



INTER-CASTE MARRIAGES AND RESERVATION POLICY IN INDIA: A SOCIO-LEGAL STUDY

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ABSTRACT

Article 14 of the Indian Constitution grants the right to equality to everyone but people have bifurcated the society on the basis of caste and religion. Right to marry a person of your own choice is a fundamental right given by the Indian constitution to every citizen of the country but on a practical level inter-caste and inter-religious marriages are yet not accepted by society except by some people. There are special laws for such marriages such as Special Marriage Act, 1954 and are also permitted by Hindu Marriage Act, 1955, though after half a decade a wide prevalent stigma is still present in the society regarding such marriages because people think that such acts would bring the disrepute to their family, they would be boycotted from their community, no one would marry their sons and daughters *etc.* The case is not different in the urban areas.

KEYWORDS: Indian Constitution, fundamental right, Special Marriage Act, 1954.

INTRODUCTION

The people who take this rationale initiative are either boycotted from their families or society, or are killed. The very concept of caste has been misunderstood by the society and people keep on misunderstanding it, if we look back at the history caste was generated on the basis of occupation and in the world of modernization and globalization people have been doing all sort of occupation so there is no point in dividing the people on the basis of caste, how many young lives have to be lost in the name honour killing for the society to change? There are so many instances where people are brutally murdered by their own parents or relatives who have done inter-caste marriages against the will of their families. However, attempts have been made by the government and activists to remove such menace from the society. Inter caste and inter religious marriages are still considered as taboo in India and in order to remove the barriers of caste and religion such marriages should be encouraged. With the advent of such marriages a lot of legal questions have also been attracted, to start with, would be the legal status of a woman belonging to scheduled caste after marrying man from a forward caste? To this question the full bench of Bombay High Court in the case of *Rajendra Srivastava v. State of Maharashtra* has opined that:

“When a woman born in scheduled caste or a scheduled tribe marries to a person belonging to a forward caste, her caste by birth does not change by virtue of the marriage. A person born out as a member of a scheduled caste or a scheduled tribe has to suffer disadvantages, disabilities and indignities only virtue of belonging to the particular caste which he or she acquires involuntarily on birth. The suffering of such a person by virtue of caste is not wiped out by a marriage with the person belonging to a forward caste. The label attached to a person born into a scheduled caste or a scheduled tribe continues notwithstanding the marriage. No material has been placed before us by the applicant so as to point out that the caste of a person can be changed either by custom, usage, religious sanction or

provision of law. In an inter-caste marriage or a marriage between a tribal and a non-tribal there may be a presumption that the child has the caste of the father. This presumption may be stronger in the case where in the inter-caste marriage between a tribal and a non-tribal the husband belongs to a forward caste. But by no means the presumption is conclusive or irrefutable and it is open to the child of such marriage to lead evidence to show that he/she was brought up the mother who belonged to the scheduled caste/schedule tribe. By virtue of being the son of a forward caste father he did not have any advantageous start in life but on the contrary suffered the deprivations, indignity, lies, humiliations and handicaps like any other member of the community to which his/her mother belonged. Additionally, that he was always treated a member of community to which her mother belonged not only by that community. But by people outside the community as well. In the case in hand the tribal certificate has been taken away from the appellant without adverting to any evidences and on the sole ground that he was the son of a kshatriya father.”

Apart from this the evil practice of honor killing is wide prevalent in the society and a bill titled “*The Prohibition of Unlawful Assembly (Interference With The Matrimonial Alliances) Bill, 2011*”, is pending in the Rajya Sabha in order to protect the individual liberty and preventing victimization, prohibition of unlawful assemblies aimed at the interference with the freedom of matrimonial alliances in the name of honor and tradition and for the matters connected therewith or incidental thereto. This bill needs a lot of scrutiny in order to become an effective piece of legislation.

