



# Interreligious Marriage in Bangladesh: From Human Rights Perspective

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**Abstract:** One of the important rights for human beings is freedom to marriage and religion as stipulated not only in the United Nation Declaration of Human Rights but also in Bangladesh Constitution. However, in some cases, this right cannot work smoothly within religious traditions that since very beginning seemed to emphasize single religion-based family over family based on pluralistic religions. In some regards Islamic law forbids interreligious marriage, especially a Muslim female with a non-Muslim male and also forbidden by the Hindu religious Rites. Interreligious marriage between Muslim and Hindu is recognized under Special Marriage Act, 1872 in Bangladesh. According to Article 2 of Muslim Marriage Law, 1974, "Marriage is legitimate, if it has performed in accordance with the religion and belief of each party". This article discusses the right of interreligious marriage with the light of human right perspective and supported by the other laws. Meanwhile, the materials used in this article are primarily based on Muslim and Hindu religious rules-regulations and Marriage laws relevance to this issue. From this perspective this article argues that prohibition of interreligious marriage is contradictory to the universal human rights that maintain every human being has a right to build a family regardless of religious consideration. Where marriage is constitute in the life of two human beings not in religions.

**Keywords:** Interreligious Marriage, Human Rights, Universal Declaration of Human Rights, Marriage Laws

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## 1. Introduction

Marriage is a social amalgamation or legal contract for human beings. According to Universal Declaration of Human Rights, 1948, "Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family". They are entitled to equal rights as to marriage, during marriage and at its dissolution (Article-16) and Bangladesh Constitution, 1972 "every citizen has the right to profess, practice or propagate any religion" (Article-41) but this is hardly practiced in Bangladesh. For religious and social reservations still Interreligious marriage is treated as Cultural-lag in our society.

As a result couples of Interreligious Marriage and their family are victimized and isolated from the society. In so far Marriage is not only rituals but also social traditions, cultures and customs of all over the world for all religion. Gillin and Gillin (1981) said, "Marriage is a socially approved way of

establishing a family of procreation". Westermarck (1984) remarked, "Marriage is rooted in the family rather than the family in the marriage" (Schafer, 1998). Marriage relationship is one of the fundamental aspects of human relationship. But sometimes the practices and implications of marriage are not socially approved or legal. There are various races, religious propaganda, rules and regulations despite these marriage is an essential ritual of all races all over the world. It has different implications in different cultures and religions [1].

Though marriage is an essential part of human beings but creates various problems regarding with marriage such as caste, race, and dower. It deemed that this problem is more acute than other familial issues. Inter-religious Marriage sometimes regard as imperfect or irregular marriage not only destructs the conjugal life but also the future of their offspring and family members. The problem associated with inter-religious marriage and their victimization is non-negotiable because of social reservations. In some regards

there are external solutions but internal agitation is forever. Where husband and wife remain through thick and thin, they blame each other and burning alive before death [2]. Though the practice of Inter-religious marriage is not new in Bangladesh but in the field of academic research it is completely new concept. In Bangladesh there are some sociological research regarding Cross-cultural Family Relationship and Cross-cultural Marriage Relationship [3] and legal analysis of Inter-religious Marriage [4] but in the field of criminological research there are no single study with the view of human rights perspectives and victimizations of Inter-religious Marriage.

Some cultures accept Inter-religious marriages (Muslim, Hindu and Christian) more easily than others. In some parts of Africa it is much more acceptable than in most communities of the Middle East or the Indian Subcontinent. Inter-religious marriage in the United States has been fully legal in all U.S. states since the 1967 Supreme Court decision that deemed anti-miscegenation laws unconstitutional, with many states choosing to legalize interracial marriage at much earlier dates. Anti-miscegenation laws have played a large role in defining racial identity and enforcing the racial hierarchy. The United States has many ethnic and racial groups, and interracial marriage is fairly common among most of them. Interracial marriages increased from 2% of married couples in 1970 to 7% in 2005 and 8.4% in 2010. The 2010 Pew Research Center Report (U.S. Census Bureau's 2010 American Community Survey) found that record 15.1% of all new marriages in the United States were between spouses of a different race or ethnicity from one another. The Indian subcontinent has a long history of Inter-religious marriage dating back to ancient history. Various groups of people have been intermarrying for millennia in South Asia, and it was particularly common in the northwestern and northeastern parts of the subcontinent [4]. In Bangladesh Marriages between people from different religions are recognized under the Special Marriages Act, 1872 [3].

