERTY, London: Longman, 1998.

⁴⁹ JOEL FEINBERG, HARM TO OTHERS: THE MORAL LIMITS OF THE CRIMINAL LAW (Oxford University Press, 12)

This ordinance views women as ‘properties’ that need protection from men of another community. In the *Joseph Shine case*,⁵⁰ Justice Indu Malhotra put a caveat on limiting the individual liberty by the State through penal provisions only when society is directly harmed by that act. She observed, “*The element of public censure, visiting the delinquent with penal consequences, and overriding individual rights, would be justified only when the society is directly impacted by such conduct. In fact, a much stronger justification is required where an offence is punishable with imprisonment.*”⁵¹ The State should follow a minimalist approach in restricting the liberty of persons and respecting the autonomy of individuals regarding their personal preferences. The shift in the burden of proof as opposed to the general principle in criminal law is also an overreach of this ordinance. Analysed in this background, this hastily made Ordinance does not justify its enactment and therefore fails the proportionality test.

Hence, the above discussed provisions which give the state excessive policing powers are against the principles of individual autonomy, human dignity, and privacy which are vital values guaranteed by our Constitution. In fact, there is a historical precedent that can be placed parallel to this scenario, to assess the trajectory of such changes. That is the Nuremberg Laws that Germany had adopted in 1935 for protecting German Blood which banned marriage between Jews and so-called pure-blooded Germans.⁵² In the case of Indian marriages, the distinction is not racial but a religious one. However, the direction is similar.

CONCLUSION AND SUGGESTIONS

Public morality has its importance, but it is not above constitutional morality and liberty. It is now well settled that the right to marry a person of choice is a fundamental right and the freedom relating to such right cannot be encroached, regardless of caste or religion.⁵³

A woman has the intellect, the power, and the maturity to understand what is good for her. She can decide any matter of her settlement including when who, and whether to enter a marital relationship. By putting restrictions on women in the name of social morality, the State exceeds its functioning and violates the principle of legal paternalism. For instance, in regulating seat belt laws, there is nothing that restricts a person to use any particular seat belt based on the make and model of the car.⁵⁴ Similarly, one cannot be pressured to marry a partner of any faith or caste. Therefore, the autonomy of women should be taken seriously in patriarchal societies such as India. As Prof. Sandra Fredman said about educating people so that “marriage should not be extinguishing sexual autonomy of women”⁵⁵

⁵⁰ 2018 SCC OnLine SC 1676.

⁵¹ Ibid.

⁵² Vakasha Sachdev, ‘Love Jihad’: A Homage to Nuremberg & Anti-Miscegenation Laws, THE QUINT (Nov 22, 2020), <https://www.thequint.com/news/law/love-jihad-laws-india-nuremberg-law-anti-miscegenation-us-similarities>.

⁵³ Shakti Vahini v U.O.I., AIR 2018 SC 1601.

⁵⁴ Jessica Flanigan, *Seat Belt Mandates and Paternalism*, 14 JOURNAL OF MORAL PHILOSOPHY, 23 (2017).

⁵⁵ LEELA SETH, TALKING OF JUSTICE: PEOPLE’S RIGHTS IN MODERN INDIA, (Aleph Book Company 2014).

The Constitution of India provides special provisions for protecting women such as article 15, article 42, etc. Besides this, the Supreme Court has pronounced multiple judgments as discussed above in which ‘respect’ has been interpreted in certain provisions of the Constitution to transform the patriarchal traditions and norms of the society. However, this transformative approach adopted by courts has not been able to reach the ground realities and the beliefs of communities.

Despite acknowledgments of personal freedom and autonomy, there is still a long way to go before self-autonomy can truly make significant headway. There are, however, few suggestions which the country can look forward to, for improving laws and the status of women as, a holistic approach towards law, society and culture is the need of the hour.

In times like these, with ever-growing polarization in society, the need for more inter-faith marriages is immense, as it plays a key role in the socio-cultural assimilation of the community and promotes better integration in society. So, inter-faith marriages should not be discouraged by the State as well as society.

- 1) The Special Marriages Act, 1954 should be made simpler and provisions like issuing public notice one month before registration, including mentioning the address of a couple, should be done away with avoiding unnecessary external pressure which is directed towards inter-religious marriages.
- 2) Symposium debates, essay competitions, and nukad nataks should be held to inform the public about women’s rights. Movies and films are effective means of advocating this concept.
- 3) To keep a check on unwarranted interventions in legitimate inter-caste, inter-religious or sagotra marriages⁵⁶, it is important to organize counselling programs for the village communities. This includes educating the people that sagotra marriages are not opposed to law, religion, or science.
- 4) Gender-sensitive education must form part of schools and colleges curriculum.
- 5) Sensitization of police, prosecution, judges, and other law enforcement agencies is essential where they find complaints filed by families, against women who want to marry persons of other castes or religions. The judiciary should avoid making comments such as women are weak and or that they need protection.

⁵⁶ “Sagotra marriage” means marriage within the gotra. Here, the word 'sagotra' is formed by the words 'sa' and 'gotra', in which 'sa' means the same or similar and ‘gotra’ refers to people who are siblings and marrying someone from the same gotra is frowned upon in Indian society.

6) In government institutions, attitudinal changes should be made to address the issue of gender biases to strengthen societal norms and to meet the constitutional promise of equality.

CONFLICT OF INTEREST

The authors declare that the research work does not have any conflict of interest and the was conducted in the absence of any commercial or financial relationships that could be construed as a potential conflict of interest.