The present paper has been taken by the researcher in order to find out the answer of above mentioned hypothesis. It would be rather convenient to crystallize the objectives of present study as follows:

1. To analyze the concept and origin of caste and its feasibility in the present society.

2. To study socio-legal and psychological problems faced by people who have done inter-caste and inter-religious marriages.
3. To find out the effect of awareness with regard to encouragement of inter-caste and inter-religious marriages.
4. To analyze the effectiveness of existing and proposed legislation and schemes pertaining to inter-caste and inter-religious marriages.

INTER CASTE MARRIAGES AND RESERVATION POLICIES

The constitution of India provides for equality and equal protection of laws. The constitution especially forbids discrimination on the basis of religion, race, and castes place of birth, descent, resident, language or any of them. However the constitution enjoins on the state to promote with a special care the educational and economic interests of the weaker sections of the people, especially, the scheduled tribes and scheduled castes and to protect them from all sorts of discrimination and social injustice. While providing equality the constitution also provides for affirmative action by the state for bringing about social economic equality. On the other hand it abolished untouchability and equipped the state with the power to discrimination in favor of Scheduled Castes and Scheduled Tribes and backward classes by giving them additional opportunities in education, jobs and other resources. Further Articles 25 and 26 of the Indian Constitution provide for religious freedoms. Article 25 guarantees individual religious freedom, where as Art. 26 guarantees group religious denominations. Specifically Article 25 provides that subject to public order, morality and health and other provisions of part III of the constitution, the freedom to profess, practice, and propagate religion is guaranteed. The word 'propagate' religion occurring in Article 25 gives scope for conversion from one religion to the other although conversion by fraud, force, allurement and through other financial incentives is not permitted.

Reservations are provided to compensate the centuries old discrimination made by the upper state of the society on the deprived groups of individuals on the basis of. Hence, while determining backwardness caste is used as on the criteria. In this regard, often some of the state governments, for the purpose of promoting egalitarian society encouraged inter-caste marriages by offering reservation benefits to such persons or their off spring. Under these schemes if any non-reserved individual marries a reserved individual then the facility of reservation is extended to the other spouse and their children as well. But, as these schemes were misused extensively, they were discontinued by those state governments long time back. Even then inter-caste marriages couples continued to claim reservation on the basis of those schemes which result into various court cases. In some cases spouses in the inter-caste marriages claimed reservation while in other cases their offspring's claimed reservation. As in a case a lady born to Christian parents was educated in various schools where she was familiar with many Christians. She constituted an election for M.P. Legislative assembly where she won from the scheduled caste reserved constituency in 1977. Prior to

contesting she got married to a Hindu man and adopted Hindu religion, her husband was from scheduled caste which was added by Scheduled caste and Scheduled tribes Order (Amendment) Act, 1976 at S.I. No. 29 as Scheduled Caste. She was welcomed by the important members of the community including the President and Vice-President of the community. On these facts rejecting the contentions who contested her elections before the Supreme Court as invalid on the ground that she doesn't not belong to SC Community, the Supreme Court ruled in *Kailash Sonkar v. Maya Devi* that the main test should be the genuine intent of the re-convert to abjure his new religion and completely disassociate him from it. The reconvert must exhibit clear and genuine intention to go back to his old fold and adopt the customs and practices of the said fold without any protest for the members of his erstwhile caste's Suggesting any other dominant factor for revival of the caste of a convert after recovers ion to Hinduism from Christianity , the Supreme Court observed that in case of elections to the state assemblies where under the Presidential order a particular constituency is reserved for a member of SC/ST and the electorate gives the majority verdict in his favor, then, this constituency has accepted him back to his fold and this would result in a revival of the original caste to which the said candidate belonged.

