



COI QUERY

Country of Origin	India
Question(s)	<ol style="list-style-type: none">1. Information on interfaith and inter-caste marriages in India, in particular in the region of Kerala and the Trivandrum area2. What is the treatment of people who convert to a different religion in order to get married in India, in particular in the region of Kerala?3. Information on religious minorities groups belonging to the Ezhava Community who are in interfaith and/or inter-caste marriages4. In case of religious intolerance towards people who are in interfaith and/or inter-caste marriages in India, is there a different degree of discrimination depending on the different level of income?5. Information on the treatment of persons in interfaith marriages during the period 2014-2018
Date of completion	11 May 2018
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The target audience is caseworkers, COI researchers, policy makers, and decision making authorities. The answer was finalised on the 11 May 2018. Any event taking place after this date is not included in this answer.



COI QUERY RESPONSE

1. Information on interfaith and inter-caste marriages in India, in particular in the region of Kerala and the Trivandrum area¹

1.1 Legal framework and treatment of persons in interfaith and inter-caste marriage in India

The Annual Report 2017 by the US Commission on International Religious Freedom (USCIRF) states that India's constitution has provisions that guarantee the legal equality of its citizens - regardless of their religion and creed - and prohibit religion-based discrimination².

However, the country has experienced periodic outbreaks of large-scale communal violence against religious minorities, and the Indian government has struggled to protect minority communities from abuses, and provide justice when crimes occur³.

According to the US Department of State 2016 Report on Human Rights Practices, the constitution also prohibits caste discrimination. The registration of castes and tribes continued for the purpose of affirmative action programs, as the government implemented programs to empower members of the low castes. However, discrimination based on caste has remained prevalent particularly in rural areas, the report notes⁴.

India's marriage laws are contained in separate Acts that pertain to different religions: there is the Hindu Marriage Act 1955, Indian Christian Marriage Act 1872 or Anand Marriage Act 1909, for example, depending on the religion of the parties involved. The Anand Marriage Act 1909 pertains to Sikh marriage ceremonies. The above Acts govern marriages between individuals of the same faith. Interfaith and inter-caste marriages are governed by the Special Marriage Act 1954 (SMA)⁵.

The Special Marriage Act grants interreligious couples the right to marry without a religious conversion and applies to all of India, except Jammu and Kashmir states. However, the Act does allow for the appointment of Marriage Officers within Jammu and Kashmir to register the marriages of Indian citizens living in that state.⁶

In an article published in the 'Society and Culture in South Asia' journal in 2017, researchers Shweta Verma and Neelam Sukhrmani note that, although inter-faith and inter-caste marriage in India is legal, couples normally face societal norms against their relationships that are sometimes labelled as "immoral, unholy or acts based on lust". Response to such relationships may also go to the extent of

¹ Thiruvananthapuram, also known as Trivandrum, is the capital and the largest city of the Indian state of Kerala. More information can be found on *History - The Official Website of the District Court of India* ([url](#))

² USCIRF, *Annual Report 2017 - Tier 2 countries - India*, 26 April 2017, p. 150 ([url](#))

³ USCIRF, *Annual Report 2017 - Tier 2 countries - India*, 26 April 2017, p. 149 ([url](#))

⁴ US DoS, *2016 Country Report on Human Rights Practices 2016 - India*, 3 March 2017, p. 51 ([url](#))

⁵ Refugee Review Tribunal (Australia), *Country Advice: India*, 4 February 2011 ([url](#))

⁶ Government of Kerala, Registration Department, *The Special Marriage Act 1954* ([url](#))



killings (generally termed as ‘honour killings’) and excommunication of individuals who attempt to cross their community’s boundaries⁷.

The quarterly magazine *On Religion*, in an article published in 2017, reports the story of a Muslim farmer who was lynched in a small village in the state of Uttar Pradesh for helping a young Muslim neighbour flee with a local Hindu girl. Later, four men belonging to the extremist right-wing youth group Hindu Yuva Vahini (Hindu Youth Force) were arrested for the murder. According to the same article, this is just one of the many cases of violent attacks in India related to inter-faith marriages. “Despite India’s proud self-presentation as the land of ‘unity in diversity’,” - the article notes – “interfaith marriage is still incredibly rare⁸.”

1.2. Treatment of people in inter-caste and interfaith marriages in the state of Kerala (and the Trivandrum area)

A case study conducted on women in interreligious marriages in the state of Kerala, concludes that - despite the progress due to modern education and other developments in Kerala – “interreligious marriages are still a taboo and not an appreciable one and also considered as the violation of traditional norms, values and customs”⁹.

