

Flygtningenævnets baggrundsmateriale

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Land:	Indien
Kilde:	EASO
Titel:	India - Refusal of arranged marriage
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**COI QUERY**

Country of Origin	India
Main subject	Refusal of arranged marriage
Question(s)	Information on incidents of discrimination and/or ill-treatment targeting (Sunni) Muslim men who refused to marry their assigned partner (particularly relative) as arranged by their parents (2014-2018)
Date of completion	28 September 2018
Query Code	Q119
Contributing EU+ COI units (if applicable)	

Disclaimer

This response to a COI query has been elaborated according to the [Common EU Guidelines for Processing COI](#) and [EASO COI Report Methodology](#).

The information provided in this response has been researched, evaluated and processed with utmost care within a limited time frame. All sources used are referenced. A quality review has been performed in line with the above mentioned methodology. This document does not claim to be exhaustive neither conclusive as to the merit of any particular claim to international protection. If a certain event, person or organisation is not mentioned in the report, this does not mean that the event has not taken place or that the person or organisation does not exist. Terminology used should not be regarded as indicative of a particular legal position.

The information in the response does not necessarily reflect the opinion of EASO and makes no political statement whatsoever.

The target audience is caseworkers, COI researchers, policy makers, and decision making authorities. The answer was finalised on the 28 September 2018. Any event taking place after this date is not included in this answer.



COI QUERY RESPONSE

Background information

According to Hena Zuberi,¹ 'arranged marriages are the cultural norm for (many) Muslims across the world'². Allendorf & Pandian (2016) stated in their article 'The Decline of Arranged Marriage? Marital Change and Continuity in India', that according to ethnographic studies Muslims prefer, 'or are at least less averse towards', to marry a relative within their own village in India³.

Although love marriages are becoming more and more popular in India⁴, arranged marriages are still the norm⁵. In the abovementioned article the authors concluded 'that the practice of arranged marriage is shifting, rather than declining'. Women are becoming more active in choosing their own husbands, spouses are meeting each other before the wedding day, and the number of intercaste marriages is increasing⁶.

In her study on arranged marriages, Jaiwal distinguishes three distinct arranged marriage patterns: the traditional, modified traditional, and cooperative traditional patterns. In the first pattern the spouse has no right to veto the partner choice. In the second pattern the individual has no or very limited influence of the partner choice. Only in the last pattern the individual has the right to accept or refuse the prospective spouse. Jaiwal notices 'an increasing movement towards the cooperative traditional patterns amongst younger generations, and a slight increase in number of inter-caste/inter religious marriages'⁷.

In the light of the above, the line between forced and arranged marriages is not always clear. Nevertheless, a forced marriage should be distinguished from an arranged marriage. The former 'describes circumstances where one or both of the parties enter into, or remain in, a marriage against their will, under physical force or psychological duress, or without free and informed consent', while the latter 'refers to circumstances where both parties receive assistance from a third party (e.g., parents, family members, a marriage broker or matchmaker) to identify a prospective spouse, but the choice of whether, when and whom to marry is ultimately up to each intended spouse'⁸.

¹ Hena Zuberi is currently the editor in chief of MuslimMatters.org and has worked as a television news reporter and producer for CNBC Asia, Eastern World Television News and other media outlets. For more info, see ([url](#)).

² Zuberi, H., *Arranged Marriage is not Forced Marriage*, 22 November 2011, ([url](#)).

³ Allendorf, K. & Pandian, R.K., *The Decline of Arranged Marriage? Marital Change and Continuity in India*, 6 Augustus 2016, ([url](#))

⁴ Medium, *Statistics of Arranged and Love marriage in India*, 26 December 2016, ([url](#))

⁵ Washington Post, *India has changed a lot in 70 years. But arranged marriage remains the norm.*, 2 May 2017, ([url](#))

⁶ Allendorf, K. & Pandian, R.K., *The Decline of Arranged Marriage? Marital Change and Continuity in India*, 6 August 2016, ([url](#))

⁷ Jaiwal, T., *Indian Arranged Marriages: A Social Psychological Perspective*, Routledge, Oxon, 2014.

⁸ Global Justice Initiative, *Forced Marriage FAQs**, n.d., ([url](#))

In a Muslim marriage it is an essential requirement that the couple give their full consent, because a marriage in Islam requires *ijab* and a *qubul* (proposal and acceptance)⁹. Nevertheless, the consent of the bride is most often taken for granted in India¹⁰.

When it comes to percentages of arranged marriages, the Centre for the Study of Developing Societies (CSDS) in partnership with Konrad Adenauer Stiftung, conducted a survey in 2016 in 19 States of the country among 6122 respondents in the age group of 15-34 years. About 84% of married young people still have their marriage arranged¹¹.