A person who is a high caste Hindu and not subjected to any social or educational backwardness in life, by reason of marriage alone cannot ipso facto become a member of the SC/ST. In the absence of any strict proof he cannot be allowed to defeat the very provisions made by the state for reserving certain seats for disadvantaged people, ruled the Supreme Court in *Meera Kanwaria v. Sunitha* in the following fact situation. The respondent was a Rajput by caste and married a member of Scheduled Caste. The marriage was performed as per Vedic Hindu rites However, she obtained from a sub-divisional magistrate certificate of SC by birth which was subsequently found to be incorrect and was scrapped. She contested for the seat of Municipal Councillor which was reserved for SC women; in this case the appellant was also a contestant for the same seat. Having secured more votes than the votes secured by the appellant the respondent was declared elected. In an election petition filed by a third party, finding that the SC status obtained by the respondent is frivolous, the District Judge set aside the election of the respondent. However the High Court had taken a contrary view with reasoning that respondent was accepted by her husband's family and biradary, the judgment of the District Court was not sustainable.

On an appeal from this judgment the Supreme Court observed that although the marriage took place as per Vedic Hindu rites and the marriage was attended by the respondent's father-in-law and three other relatives who stated that they have accepted the marriage. It is one thing to say that a lady belonging to a forward caste has been accepted by her husband's community; and it is another thing to say that a lady belonging to forward caste has been accepted by her husband's family. The court pointed out the question as regards change of caste in view of her marriage although may be relevant in relation to Hindus, but when the question of change of caste is referable to the category belonging to a special class of citizens who

require protective discrimination and affirmative action, a different rule will apply. Unless she has been accepted as a member of scheduled caste by the community to distinguish of her marriage by her husband's family she cannot claim the benefit of reservation.

The question whether the offspring of an inter caste marriage between a tribe and non-tribe can get reservation or not was examined by the Supreme Court in *Anjan Kumar v. U.O.I.* The facts of the case are as follows, the appellant was the son of Laxmikant Sahey, a Kayashtha belonging to forward caste and Smt. Anjana Tigga, a oraon tribe a scheduled caste tribe in the state of Madhya Pradesh by an order dated 7-8-1992 Scheduled Tribe certificate was issued to the appellant on the ground that his mother belongs to ST i.e. Oraon tribe, relying on this certificate the appellant appeared for Civil Services Examination conducted by the Union Public Service Commission and got selected. He was allotted Indian Information Service Grade 'A'. However, the appellant did not receive any final posting order. When the appellant approached the Supreme Court it was held that he is not entitled for ST certificate.

Explaining the legal position on this issue the Supreme Court stated that the object of Articles 341, 342, 15 (4), 16 (4) and 16(4-A) is to provide preferential treatment for the SC's and ST's having regard to the economic and educational backwardness and other disabilities where from they suffer. So, also considering the typical characteristic of a tribal including a common name, a contiguous territory, a relatively uniform culture, simplistic way of life and tradition of common descent, the transplantation of outsiders as members of the tribe or community may dilute their way of life apart from the fact that such persons do not suffer any disabilities.

When the appellant to a circular dated 4-3-1975 issued by the Govt. of India, Ministry of Home Affairs, on the subject 'Status of the Children belonging to the Couple one of whom belongs to SC/STs', a portion of which provides that when an ST woman marries a man who does not belong to ST, the children from such marriage may be treated as members of the ST community, if the marriage is accepted by the community the children are treated as members of their own community, the Supreme Court rejecting this contention observed that, such circular being issued time to time, not being law within the meaning of Art. 13 of the Indian Constitution, it would be of no assistance to the appellant on the face of the constitutional provisions. Further the court observed that the facts of the case are different from the facts in which the circular was sought to be clarified.

While on the other hand, the court maintained the acceptance of Inter-caste marriage by the community is still relevant for conferring ST status on the offspring of such marriage. Further explaining this issue, the court observed that the marriage of the appellant's mother, a tribal woman, to a forward caste man was performed outside the village. Ordinarily, the court marriage is performed when either of the parents of the bride or the bridegroom or the community of the village objects to such marriage. In such a situation the bride or bridegroom suffers the wrath of the community of the village and also runs the risk of being ostracised. But, in the instant case, the couple the couple settled down in a city, their son the