In Bangladesh Marriages are governed by Muslim Marriage Act, 1974, Hindu Marriage Act, 1956, Christian Marriage Act, 1872 and Special Marriage Act, 1872 (for inter-religious marriage). Despite these Inter-religious marriage is an ill practice of Bangladesh forbidden by the Hindu religious rites also ashes the life of husbands and wives. In some regards it is recognized by the Muslim laws and values but causes a great adverse impact in the life of Hindu family. Inter-religious, inter-faith or mixed marriage call it by any name a cross-religion marriage is a reality of life across the globe. With an opening world and ever-expanding liberal views regarding religious injunctions, the number of such marriages is growing fast. Removal of long-standing legal barriers and acceptance of formal validity of such marriages by many countries of the world have, perhaps, contributed to the rise of such marriages. In Bangladesh, although growth of inter-religious marriages is not high, such marriages are not insignificant in number either. Couples contracting inter-religious marriage can be found in our neighborhood, among friends, relatives or acquaintances. Surprisingly, they contract

such marriages in a state of legal vacuum.

In undivided India, British rulers enacted a law, namely, the Special Marriages Act of 1872, conditionally allowing inter-religious marriage. One of the serious conditions of this law was that the parties to an Inter-religious Marriage must renounce their religion before contracting such a marriage. Moreover, this law is unclear, inadequate and full of ambiguity, leaving many of the important legal questions relating to Inter-religious Marriage unanswered. Surprisingly, judicial decisions are also scanty in this matter. Thus, legal issues involving Inter-religious Marriage are left in a convoluted and grey state in spite of its wider legal ramifications, not only for the parties to such marriage but also for their issues, successors, families, near relatives and the community at large. Being an iconoclastic affair, Inter-religious Marriage parties suffer from some inherent difficulties in Bangladesh, such as, social barriers, cultural disfavours and religious restrictions [3].

Marriages between people from different religions are specifically recognized in Bangladeshi law under the Special Marriage Act no 3 of 1872 and such marriages are readily accepted in Bangladesh. Mixed marriages can present problems, but the mix is not restricted to religion. Sunni/Shia, rich/poor, educated/uneducated marriages can encounter resistance, but this resistance begins in the family. If the family accepts a marriage, so will the community. Such resistance is much more likely to be encountered at the village level than in cities and towns, where mixed marriages are more frequent.

But this relation causes serious victimization in lower socio-economic class people. People in mixed marriages sometimes, but not always, encounter various forms of non-violent harassment from their families and peers. As a rule, this harassment tends to be more common among uneducated and illiterate people, regardless of where they live. The government has no policy of involving itself in, or condoning, such harassment.

In the absence of any statutory recognition the spouses of such marriages and their offspring may face various legal difficulties in respect of legitimacy of children, inheritance, adoption, right of maintenance, etc. In order to remove all the difficulties it is felt expedient that marriages among all the above classes should be given statutory recognition to uphold their rights. This paper deals with the inter-religious marriage between Muslim and non-Muslim according to human right perspective.

## 2. Materials and Methods

To deal with the issues of Interreligious Marriage, this article draws greatly upon the secondary materials consisting of the Muslim Marriage Law, 1974, Hindu Marriage Law, 1956, Hindu Marriage Validity Act, 2001 and Special Marriage Act, 1872. From the human rights perspectives this article uses The People's Republic of Bangladesh Constitution, 1972, The Geneva Convention on the Universal Declaration of the Human Rights, 1948, The United Nations

Commission for Human Rights, 1993 and The International Covenant on Civil and Political Rights, 1966. In terms of method, this article utilizes thematic analysis as a qualitative study.

### 3. Religious and Legal Explanation of Interreligious Marriage in Bangladesh

Marriage is a socially or ritually recognized union governed by a state, an organization, or a religious authority. There are very rituals and laws regarding on marriage depending on religions. Basically in Bangladesh, Muslim Marriage Act, 1974, Hindu Marriage Act, 1956 and Special Marriage Act, 1872 are followed. Special Marriage Act is recognized for Inter-religious marriage. Civil marriage is a marriage without religious content carried out by a government institution in accordance with marriage laws of the jurisdiction, and recognized as creating the rights and obligations intrinsic to matrimony.

