

"MEDIA OUTLOOK ON INTER- FAITH MARRIAGES: A CONSTITUTIONAL INQUIRY IN FEMINIST JURISPRUDENCE"

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INTRODUCTION

Well before and ShahRukh Khan and Gauri, Zaheer Khan and Sagarika Ghatge, there was Mansur Ali Khan Pataudi and Sharmila Tagore. Muslim men who married Hindu ladies and the general population was excited by their relationships. The astonishing Pataudis and Khans were very much ensured by VIP status and social force, and nobody blamed them for Love jihad. Yet, the story is altogether different for normal residents who decide to wed external their religion. They stay helpless before the state and vigilante crews since they aren't notable. Akhila Ashokan or Hadiya wedded Shafin Jahan and confronted long stretches of torture under the watchful eye of the Supreme Court at last decided in 2018 that 'the option to wed an individual is fundamental to Article 21.' regardless of this, today couples who break the strict obstruction are shadowed by fears of submitting 'love jihad'.

"Love jihad" is an Islamophobic paranoid notion. It asserts that Muslim men are "attracting" women (generally Hindu women) into changing over to Islam, under the guise of love and marriage. The myth of 'love jihad' is sustained through widely circulated illustrations of 'lustful' Muslim men and 'victimised' Hindu women. These images recirculate decades-old calumnies and make invisible Hindu men's regulation of Hindu women¹.

Globalization, schooling, and developing mindfulness make the advanced Indian populace break age-old family standards and wed external position and local area. These interfaith love and marriages are testing different standards and customs, obviously causing a headache for strict fundamentalists. The "danger" of such events have come about to "built" crusades by traditionalist powers. The Hindu fundamentalist gatherings have dominated the specialty of

¹Charu Gupta, Gupta, Love-Taboos: Controlling Hindu Muslims Romances, The India Forum (Jan 08, 2021), <https://www.theindiaforum.in/article/love-laws-making-hindu-muslim-romances-illegitimate>.

making frenzies around articulations of love, be it Valentine's Day, LGBTQ+ love, or between station and between strict sentiment; the gatherings show them as an impediment in having a strong local area and wonderful Indian family. For over 10 years, conservative Hindu gatherings in India have invoked the apparition of a "love jihad" among Muslim men: a mission to court Hindu women with the expectation of changing them over to Islam. Patriot and partisan gatherings all throughout the planet have since a long time ago attempted to prepare allies by proposing that greedy untouchables may try to go after weak women. Love jihad is a tool of propaganda that creates social divides and it has no connection to the lived reality of Indians but its scourge is spreading across the country. The Supreme Court must address the constitutional morality of the enactments and promulgations on love jihad, which militate against freedom of religion and dignity of women and polarise society².

Inter-Religious love marriages are confronting warmth of this exceptionally reckless and negative media inclusion which is actuated by fanciful and roused idea like Love Jihad. Presently love relationships are viewed as 'Love Jihad' by a part of media and that is restricted to just specific situations where young lady land up being of majority community. On the off chance that young lady is Muslim in a specific case, for media it isn't Love Jihad yet it is 'Ghar Wapasi' (Home coming).

What Is Love Jihad?

Love Jihad, also known as Romeo Jihad, is an alleged practise in which young Muslim boys and men pretend to love young girls from non-Muslim cultures in order to convert them to Islam. The Hindu right-wing conspiracy theory of "love jihad" claims that Muslim men seduce Hindu women into marriage in order to compel them to convert to Islam. Extreme Hindu organisations have coined the word "love jihad" to refer to a perceived conspiracy by Muslim men to convert Hindu girls in the veil of love. The alleged behaviour is focused on the influence of emotional appeal in religious conversion and emerges against such a framework of national religious turmoil.

National Commission for Women (NCW) former Chief Lalitha Kumara Mangalam had said that it was an unimportant issue and played up by the media and "It is just media hype if (media) stop writing about it, people will stop speaking³. Defined in media terminology terms

²Zeesah Ahmad And Zain Haider, The Politics of Love Jihad and its Constitutional Validity, The Leaflet (Feb 01, 2021), <https://www.theleaflet.in/the-politics-of-love-jihad-and-its-constitutional-validity/#>.

³TNN, 'Love jihad' is media hype, unimportant issue: NCW chief, Times Of India (Nov 15, 2014, 06.37 AM), <https://timesofindia.indiatimes.com/india/love-jihad-is-media-hype-unimportant-issue-ncw-chief/articleshow/45155137.cms>.

'Love Jihad' is a movement to convert 'vulnerable' Hindu girls to Islam, to decrease the population of Hindus and increase Muslim numbers in the country⁴.

History and development of the theory of Love Jihad

The idea of love-jihad can be traced back to a movement in north India in the 1920s by the Arya Samaj and other Hindu revivalist organisations to separate Hindus and Muslims. After the right-wing nationalist Bharatiya Janata Party (BJP) won an absolute majority in 2014, the concept of 'Love Jihad' was revived in Hindu nationalism's contemporary discourse.

Historian Charu Gupta described in her journal "*Hindu Women, Muslim Men: Love Jihad and Conversions*" that, in the 1920s, Hindu awakening reached new heights, and movements like *shuddhi* (purification for the Hindus converted to other religions) and *sangath* (organisation bolstering Hindu interests) was launched by the Arya Samaj⁵. During this time, an organised anti-Muslim propaganda campaign was underway, with rumours, gossip, and false news abounding in local newspapers, pamphlets, meetings, and posters.

