

ROLE OF STATE INSTITUTIONS AND MEDIA IN PROMOTING/HINDERING INTERCASTE MARRIAGE

Dr. Neha Saran

Co editor

International Journal of Information Movement

Email: Tanusaran14@gmail.com

The media plays a diverse role in our social life. From spreading information to educating public on various issues, as medium of entertainment to spreading awareness at various levels, it also helps in shaping opinions of people in society. It is further considered to strengthen the society.

Media influences society and vice versa (Briggs and Burke 2001). Medium of communication is through television, newspaper and radio.

The term “global village” was coined by Marshall McLuhan, to describe the phenomenon of the world’s culture shrinking and expanding at the same time due to pervasive technological advances that allow for instantaneous sharing of culture. (Johnson 192)

This also helps to understand the range to which it can extend- even in the most remote areas, the influence, impact, knowledge, information is shared and dispersed- beyond the boundaries of time and space (Thompson, 1995). When we speak of social change, much of the information on a larger scale is spread to corners of society and nation is spread through media. News, movies, educational information, awareness and information related to agriculture- have all been introduced and captured through the medium of mass media. Media affects people’s perception and the ways they view change in society- relate things happening in their life with that occurring outside their social space.

On one hand where media is considered to be informative and shaping public opinion, on the other hand it is often considered as a “watch dog” of political democracy. It has been a strong medium in reducing communication gap and has formed a link between individual and the state. However, media has also tried to capture the public with various headings that could probably sell in the market and gain attention, name and fame. Being a free media, it acts as a self regulator too.

1.0 Role of Police/ Judiciary and the State

From my research study undertaken in one of the remote villages in Uttar Pradesh, it was found that the police stays behind till a formal complaint/ FIR is launched. As told by the SHO and the constables of the police station (during my field work) ‘*yahan dange bade asani se hojaate hain...aap bhi duur hi raho... koi maamla hota hai..aapas mein sulta lete hain!*’... ‘*khoon kharaba hojata hai...murder hogaya..rape ka mamla..poora ka poora parivar jala dete hain.. agar panchayat kehti hai ki hum dekh lenge, hamare gaon ka mamla hai... phir wohi suljhaate hain... lekin agar koi party darj karati hai mamla... tab hum dekhte hain...*’

In-fact the police sits with panchayats, holds discussion on the matter concerned and asks them only how to intervene. According to Chowdhry (2009) ‘the police overlook social problems to seek a settlement through the panchayat’. So it clearly seems that the police is influenced by the patriarchal forces and the power of the dominant caste.

The police officials (interview conducted) also claimed that no one comes forward as a witness even where the couple has been executed/hanged/raped in front of the whole village, nobody is ready to testify.

It is believed that there is strong correlation/ involvement of the local police with people (especially the higher caste/ panchayats) who take law in their hands and commit heinous crimes in the name of honour. People recruited in police as constables, inspectors, officers or even posted in such areas mostly belonged to the upper

caste and comply to the needs of the panchayats/higher/ dominant caste first and foremost. This fact is not hidden anymore and there is a lot of ambiguity and callousness related to the role of the police. There is fear in the atmosphere especially for the lower caste, their presence is merely to support the upper caste or behave indifferent to the lower caste. As told by them they want such matters (pertaining to Inter-caste marriage) to be solved by the families and panchayats as they consider these are social matters and that of honour and shame.

Changing judicial pronouncements- seem to be saying that they are anti *khap*. The police and the judiciary do not work and should use technique to mark the evidence even if they cannot find the witness.

The state emerges as providing a space for social change as well as a space for intervention to stem the process of social change- providing the legitimacy to both- to the former, legal and to the latter, social. The judgment delivered in such cases (runaway cases/ honour killings) is based on moral and ethical grounds, overriding questions of legal and human rights of the individual.

Even though there have been landmark judgments in Punjab too which gave approval to the marriage of the couple based on proof of the girl's age and instructing the father not to disturb the daughter's married life, however these kind of judgments lack positive publicity.