In Bangladesh, Inter-religious marriage neither socially accepted nor the couples are welcomed either Hindu or Muslim family. But depending on some circumstance it is recognized in Muslim society. Some provisions regarding Inter-religious marriage in Muslim and Hindu family are given below

#### 3.1. Muslim Law Principles on Interreligious Marriage

The genesis of the Muslim law principles on IRM can be found in the following verses of the holy Quran:

- (1) *“And do not marry idolatress till they believe (Allah); and indeed a slave Muslim woman is better than a (free) idolatress, even though she pleases you. And give not your daughters in marriage to idolaters till they believe (in Allah alone); and verily a believing slave is better than a (free) idolater, even though he pleases you. Those (idolaters and idolatresses) invite you to the Fire, but Allah invites you to the Paradise and unto Forgiveness by His grace, and thus makes His Ayaat (lessons, signs etc.) clear to mankind that hopefully they may remember”* [The Holy Quran, Verse-2:221]
- (2) According to Article 2 of Muslim Marriage Law, 1974 *“Marriage is legitimate, if it has performed in accordance with the religion and belief of each party”*.

From the two assumptions Inter-religious marriage is valid in Muslim rituals between Muslim and Non Muslim If the non-Muslim party converts, then the couple can marry under the Muslim Marriages Act.

#### 3.2. Hindu Law Principles on Interreligious Marriage

According to Hindu Religious rules and regulations Inter-religious marriage is an anti-social, punitive, unscriptural, maltreated and hindered work and in the long run must hellish sufferings. The practice of Inter-religious marriage is a forbidden work measured by the Hindu Shastrai Pandits

from the early civilization to contemporary society. Hindus, Brahmos, Buddhists, Jains, and Sikhs and their different castes, sub-castes and sects are governed by the existing principles of Hindu law. But in matters of marriage amongst them this customary law has so far prohibited intermarriage.

According to the Hindu Marriage Validity Act, 2001 article 3 postulates

*“Notwithstanding anything contained in any other law for the time being in force or in any text, rule or interpretation of Hindu law or in any custom or usage, no marriage between Hindus shall be deemed to be invalid or ever to have been invalid by reason only of the fact that the parties thereto belonged to different religions, castes, sub castes or sects”*.

#### 3.3. The Special Marriage Act 1872: An Explanation of the Existing Legal Framework

Marriages between people from different religions are recognized under the Special Marriages Act of 1872. Two marriage acts for Interreligious Marriage exist in Bangladesh. Generally, a non-Muslim wishing to marry a Muslim is required to convert to Islam and then the pair can be wed under the Muslim Marriages Act. However, if the non-Muslim party declines to convert to Islam, the marriage may take place under the Special Marriages Act. This Act was enacted during the British colonial era specifically for inter-caste and inter-faith couples. Marriages under the Special Marriages Act are registered before the Metropolitan Magistrate, to whom the inter-faith couple declares, *“We do not follow any particular religious denomination and therefore want to marry each other before the Metropolitan Magistrate”*. The Magistrate then solemnizes the marriage and registers it on a standardized Registration Form. There are no statistics or data on the impact of mixed religious marriages.

During British rule in Indian sub-continent, the Special Marriages Act, 1872 was enacted to let people contract Inter-religious Marriage transcending personal law restrictions. Although this law primarily paved the way for Inter-religious Marriage parties to enter into a valid marriage, but it did not provide a solution to all marriage related legal issues.

##### 3.3.1. Short and In-Exhaustive Law

The law contains only 26 sections and does not cover all legal issues that the Inter-religious Marriage parties and others may face because of the Inter-religious Marriage. Although it has provisions for divorce, succession, coparcenaries status and adoption, it contains no provision on maintenance of wife and children, restitution of conjugal rights, legitimacy of children, custody and guardianship of children etc.

As this law is supposed to be an alternative to a full-fledged personal law system covering the whole gamut of conjugal issues, it should have contained enough provisions on all conjugal and other related legal issues Inter-religious Marriage parties are supposed to face.