The movement undoubtedly struck prejudiced, quick-thinking, and emotional Indian minds, and Hindu women's bodies became an offensive instrument for drawing communal lines. The identity of a lured, kidnapped, and converted Hindu woman was turned into an iconographic site representing both sacredness and humiliation, resulting in the victimisation of the entire Hindu culture. Provocative pieces like "*Hindu Auraton ki Loot*" (*Looting Hindu women*), "*Hindu Striyon ki Loot Ke Karan*" (*The causes behind the looting of Hindu women*) were written to mobilise Hindu youths. A 1924 piece from Kanpur titled "*Humara Bhishan Haas*" blamed conversions for the gradual decline of the Hindu population and the rise of the cow killer. A poem written in 1928 called *Chand Musalmanon ki Harkaten* (*behavior of the Moon Muslims*) claimed that conversions are schemes of Islamic fundamentalists to increase their population⁶.

These campaigns bear a striking similarity to current fundamentalist campaigns, which argue that forced conversions and love jihad are a scare tactic to increase the Muslim population. UN Mukherji sought to portray a bleak image of Hindus in India in his book "Hindus: A Dying Race" published in 1908. While it was full of inaccuracies, the book was later shown

⁴ Lalmani Verma & Johnson T A, Who loves Love Jihad, The Indian Express (September 7, 2014 11:43:02 am), <https://indianexpress.com/article/india/india-others/who-loves-love-jihad/>.

⁵ Tuli Bakshi, Love Jihad': Tracing The Portrayal Of Women As 'Wombs' In Hindu Nationalist Politics, Feminism in India (Nov.25,2020), <https://feminisminindia.com/2020/11/25/love-jihad-hindu-nationalism/>.

⁶ Tuli Bakshi, Love Jihad': Tracing The Portrayal Of Women As 'Wombs' In Hindu Nationalist Politics, Feminism in India (Nov.25,2020), <https://feminisminindia.com/2020/11/25/love-jihad-hindu-nationalism/>.

to be a hoax of the author's wild imagination for the next 111 years. The aim of population decline at the period was not only to promote Islamophobia, but also to mourn the loss of Hindu wombs. To increase the Hindu population, the movements attempted to assert greater control over women's reproductive agency.

However, as a political idea, it previously acquired foothold in 2007 in the Dakshina Kannada area of seaside Karnataka and parts of northern Kerala, where this was upheld by the extreme Hindu Right association Hindu Janajagruti Samiti (HJS). Recently, HJS was straightforwardly associated with the Sanathan Sanstha, which has been related to the homicides of socialist pioneer Govind Pansare, social dissident and pragmatist Narendra Dabholkar, epigraphist and Lingayat researcher M.M. Kalburgi, and writer Gauri Lankesh.

The HJS has occupied with different good policing exercises in Karnataka's metropolitan beach front territories. It acquired reputation after its individuals attacked couples in parks, bars, and colleges as a feature of a development against the westernization of Indian culture. By 2007, it had given a similar development a common bend when its chiefs started utilizing "love jihad" in various gatherings to demonstrate that Muslim men deliberately entangle Hindu ladies, wed them, and convert them to Islam as a component of an Islamist mission, with the more extensive objective, as indicated by the association, of decreasing Hindus to a minority local area in India.

The HJS contrasted Muslim adolescents with slinking "sexual stalkers" on its site. It likewise said, without legitimization, that 30,000 ladies had effectively changed over to Islam in Karnataka alone, and that three Hindu ladies were turning out to be casualties of "love jihad" consistently in Dakshina Kannada. The HJS development, notwithstanding, couldn't acquire foothold as the Sangh parivar had trusted because of an absence of proof to back up its claims.

A 2009 Karnataka high court request mentioning a joint examination by the Karnataka and Kerala police into the "love jihad crusade" legitimized the expression. The request came in light of a habeas corpus claim brought by the guardians of a grown-up lady who had hitched a Muslim man and intentionally changed over to Islam, as indicated by her own confirmation in court. Regardless of her contention, the court requested the lady, who lived in Chamarajanagar in southern Karnataka, to live with her folks until a request report was finished. What was maybe more stunning was the court's association of the habeas

corpus request to different instances of missing ladies around the state, which the court accepts may have been survivors of "love jihad."

The phrase "love jihad" was first used in an article on the court order by a right-wing daily, which was quickly picked up by several other Kannada dailies, gaining the concept widespread momentum. Around the same time, the HJS ramped up its communal effort, alleging that an organisation called Muslim Youth Forum, as well as a slew of other Islamic blogs, were preparing young men for "love jihad". Thereafter, Interfaith marriages are normal, according to the Kerala high court, and cannot be considered a criminal act. The trial was also closed by the judge.

From that point, the HJS and other Sangh members peculiarly directed the 'love jihad' pitch until 2012, when the BJP unit of Uttar Pradesh reactivated it as a political strategy – this time in rustic spaces of western UP, where male centric honor and standing fortitude remain unequivocally established. Western Uttar Pradesh's "love jihad" development was significantly more intricate than waterfront Karnataka's. The idea was utilized by Sangh parivar activists to enhance old Hindutva promulgation that depicts Muslims as cow slaughterers, salacious conceptive gadgets, guilty parties, and black marketeers.

