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## **Special Marriage Act, 1954**

**GS Paper 2:** Government Policies and Interventions for Development in various sectors and Issues arising out of their Design and Implementation.



### **What is the applicability of the Special Marriage Act, 1954?**

Special Marriage Act of 1954 is applicable to:

- The Act is applicable to any person, irrespective of religion.
- It is applicable to the entire territory of India, except the State of Jammu and Kashmir and extends to intending spouses who are both Indian nationals living abroad.
- It is also applicable to all the Indian nationals living abroad

### **What are the requirements of the marriages performed under this Act?**

- The marriages performed under this Act are a civil contract and there's no need for any rites or ceremonies.
- Both the parties have to file a Notice of Intended Marriage in the specified form to the Marriage Registrar of the district in which at least one of the parties has resided for a period of not less than thirty days, immediately preceding the date on which such notice is given.
- After thirty day of such notice, the marriage may be solemnised at the specified Marriage Office, provided that it has not been objected to by any person.

- Marriage is not binding on either of the parties unless both the parties declare each other as husband and wife in the presence of the Marriage Officer and three witnesses.

#### **What are the conditions of the marriage under the Act?**

- The intended marriage must be monogamous for both parties..
- The bride must be at least 18 years old while the groom must be at least 21 years old.
- Both the parties should be competent in regard to their mental capacity and must be able to give consent for the marriage.
- The parties must not fall within the degree of prohibited relationship.

#### **What are the controversial provisions of the Special Marriage Act, 1954?**

- The Special Marriage Act is intended to help consenting adults, especially those who belong to different religions or castes, to marry.
- **Section 5 of the SMA** requires couples getting married under it to give a notice to the Marriage Officer 30 days before the date of marriage.
- Certain provisions of the Act, like **Section 6**, require the intimate details of the couple to be published for **30 days** at the Marriage Registrar's office.
- **Section 7** provides the process for making an objection such as if either party has a living spouse, is incapable of giving consent due to "unsoundness of mind" or is suffering from mental disorder resulting in the person being unfit for marriage or procreation.
- **Section 8** specifies the inquiry procedure to be followed after an objection has been submitted.
- Peculiar requirements of **Special Marriage Act, 1954** is sharing the intimate details like their names, date of birth, age, occupation, parents' names and details, address, pin code, identity information, phone number, etc.
- The provisions in the Act allow anyone to submit objections to the marriage if they come to know of it through this public notice.
- The **Marriage Officer** is empowered to inquire into any objections raised.
- In certain States, couples have to seek a no-objection certificate from their parents.

#### **High handedness of various state govts:**

- Haryana government has laid down 16 pre-requisites which ask couples to issue a notice in a newspaper and that such notices be sent to their parents.
- The Maharashtra Department of Registration and Stamps publicly shares the details of couples marrying under SMA on its website and so did the Kerala government until Athira case
- With as many as 11 States passing anti-conversion (or so called love-jihad) laws, parents and the State are now armed to punish and harass such couples.

#### **Issues associated with Special Marriage Act, 1954**

- Requirement of couples to give a notice of 30 days before the date of marriage inviting objections from the public is violative of the right to privacy guaranteed under Article 21 of the Constitution.

- Since, these requirements are absent in personal laws provisions contravene Article 14 on prohibition of discrimination on grounds of religion, race, caste and sex as well as Article 15 on right to equality.
- By throwing the personal information of the individuals open to public scrutiny, seriously damage one's right to have control over her or his personal information and its accessibility.
- By making the personal details of the couple accessible to everyone, the very right of the couple to be the decision makers of their marriage is being hampered by the state.
- These public notices have been used by anti-social elements to harass couples getting married.
- Rude behavior of the staff at the SDM's office who often delete or delay applications and dissuade couples from marrying under SMA.

**Sharad**

## Trade Deficit and Trade Surplus

**News:** India's trade deficit has widened to a record \$31.02 billion in July thanks to contracting merchandise exports and a rise in imports. This is a three-times increase from the \$10.63 billion trade deficit reported in July last year.

