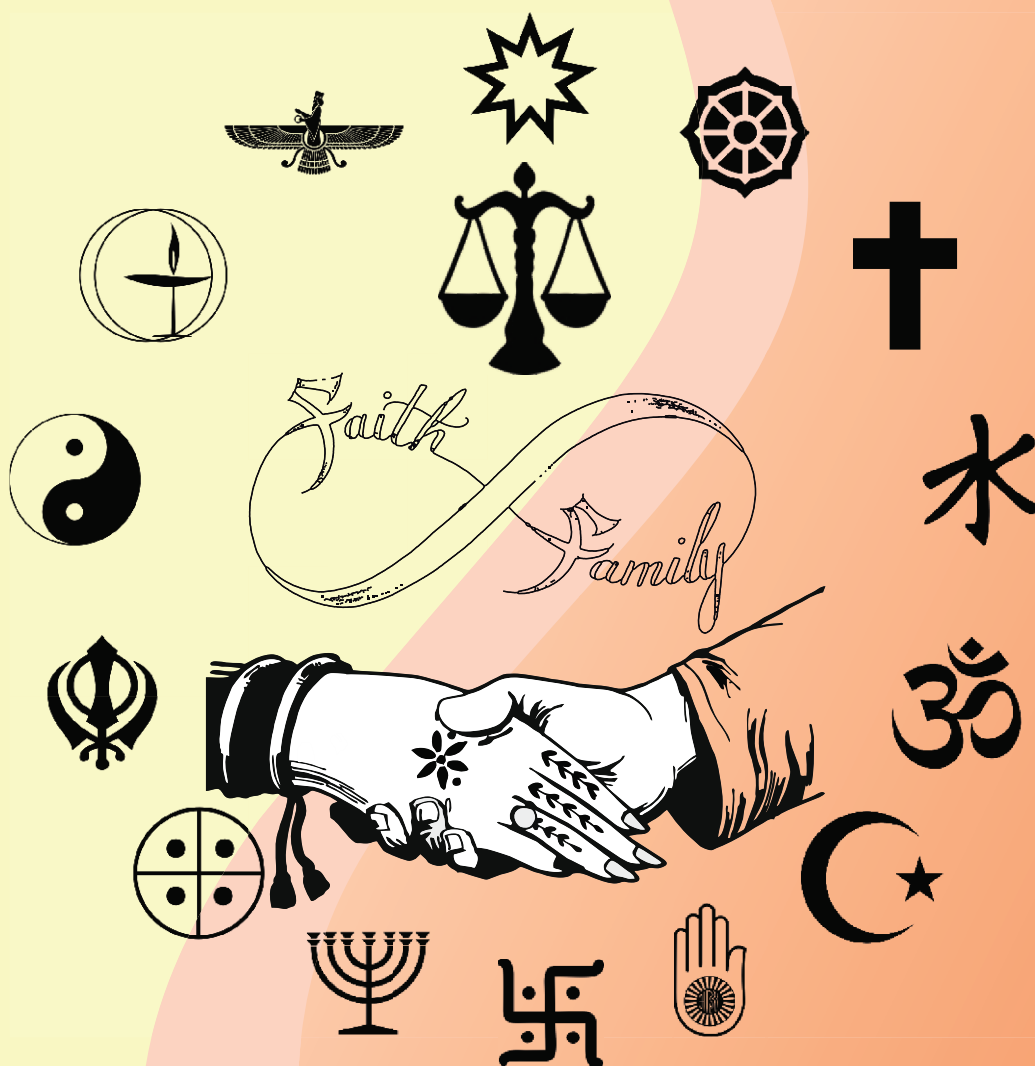


# Inter-faith Roundtable on Marriage and Personal Law

Date: 23rd and 24th April 2018

Place: Madurai, Tamilnadu



Unity and Mission  
National Council of Churches in India



Church of Sweden



# Inter-faith Roundtable on Marriage and Personal Law

## Report



The Interfaith Roundtable on Marriage and Personal Laws was organized by NCCI, with the support of Church of Sweden and Christian Service Agency in Madurai, Tamilnadu, India from 23rd to 24th of April. The round table was attended by delegations from the faith traditions of Baha'i Buddhism, Christianity Islam, Hinduism, Jainism, Sikhism, Secular Ideologies and philosophies and community representatives. Renowned Lawyers, Legal Experts, Academicians, Human Rights and Child Rights Activists, Professors, Counsellors, Theologians, representatives from Self Respect Movement, Gender and Sexually Diverse Communities, victims of the Child Marriage,