Numerous Sangh activists in Muzaffarnagar, who kept on advancing the conviction that Muslims accept that culminating their associations with kafirs (non-adherents) will take them to jannat (paradise), and that if Muslims are not controlled, they will before long dwarf Hindus in India. During the Gujarat riots in 2002, deceiving bits of gossip about this sort were likewise coursed.

According to famous social activist Harsh Mandar, Gujarat riots accused Babu Bajrangji, used the term "Love Jihad" in 2006. According to Harsh Mandar, "Organizations have depicted that Muslim men as lustful sexual predators right from the 1920s and that Muslim boys in largenumbers are sexually harassing Hindu girls."⁷

In its current manifestation, 'love jihad' is a more dubious development than in its past easygoing structure. The idea has since advanced into quite possibly the most remarkable Hindutva strategies for joining Hindu men who have spent their entire lives wrestling with their own diverse, profound situated tensions. The greater part of them see 'love jihad' as an approach to disregard this reality and channel their frailties against both Muslim and Hindu ladies.

⁷Harsh Mander, *The truth about love jihad*, Livemint (16 Oct 2014, 08:16 PM), <https://www.livemint.com/Opinion/LeB6Xvk205tYUq1x0ZW9wL/The-truth-about-love-jihad.html>.

Through hauling up the 'love jihad' intruder, the BJP governments in Uttar Pradesh, Madhya Pradesh, Haryana, and Karnataka have additionally standardized such super masculine, shared legislative issues. The saffron party has returned to its attempted and- tried methodology to fix its hold and keep up force of what is currently a profoundly majoritarized country by announcing its arrangement to make a law against it, or by alluding to the offensive idea in political addresses to attack Muslims, or by commonly turning a terrible homicide case-the two of which have delivered 'love jihad' a successive argument.

The BJP-drove express governments' scramble in raising the issue simultaneously is obviously done pre-arranged just as deliberately. Along these lines, the Narendra Modi government at the Center, which is at present going through its most difficult stretch, has been moderately dynamic in redirecting public consideration from its versatile disappointments to check a furious illness, extreme financial difficulty, and steeply expanding joblessness, at any rate for now. Further, With the assistance of provincial news sources and neighbourhood channels "Love-Jihad", showed up in the public talk beginning from southern states like Kerala and Karnataka to entire of the India.

“Love jihad” became an tool for riots

That was the second when Amit Shah, a generally secret figure outside Gujarat, was named as his gathering's UP political race organizer. Inspired by his authority, BJP allies in western Uttar Pradesh walked from one town to another to go against what they called "love jihad" – a trademark that the Sangh parivar has effectively been utilizing to isolate Hindus and Muslims in waterfront Karnataka, which has for quite some time been Hindutva's demonstrating ground.

BJP representatives and those related with the Sangh parivar ingrained dread in Jats towards Muslims. They went to towns and met with seniors in the Jat culture, expecting to exploit conventionality among the old and their standard repugnance for heartfelt contacts of any sort.

Outfitted with a recently built and all around oiled web-based media gossip machine, these laborers asserted that certain madrassas were financed by fear monger associations and Islamic nations to change over Hindu ladies.

These madrassas, they continued, discovered "gorgeous Muslim youngsters" and instructed them to follow Hindu ladies to achieve this point. As indicated by Hindutva advocates, the madrassas showed youthful Muslim men how to dress "currently," and afterward supported them to open cell shops and purchase cruisers to charm Hindu ladies.

This unsubstantial theory was then compounded by the spread of various phony recordings through WhatsApp. The development had such an impact that a khap panchayat in western UP banished ladies from holding PDAs altogether in late 2012. All things considered, as indicated by the Sangh parivar-energized gossip, Muslim youth-run phone shops were the principal resources for Hindu ladies and Muslim men. Numerous other khap panchayats in the contiguous Jat-overwhelmed space of western UP and Haryana later upheld this move.

Consequently, question had been planted before the Muzaffarnagar shared uproars in 2013. It just took a minor squabble among Hindu and Muslim men over a motorbike, in which one Muslim man was killed, for the circumstance to grow into an undeniable strict uproar that inundated the region for quite a long time.

Promptly after the fight in Kawal town, a Muslim crowd lynched the two Jat men it associated with murder. In any case, as the day advanced, the Sangh parivar started sharing an old video of Taliban individuals lynching an individual and saying it was the lynching in Kawal town. The invented video became famous online, alongside the gossip that the two Jat men were lynched for endeavoring to prevent Muslims from following their sister. To prompt more strict difficulty, the Sangh parivar coordinated a gigantic meeting for the cremation of the two Jat men who were murdered. The group entered Muslim settlements in Kawal on farm vehicles and motorbikes on their way back from the cremation. They vandalised and looted Muslim houses and shops, and burnt down mosques of the area while shouting slogans like '*Jao Pakistan, warna kabristan* (Go to Pakistan or a graveyard)', '*Hindu ekta zindabad* (Long live Hindu unity)' and '*Ek ke badle ek 100* (For one life, we will claim 100 lives).'