### 3.3.2. *Conservative Law*

The law was enacted in 1872 by British rulers in order to “legalize,” as the Preamble goes, “certain marriages the validity of which is doubtful.” The law made room for Inter-religious Marriage parties to contract a valid marriage without hurting religious susceptibilities of the faith-groups. Section 10 provides that the parties shall sign a declaration in the form contained in the second schedule of the Act renouncing their former faith. Column 2 of the schedule contains the pro-forma of renunciation as, “I (so and so) do not profess the Christian, Jewish, Hindu, Muslim, Parsi, Buddhist, Sikh or Jaina religion.” In a 1966 case, the Supreme Court held that renunciation of religion is the necessary condition for a marriage under the Act, and it declared the marriage that was in issue in that case as null and void as neither party renounced their religion in practice.

The reason for making such a provision is not hard to understand. Because of the intense religious feelings among the people of the Indian sub-continent at the time of enacting this law, the rulers thought that this “provision of renunciation” may pacify the anger of the concerned faith groups who may be hurt by the Inter-religious Marriage law. The formula was that because of this provision, as the parties were now out of religion by renunciation and then contracted Inter-religious Marriage, faith groups had nothing to say. Perhaps it was a correct appreciation of the religious sense of the people of the subcontinent.

Because of the renunciation, parties to Inter-religious Marriage are excluded from succession to the property of their ancestors, when they Christian, Jewish, Muslims and Parsis (section 23 & 24). It causes severance from the undivided family in case of Hindus, Buddhists, Sikhs and Christians (section 22); they also lose their right to adoption under their concerned personal laws (section 25).

Of course, renunciation provision is not applicable to parties to an, Inter-religious Marriage when both profess one or the other of the Hindu, Buddhist, Sikh or Jaina religion. Perhaps because of the insignificant differences in-between these religions, they are absolved from the renunciation provision in this case. This conservative law, although enacted by British rulers 138 years back balancing their openness to Inter-religious Marriage and their long-term political interest in the sub-continent, still endures in Bangladesh.

### 3.3.3. *Ambiguous Law*

Section 11 holds that an Inter-religious Marriage under this law may be solemnized ‘in any form’. It is not defined what the term means. Although the law is silent about what would be the religion of the children of an IRM, Section 18 holds that if a child of an Inter-religious Marriage marries under this Act, s/he shall be deemed to be “subject to the law to which their fathers were subject” as to the prohibition of marriages by reason of consanguinity and affinity. Whereas their father himself is no more subject to the law, why the issues are so bound is not clear. Section 23 provides that when the IRM is between parties each of whom professes

one or the other of the Hindu, Buddhist, Sikh or Jaina religion, they will have the same rights and subject to the same disabilities like a person to whom the Caste Disabilities Removal Act 1850 applies. Section 24 holds that succession to the property of an Inter-religious Marriage party professing the above-mentioned religion shall be regulated by the provisions of the Succession Act, 1925. But the Special Marriages Act is absolutely silent about the succession by the parties to an Inter-religious Marriage when they do not belong to above mentioned religions. Nor does it say anything about the succession to the property of such a party.

### 3.3.4. *Procedural Hardship*

Section 11 of the Act holds that the marriage shall be solemnized in the presence of the Registrar and of three witnesses who signed the declaration of second schedule i.e. the declaration of renunciation of religion by the parties. A marriage in absence of the Registrar is void. So, the Registrar is a key person for conducting such a marriage.

Section 3 provides for the appointment of the Registrar. It holds that the Government may appoint one or more Registrars under this Act, either by name or as holding any office for the time being, for any territory subject to its administration. In practice, the government has so far appointed only one Registrar under this Act for the whole territory of Bangladesh. His office is located in the capital of Bangladesh. Thus, the parties to an Inter-religious Marriage must travel all the way to Dhaka from any corner of the country to contract a valid marriage under this Act. Whereas there are thousands of traditional marriage registrars within a district, it is unreasonable not to appoint at least one special marriage registrar for each district.

### 3.3.5. *Out-Dated Law*

The Special Marriages Act was enacted in 1872. Since then, the world has undergone massive changes: the enactors and several of their generation have gone, the British quitted from the subcontinent, we became independent and entrenched secularism in the Constitution of Bangladesh as our mantra. But the Act still survives; survives with its renunciation provision, survives with its ambiguities, survives with a vacuum as to succession, maintenance, custody and guardianship of children. India changed this law back in 1954, and has been continually refining it. In a recent report by the Law Commission of India, they went so far as to say that the word “special” needs to be reconsidered. They argued, “It projects such marriages as unusual and in case of Bangladesh, the reform of the Special Marriages Act of 1872 is long overdue.