It has also been noted that the incentive in the form of cash money is given to the couples to promote inter-caste marriage, but in reality the picture is very different. Our society or state does not accept inter-caste marriage to the extent that either the couples are expelled from the community/ village or even caught and killed. As a result of which they have no option but to runaway and hide to protect their marriage and even their own lives. The state in such cases plays a dubious role, an ambiguous one, providing incentives on one hand and getting the couple caught and dissolving the marriage upholding patriarchy and caste.

The state has a dubious role to play. On one hand it helps in retrieving the couple, a woman in particular and on the other hand it has to protect and safeguard the couple in danger and uphold human right and dignity. Thus, in the light of protecting/ safeguarding the customary laws and traditions, patriarchy and caste honour- women's rights and desires are constantly suppressed. If we ask- why do the politicians support the traditional panchayats in controlling women or issuing judgments against intercaste marriage, there are two major reasons behind this. Firstly of course vote bank politics and secondly the fact that these politicians are one of them only; most of them belong to similar backgrounds, have grown up here, internalized the norms and culture and customary rules of caste and patriarchy. They are no different (in their attitude, thinking and behaviour).

Although according to an article (The Times of India, Jan 28, 2015) which said that UP government would gift couples in intercaste marriage with rs.50,000 along with a medal and certificate, it is not to be forgotten that it is the same government whose leaders (like Mulayam Singh Yadav) made a remark opposing the new anti rape law saying that boys do make mistakes

The right to choose a partner for his/ her marriage is a fundamental right. The Indian Constitution explicitly says that there shall be no discrimination on the basis of sex, religion, creed – there is equality before law along-with protection of life and personal liberty. Even though Hindu Marriage Validity Act (1949) validates intercaste marriages, there has been constant resistance and conflict between- 1.Laws and customs and 2.Traditional concepts and social reality and overall assertion of caste in society.

Laws in the constitution and Human Rights approach and as per Universal Declaration of Human Rights, the state has made an attempt to safeguard, protect and respect the rights and liberties of the individual. They can be seen as instruments of social change- as it provides the medium for the same!

Our constitution derives strength from unity in diversity. It is termed as the modern '*Dharma shastra*'. However, there has always been daunting challenge of preserving the political unity of a heterogeneous society. It is clearly mentioned in our constitution- The Fundamental Rights- the basic Right to Equality, Prohibition of Discrimination on the grounds of religion, race, caste, gender, place of birth and Right to Freedom which includes speech and expression, assembly, association, movement, residence, right to practice any profession/ occupation and most importantly Right to Life and Liberty! The Preamble of Universal Declaration of Human Rights declares recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world. (esp articles-1,2,3,5,6).

The Law Commission of India under the Ministry of Law and Justice has recently drafted a new bill – The Endangerment of Life and Liberty (Protection, Prosecution and other measures) Act, 2011- to curb honour

killings. According to the bill, it shall be unlawful for any group of person to gather, assemble or congregate with the intention to deliberate, declare or condemn any marriage or relationship such as marriage between two persons- of majority age in the locality concerned.

According to a government website, India, our country has 13 laws regulating marriage and divorce. None of the law prohibits marriage among different castes and religions. The government officials and media have condemned honour killings lately.

In 2010 , the SC instructed the government of Haryana and six other states to take steps to prevent potential honor killing victims. In 2011 it decried honor killing as a “barbaric and shameful” practice that must be “ruthlessly stamped out.” The court also declared honor killings ordered by *khap* panchayats to be illegal and warned that government officials who fail to act against honour crime offenders will be prosecuted.

Right of females to inherit property- which again poses a threat to male dominance as well as caste dominance. This authority is important because this rule gives rights to daughters and sisters (even mothers and widows) to claim their share of land and property (Jodhka, 2013) and daughters and sisters being married outside will take this right with them- allowing their husbands to claim on their behalf. Hence once again there was a pressure on ‘marriage’ and it became an important aspect to be controlled and regulated in the best possible manner.

Moreover, people have started challenging the decisions, judgments of traditional panchayats as they now feel that they have other options to explore and approach (the legal stance). So, in matters in which they do not feel satisfied or feel they can get justice, they approach the court. For example- matters related to land and property – which has always been a major cause of conflict in families/ villages, across caste lines- both within and outside caste. Only on issues or in the name of women control, morality, village and caste honour- the role of the elderly, the caste panchayats comes strongly into picture.