The community group project was as yet incomplete. As the phony video spread, a couple of Jat pioneers, motivated by the BJP's 'love jihad' development, required a

⁸Ajoy Ashirwad Mahaprashasta, The History of 'Love Jihad': How Sangh Parivar Spread a Dangerous, Imaginary Idea, The Wire (Nov 20, 2020), <https://thewire.in/communalism/love-jihad-anti-muslim-history-sangh-parivar>.

mahapanchayat, or general body meeting of the Jat people group, with the announced plan of "safeguarding Jat honor against savage Muslims." Earlier Such mahapanchayats had some portrayal from the Muslim people group yet no more. The mahapanchayat called in the aftermath of the Kawal violence was attended by prominent BJP leaders such as Hukum Singh, Sangeet Som and Suresh Rana, along with leaders of the influential Bharatiya Kisan Union (BKU) Naresh and Rakesh Tikait.⁹ Together, they gave a call to defend the honour of "their women". The mahapanchayat came to be known as 'Bahu, Beti Bachao Mahasammelan (Save your daughter-in-law and daughter)' further, Vishwa Hindu Parishad (VHP) leader Ashok Singhal had then famously justified the violence, "When society could no longer bear the 'love jihadists' outraging the modesty and dignity of Hindu women and girls in rural and urban areas of UP, the corrective movement in the form of the Bahu, Beti Bachao mahapanchayat came into being."¹⁰

Those who attended the Mahasammelan, like those people who were present in the funeral procession, resorted to abuse against Muslim while returning. To fight the abuse, the Muslim leaders also formed its own panchayats. Communal violence erupted through Muzaffarnagar and neighbouring districts over the next few days, with the then-Samajwadi Party-led state government struggling miserably to suppress it.

COMPLICITY OF FOURTH PILLAR OF DEMOCRACY

Democracy is described as the rule of the people by their elected officials. One of the advantages of a popularitybased majority rule government is the ability to speak freely and the chance accessible for different portions of society to oppose this idea. For the political framework to capacity to its most extreme degree, famous commitment is required, which requires the spread of precise data to the majority on an assortment of public issues. This is the place where the media becomes an integral factor. For Media the unrest came in India when the coming into power of the Constitution of India, 1950 which viewed opportunity of presses as a crucial right. Despite the fact that not explicitly referenced it is obvious that opportunity of press is inborn morally justified of the right to speak freely of discourse and expression. This right was given a broader perspective by the Indian Judiciary in the following cases:

⁹Ajoy Ashirwad Mahaprashasta, The History of 'Love Jihad': How Sangh Parivar Spread a Dangerous, Imaginary Idea, The Wire (Nov 20,2020), <https://thewire.in/communalism/love-jihad-anti-muslim-history-sangh-parivar>.

¹⁰*Id.*

In *Romesh Thappar v. State of Madras*¹¹, Patanjali Shastri, CJ observed that “Freedom of speech and press is at the heart of all democratic organisations, because without open political debate, no civic schooling, which is critical to the proper functioning of the democratic process, is possible.”¹²

In *Brij Bhushan v. State of Delhi*¹³ Patanjali Shastri, J observed that” William Blackstone in his commentaries said that every free man has undoubted right to lay what sentiments he pleases before the public, to forbid this, is to destroy the freedom of the press, but if he publishes what is improper, mischievous or illegal, he must take consequences of his own temerity, pre censorship of a journal is a restriction on the liberty of press.” But, due to ‘transitional media’ with the progress of communication technology it became necessary to impose certain legal checks and bounds on transmission and communication. Hence there was requirement of restriction on freedom of press “Nothing in sub clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub clause in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence.”¹⁴

*Bennett Coleman and Co. v. Union of India*¹⁵ in this case Art 19(1) (a) is not a “guardian of unlimited talkativeness”¹⁶ was highlighted in the dissenting opinion by KK Mathew, Justice.

In *Indian Express Newspapers v. Union of India*¹⁷, the Supreme Court highlighted the need and importance of Freedom of Speech and Expression and it was expressed in the following words:“The expression freedom of the press has not been used in Article 19 but it is comprehended within Article 19(1)(a). The expression means freedom from interference from authority, which would have the effect of interference with the content and circulation of newspapers. There cannot be any interference with that freedom in the name of public interest.”¹⁸

In *Tata Press Ltd. V. Mahanagar Telephone Nigam Ltd.*¹⁹ the Supreme Court held that “a Commercial advertising or commercial speech was also a part of the freedom of speech and

¹¹1950 AIR 124.

¹²*Id.*

¹³1950 AIR 129.

¹⁴*Id.*

¹⁵1973 AIR 106

¹⁶*Id.*

¹⁷1986 AIR 515

¹⁸*Id.*

¹⁹1995 AIR 2438

expression, which was only limited by Article 19 and also the Supreme Court ruled that advertisement, which is nothing more than a financial transaction, is nevertheless the distribution of knowledge about the branded product.²⁰ As a result, it is obvious that press freedom is critical to the proper functioning of the political process. Thus, press freedom follows from freedom of speech, which is granted to all people under Article 19(1). (a). And it is the press's responsibility to disseminate accurate and diverse facts under the constraints set by Article 19(2) of the Indian Constitution of 1950.