people in interfaith and inter-caste marriages also participated in the conference as delegates. The aim of the conference was to explore the comprehensive perceptions of the varied faith and secular traditions, cultures and genders on interfaith marriage and articulate an interfaith theological affirmation which can contribute to facilitate the interfaith marriage and also look at marriage and personal (family) laws from gender perspectives.

The conference was inaugurated by the Vice President of NCCI Mrs. Aleyamma Thomas, the Vice-president of NCCI and Rev. David Jebaraj, Clerical Secretary of CSI Madurai-Ramnad Diocese. The conference registered its voice for the Justice for Asifa by candle lightening and sticking the notes carrying the pledges of the delegates to give safe survival for women. The Vice-President also read out the inaugural message of Mrs. Leela Manohari Joseph in absentia, in which she invoked the spirits of the delegates to unite as leaders of various faiths to come together and voice out for justice, in solidarity with the women of India and Baby

Asifa Bano in particular. This was followed with message by Rev. David Jebaraj, Clerical Secretary, CSI Madurai-Ramnad Diocese where he elaborated on some of the consequences of society's condemning view of interfaith marriage like honor killing, female immolation, excommunication from the community etc. He urged the necessity to analyse issues with the willingness to know the reality and the



evaluation of the outcome to form a policy or action plan to acknowledge interfaith marriages. He also further asked the participating organisations to study the issues well both biblically, theologically, socially and legally before we analyse them and develop action plans.



Rev. Fr. Arul Arockiam, Madurai Arch Diocese in his greetings reflected on the biblical basis for marriage saying love forms the foundation of any interfaith marriage. He then explained the essentiality of the church's response in such a context. It is such instances that call the Church to think, evaluate, and go forward to affirm the interfaith marriage and also show solidarity with those interfaith couples in struggle. Mr. Venkatesh, Baha'i community in Tamilnadu, also stated that the love is the heart of any marriage. The Baha'i community follows this as essential for a marriage. Later, in her greetings Dr. Anuradha, Professor, Periyar University and also a Hindu explained that the supremacy of any religion cannot be claimed over the other. Thus the role of faith is

to make life better and not worst. She pointed out the role of caste system in the present day context and the Varna Ashrama Dharma of the Bhraminical Hinduism that predominantly stands against such interfaith and inter-caste marriages. She also spoke of popular Hinduism that keeps at the forefront the aspect of love and a touch of modernity that makes marriages more flexible adapting to the present day context.



Sharing greetings from the Church of Sweden, Ms. Karin Bodin drew a picture of faith traditions in the pluralistic context of Sweden and the need for the church to inclusively explore issues of gender justice and interfaith marriage in this context. Mrs. Aleyamma Thomas, the moderator of the inaugural panel, reinstated the fact that everyone has the right to have the dignity of life analysing the status of womanhood as submissive and voiceless in India and inspired the delegation of faith leaders to be more gender sensitive in religious practices.

Distinguished advocate Flavia Agnes delivered the key note on the theme from the perspective of Gender Justice and Personal laws. She observed the communalism behind the sexual assault and brutal murder of Asifa. In the words of Flavia Agnes "the nation politicised the issue of interfaith marriage and mixed with the issues of national security and terrorism". She further said that "God created human beings in God's own image and does not want them to be violated by any discrimination". The women in oppressive marriages endure violence in the institution of marriage. Personal laws on the other hand are mostly patriarchal in nature.. However, a Uniform Civil Code is not a quick-fix, since women want rights within their communities. The Special Marriage Act of 1955 is an alternative, enacted in order to facilitate the couples to be united in



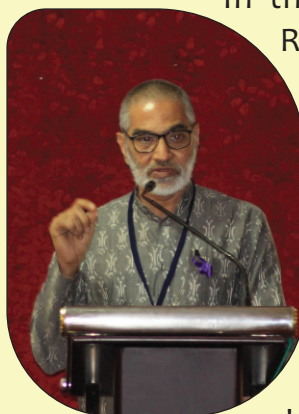


marriage, regardless of faith, enabling the spouses in interfaith marriages to remain in their own faith. Under this act marriage becomes a secular institution and the domain of marriage is separated from religion entirely. However, legal provisions are not enough: there also needs to be awareness of rights, and women need empowerment and access to justice.