2.0 Role of Media

Common forms of reporting cases include ‘poisoning the couples’, ‘hanging them’ and takes the name of suicide. It is also observed that the woman in particular is always at the receiving end- no matter what caste she belongs to. The role of media has been important in throwing light on the rising cases of honour related ritual murders, torture, threat to couples who eloped or expressed desire to marry outside their caste. Further, it has also been found that such incidents – where the couple faces life threatening situations or more knowingly honour killings- is not limited to India alone. Studies across the world have shown that it is a universal problem and is posing a serious threat/ challenge to human rights (Bhatia, 2012).

According to latest reports, newspaper articles, there has been an increase in the number of reported honour killings in recent years. It has also been observed that though these atrocities/ killings are taking place in all parts of the country, it is mostly prevalent in northern part.

According to Reuters, in 2010 a government funded study on the prevalence of honour crimes in India found that they are most common in regions dominated by *khap* panchayats and increasingly involve intercaste marriages. People belonging to various castes, community, and religion do not shy away from committing murders in the name of honour. And the biggest astonishment/ shock is the fact that people committing such heinous crimes are nonetheless than our own family members/ close relatives who strongly believe and pray that this is how the moral purity in the society will be maintained/ retained. This situation arises as a result of clash between traditional and modern values, intensified by high economic growth and increasing social mobility.

“Love marriages are dirty...only whores can choose their partners..” (TOI, 2012) a remark by a politician clearly shows that the level of resistance/atrocities is perpetuated by socio cultural and psychological factors. Not only making these barbaric remarks, the politicians turn a blind eye to the murders. They ignore the agitations/ protests of the public/community victimized and resist efforts by the Central government and Parliament to deal with such problems/ situations.

Citing few examples- Nitish Katara case which came up for hearing in 2001 and continuing postponements till 2015, the High Court has issued a life term for the accused, Vikas Yadav, son of renowned politician of western U.P, D.P Yadav who’s daughter Bharti expressed desire to marry Nitish, who belonged to a different caste-class. As a result of which Nitish was allegedly killed by Vikas (brother of Bharti) .

Yet another case discussed and highlighted was that of Mehrana murder case of western U.P.(1994), where a Jat girl eloped with a boy belonging to a low caste. They were caught, brought back and the judgment so passed by the caste panchayat wherein they were tortured, hanged and burnt while still alive, in front of the whole village (setting example for others).

More shockingly, this kind of violence and violation of human rights has not been taken up as a widespread problem, occurring every now and then. Not seeking solution or resolution, neither by the media nor by the politicians or the state. AIDWA- All India Democratic Women's Association, a national organization, has been an active one, highlighting a wide range of incidents of violence against women, identifying it as a problem, mobilized people, seeking and creating opinion and has acted as a pressure group. It works in alliance or in collaboration with activists for protection of human rights, National Commission for Women and even PUDR (People's Union for Democratic Rights) and many others who have specifically played a significant role in the field for supporting women to fight for justice in matters of choosing their life partner irrespective of caste, class and religion. Not only legal and emotional support, they have even liaised with the police, judiciary and state in recommending ways to combat stress, tension and conflict which leads to suicides and killings in the name of caste and family honour.

Going through the newspaper reports and online articles/ reports/ magazines one can clearly observe that the average age of the victims was/ is 22-24 and according to the article Hindu vs Muslim Honour Killings, there is a high percentage of male victims and *dalit* victims- which can be taken as the matter of fact that Hindu honour killings are more often about caste purity than sexual purity

Views, opinions and remarks have emerged at various levels- throwing light on caste, patriarchy, norms, social control, honour killings, resistance and change. Example- Killing the daughter or the couple is the only way a family can prove its loyalty to its caste/ community or village. By sacrificing or eliminating the girl (either electrocuting, raping her, setting up on fire alive blackening the faces or making the women walk around the village without clothes) the punishment gains its sanctity. Not only this, the one who kills- be it the father, the brother, the uncle- is considered to be courageous and masculine enough to restore the honour.

However, honour killing- as a crime- has not been prosecuted-and has happened and still takes place in open. This also shows that there is not just one perpetrator but the whole village/ community participates/ witnesses such crime and is equally and actively plays the role in these barbaric incidents.