**GS Paper 3:** Indian Economy and issues relating to Planning, Mobilization of Resources, Growth, Development and Employment.



### What is the Balance of Trade (BOT)?

- The **balance of trade (BOT)**, also known as the trade balance, refers to the difference between the monetary value of a country's imports and exports over a given time period. The BOT is an important component in determining a country's current account.

- **Balance of Trade = Value of Exports – Value of Imports**, where Value of Exports is the value of goods and services that are sold to buyers in other countries and Value of Imports is the value of goods and services that are bought from sellers in other countries.

#### **What is the trade deficit?**

- **Trade deficit or negative balance of trade (BOT)** is the gap between exports and imports.
- When money spent on imports exceeds that spent on exports in a country, trade deficit occurs. It can be calculated for different goods and services and also for international transactions.

#### **What causes a trade deficit?**

- One factor responsible for the trade deficit is that some goods are not being produced domestically. In that case, they have to be imported. This leads to an imbalance in their trade.
- Another factor is weak currency that can make trade expensive.

#### **What is the impact of the trade deficit on a country's economy?**

- If the trade deficit increases, a country's GDP decreases. A higher trade deficit can decrease the local currency's value.
- According to economists, more imports than exports impact the jobs market and lead to an increase in unemployment.
- **Example:** If more mobiles are imported and less produced locally, then there will be less local jobs in that sector.

#### **What is the trade surplus?**

- **Trade surplus is the opposite of a trade deficit.**
- A trade surplus is an economic indicator of a positive trade balance in which the exports of a nation outweigh its imports.
- Trade balance can be arrived at by reducing the total value of imports from the total value of exports.
- If the value of the trade balance is positive, the trade surplus exists.
- A trade surplus reflects a net foreign-market inflow of domestic currency.

#### **What is the importance of Trade Surplus in Country's economy?**

- In many situations, a **trade surplus tends** to boost the currency of a country relative to other currencies, influencing currency exchange rates. However, this depends on the proportion of a country's goods and services as compared to other countries, as well as other market factors.
- A trade surplus can create employment and economic growth,
- It can also lead to higher prices and interest rates.
- The trade balance of a nation can also affect the value of its currency on global markets, as it allows a country to export most of its currency through trade.



# Puli Thevar

**News:** PM pays homage to Puli Thevar on his birth anniversary i.e. on 1st September.

**GS Paper 1:** Modern Indian History from about the middle of the eighteenth century until the present- significant events, personalities, issues.



## About Puli Thevar:

- He was born in 1715.
- He was one of the first Indians to resist British Imperialism.
- He was one of **77 Polygars or Local Chieftains** in the Tamil region.
- Puli Thevar first met British forces in 1755 when British Colonel Alexander Heron marched on western Tamil region.
- British artillery proved ineffective against the thick stone walls of Puli's fort.

## Revolt of Puli Thevar (1755–1767):

- In **March 1755**, **Mahfuzkhan** (brother of the **Nawab of Arcot**) was sent with a contingent of the Company army under **Colonel Heron** to Tirunelveli. Madurai easily fell into their hands. Thereafter Colonel Heron was urged to deal with Puli Thevar as he continued to defy the authority of the Company. Puli Thevar wielded much influence over the western palyakkarars. For want of cannon and of supplies and pay to soldiers, Colonel Heron abandoned the plan and retired to Madurai. Heron was recalled and dismissed from service.

## Confederacy and Alliance with Enemies of the British:

- Three Pathan officers, **Nawab Chanda Sahib's** agents, named **Mianah, Mudimiah and Nabikhan Kattak** commanded the Madurai and Tirunelveli regions. They supported the Tamil playakkarars against Arcot Nawab Mohamed Ali. Puli Thevar had established close relationships with them. Puli Thevar also formed a confederacy of the Palayakkars to fight the British. With the **exception of the Palayakkarars of Sivagiri**, all other Maravar Palayams supported him. **Ettayapuram and Panchalamkurichi** also **did not join** this confederacy. Further, the English succeeded in getting the support of the rajas of Ramanathapuram and Pudukottai. Puli Thevar tried to get the support of Hyder Ali of Mysore and the French. Hyder Ali could not help Puli Thevar as he was already locked in a serious conflict with the Marathas.