### 3.4. *The Special Marriages Act 1954: An Alternative Explanation of the Indian Counterpart*

Like Bangladesh, the Special Marriages Act of 1872 was also applicable to India. Repealing the law, they enacted the Special Marriages Act of 1954 (Act no. 43 of 1954) for covering Inter-religious Marriage. It is a progressive law, and

remedied many of the shortcomings of the Act of 1872. It can summarize the improvements in 1954 Act as follows.

#### 3.4.1. Exhaustive Law

The Special Marriages Act of 1954 is a self-contained and exhaustive law. Covered in 51 sections, it addresses all marriage related issues, i.e. formalities of marriage, registration of marriage, consequences of marriage under this Act, restitution of conjugal rights, judicial separation, nullity of marriage and divorce, legitimacy of children, maintenance of wife and children, custody of children and succession. Whether all the provisions are ideally correct or not is a different question, but it certainly brought all the marital issues within a single law. So, parties to Inter-religious Marriage do not have to remain in uncertainty regarding the legal status of their marriage and its legal consequences.

#### 3.4.2. Progressive Law

The Act allows an IRM between “any two persons” (section 4). Religion is not at all in issue for the validity of an Inter-religious Marriage under this law, as the Law Commission of India aptly remarks— “Any person, whichever religion he or she professes, may marry under its provisions either within his or her community or in a community other than his or her own.”<sup>30</sup> So, there is no question of renunciation of religion under this law. Parties to an Inter-religious Marriage can retain their own particular religion while contracting a marriage under this law.

#### 3.4.3. Refined and Well-Defined Law

The SMA, 1954 has clarified many ambiguities that existed in the Act of 1872. Section 21 of the Act provides that— “Notwithstanding any restrictions contained in the Indian Succession Act, 1925 with respect to its application to members of certain communities, succession to the property of any person whose marriage is solemnized under this Act and to the property of the issue of such marriage shall be regulated by the provisions of the said Act.” Under this law, if an Inter-religious Marriage party dies, his property will be distributed under the Succession Act, 1925. Of course, the Act of 1954 is silent about the succession by an Inter-religious Marriage party from their ancestors if s/he is Muslim, Christian, Jewish or Parsi. In case of Hindu, Buddhist, Sikh and Jaina, Section 19 holds that they will have the same rights to succession subject to the provisions of the Caste Disabilities Removal Act, 1850. So although the Special Marriage Act, 1954 refined some provisions, it has its own shortcomings.

However, the Act of 1954 defined and made provisions on almost all marital legal issues. It also indicated, in Chapter VII, the appropriate court to hear any legal issues under the Act, and prescribed the procedure to be followed by it.

## 4. Inter-Religious Marriage from Human Rights Perspectives

Guarantees of religious liberty and respect for conscience

and belief are inevitably found in the constitutional orders of liberal democratic societies and in international and regional human rights instruments.

In particular, Article 18 of the Universal Declaration on Human Rights of 1948 provides that

*“Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance”.*

A fuller formulation (which includes a reference to education, but excludes explicit recognition of the right to change religious belief) is found in Article 18 of the International Covenant on Civil and Political Rights of 1966

*“Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching”.*

*“No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice”.*

The UNCHR issued a General Comment on this Article in 1993

*“The Committee observes that the freedom to ‘have or to adopt’ a religion or belief necessarily entails the freedom to choose a religion or belief, including the right to replace one’s current religion or belief with another or to adopt atheistic views (Article 18.2) bars coercion that would impair the right to have or adopt a religion or belief, including the use of threat of physical force or penal sanctions to compel believers or non-believers to adhere to their religious beliefs and congregations, to recant their religion or belief or to convert.”*

From the Bangladesh Constitution, 1972,

*“Every citizen has the right to profess, practice or propagate any religion (Article-41)”.*

According to Universal Declaration of Human Rights, 1948

*“Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution (Article-16)”.*

In the European Convention on Human Rights, the key guarantees providing protection for freedom of thought, conscience and religion or belief are found in

Article 9 provides that

*“Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance”.*

Such guarantees are found in other instruments for

example, Article 12 of the American Convention on Human Rights provides that

*“Freedom of conscience and religion includes the freedom to maintain or to change one’s religion or beliefs, and freedom to profess or disseminate one’s religion or beliefs, either individually or together with others, in public or in private”.*

From the aforementioned discussion Interreligious Marriage and the right to freedom to choose religion are human rights under national and international statutes.