Forceful conversion of women, denial of their rights and harassment towards the families involved are common in interreligious marriages in the state of Kerala. The researcher of the above study interviewed sixty women from different religions from various parts of Kerala, and found that out of sixty women, 21 converted into their husbands’ religion and these converted women had not reconciled to their individual families yet (during the time of interview 2014). According to Indian culture, the study explains, it is the duty of father or elder male member in the family to gift their daughter to the groom. As a result, marriage in India is not between two individuals but between the two families, and women’s elopement is seen as a source of shame and ignominy for the whole family¹⁰.

Some of the following articles appeared recently in the media reveal an increasing opposition, in particular from Hindu nationalist groups, towards interfaith relationships in the state of Kerala.

The *On Religion* article mentioned above, argues that for some time now, the extremist right-wing youth group Hindu Yuva Vahini has been carried out an aggressive campaign in different parts of the country against what is referred to in India as ‘love jihad’. Love jihad was a term made popular in the south of India in the late 2000’s and refers to the alleged efforts of Muslims to convert Hindus through marriage¹¹.

A BBC article, dated March 8, 2018, reports that India Supreme Court has restored an inter-religious marriage ('love jihad') after the high court in the state of Kerala had previously annulled the marriage.

⁷ Verma, S., Sukhramani, N., *Interfaith Marriages and Negotiated Spaces in Society and Culture in South Asia* 4(I) 16-43, 2017 South Asian University, New Delhi, 1 November 2017, p. 21 ([url](#))

⁸ *On Religion, The Politics of Interfaith Love in India* 23 July 2017 ([url](#))

⁹ Shani S. S., *Women in interreligious marriages – A case study in Kerala* in South -Asian Journal of Multidisciplinary Studies (SAJMS), Volume 4 Issue 1, pp 103-116 ([url](#))

¹⁰ Shani S. S., *Women in interreligious marriages – A case study in Kerala* in South -Asian Journal of Multidisciplinary Studies (SAJMS), Volume 4 Issue 1, pp 107-109 ([url](#))

¹¹ *On Religion, The Politics of Interfaith Love in India* 23 July 2017 ([url](#))



The article tells the story of Hadiya Jahan, a girl born into a Hindu family, who converted to Islam and married a Muslim man. Her family alleged she was brainwashed as part of an anti-Hindu conspiracy, prompting a lower court to annul the marriage. Hadiya Jahan has always insisted that she acted out of her own free will¹².

The same story also appears on an article by the New York Times, adding that - although India's Constitution is secular and provides protection to all faiths - "the issue of 'love jihad' has gripped headlines, putting secular activists against their religious peers and government officials". The high court of Kerala State, where the family lives, annulled the marriage on May 2017, ruling that "a girl aged 24 years is weak and vulnerable, capable of being exploited." Hadiya, who then returned to her family home, has told activists and the courts that her father beat her and committed her to a yoga center, where she says she was tortured and forced to convert back to Hinduism¹³.

Another article published by The Hindu, dated October 2017, reports that a Division Bench of the Kerala High Court deprecated the recent trend in the State to portray every case of inter-religious marriages as either 'love jihad or ghar wapsi'. The Bench, headed by Justice V. Chitambaresh, observed "We are appalled to notice the recent trend in the State to sensationalise every case of inter-religious marriage as either 'love jihad' or 'ghar wapsi' even if there was platonic love between the spouses before"¹⁴.

2. Legal framework for religious conversion in India

The Annual Report 2017 by the US Commission on International Religious Freedom, states that six Indian states - Chhattisgarh, Himachal Pradesh, Gujarat, Madhya Pradesh, Arunachal Pradesh, and Odisha - have so-called 'Freedom of Religion Acts' (commonly referred to as anti-conversion laws), which restrict religious conversion¹⁵.

These laws generally require government officials to assess the legality of conversions out of Hinduism and to provide for fines and imprisonment for anyone who uses force, fraud, or "inducement" to convert another. While the laws supposedly protect religious minorities from forced conversions, they are one-sided, only concerned about conversions away from Hinduism but not toward Hinduism. These anti-conversion laws create a hostile and, on occasion, violent environment for religious minority communities because they do not require any evidence to support accusations of wrongdoing¹⁶.