appellant in the present case was also born and brought up in the environment of a forward community. On these facts the court held that the appellant did not suffer any disability from the society to which he belonged. When the appellant contended that he frequently visited the tribal village and that amounts to acceptance of him by the village community as its member the court opined that the visits of the appellant to the village during holidays and the cordial relationship between the appellant with the village community, on this issue the court adjudicated that by no stretch of imagination, a casual visit to the relative in a village would provide the status of permanent resident of the village or acceptance by the village community as a member of the tribal community. The Supreme Court added a new dimension to the jurisprudence of reservation under the constitution of India by handling down the decision in *Sovha Devi v. Setti Gangadhara Swamy and Ors.* While doing so it partially overruled its decision in *Horo v. Smt. Jahan Ara Jaipal Singh*, and strengthened, nay transplanted *Valsamma Paul v. Cochin University* in the constituency governing reservation in Assembly elections.

The appellant was elected as an MLA from Srigavarapukota 28 S.T. assembly constituency in Andhra Pradesh. Her election was challenged in the High Court on the ground that she did not belong to Scheduled Tribe and such she was not entitled to stand for election from the reserved constituency. She pleaded that, she is the illegitimate child of the wedlock of her mother belonging to Bhagatha Community with Ladda Appalalaswamy, belonging to Bhagatha Community, a Scheduled Tribe and she is the wife of her maternal uncle belonging to Bhagatah Community.

In order to establish the first contention she contended that her mother belonging to Bhagatha Community and father belonging to Patnaik Sistu Karnam could not have been legally wedded as both of them were earlier married to the persons belonging to their respective communities. She further pleaded that her mother was married to Ldda Appalalaswamy of Bhagatha Community and her father was married to Kalavathi belonging to the Patnaik sistu Community. The High Court declared that there was no evidence indicating the alleged marriages of petitioner's parents. The High Court concluded that she was born to Murarhi Rao belonging to Patnaik Sistu Karnam an upper caste of his/her father. The High Court also held following a decision of the Supreme Court that the appellant could claim reservation on the basis of her marriage.

The Supreme Court after the detailed analysis accepted the findings of the High Court to the effect that there was a valid marriage between the petitioner's father and mother. It seems the court spent a lot of effort to deny invalidity of their marriage apparently to prove that the petitioner does not belong to the Bhagatha Community. The subsequent discussions give more importance to the fact of upbringing of the petitioner as a member of the Patnaik sistu Karnam as a reason for not giving her the status of being a member of Bhagatha Community. If this was the main criterion alongwith less important ones to be dealt with later, what was the necessity for the court to examine all the facts which were already scanned by the High Court? The reason for her unprecedented plea came to be correctly gleaned by the court which noted thus: Learned Counsel,

no doubt, contended that the appellant must be treated to be an illegitimate daughter of Murahari Rao and Simhachalam and if so treated, the appellant could be considered to be person of the caste of her mother and so viewed, could be considered to belong to Bhagatha Community, a scheduled tribe.

It is interesting to see that albeit the restatement of her plea the court did not make any comment on this issue. It is therefore, fruitful to examine the hypothetical question as to what would have been her caste if she were to be held an illegitimate child of her mother and Murahari Rao? It seems irrespective of the fact of her having been born to an upper caste father, she would have been entitled to be a member of Bhagatha Community to which her mother and Ladda Appalaswamy, the lawful husband of her mother belonged. Does it mean that belonging to a scheduled tribe? Or, does it mean that irrespective of the caste of that father, she takes the caste of her mother? These disturbing questions have not been directly examined. The Court in subsequent paragraphs lists out the grounds which deny the petitioner the status of being a member of Bhagatha Community. They run thus: her claim of having been brought up, as a member of Bhagatha Community or having been accepted by the community cannot be accepted in the light of the facts. The entry in a document of her caste is shown as sistukarnam. She was being educated at Visakhapatnam. She was not living as a tribal in Bhimavaram, the same grounds accepted by the High Court to hold against the petitioner. The court also denied the second ground advanced by her on the plea of her marriage with a member of Bhagatha Community thus:

“..As noticed by the High Court the available evidence indicate that the marriage was more in the form followed by Sistu Karnams, the community to which her father belonged. Secondly, there is nothing to show that the appellant was accepted by the Bhagaratha Community at Bhimavaram as a member of that community. There is nothing to show that the appellant followed the way of life of that community” The court also opined that her marriage was not performed after obtaining approval of the elders of the tribe. Invoking Art. 332 the court concluded:

“ To permit a non-tribal under cover of a marriage to contest such a seat would tend to defeat the very object of such reservation” To buttress its argument Vaasamma Paul v. Cochin University was also commanded to its aid aiding that the ruling under Art. 15 (4) or 16(4) could be extended to reservation under Art. 332 also. Here again the court essayed on the ingredient of acceptance by the community drawing one more point from Valsamma Paul that the wife had an advantageous start in life though she remains a member of backward community and this fact should deny her reservation. To this extent the court ruled that Horo was not correct.

The court refused to give any importance to the certificate produced by her indicating her caste as such certificates could be procured illegally. In any case this was of no relevance to this decision. The ratio of this decision is:

The birth of a person through the mother belonging to a Scheduled tribe not entitles her to be considered as a member of S.T. if her father belonged to an upper caste. In

other words, she takes the caste of her father an echo of the old English private international law principle. Also, the upper caste person's marriage to a person belonging to scheduled tribe does not entitle her to be a member of the latter caste though under the private international law she can be considered to be transplanted to her husband's community as the object of Art. 332 are to give reservation to persons belonging to scheduled castes and scheduled tribes. The other considerations such as acceptance by the community, following the mode of marriage, obtaining consent of elders, non-upbringing as a member of the tribal community etc. do not seem to assume importance as they are variables. Even if these were to be found in favour of the appellant, it is felt the court would not have upheld her claim since it would have given more importance to the principle that the person should be born as a member of the community through the father.

The fallacy and fragility of such kinds of arguments becomes evident when one examines the argument to the effect that the wife from an upper caste cannot be given reservation as she had a good start in life. Does it mean that all upper caste women marrying persons from backward classes have good start? or, does it mean reverse? Many persons belonging to backward classes are more prosperous than members of upper caste. So jurisprudentially speaking, this argument becomes evident when one examines the practice of state Govts. In declaring communities as backward communities. It is alleged that it is often done not on the basis of any objective studies but on the basis of political clout of the communities

In this connection it is strongly felt that instead of leaving such issues to be decided by the judiciary on fragile jurisprudential grounds the legislature should step in and declare the children born out of inter-caste marriages as casteless persons belonging to an egalitarian society, which our founding fathers wanted to establish. If one of their parents belonged to an SC/ST they should be given at least some percentage. However, attempts have been made by the government and activists to remove such menace from the society. Inter caste and inter religious marriages are still considered as taboo in India and in order to remove the barriers of caste and religion such marriages should be encouraged. With the advent of such marriages a lot of legal questions have also been attracted, to start with, would be the legal status of a woman belonging to scheduled caste after marrying man from a forward caste? To this question the full bench of Bombay High Court in the case of *Rajendra Srivastava v. State of Maharashtra* has opined that:

“When a woman born in scheduled caste or a scheduled tribe marries to a person belonging to a forward caste, her caste by birth does not change by virtue of the marriage. A person born out as a member of a scheduled caste or a scheduled tribe has to suffer disadvantages, disabilities and indignities only virtue of belonging to the particular caste which he or she acquires involuntarily on birth. The suffering of such a person by virtue of caste is not wiped out by a marriage with the person belonging to a forward caste. The Fallacy and fragility of such kinds of arguments becomes evident when one examines the argument to the effect that the wife from an upper caste cannot be given

reservation as against the label attached to a person born into a scheduled caste or a scheduled tribe continues notwithstanding the marriage. No material has been placed before us by the applicant so as to point out that the caste of a person can be changed either by custom, usage, religious sanction or provision of law”