Adv. Henry Tiphagne, well known Human Right Activist by passion and an advocate by profession espoused Interfaith Marriages and Honour Killing: A Cultural and Legal reading. The underlying assumption of honour killings is that some families are good families, while others are bad, whether because of caste or religion. He spoke of the necessity of educating courts on the matter, and highlighted the Supreme Courts' Guidelines for Khap Panchayats on marriages and honour violence, and the responsibility of government to provide protection for victims of such violence. During his inspiring talk he rang the minds of the faith leaders gathered, with questions on how faith handles interfaith marriages. How politics uses faith as a weapon of destruction? How honor-killings are on the rise in this era of religious fundamentalism and fascist fundamentalism. He called for the need for Human Rights education in schools, including Christian schools. There is already a special syllabus available, that has been used in Tamil Nadu. Such kind of initiatives must be encouraged by the leaders of all faiths in order to proclaim Justice for women. Girl child security should be of utmost importance in a



time when gender bias and gender related violence has increased rapidly. He quoted the life example of Irom Sharmila and her marriage which raised groups of people protesting her wedding because of its interfaith nature. Adv Tiphagne thus affirmed that each person has the right to freedom of religion.



In the Interfaith Theological Roundtable 1, Adv. Irfan Engineer a practicing lawyer and peace and human rights activists explained the role of marriage in Islam and its theological importance. He then addressed the Triple Talaq concept in Islam, saying “doing justice

is next to piety in Islam”. According to Adv Engineer, the Quran recognized the rights of women, improving their situation in comparison with pre-Islamic society. Today the fundamental Islamic groups have adulterated the concept of Talaq. The decision of the Supreme Court of India is welcomed by the leading Islamic theologians, though rejected by the fundamental groups within. However, the criminalisation proposal by the legislature is not welcomed. “Polygamy in Islam came into effect to do justice to the destitute women as it is instructed in the Quran”. Further he stated that “the present practice of Triple Talaq is not mentioned in the Quran. Adv Engineer recommended reforms to for women’s rights within the religious traditions.

Following him Dr. Anuradha elaborated on marriage from a Hinduism perspective. Dr. Anuradha espoused the varied differences between popular Hinduism and Bhraminical



Hinduism. In her opinion the Bhraminical version of Hinduism follows Varnashrama unlike popular Hinduism, discourages interfaith and inter-caste marriage. Marriage in Hinduism is part of the responsibility of dharma,

and certain duties are not complete if not practised by husband and wife together. It is the joining together of two souls, rather than two individuals, and monogamy is stressed, this is why Hinduism has not accepted divorce to the extent of even expecting the woman to follow her husband in death pyre. The role of women is contradictory: on the one hand, the family is centred around the woman, as she is given great importance, but, on the other, she is perceived as impure, and a sexual object. Dr Anuradha stressed that change must start in the family.

Rev. Fr. Britto Jerald Dhinakaran brought in the attention towards the Roman Catholic view on interfaith marriage. He started by claiming the sacramental importance of the marital relationship as it is a divine covenant, hence, it cannot be secular. Further he declared the initiations of the Roman Catholic Church to be inclusive by quoting Pope Francis that he is receptive to the interfaith marriages and instructed the Church to accommodate the

people who joined together in the disparity of the cult. He also affirmed that the church needs to change in a globalized world.

Rev. Christopher Rajkumar, Executive Secretary, NCCI-Unity and Mission, moderated the interface of roundtable groups where participants came out with outcomes discussing on the questions of personal view about gender discrimination and the patriarchal nature of Religions and things need to be changed in it. Predominantly all groups shared the vulnerability of women in the family, society and in religion and the conflict arises when the vulnerable demand their rights. They also acknowledged that religion is patriarchal in nature. This patriarchal imprint of religion has resulted in culture too, being oriented in an atrocious manner.