According to a recent article on Christian Today, a seventh India state, Uttarakhand, has passed an anti-conversion law which will punish 'forced' conversions by a jail term of between one and five years.¹⁷

Another 2017 USCIRF study claims that anti-conversion laws generally ban religious conversion by use of force, inducement, or any fraudulent means; aiding any person in such a conversion is also

¹² BBC, *India Supreme Court restores 'love jihad' marriage*, 8 March 2018 ([url](#))

¹³ The New York Times, *Couple Can Reunite in 'Love Jihad' Case, India's Supreme Court Rules*, 10 April 2018 ([url](#))

¹⁴ The Hindu, *Don't dub inter-religious marriages as 'love jihad': Kerala HC*, 19 October 2017 ([url](#))

¹⁵ USCIRF, *Annual Report 2017 - Tier 2 countries - India*, 26 April 2017, pp. 148 - 154 ([url](#))

¹⁶ USCIRF, *Annual Report 2017 - Tier 2 countries - India*, 26 April 2017, pp. 148 - 154 ([url](#))

¹⁷ Christian Today, *Anti-conversion law in another Indian state could be used against churches, campaigners say*, 4 May 2018 ([url](#))



banned. The report also adds that these laws “infringe upon the individual’s right to convert, favour Hinduism over minority religions”. In fact, the Special Marriage Act includes provisions that deny converts to non-Hindu religions certain rights and privileges. For instance, under the act, if either parent of a Hindu child converts to Christianity or Islam, that parent loses the right to guardianship over the child. Muslims and Christians in various parts of India have long protested against these laws¹⁸.

3. Information on religious minorities groups belonging to the Ezhava Community who are in interfaith and/or inter-caste marriages

The Ezhavas is a caste-based community with origins in the region of Kerala.¹⁹ They are also known as *Ilhava*, *Irava*, *Izhava* and *Erava* in the south of the region; as *Chovas*, *Chokons* and *Chogons* in Central Travancore; and as *Thiyyas*, *Tiyyas* and *Theeyas* in the Malabar region²⁰.

On the website of the [Kerala National List for Backward Classes](#),²¹ the Ezhavas are classified as an ‘Other Backward Class’ by the Government of India under its system of positive discrimination.

In a recent article, Professor Abraham, from the University of Dehli, describes the Ezhava community as “an in-between caste, who suffered untouchability and are known by their traditional occupation of toddy tapping and coconut tree climbing”²².

A 2008 Australia Refugee Review Tribunal report affirms that the Kerala Sri Narayana Dharma Paripalana movement (SNDP), (also known as the SNDP; Society for the Preservation of Sree Narayana Guru’s Moral Path; also Sree Narayana Dharma Paripalana)²³, sought to mobilise Kerala’s Ezhava caste community through the teachings of Sree Narayana Guru, who advocated against the caste hierarchy²⁴.

4. Degrees of discrimination according to socio-economic status

Though caste remains a major source of discrimination and social exclusion in India, a recent study reveals that three main factors are emerging against it: a diversifying middle class, urbanisation, and a demographic youth bulge. While conventional wisdom suggests that Indians marry within their own

¹⁸ USCIRF, *Constitutional and Legal Challenges Faced by Religious Minorities in India*, February 2017 ([url](#))

¹⁹ Mandelbaum, D. G., *Society in India: Continuity and change*, 1970 University of California Press ([url](#))

²⁰ Mandelbaum, D. G., *Society in India: Continuity and change*, 1970 University of California Press ([url](#))

²¹ Government of India, *Central List of OBCs [Other Backward Classes]*, *Kerala National Commission for Backward Classes* ([url](#))

²² Abraham J., *Exploring the Contours of Legitimacy in Neighbourhoods in North Kerala, India* in *Urbanities*, Vol. 8, Supplement 1, April 2018 ([url](#))

²³ The Sree Narayana Dharma Paripalana (SNDP) was a charitable society founded in 1903 with the aim to support the spiritual education of the Ezhava community. For more information, consult Mathew E. T., *Growth of Literacy in Kerala: State Intervention, Missionary Initiatives and Social Movements*, in *Economic and Political Weekly* Vol. 34, No. 39 (25 September - 25 October 1999, pp. 2811-2820 ([url](#)))

²⁴ Refugee Review Tribunal (Australia), *India: 1. Please provide advice on any attacks on SNDP members since 2003 in Kerala. 2. Please advise of any attacks of the RSS on the Hindu population in Kerala. 3. Please advise if there is any information on a bomb attack in Mala or Male in 2007 conducted by a Hindu fanatic? 4. Please advise of the level of police protection in Kerala against attacks by RSS and SIMI and whether they are supporters of religious fanatics. 5. Please advise whether the judiciary is effective in Kerala against such attacks by organisations such as SIMI and the RSS. 6. Please provide details about SIMI and their aims and whether they are in operation in Kerala*, 22 October 2008 ([url](#))



caste, the authors of the study found that in the urban, middle-class marriage market, which increasingly includes members of lower castes, openness to inter-caste marriage is substantial and varies within and across groups²⁵.