A woman who is born into a scheduled caste or a scheduled tribe, on marriage with a person belonging to a forward caste, is not automatically transplanted into the caste of husband by virtue of her marriage and, therefore, she cannot be said to belong to her husband's caste. The recent decision by a two judge bench of the Supreme Court (Justices Aftab Alam and Ranjana Desai) in *Rameshbhai Dabhai Naika v. State of Gujarat* has clarified that a person born out of an inter-caste marriage can inherit the caste/ tribe status of the mother (for the purpose of reservations) as result of an evidence-based factual determination of the disadvantages suffered. The court held that a mechanical application of the position in Hindu personal law that a child born out of an inter-caste marriage inherits the caste of the father is constitutionally invalid as far as determining beneficiaries of reservations is concerned. This judgment consolidates the Supreme Court's departure in the mid-90s from its early discourse on such issues developed between the 50s and 70s through cases like *Chatturbhuj Vithaldas Jasani v. Moreshwar Parashram* (1954), *N.E Horo v. Jahan Ara Jaipal Singh* (1972) and *Guntur Medical College v. Mohan Rao* (1976). In my view, the importance of the decision in *Rameshbhai* lies not so much in the fact that it reiterates the established position since the 1950s that a woman need not necessarily assume the caste/ tribe status of her husband as far as reservations are concerned, but rather in its consolidation of the position that the individual experience of disadvantage is just as relevant as group membership even for Scheduled Castes and Scheduled Tribes (admittedly restricted to contexts of non-birth based membership in the group).

In the *Jasani* and *Jahan Ara* era, when confronted with determination of caste/ tribe status arising out of inter-caste marriage and adoption cases in the context of reservations, the Supreme Court's response was to focus on the assimilation of the person within the beneficiary group. Questions concerning acceptance by other members of the beneficiary group and nature of assimilation were central to the discussion. However, it must be noted that even during this period the emphasis was very much on an evidence-based factual determination but with a completely different focus.

The judgment of the Gujarat High Court in *Rameshbhai Dabhai Naika* (2010) that the action of the relevant authority in cancelling the appellant's Scheduled Tribe certificate was valid on the ground that the appellant could only inherit his father's caste (forward caste Kshatriya) and not his mother's Scheduled Tribe status was rightly seen as an incorrect application of precedent. The two judges disagreed with the manner in which the decisions in *Valsamma Paul v. Cochin University and Ors.* (1996), *Punit Rai v. Dinesh Chaudhary* (2003), and *Anjan Kumar v. Union of India* (2006) were interpreted and held that those decisions in fact supported the position that every such case must be decided on particular facts as applicable to the individual.

Though there could be a presumption that a child born out of an inter-caste marriage inherited the caste of her/ his father, the Supreme Court was of the view that such a child could lead evidence to rebut the presumption while demonstrating that she/ he was brought up by the mother and was also accepted by the mother's community along with those outside the community.

However, the nature of the factual determination being discussed in the Supreme Court's judgment in *Rameshbhai* is significantly different from what was contemplated in *Jasani* and *Jahan Ara*. Starting with *Valsamma*, the Supreme Court has sought to move away from a framework that requires factual determination only along the lines of acceptance by group members and assimilation. In *Valsamma*, the Supreme Court explicitly holds that, for purposes of Article 16(4), recognition of the individual by the beneficiary group is irrelevant and it is the life experience of the individual that is relevant. Decided by a two judge bench, the decision was arguably not in consonance with what was decided by larger benches (three judges) in *Jasani* and *Jahan Ara*. In *Sobha Hymavathi Devi v. Setti Gangadhara Swamy and Ors.* (2005), three judges of the Supreme Court overruled *Jahan Ara* to the extent that it does not take into consideration the actual background and circumstances of the person in question and relies solely on questions of group assimilation. Marriage into a beneficiary group and acceptance by the members of that group is held to be insufficient for an individual to claim benefits under Articles 15(4), 16(4) and 332.