The second day of Conference started with the Interfaith Roundtable 2 moderated by Dr. Esther Kathirolu, Executive Secretary, Tamilnadu Christian Council. Shri. ORN. Krishnan gave a detailed presentation on Buddhist faith tradition, status of women in Buddhism and interfaith, inter-caste marriage in Buddhism. He highlighted that Buddhism accords supreme importance to the institution of marriage, which is considered as a mere social contract and not based on divine



ordination. As it initiates the way of life and equality it affirms the interdependence and interconnectedness of the individual self and others. Interfaith and intercaste marriages are



welcome, since they help dismantle divisions based on caste, faith, race, etc., divisions which are rejected by Buddha. The initiations to accept the couples of interfaith marriages are in progress. He suggested the immediate need of educating the children about it to reform the society in future.

Shri. Teerthesh Mehta gave presentation on the highly ritualistic marriage traditions in Jainism. He acknowledged that women are given equal rights in Jainism to the extent of allowing them to become Monks. Interfaith marriage is not encouraged in Jainism as they follow systematic Jain traditions in Marriage. Followed by him marriage in Baha'i community is shared by Mr. Venkatesh. He stated that the concept of marriage in Baha'i faith is more a physical and spiritual union. The man and the woman has a free choice of spouse, but the parents should consent. As he told they believe that religion, God and humanity all are one, a kind of equality prevails in Baha'i community and they encourage interfaith marriage. He further said that the marriage in Baha'i community is to support the spiritual life of each other and to extend god's praises through offspring.

On Child marriage: Cultural and legal implications Dr. Jim Jesudoss, Child Rights Activist and Practitioner and Executive Director of Shakthi Vidiyal presented saying Child marriage withdraws the core life of the girls denying their rights to have safe survival, in the



context of the prevailing Child Marriage culture that still in remote parts of the country. Though the legal age of marriage is 18 years for girls and 21 years for boys, 24 million girls are forced into marriage each year. Girls are seen as the property of the men in the family, and therefore the family can decide over her body. The Child Marriage Prohibition Act (2006) makes child marriage an offence, and lets courts pass injunction orders. It also affirms that it is the responsibility of the state to raise awareness. However, the act also has serious limitations. Another problem is that child marriage is seen as a social issue, not legal, and in practice it is therefore difficult to implement the law. The stereotyped socio - economical and cultural affluences pushes the family to get the girl child through marriage. This in a way allows rape without guilt within the marriage. Democratising the family can bring awareness on the rights of the girl child in the family and help to stop the child marriages. He emphasised that faith communities, including the church, have an important role in this.

Addressing the theme Secular Philosophy of marriage Dr. V. Nehru enlightened about the rationalistic Self Respect movement in Tamilnadu by EVR. Periyar to eradicate the so called upper caste hegemony, Brahminical Varna system, and to stamp out the discriminations based on economy, caste, class and religion. It affirms the interfaith and inter-caste marriage and widow remarriage breaking down the religious, caste and class identities and acknowledges marriage as a secular institution. He also stated that the self respect marriages outside the religious institutions were condemned illegal by a Supreme Court



verdict in 1953 concerning the sharing of the assets. Later through the Special Marriage Act of 1954 self respect marriages comes to pass as legal and on the process in Tamilnadu.

On the roundtable on Personal Laws Adv. Sathiya Moorthy presented about the Law of adoption – which is only legal in the Hindu Adoption Act, though an amendment is being proposed through a uniform code of adoption – and interfaith marriage. The Indian Succession Act, applying to Christians and Parsis, provides equality to men and women, but is often not followed. The Christian Marriage Act was amended in 2002, making consent divorce possible, as well as recognizing ten conditions when a divorce can be given. He highlighted the Special Marriage Act and recommended that even Christian marriages are registered under this act, while also stating that interfaith marriage is legally permissible.