Also, according to Marxist philosophy – cultural hegemony means the domination of a culturally diverse society by the ruling class. Now this ruling class by imposing control and force, manipulates the belief, the norms, the customs, values, explanations of the group-makes it universally accepted/ approved so that their judgments are shown as free and fair.

It has also been found that there are few reasons cited (by the respondents of the younger generation) in supporting the elderly/ caste panchayats decisions. Taking any form of stand against the elderly or majority might lead to shame and disgrace. So psychologically and for socio-economic reasons they support the decisions of the traditional panchayats. Just to be apart of the larger group, gain their respect, their acknowledgment, the upper caste- unemployed youth resort to violence in situations of intercaste marriages. Also, using and asserting power is clearly seen as a sign of manhood, masculinity. This exercise of power is either against the lower caste or woman or both- as the case may be, of infringement.

3.0 Role of khap Panchayat

Khaps and Social Control mechanisms

According to Prem Chaudhary , these panchayats were part of socio political life of village communities even in the pre-colonial period they were essentially informal, decision-making, caste based bodies of elderly and 'wise' men, drawn from their respective castes or from dominant caste group, who command universal respect in the community.

The rich elderly, upper caste and the respected/reputed one's form the traditional caste panchayats and they dominate the people of the village. Even after the statutory panchayats were formed/ established, initially the traditional panchayats tried to dominate in taking decisions- related to all matters wherever possible. But at the same time realised that people were now moving to courts to settle disputes, assert their rights and thus they started losing their power in most of the matters. This further led to restlessness amongst them- perhaps in a subtle manner – to exercise their power and authority, to maintain their status quo and existence. According to

Prem Chaudhary the most hallowed cultural concepts like *aika*, *izzat*, *biradari* and *bhaichara* are contingent upon maintaining traditional marriage prohibitions.

The Khaps or the traditional panchayats/caste panchayat intervenes, mostly in settling disputes related to caste, marriage, customs, norms, and sometimes even property and inheritance issues – which are now taken care of by the courts too. But mostly matters related to social and moral infringements – are particularly dealt by –very strictly! They have their own set of notions, definitions, own rules and regulations regarding the customs of the village/villages, caste, patriarchy – and punishments vary according to the level of infringement as well as the caste of the person/group breaching/ defying the given norms/customs. And hence, they form the core of social control mechanism.

These traditional and caste panchayats function at various levels – depending upon the issue/problem – nature of problem. If a minor dispute has occurred the matter is presented and tried before few elders of the village of that particular caste or the village panchayat. In matters of caste dispute ,marriage, land dispute cases- especially where members of two different castes are involved, the matter goes into the hands of larger panchayats – involving caste panchayats, village panchayats, khaps etc.(ranging from one village to more than 15-20 villages at times)

According to Prem Chaudhary –caste matters that cannot be settled by the caste panchayat of a particular caste group are occasionally referred to the dominant caste. The village panchayat decides over civil and criminal problems. It consists important members of various caste groups. Even where there is a woman sarpanch, the meetings and decisions are mostly taken by her husband. Again, mostly, the decisions are influenced and dominated by the dominant caste – due to various reasons – economical, social and even muscle power. Hence what is seen on paper and from outside is very different from the stark reality – based on caste monopoly, patriarchy, power and status.

The punishments vary according to the crime committed and the caste of the person who commits the crime. Apart from imposing sanctions like fining(which goes into the common fund-) takes an ugly shape many a times and especially the punishment for the lower caste. From lynching, blackening of face, roam around the village naked, to beating up ruthlessly, and sometimes even electrocuting or tying around the tree with ropes and beating/slapping with slippers – the torture has no end. Many a times the punishments also leads to outcasting of the offender and his family members(if they are seemed to be involved in the infringement) [According to Prem Chaudhary – “people will not allow an outcaste family to draw water from the well and it becomes extremely difficult to marry off their children.”]

Earlier and in some places even today, these panchayats are compared to Gods and it is believed that free and fair justice will be done to all. And it is so, that in the eyes of the public, they take decisions based on public opinion, unanimity and with consensus only!