Drawing on a semi-experimental study of 1070 marriage market participants belonging to both “untouchables” (officially designated as Scheduled Castes in the constitution of modern India), and upper castes, the researchers found that interest in inter-caste marriage is rooted in a desire for upward mobility and governed by the principle of exchange. Those who can benefit from an exchange and who have high class or caste status to offer are more likely to express an interest in intermarriage. Among Scheduled Caste individuals, interest in intermarriage increases with income, while among upper caste individuals the opposite is true. Also, Scheduled Caste groups appeared to be more interested in intermarriage than the upper caste ones. Increasing openness to intermarriage – particularly when upper castes are willing to marry lower (backward and Scheduled) castes – is a sign of social inclusion in urban India²⁶.

5. Information on the treatment of people in interfaith marriages during the period 2014-2018

In its World Report 2018 for India, Human Rights Watch recorded that violence against religious minorities and marginalised groups became an increasing threat in 2017. A series of attacks were carried out by extremist Hindu groups affiliated with the ruling Bharatiya Janata Party (BJP) against minority communities, especially Muslims²⁷.

Freedom House Report 2018 also notes that, like the year before it, 2017 saw a series of attacks against minorities that were linked to the alleged slaughter or mishandling of cows, which are held to be sacred by Hindus, as well as to so called ‘love-jihad’²⁸.

The study conducted by researcher Verma and Sukhramani in 2017, observe that interfaith marriages, in recent times, are also being opposed through targeted campaigns aimed at polarisation of society on religious grounds.²⁹ One example is the campaign called ‘Love Jihad’ which is targeted at protecting Hindu girls from Muslim boys. While legalisation of marriage and intervention of courts can offer safety to a couple, law can also be used by families to deter and break such marriages. Being in minority, interfaith marriages are often treated as a break from the norm or as special cases³⁰.

The USCIRF study published in 2017 also argues that religious tolerance has deteriorated and religious freedom violations have increased in India under Prime Minister Narendra Modi's government. The

²⁵ Ahuja, A. & Ostermann, S.L., *Crossing Caste Boundaries in the Modern Indian Marriage Market*, in Studies in Comparative International Development, September 2016 p. 1 ([url](#))

²⁶ Ahuja, A. & Ostermann, S.L., *Crossing Caste Boundaries in the Modern Indian Marriage Market*, in Studies in Comparative International Development, September 2016 p. 1 ([url](#))

²⁷ Human Rights Watch, *World Report 2018 - India*, 18 January 2018, ([url](#))

²⁸ Freedom House, *Freedom in the World 2018 - India*, 1 March 2018, ([url](#))

²⁹ Verma, S., Sukhramani, N., *Interfaith Marriages and Negotiated Spaces in Society and Culture in South Asia* 4(I) 16-43, 2017 South Asian University, New Dehli, 1 November 2017, ([url](#))

³⁰ Verma, S., Sukhramani, N., *Interfaith Marriages and Negotiated Spaces in Society and Culture in South Asia* 4(I) 16-43, 2017 South Asian University, New Dehli, 1 November 2017, ([url](#))



report indicates that the religious minority communities face discrimination and persecution in India where hate crimes, social boycotts and forced conversion have escalated dramatically since 2014³¹.

According to data reported in the US DoS, 2016 Report on International Religious, there were more than 300 incidents of abuse targeting Christians, compared with 177 in 2015. 32 Incidents included assaults on missionaries, forced conversions of non-Hindus, and attacks on churches, schools, and private property. Administrators at some Muslim and Christian schools and graveyards denied their facilities to interreligious couples or their children. The Ministry of Home Affairs (MHA) reported 751 conflicts between religious communities, which resulted in 97 deaths and 2,264 injuries in 2015³³.

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³¹ USCIRF, *Constitutional and Legal Challenges Faced by Religious Minorities in India*, February 2017 ([url](#))

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