But now a days this freedom of Speech and Expression is being wrongly used by media as a tool to violate Women's Right. This can be illustrated by the following instance:

Fake 'Love Jihad' case of Muzaffarnagar in 2013: The prevailing myth circulated by local Hindi newspapers around the communal violence that inflamed Muzaffarnagar in 2013 after a Muslim boy stalked a Jat Hindu girl sparked widespread outrage and retaliatory violence. With the help of unconfirmed and baseless stories published by Hindi Papers like Dainik Jagran and Amar Ujala, this story weaves into a mega-narrative of love jihad²¹. It does not matter that this story of sexual harassment of a Hindu girl in Muzaffarnagar has now proved to be a fabrication. The first information report filed by the families of the murdered Jat boys never mentioned stalking, only a motorcycle accident involving Shahnawaz and Sachin. Sachin's sister testified on NDTV and said she has never been to Kawwal nor does she know Shahnawaz²².

With regards to Women media have also portrayed a wrong picture and actually portray the women as 'Wombs' in Hindu Nationalist Politics. Here are examples of news titles that How the Newspapers and News websites published false and baseless stories about inter-caste marriages and also how they portray and treat women, "On 27 Dec 2014, *Bhaskar Newspaper published a story titled, 'Sansani Bana Tara Rakibul Love Jihad Parkaran', 'Tara Rakibul Case created sensation'; Bikimedia.com published highly disputed news titled, 'Produce 40 puppies and spread Love Jihad' on 02 Feb 2015; Pravakta.com on 20th Jan 2015 published highly sensational story, 'India is destroyed by Love Jihad'; Webdunia.com, published, 'Three hundred girls will explain the reality of Love Jihad'; Hindujagruti.org against which action was also initiated by Kerala Police is on the forefront of publishing false and baseless stories depicting False Love Jihad; On 08*

²⁰*Id.*

²¹Harsh Mander, *The truth about love jihad*, Livemint (16 Oct 2014, 08:16 PM), <https://www.livemint.com/Opinion/LeB6Xvk205tYUq1x0ZW9wL/The-truth-about-love-jihad.html>.

²²Sreenivasan Jain, *The Mystery of Kawwal: Were Muzaffarnagar riots based on distortion of facts?*, NDTV (September 14, 2013 18:00 IST), <https://www.ndtv.com/india-news/the-mystery-of-kawwal-were-muzaffarnagar-riots-based-on-distortion-of-facts-534608>.

Jan, 2015 IBN7 published a story titled, "VHP ke Love Jihad ka Shikar Kareena, Photo Chapi, Kareena became the victim of VHP's Love Jihad", picture published; On 24th Feb 2015, Aajtak.in glorified the violence against Muslim student in Karnataka, published a story titled, 'Hindu Ladkiyon ke sath Tasveer Khinchayi, phir khayi pitayi, Photographed with Hindu girls, then got beaten'.²³ Also these Electronic Channels conduct debates, discussions and talk shows on the non-substantial ground of Love Jihad to earn TRP. Hence, clearly compromising all the Journalistic ethics in this race to get more and more TRP.

And since the adoption of the two ordinances, there hasn't been a day when the media hasn't mentioned love jihad or "forced conversion." Shrill primetime conversations amplify the anxiety and add to the narrative's normalisation. The profound entrance of the web has presented inferior India to this horrible worldview also, where freedoms to encounter or even search out counter-accounts are insignificant. The counter interfaith purposeful publicity isn't restricted to the two BJP-decided states that passed the most recent mandates. Maybe, the crowd for love jihad paranoid ideas is sizable and ascending, as the purported fourth mainstay of society spreads the conservative plan extensively.

Reasons for Making Sense of Love Jihad Via Media

CORPORATIZATION OF MEDIA HOUSES

The media's independence is the real litmus test for a healthy democracy. In recent years, our country's media has morphed into cheerleaders for various political parties and corporate spokespeople. In the electronic age, mass media became corporatized in order to expand its market and improve as well as equip advanced infrastructures. It needed huge financing tool to become corporatized. Corporate profit is maximised when it is feasible to be close to the power broker lobby. "Power corrupts and absolute power corrupts even more²⁴". As a result, many news outlets began to report selectively. But apart from that, instead of presenting viewpoints, they began imposing viewpoints.

Our country's journalism is in real trouble. Media companies have acquired a corporate face in the race for sensational headlines and TRP. Because of the media, people like Kanhaiya Kumar, Arnab Goswami and Hardik Patel have become overnight celebrities. News that generates TRPs is shown in loops, while noteworthy news is ignored. When it comes to

²³Malik, Shahnawaz Ahmed, Love Jihad: Victimization of Women Through media; Violation of their Basic Human Rights (March 1, 2020), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3576061.

²⁴Rajneet 1111, *Media as the fourth Pillar of Democracy*, Ipleaders (November 29, 2018) <https://blog.ipleaders.in/media-as-a-fourth-pillar-of-democracy/>.

coverage, we can say it is selective. Assam's floods received insufficient coverage because Pratyusha Banerjee's suicide was being telecast for TRP at the time. The media has sunk so low that they are willing to jeopardise national security and secrecy. Whether it's broadcasting the terrorist act of 26/11 or questioning surgical strikes. To gain popularity and profit, they have begun to frame accusations against the IB, the Supreme Court, and even the Army.