Many a times – they have even maintained in certain cases that even if the couple who have married across caste, approach the court and even if their marriage stands valid on legal grounds, then also, it will not be given social recognition and acceptance. Also, courts are considered as last resort – mostly unapproachable for people with less/no money. So most of the time they are at the mercy of the larger/ strong groups in the village, the caste panchayats etc. These courts and legal judgements are considered to be very different from the customs/ rituals, norms of the village and hence their decision is not approved or taken as binding especially by the khaps. Hence it takes a lot of courage- both mentally and physically – for a man to move to the court- going against all odds – fighting against the customs ,the caste solidarity/ status, community, social/psychological pressure. Nobody supports the person/family moving to the court. A lot of resistance is to be faced by the family moving to the court. Resistance from the dominant caste, discouragement/ threat from the caste panchayat/local people and even local police. So basically, moving to the court – is ‘ Last of the last resorts ‘.

In the end , even if the court takes a decision – restoring the rights of the individual/family in the village – against that of the panchayats decision (of social boycott or expulsion etc.),there remains a tussle between the (strong headed rich powerful) panchayats and the one who challenges it. According to them, the judiciary and people making laws for the village actually have no knowledge about the customs, rituals, morality, norms etc.(“Who are they to make laws?”) As Satpal Yadav in TV interview says – “they are modern people – with too much exposure . We are not like that Our brothers and sisters don’t marry amongst themselves.”

Above all, the politicians – state agencies – have supported such thinking/ mentality/ judgements – so what will the local police do? What will the common man do? Where will he go? What will the judiciary do? [Things are suppressed at various levels] It's a cobweb!

4.0 Conclusion

The state institutions like the police and judiciary have a major role to play in upholding the values of the state in protecting the rights of all citizens, but it appears that the police and the judiciary are themselves affected by the socialization processes affected by the society through its various institutions. Thus, even when atrocities happen and human rights violation takes place, the state's responses through its representatives seem to take the side of the oppressor. The case of inter caste married couples is no exception.

The media also seems to highlight the atrocities, creating fear among the readers that any violation of caste norms related to marrying outside their caste boundaries will meet with certain death or mutilation. The media term of 'honour killings' to the murder of young people, seems to strengthen the position of caste panchayats in giving them 'the infamous tag' as an incentive to continue to behave in the same way.

5.0 References-

1. Saroja, K. (1999) 'Inter caste marriage and social dynamics in India: A critique', Indian Journal of Social work 60 (2): 183-192.
2. Deshpande and Poona, C.G. (1972) ' On inter caste marriage; an empirical research work'.
3. Caste system ruins country, inter caste marriages important for progress: SC Indian Express (India) , July 8, 2006, 2pp
4. MP celebrates inter caste wedding of son, United News of India (UNI) (New Delhi, India) , May 5, 2011, 1pp
5. Panchayat revokes inter caste marriage, United News of India (UNI) (New Delhi, India) , June 22, 2010, 1pp
6. Inter caste marriage: 4 held for killing girl, Times of India, The (Bombay, India) , April 16, 2008, 2pp
7. Ram doss challenges Dravidian, Left parties on inter caste marriage, New Indian Express (Chennai, India) , December 21, 2012, 2pp
8. Inter caste marriages be encouraged to check honour killings: AIDWA, United News of India (UNI) (New Delhi, India) , July 3, 2012, 2pp
9. Brahmin Sabha not to oppose inter caste marriage, Statesman, The (Calcutta and New Delhi, India) , November 4, 2011, 2pp
10. Karthikeyan, D. (2013) Caste pride does not spare even an unborn child . Hindu, The (Chennai, India) , January 27, 2pp
11. Kumar, K. (1967) 'Patterns of caste tension: a study of inter caste tension and conflict' , Bombay [u.a.] : Asia Publ. House.
12. 'Patterns of caste tension: A study of inter caste tension and conflict', Sociology & Social Research , Jan 1969, Vol. 53 Issue 2, p271-274, 4p
13. Grabowski, R. (2008) 'Modernization, inter-caste marriage, and dowry: An analytical perspective' , Journal of Asian Economics . 20(1):69-76 DOI: 10.1016/j.asieco.2008.07.001