An issue which is inevitably linked to arranged marriages are the so-called 'honour crimes' or 'honour killings'. There is a wide range of definitions concerning these terms. In his article 'Honour Killings in Haryana State, India: A Content Analysis', Deol refers to a report of The Indian Law Commission¹², which 'views that the words 'honour killings' and 'honour crimes' are being used loosely as convenient expressions to describe the incidents of violence and harassment caused to the young couple intending to marry or having married against the wishes of the community or family members'¹³.

According to the already aforementioned report of The Indian Law Commission, "honour killings" are mostly reported from the States of Haryana, Punjab, Rajasthan and U.P.'. Another place which is mentioned is Bhagalpur in Bihar. Also 'some incidents are reported from Delhi and Tamil Nadu'¹⁴. Deol also mentions the states of Punjab, Haryana, Rajasthan and Western Uttar Pradesh where these incidents happen more frequently¹⁵.

'Honour killings' are common among Hindus and Muslims in India¹⁶. Based on an academic comparison "Hindu and Muslim honor killings in India, Pakistan and the West" in 2012, Chesler distinguishes significant differences in terms of motives: 'Hindus honor kill when caste violations are committed: Muslims for many different reasons; Hindus often kill the men as well as women, whereas Muslims, rarely do. Hindus do not bring this custom with them when they come to the West; Muslims, and to a much lesser extent, Sikhs, do'¹⁷. In all three aforementioned religions there is no justification of

⁹ Zuberi, H., *Arranged Marriage is not Forced Marriage*, 22 November 2011, ([url](#))

¹⁰ Hussain Khan, C.G., 'Muslim Kinship in Dravidian Milieu' in *Economic and Political Weekly*, Vol. 38, No. 46, November 2003, pp. 4902-4904, (available at [url](#)), p. 4903

¹¹ CSDS/KAS, Key highlights from the CSDS-KAS Report 'Attitudes, anxieties and aspirations of India's youth: changing patterns', 3 April 2017, ([url](#))

¹² The Law Commission of India, *Prevention of Interference with the Freedom of Matrimonial Alliances (in the name of Honour and Tradition): A Suggested Legal Framework*, Report No. 242, Government of India, August 2012, ([url](#))

¹³ Deol, S.S., 'Honour Killings in Haryana State, India: A Content Analysis' in *International Journal of Criminal Justice Sciences*, Vol. 2(9), July – December 20014, pp. 192-208, ([url](#)), p. 194

¹⁴ The Law Commission of India, *Prevention of Interference with the Freedom of Matrimonial Alliances (in the name of Honour and Tradition): A Suggested Legal Framework*, Report No. 242, Government of India, August 2012, ([url](#)), p.3

¹⁵ Deol, S.S., 'Honour Killings in Haryana State, India: A Content Analysis' in *International Journal of Criminal Justice Sciences*, Vol. 2(9), July – December 20014, pp. 192-208, ([url](#)), p. 194

¹⁶ Al Jazeera, *India sees huge spike in 'honour' killings*, 7 December 2016, ([url](#))

¹⁷ Chesler, P., *Honor Killing Is Not Just a Muslim Problem*, Tablet Magazine, Middle East Forum, 16 April 2018, ([url](#))



‘honour killing’. Both in Islamic law as in Hindu or Sikh sacred texts ‘there is no scriptural reasoning for these crimes’¹⁸.

Another phenomenon is the so-called ‘groom kidnapping’ or ‘shotgun wedding’. This is a practice whereby an eligible bachelor, mostly from well-off families, is kidnapped by his future in-laws or a (hired) bachelor kidnapping squad and being ‘coerced into marriage in order to enter legal agreements over property or business with the bride’s family, or simply so the woman’s relatives do not have to put up an expensive dowry’¹⁹. Sometimes this forced marriage (*Pakadua Vivah*) literally takes place at gunpoint²⁰.

Especially in the state of Bihar, groom kidnapping, locally known as *aspakadwa shaadi*, is quite common. In February 2018, the Bihar authorities reported that 12,000 grooms were kidnapped the past four years²¹. Not only the ‘exorbitant dowry’ price, but also the uneven sex ratio in the state is responsible for the high number of kidnappings. ‘According to the 2011 census, there were just 751 girls for every 1000 boys in Bihar’²².