POLITICAL DOMINANCE

India is such a populated and different country that thinking about its majority rule life is troublesome. The scope of media through which political conclusions can be communicated is likewise growing. Unfortunately, the media, like the country's political stratification, is divided into anti-government, pro-government, and rightist groups, with each entity attempting to impose its own partisan views on serious national issues and even resorting to slandering rivals' work. As a result, truth and social responsibility have suffered at the hands of this unchecked media culture. The expansion of the media has resulted in a declining of the public sphere, resulting in the spread of snobbish opinions.

The Indian media has now become the government's backup plan. It is deliberately indulging in such tricks in society and contaminating the already charged atmosphere with political war games. This doctrine clearly spells out the fact that there is always a 'limitation' for freedom of speech or rather freedom to sloganeering if that prank likely to harm the society. This is exactly what happened during the last 'intolerance' and award wapsi era under Modi Government on a Dadri prank²⁵.

"As hard as it is to believe, the biggest thing that drives elections is simple name recognition by media"²⁶. The media has now become a vehicle for political parties to brainwash the electorate by displaying fake expected votes through exit polls. Obviously, they will manipulate voters' views of the election's closeness and the importance of their ballots. Campaigns are now being portrayed as a sport, with a focus on who is leading, who is losing, and if they are going ahead or behind in the polls. Surprisingly, exit polls aren't the only medium to influence opinion and spread rumours among voters. In this age of social media, it wouldn't be too difficult to make impressions, courtesy the mammoth internet armies most

²⁵K V Patel, *The Foundation Pillars for Change: Our Nation, Our Democracy & Our Future* (first published 2014, Partridge Publishing) 174

²⁶Regina Lawrence, executive director of the UO SOJC's Agora Journalism Center & the co-author of "Hillary Clinton's Race for the White House: Gender Politics and the Media on the Campaign Trail" and "When the Press Fails: Political Power and the News Media from Iraq to Katrina."

media houses have. Word-of-mouth, village meets, informal gatherings – there are more than just one means through which ideas can be spread among voters²⁷.

The world of communalism

For several years, media outlets have shaped hate and communalism in the region. Muslims, who represent around 18 crore individuals, stay a minority; this has been the awfulness of Indian secularism throughout the long term. The new instance of the grim executing of Sadhus in Maharashtra's Palghar area gotten no media consideration, however when a Muslim man was beaten up for being confused with a corona transporter, the media streaked. Both of these wrongdoings were erroneous in their own way, however classifying them dependent on trust is the thing that breeds disdain in the public arena. This is the very reason we are now unable to prepare for a secular future.

On the other hand, if Tablighi Jamaat were Hindus, would it have been such a big deal even if they were responsible for spreading coronavirus in India? Instead, they would have been referred to as 'bhakts.'

Prior in 2019, Cobra post detailed how some media houses were set up to strike business arrangements to advance the Hindutva plan and help in polarizing electors in the 2019 elections. The site had delivered a second group of video chronicles shot secretly by an undercover journalist that shows chiefs and proprietors of the absolute biggest papers and TV channels surrendering to similar bundle of Hindutva advertorials.

Women's Position

Throughout the world, women, particularly young girls, are being targeted. Many feminists believe that the media's portrayal of violence against women is a double assault, that the media loses empathy when reporting women's issues. Victims' privacy is violated when their images, personal information, and names are written. The media reports abuse against women in a sensational, exploitative manner in order to market the news, resulting in a lack of serious study of the events. The role of the media in the topic of violence against women is critical, both in terms of how the media portrays the issue and what it covers. The sensational portrayal of women is not restricted to incidents of abuse against women; the media has still been reporting "inter-religious relationships" in extremely unethical ways. The media have begun to love to despise the word "love".

²⁷Goodspeed and Edgar CJ, Four Pillars of Democracy (first published 1940, Harper & Brothers) 214

Marriage is the most intimate and also most critical piece of life, particularly in India. Having the decision of whom to wed is particularly critical in India's specific situation. The ability to choose whom to marry is particularly important in India. This is because all inferred rights, which assist in the realisation of our legally guaranteed fundamental rights, are said to be protected in the same way as the original rights. The person who is exposed to press or TV as "item" have their character, personality or reputation ran to the ground after the media openness. He/She also has a key option of right to equality u/a 14, religion being a medium of expression for thoughts and speech u/a 19, right to life u/a 21, right to religion u/a 25.

The Indian Judiciary has also through various cases have made it clear that not only men but women have right to choose to whom they want to marry, they have right to privacy and a list of other rights are also enlisted in some the below mentioned case laws:

1. As the Supreme Court said in *Francis Coralie Mullin v. The Administrator, Union*²⁸: “We think that the right to life includes the right to live with human dignity and all that goes along with it.”²⁹
2. The Supreme Court also said in *Lata Singh v. State of Uttar Pradesh*³⁰, “once a person becomes major, he or she can marry whosoever he/she likes”.³¹
3. In the landmark *KS Puttaswamy v. Union of India*³² judgment, the Supreme Court held that “the Right to Privacy is protected by the Constitution, and autonomous decision-making is a key facet of privacy”.³³
4. In *Shakti Vahini v. Union of India*³⁴, the apex court observed, “life and liberty sans dignity and choice is a phenomenon that allows hollowness to enter into the constitutional recognition of the identity of a person,”³⁵
5. Emphasising on the dignity of women, the apex court held in *Charu Khurana and others v. Union of India*³⁶ that “dignity is the quintessential quality of a personality and a human frame always desires to live in the mansion of dignity, for it is a highly cherished value.”³⁷

²⁸1981 AIR 746.