The Supreme Court's decision in *Rameshbhai* is a logical extension of the decision in *Sobha*. While in *Sobha*, the question was whether a woman from a socially dominant group could marry into a beneficiary group and claim the benefits of reservation, in *Rameshbhai* the court was faced with the reverse fact scenario. The individual in question wanted to inherit his mother's Scheduled Tribe status despite her marriage to a forward caste man. The court was correct in extending the analysis in *Sobha* to establish the position that an examination of the individual's circumstances can lead to her/ him inheriting the mother's status.

Therefore, the big news from the Supreme Court's decision in *Rameshbhai* is not really that an individual can inherit her/ his mother's status in certain circumstances, but rather that the Supreme Court now seems to have established the position that, in cases of inter caste marriage, children born out of inter caste marriage and adoptions, there is an additional level of investigation to be conducted to decide the eligibility for reservations – and that additional level of investigation centres around individual deprivation and moves away from pure notions of group membership even in the case of Scheduled Castes and Scheduled Tribes. Undoubtedly, it would have been possible to reach the same conclusion through the framework developed in *Jasani* and *Jahan Ara* but the additional individual-based investigation in the manner envisaged in *Valsamma* onwards certainly contributes to fine tuning India's reservation policies. While addressing the legal status of children born out of such marriages the honourable Supreme Court in the instant case was of the opinion that:

“In an inter-caste marriage or a marriage between a tribal and a non-tribal there may be a presumption that the child has the caste of the father. This presumption may be stronger in the case where in the inter-caste marriage between a tribal and a non-tribal the husband belongs to a forward caste. But by no means the presumption is conclusive or irrefutable and it is open to the child of such marriage to lead evidence to show that he/she was brought up the mother who belonged to the scheduled caste/schedule tribe. By virtue of being the son of a forward caste father he did not have any advantageous start in life but on the contrary suffered the deprivations, indignity, lies, humiliations and handicaps like any other member of the community to which his/her mother belonged. Additionally, that he was always treated a member of community to which her mother belonged not only by that community. But by people outside the community as well. In the case in hand the tribal certificate has been taken away from the appellant without adverting to any evidences and on the sole ground that he was the son of a kshatriya father.”

I have tried to put across a question that is this benefit of reservation which would only promote the inter-caste marriages? or, the promotion of such marriages by government policies is sufficient? On careful analysis of abovementioned cases I have come to a conclusion that there is a need of real change in the perception of society towards inter-caste marriages. The change of attitude and receptiveness of such marriages in the society would eradicate the stigma and a feeling of hatred associated with such marriages. But, a pertinent question here is how this change would come in the society? Though various government policies and legislations are there to promote such marriages and to grant financial assistance to couples doing such marriages and it even extends protection to individuals doing such marriages. On the contrary, the policies and legislations do not seem to bring some radical changes in the society, there might be several reasons for their ineffectiveness. First, the lack of implementation of such policies due to the lenient behavior of the implementing authorities and also the government of respective states is also responsible because of their hidden political motives, the fear of the defeat in the upcoming elections de motivate the politicians to publicize and promote this issue in front of the large gathering, they are the leaders they should take up this responsibility on their shoulders to promote and to create awareness among the masses by openly telling them to do the inter-caste marriages to end this menace and it would further lead into the eradication of caste system, all the individuals born on this earth are equal, there is nothing such as caste, tell them about the various statutory safeguards, benefits and protection granted by the government. Such an initiative by political leaders and other prominent personalities of the society would surely bring a positive change in the society as they are the framers of society. The word said by them would surely be having an impact throughout the society.

Apart from this there needs to be a change in the mindset of the society that such marriages are not sin, you cannot discriminate an individual on the basis of caste. Though, granting reservation to children born out of inter-caste

marriages is an affirmative action which strengthens the root of such marriages. The courts and legislators have played a significant role to end this evil but still they have a pivotal role to play through effective implementations of policies and laws through executives and in case of failure social research should be conducted. The media and civil society have also a great role to play; they can create the awareness among the people about the benefits associated with such marriages and by projecting the bad side of not doing such marriages. When a government can do the mass publicity of their policies and achievements, it can also publicise this so that this evil must end from the society.

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