## 5. Victimization of the Couples in the Case of Inter-Religious Marriage

Hindu Marriage is a ‘*Sacrament*’ on the other side it is a ‘*Contract*’ between husband and wife in the Muslim Marriage [2]. It is mentioned earlier that Inter-religious Marriage is socially accepted in the Muslim society [5] but not Hindu culture. So the severity of victimization is forward to Hindu respondents than others.

People in inter-religious relationships often feel marginal, and even a kind of homesickness. There is a very basic anxiety about numbers, that interfaith marriages mean fewer people belonging to the faith in the future. There are also concerns about the dilution of rich and unique religious worlds and traditions. Some people are worried that interfaith couples and their children are going to lack something which is tremendously valuable, or that they will put together their own ‘pick and mix’ belief system, or even end up with no faith at all. There’s also a fear that many people with hybrid or half-baked beliefs may impact on religions themselves. Some cultures accept interfaith marriages more easily than others. In some parts of Africa it is much more acceptable than in most communities of the Middle East or the Indian Subcontinent [6].

The nature of victimization depends on the couple’s social class, residential areas, ages and educational qualifications. Mr. Jahid Hassan (37) who is a college teacher (MS), married with a Hindu Women said, *“The residential area of my wife (32), religious rites is strictly followed so no connection with my father’s in-law, we live separately in work place”*

Harassment of couples of Inter-religious marriages would depend on their respective social class and economic status. For example, it is unlikely that couples of the upper-middle classes and the intellectual community of the middle-class would face problems of harassment by the general population. According to the personal opinion one of the respondent’s, *“We are neglected entity of the society for our economic status. We have no voice against the ‘Matobbor’ of the society. Today I have no relationship with my parents all rules and regulations for us”.*

However, for the rest of the society, such couples are tremendous pressure and at times psychological abuse from family members and the general population who receive such marriage as “no normal”. One respondent Ms Bakuli (18) reads in class ten who convert in Muslim said, *“My father is*

*a tea staler, having lower class all blames and social punishment for us”.*

One of the crucial problem faces by the couple’s is deprived at from the property. The respondents who convert Hindu to Muslim are completely deprived from the succession right of property. Couples married under Special Marriage Act, 1872 are also stripped of his inheritance rights because their marriage they declare the civil court that they do not practice any religion (Special Marriage Act, 1872: Section-24). It is noted that the Muslim respondents who marry non-Muslim under the Muslim Marriage Act, 1974(A-2) not deprived from the succession right of property.

According to the one of the respondent Bipul *“For the greediness of property and familial conflict I convert from Hindu to Muslim but in the long run I have to lose the right of parental property that is completely unknown to me”.*

Most of the respondents not only deprived from the right of the property but also expelled from the family which jeopardized their whole life and a widespread negative impact of personal life as well as children. According to the personal opinion one of the respondent’s wife (35) her husband converts to Muslim, *“My husband marries with Muslim women. He doesn’t live with us he have no sufferings. But my bridegroom expelled from the family. I have no money no right of property. As result my daughter (17) marry with an old person (40)”.* In this regard, the sufferings of Hindu respondents are more than Muslim respondents.

As Inter-religious Marriage is not socially recognized in Bangladesh so sometimes the respondents and their family are excommunicated from the society. There are also a fear of excommunicated in some family if they continue any relationship with the respondents. According to the personal opinion one of the respondent’s mother, *“My son converts Muslim and marries with a Muslim girl for love. We are not invited any cultural and religious programs. Death is preferable than expelled from the society”.*

Most of the families are strictly forbidden that they could not continue any relationship with the respondents. If they continue any relationship with them then the situation will be more measurable. Sheuli Rani Shill (35) her husband (40) converts to Muslim, *“We are excommunicated from the society. For this reason the marriage proposal of my elder daughter are broken down in two times. Nobody helps us”.*

One of the important reasons for the excommunicated is societal bonding. Where the societal bonding is strong and religious beliefs are strictly obeyed suffering is more than less bonding society. Because societal bond is an umbrella type for all the society members and they have to follow the all rules and regulations as they live the same society. In this point it is stated that those Hindu respondents converted to Muslim lived separately with their new family and having no sufferings but the victimization of ex family members are forever. Ms Sabitree Basak (36) belongs in a lower class said that, *“we are four sisters and one little brother and my father is older person only earning member of the family he works hard for our family but no enough money to marry the four daughters”.*

Not only expelled from the society but also the respondents as well as their family have to migrate from their ancestry property. In this regard, in the study area the social bonding and religious bond is strong and the common tendency among the Hindu respondents and their family to migrate India by selling their property. Sometimes many families are bound to migrate. It has a bad impact on their life.