²⁹*Id.*

³⁰(2006) 5 SCC 475.

³¹*Id.*

³²Writ Petition (CIVIL) NO 494 OF 2012.

³³*Id.*

³⁴Writ Petition (Civil) No.231 of 2010.

³⁵*Id.*

³⁶Writ Petition (CIVIL) NO.78 OF 2013.

³⁷*Id.*

6. Further the Hadia Case i.e *Shafin Jahan v. Ashok K.M.*³⁸ of Kerala, wherein 2017, in this case the Kerala High Court ruled that a Hindu woman's marriage to a Muslim man was unconstitutional due to "Love Jihad." The case involves a 25-year-old Kerala woman who married Shafin Jahan after converting to Islam. The High Court nullified this marriage and ordered police to probe into such cases. On appeal, the Supreme court remarked that a father cannot have control over a 25-year-old woman³⁹. Supreme Court bench, dismissed the involvement of the so-called „love jihad“ in the case, terming it only a “catch phrase,” which, the bench made clear it doesn’t subscribe to⁴⁰. In March 2018, the Supreme court restored Hadiya's marriage, after 10 months of nullification by the Kerala High Court. The Supreme Court recognised the “right to marry a person of one’s choice an integral part of Article 21 of the Constitution” and reprimanded the High Court of Kerala that the courts are “duty-bound not to swerve from the path of upholding our pluralism and diversity as a nation”.
7. SC in *Arumugam Servai v. State of Tamil Nadu*⁴¹, held that “Inter-caste marriages are in fact in the national interest as they will result in destroying the caste system.”⁴² The Court observed that: “We sometimes hear of “honour” killings of such persons who undergo inter-caste or inter religious marriage of their own free will. There is nothing honourable in such killings; in fact, they are nothing but barbaric and shameful acts of murder committed by brutal, feudal minded persons who deserve harsh punishment. Only in this way can we stamp out such acts of barbarism.”⁴³
8. The right to privacy in India was recognized in *Kharak Singh v. State of Uttar Pradesh and Others*⁴⁴, wherein the apex court observed, “Rights to privacy is an essential ingredient of personal liberty.”⁴⁵
9. In *Mr. X v. Hospital Z*⁴⁶ the Supreme Court held, “The right to privacy may, apart from contract, also arise out of a particular specific relationship, which may be commercial, matrimonial or even political.”⁴⁷

³⁸AIR 2018 SC 1933.

³⁹Sneha Koshy, Top Counter-Terror Agency, NIA, To Probe Kerala 'Love Jihad' Marriage, NDTV (August 16, 2017, 7:47 a.m.), <http://www.ndtv.com/india-news/supreme-court-asks-nia-to-examine-kerala-love-jihad-cites-blue-whale-1738417>.

⁴⁰Muhammed Sabith, Kerala “Love jihad” case is an example of Islamophobia and misreporting, The MilliGazette (Aug 22, 2017), <http://www.milligazette.com/news/15817-kerala-love-jihad-case-is-an-example-of-islamophobia-and-misreporting>.

⁴¹24(2011) 6 SCC 405.

⁴²*Id.*

⁴³*Id.*

⁴⁴1963 AIR 1295

⁴⁵*Id.*

10. Supreme Court in *R. Rajagopal and Another v. State of Tamil Nadu and Others*⁴⁸ are true reminiscence of the limits of freedom of press with respect to the right to privacy: “A citizen has a right to safeguard the privacy of his own, his family, marriage, procreation, motherhood, child bearing and education among other matters. No one can publish anything concerning the above matters without his consent - whether truthful or otherwise and whether laudatory or critical. If he does so, he would be violating the right to privacy of the person concerned and would be liable in an action for damages.”⁴⁹

Where such rights are guaranteed to women by Indian Judiciary which has not only recognized rights of individual to marry in any caste or religion but has also accepted her right to privacy, scholars believe that accusing “Love Jihad” in marriages not only robs women of their right to sexual self-determination, but also exposes women to honour killings, ostracism, and shaming if they are transgressive. Many think that it is a step to discourage and prevent young women’s role in the public life and limit their access to public space. Woman activists contend that those making a fuss over supposed "Love Jihad" cases totally ignore the reality that Hindu women may even fall in love with a Muslim man happily.

Various fundamentalist organizations or groups are announcing that they will help marry Muslim women to Hindu men and that they would provide both financial and social security to the newly-weds. Lawyer and activist Vrinda Grover, social activist Teesta Setalvad, and activist Shabman Hashmi of Act Now for Harmony and Democracy (ANHAD), said despite conservative diktats, inter-religious marriages had been a part of the Indian milieu for a long time and might, in fact, help build a “united and strong India in the future.”⁵⁰

According to Dr. Charu Gupta, Associate professor of history at Delhi University, “The whole campaign treats women as if they are completely foolish, with no mind or heart of their own, and so stupid that they can be wooed with a mobile phone or something like that. On the other hand, it shows anxiety because women are asserting their freedom. Of course, women are duped but by Hindu men as well as men of other religion.”⁵¹

⁴⁶1998 (1) SCR 723

⁴⁷*Id.*

⁴⁸1995 AIR 264

⁴⁹*Id.*

⁵⁰Abhishek Saha, *Amid rage over “Love Jihad” what about what women want?*, Hindustan Times (Sep 02, 2014 16:14 p.m.), <http://www.hindustantimes.com/india/amid-rage-over-love-jihad-what-about-what-women-want/story-shtlZm05QbzlbKUUhI6vGM.html>.