A third topic which is related to arranged marriages is the so-called ‘dowry death’ or ‘death by dowry’. This term is used to describe a bride either committing suicide or being murdered as a result of dowry harassment. The husband or his extended family can harass the woman when the dowry is unsatisfactory in an arranged marriage. As the tensions become unbearable, either the woman will be killed or ‘she decides to take her own life’²³. The National Crime Records Bureau reported almost 7500 ‘dowry deaths’ in 2016. Most ‘dowry deaths’ were reported in Uttar Pradesh with approximately 2500 victims²⁴. Although, the practice of dowry has been illegal since 1961 when the Dowry Prohibition Act came into force, ‘the custom remains widespread’²⁵.

¹⁸ Esposito, J.L. & Lalwani, S.B, *Honor Killing: Is Violence Against Women a Universal Problem, Not an Islamic issue?* Huffpost Blog, 9 April 2010, ([url](#))

¹⁹ Telegraph, *Indian groom forced by gunpoint into marriage*, 5 January 2018, ([url](#))

²⁰ NDTV, *"We Aren't Hanging You," Bihar Engineer, Married At Gunpoint, Was Told*, 7 January 2018, ([url](#))

²¹ Bihar Post, *Indian state issues alert after 12,000 grooms kidnapped for marriage in four years*, 5 February 2018, ([url](#))

²² Al Jazeera, *Groom kidnappings: A blot on India's Bihar*, 24 February 2014, ([url](#))

²³ Belur, J., Tilley, N., et al., *The social construction of 'dowry deaths'*, 18 July 2014, ([url](#))

²⁴ National Crime Records Bureau, *Crime in India 2016 – Statistics*, 10 October 2017, ([url](#)), p.13

²⁵ Guardian, *'We decided to take a stand': why some Indian families are returning dowries*, 5 June 2017, ([url](#))



An overview of recent incidents²⁶

Among all sources consulted and within the timeframe allocated to respond to this Query, no specific reports could be traced in which a (Muslim) man was threatened or killed because of refusing an (arranged) marriage.

Nonetheless, the below information could be of relevance.

On 21 June 2017, a 35-year-old man's genitals were cut off by his girlfriend, when he refused to marry her. The incident took place in Delhi's Mangolpury. The man was reluctant to marry the woman because his family was against the relationship²⁷.

Early January 2018, a 29-year-old engineer was forced to marry a woman at gunpoint after he was kidnapped in Bihar. The man accused the local authorities of inaction and police involvement in his kidnapping²⁸.

Early February 2018, a young Hindu man was killed by Muslim couple in Delhi. The couple was upset that their daughter was being courted by a Hindu²⁹.

On 18 February 2018, 'a woman in India's Telangana state colluded with her secret lover to kill a man she was engaged to'³⁰.

On 23 February 2018, a 26-year-old software engineer was killed, while his wife was grievously wounded, in eastern state of Orissa, after receiving a wedding 'gift' at their wedding reception a few days later. After opening, the gift exploded³¹.

On 27 May 2018, a 23-year-old Christian man was killed by his brother-in law and some relatives in Kerala state a few days after his marriage. The man was a Dalit (formerly untouchable), while the woman belonged to what is perceived as 'upper class'³².

On 8 July 2018, a 37-year-old physiotherapist was killed in a village in Tamil Nadu state. After the man refused to marry a woman with whom he had allegedly been in an illicit relationship for six months, she plotted the murder. The man was already married and had an eight-year-old son³³.

On 14 September 2018, a 24-year-old man was murdered in front of his wife in an alleged 'honour killing' in a small town in the southern Indian state of Telangana. The wife belonged to a wealthy,

²⁶ This overview includes only the most relevant cases which could be traced in the media

²⁷ Indian Express, *Woman cuts off her man's genitals when he refused to marry her: Report*, 23 June 2017, ([url](#))

²⁸ NDTV, *"We Aren't Hanging You," Bihar Engineer, Married At Gunpoint, Was Told*, 7 January 2018, ([url](#))

²⁹ Guardian, *'I feel no hatred': the radical response to an 'honour' killing that shook India*, 11 February 2018, ([url](#))

³⁰ Gulf News, *Woman, secret lover kill man to avoid arranged marriage*, 24 February 2018, ([url](#))

³¹ BBC, *Who sent the wedding gift bomb that killed this newlywed?*, 25 March 2018, ([url](#))

³² Gulf News, *Another 'honour killing' in Kerala; this time it lays bare casteism in Kerala Christian community*, 30 May 2018, ([url](#))

³³ Times of India, *Woman bumps off physiotherapist with hired killers, as he refused to marry her*, 13 July 2018, ([url](#))

upper-caste family, while the man was a Dalit (formerly untouchable). The police arrested the father in law, and six others, including three alleged contract killers, in connection with the murder³⁴.

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³⁴ BBC, *India killing: 'My father ordered my husband's murder'*, 20 September 2018, ([url](https://www.bbc.com/news/world-asia-india-45570981))



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