According to the one of the respondents personal opinion, “When I occur this matter, my family members have to bound migrate from their own house and a new place occur various crisis in food and shelter”. The migrated people in new place are helpless they cannot adapt easily with the new environment and sometimes isolated.

According to the one of the respondents mothers personal opinion, “When my daughter convert from Hindu to Muslim my own family members, relatives and neighbor always blame me and the situation is more worse when she is divorced and came to house. In this situation we are bound to migrate him in India”.

## 6. Discussion

‘So what if we’re not the same religion?’ We love each other and we know we are meant to be together – it’s so much more important than religious difference. Differences do not stop people falling in love, and may even be part of the attraction. The trouble is that the religious element in social attitudes. A lot of people in interfaith relationships are deeply committed to their faith, and go through a great deal of heart-searching about the rights and wrongs of their relationship.

The practice of Inter-religious Marriage is not ancient in Bangladesh. It is not only confined in educated, upper social-class or urban area but also prevails in illiterate, lower social class family and rural area. When someone in falling loves, religious differences or social class do not matter.

But in Bangladesh it is hardly accepted both Hindu and Muslim society and the victimization is not confined the life of couples itself. In some regards, the familial victimization is more than couple’s personal victimization. The nature of victimization depends on the respondent’s social class, family status, social bonding, residential areas etc. The victimization is more when it is joint family than nuclear family [7].

As a result the couples of Interreligious marriage are victimized from the Inheritance Rights of property Excommunicated or Expelled, Family and community rejection, Divorce and Abortion, Migration and productivity loss it is the contradiction of human rights.

One of the major contradictions of Interreligious marriage with human rights is the vagueness of Article 2 of the Muslim Marriage Act, 1974 “*Marriage is legitimate, if it has performed in accordance with the religion and belief of each party*” [8].

The vagueness of Article 2 of the Marriage Law of 1974 is a prime cause leading to the violation of human rights. The phrase “in accordance with the religion and belief of each party” in that article for Muslims cannot mean other than

Sharia, which gives rise several problems.

For this reason when conduct union between Muslim and non Muslim the non Muslim partner must convert Muslim before marriage with Muslim Partner which is the violation of their religious rights.

The prohibition of inter-religious marriage also contradicts evidently to other basic rights of human beings, especially that of freedom. As stipulated respectively in Article 1 and 2 of UDHR that “*All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood*” and “*Everyone is entitled to all the rights and freedom set forth in this Declaration, without distinction of any kind*” [9-14].

In these scenes Inter-religious marriage is a valid but in Bangladesh these statutes are hardly practiced as a result the couples of Inter-religious marriages are suffers from various legal difficulties in respect of legitimacy of children, inheritance, adaptation, right of maintenance etc.

## 7. Conclusion

Freedom of thought, conscience and religion is a vital human right. In this sense, Inter-religious marriage is also a human right under national and international statutes. Special Marriage Act, 1872 is one of the pioneers Act which facilitates marriages between any two people, including members of any two religious communities. It does not involve conversion and also permits people to avoid various complications that arise from marriages under various religion-based personal laws. From Muslim and Hindu religious rites Inter-religious marriage and conversion is an anti-social, punitive, unscriptural, maltreated and hindered work and in the long run must hellish sufferings. The practice of Inter-religious marriage is a forbidden work and the couples are not welcomed in the society. The prohibitions of inter-religious marriage between a Muslim and a non-Muslim seem contradict to universal human rights. Based on Muslim and Hindu religious rules-regulations and Marriage laws relevance to this issue, this article argues that prohibition of interreligious marriage is contradictory to the universal human rights that maintain every human being has a right to build a family regardless of religious consideration. It is the high time to recognize the interreligious marriage in Bangladesh.

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