⁵¹*Id.*

CONCLUSION AND RECOMMENDATIONS

The inquiry is, does Hindutva's most up to date apparatus against Indian Muslims have any believability? To begin with, it merits analyzing the expected repercussions of such perilous legend making on pluralism, India's social texture and the sacred request. From there on, these creators will exhibit how love jihad is a fake and malicious traditional scheme. Firstly in February 2020 the Union Home Minister openly stated and admitted that love jihad is not recognised by the Centre and not defined by any law. Further The judiciary has over and again decided that love jihad is a made-up connivance and there is no proof it exists. As in cases like Shafin Jahan v. Ashokan KM, the Supreme Court upheld the marriage of Hadiya and Shafin Jahan, which the Kerala High Court had annulled. The Supreme Court tried to put the ghost of love jihad to rest with this ruling.

So, as such, formally, no data or information backs the case that love jihad exists, nor does the Supreme Courts support the possibility that it does. Hence, this raises a question that how media can promote such an unsubstantial idea and further how come they are entitled to victimize women based on this unsubstantial ground and also how states are making ordinances and enacting laws to criminalise this which in reality does not exist. Hence this particular theory of 'Love Jihad' is constitutionally untenable as well as this is a constitutionally dubious criteria which actually infantilise women.

Love jihad sounds gender neutral, however actually it's a malevolent enemy of women the term points towards denying individual freedom to women. Defenders of love jihad consider women to be "hamaari bachchiyan" or careless infantilised objects who are constrained by patriarchs. They consider Muslim to be as the unending Mahmud of Ghazni-cliché pillaging 'adversary'. The defenders of 'love jihad' can't endure that in the 21st century love is a socially progressive power that is obliterating boundaries of religion, caste, community and even gender.

So, there is a need to protect women rights as well as put some restrictions on the media here are some recommendations for the same:

1. India being signatory to UDHR(Universal Declaration of Human Right), International Covenant on Civil and Political Rights 1966 Article 16 of UDHR “States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women: (1) 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. (2)

Marriage shall be entered into only with the free and full consent of the intending spouses. (3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.” And further Article 23 of ICCPR recognizes “rights of women in clear and unequivocal terms (b) The right of men and women of marriageable age to marry and to found a family shall be recognized.” Though these have been included in the Indian Laws but there is a requirement to properly implement them in relation to the unsubstantial theory of Love Jihad.

2. Though media has right of freedom to speech and expression but there are reasonable restrictions on the same as well as there is a code of ethics for media for reporting but the same is being violated. So, the code of ethics must be implemented in a more, strict sense while keeping in mind that it does not curb the freedom of media at the same time the maintain a dignity will reporting. Because now it seems there is code of ethics for media but there is no code of ethics. The press council of India must be given more powers to curb this issue.
3. Special Marriage Act is basically the legislation formalized to give validity to few specific marriages and a particular provision which demands for a public notice also needs to be done away with as it also violates the rights at the same puts the inter-religious marriages into question.
4. Further, Supreme court has upheld various individual rights over social moralities in number of cases be it the matter of LGBTQ rights or the granting to maintenance to Muslim women the list is never ending a similar progressive approach needs to be used by the Supreme court in the matters like Love Jihad which are false and are just a ground for communal violence in India. Hence the judicial officers must look into this matter with gender sensitisation.
5. Further the law passed in the states against ‘love Jihad’ Which are based on totally baseless ground and are constitutionally untenable must be declared as void ab intio.
6. In order to provide a welcoming atmosphere to women and girls, several partners must be involved at the same time. On the home front, parents must be educated about the rights of girls, how to allow daughters to take advantage of available education, skilling, and job opportunities, and the importance of daughters in general. Gender transforming life skills education must hit boys and educate them not only on changing behaviours, but also on their own rights, particularly those around marriage decisions.

The new scenes arising in Indian governmental issues like legislative issues against Love, driven by fundamentalist association and readily or reluctantly upheld by Media is disregarding the extremely fundamental privileges of right to marriage of women. It is additionally presenting grave danger to multi-social majority rule texture of the general public. Media which has duties to go about as guard dog and to help secure opportunity, rights, equity and correspondence should recognize that reckless demonstration will obliterate the actual texture of the general public.

Individual of any sex, caste, religion, identity, statement of faith, race, shading, and so on ought to have right to marry as per their own wish as to whom to marry and choose as life partner. Love-Jihad disdain crusade is no lesser to Manus social laws, fatwas of Taliban system and diktats of Khap panchayat. To assemble an agreeable society, presence of various thoughts should be valued. In India, various practices in the past have formed the formation of present mainstream society. Media ought not turn into a device to abuse privileges of women under the attire of the right to speak freely of discourse and articulation.

On the off chance that Media will keep on acting in reckless habits, the fantasy of sexual orientation uniformity will stay a fantasy and women will keep on turning into a subject of mistreatment and abuse.

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