Janab, Basheer Ahamed shared the three objectives of marriage in Islam: It protects the chastity of men and women, mutual love which leads to tranquillity and strong society. Sharia, the Islamic law, determines what applies to Muslims; however, in India there is a specific Muslim Personal Law, originally enacted in 1937. He addressed the personal laws in Islam and gender justice in Islam saying that marriage is mandatory in Islam. Consent of both spouses is also mandatory. Men and women are considered equal but not identical, and are created to play their different roles. The rights of both become the duty of each other. Further he gave a detailed view of divorce in Islam, saying that is it undesirable but sometimes necessary. While Triple Talaq is illegal according to Islam, Muslims are against the criminalization.

Talking on Family Law and Gender Justice Dr. Asha, Counsellor in Court, said that in the cases found in the divorce counselling in the court women are often are exposed to danger as they are forced to divorce by their in-laws. She shared on the commercialisation of Divorce by lawyers themselves. In her opinion, the rate at which divorce is sought is predominantly against the women who feel vulnerable because of their grooming. The women, in the Indian context are taught to be submissive, adjust and forego everything on the basis of the interest of the husband and his family. This not only destroys the life of the woman but also demoralizes her. She further went on to say that educating girls on their rights in the family, society and faith will help the world be a better place for the generations to come.



Mr. Karin Bodin facilitated the plenary with the assistance of Ms. Joanna Lilja and Rev. Christopher Rajkumar. Rev Christopher Rajkumar shared some examples of how interfaith marriage is a pastoral challenge, showing the need for the church's practice to reflect the loving care for all its members, including those who wish to marry with persons of other faiths. Ms Joanna Lilja shared the example of how the Evangelical Lutheran Church in Jordan and the Holy Land adopted a new





gender equal family law as part of the Church constitution. The law was drafted and adopted after the women's group in the church wrote a letter to the Bishop, raising questions about the role of the Church in the advancement of women's human rights. The proposal of a gender equal family law was initially met with a lot of resistance but after a long process, the law was finally approved in 2015.

In the plenary the table groups engaged in discussions on the Church and the Pastors' role in solemnising the interfaith marriage in Church and divorce. They also discussed about the gender justice in marriage and the things need to be changed within faith and religious institutions. The groups came out with the following thought provoking suggestions: Need of change in the structural amendments of the church, the leaders of the church should take initiatives to be broad minded and acknowledge the interfaith marriage and make awareness, gender justice and human rights education in Sunday schools.



Rev. Dr. Mohan Larbeer in the way forward emphasized on the awareness education and human rights education with the perspective of gender justice. He also invited the church to give away the conservative and fundamentalist role towards interdenominational, interfaith and inter caste marriage. And the essential change in the patriarchal influence in the marriage liturgy and the theology of marriage can lead the church to be inclusive. With the valedictory note from Mrs. Aleyemma Thomas the conference ended taking all the suggestions and guidelines and ecclesial, theological and ministerial affirmations on the Marriage, Family and Gender justice the conference suggested NCCI to take responsibility to propose to impose Human Rights Education to the constitutional member churches.



The words from Janab Basheer Mohammad, ignited the road ahead for the study on Marriage, Personal Law and Gender-Justice saying, "this round table challenged me and my work in giving importance to the Gender-justice component in our work. I will go and share the insights that, I gained from this round table with my community and political party to give importance to the gender-justice in all our religious and political works". And Mr. O N Krishnan of Buddha Samaj



shared that, this round table has helped me to think on how to minister the inter-faith couple and their families with the Gender Justice focus. Fr. Arul Arockiyam said, it is the duty of the Churches to look the issues related to marriage and divorce differently and relevantly. Let our canons and religious laws not subdue any human created in the image of God.

The Round table ended with the call to communicate and propagate the Gospel of Love, Justice and Peace. The roundtable being one phase in the study process, paved the road ahead to channelize the study process. It also called unto all faith communities to involve in facilitating legal literacy especially Human Rights and Gender Rights initiatives as part of their religious teachings. The Churches are encouraged to come-up with the curriculum on Human Rights and Gender Equality for Sunday Schools and Youth Fellowships. Likewise the other faiths are also encouraged to initiate such process. The Round Table mandated the organisers to develop a theological position paper on Inter-faith marriages upholding gender rights and gender equality.