### **Kalakadu Battle:**

- The Nawab sent an additional contingent of sepoy to Mahfuzkhan and the reinforced army proceeded to Tirunelveli. Besides the 1000 sepoy of the Company, Mahfuzkhan received 600 more sent by the Nawab. He also had the support of cavalry and foot soldiers from the Carnatic. Before Mahfuzkhan could station his troops near Kalakadu, 2000 soldiers from Travancore joined the forces of Puli Thevar. In the battle at Kalakadu, Mahfuzkhan's troops were routed.

### **Yusuf Khan and Puli Thevar:**

- The organized resistance of the palayakkarars under Puli Thevar gave an opportunity to the English to interfere directly in the affairs of Tirunelveli. Aided by the **Raja of Travancore, from 1756 to 1763**, the palyakkarars of Tirunelveli led by Puli Thevar were in a constant state of rebellion against the Nawab's authority. Yusuf Khan (also known as Khan Sahib or, before his conversion to Islam, Marudhanayagam) who had been sent by the Company was not prepared to attack Puli Thevar unless the big guns and ammunition from Tiruchirappalli arrived. As the English were at war with the French, as well as with Hyder Ali and Marathas, the artillery arrived only in September 1760. Yusuf Khan began to batter the Nerkattumseval fort and this attack continued for about two months. **On 16 May 1761 Puli Thevar's** three major forts (Nerkattumseval, Vasudevanallur and Panayur) came under the control of Yusuf Khan. In the meantime, after taking Pondicherry the English had eliminated the French from the picture. As a result of this the unity of palyakkarars began to break up as French support was not forthcoming. **Travancore, Seithur, Uthumalai and Surandai switched their loyalty to the opposite camp.** Yusuf Khan who was negotiating with the palayakkarars, without informing the Company administration, was charged with treachery and hanged in 1764.

### **Fall of Puli Thevar:**

- After the death of Khan Sahib, Puli Thevar returned from exile and recaptured Nerkattumseval in 1764. However, **he was defeated by Captain Campbell in 1767.** Puli Thevar escaped and died in exile.

**Sharad**

## **Election of Vice-President**

**News:** West Bengal Governor Jagdeep Dhankhar succeeded M Venkaiah Naidu as Vice President.

**GS Paper 2:** Appointment to various Constitutional Posts.



### **Office of the Vice President:**

- The office of the Vice-President of India is the **second-highest constitutional office** after that of the President, and ranks second in the order of precedence.
- **Article 63 of the Constitution** states that “there shall be a Vice-President of India”.
- **Under Article 64**, the Vice-President “shall be ex officio Chairman of the Council of the States” (Rajya Sabha).
- **Article 65** says that “in the event of the occurrence of any vacancy in the office of the President by reason of his death, resignation or removal, or otherwise, the Vice-President shall act as President until the date on which a new President...enters upon his office”.
- The Vice-President shall also discharge the functions of the President when the latter is unable to do so “owing to absence, illness or any other cause”.
- During this period, the Vice-President shall “have all the powers and immunities of the President and be entitled to... (the) emoluments, allowances and privileges” that are due to the President.

### **Election of the Vice-President: Article 66 lays down the process of the election of the Vice-President.**

- It says the Vice-President “shall be elected by the members of an electoral college consisting of the members of both Houses of Parliament in accordance with the system of proportional representation by means of the single transferable vote and the voting at such election shall be by secret ballot”.
- **For the 16th Vice-Presidential Election, 2022**, the Electoral College consists of 233 elected members of Rajya Sabha, 12 nominated members of Rajya Sabha, and 543 elected members of Lok Sabha, adding up to 788 members. In the system of proportional representation by means of the single transferable vote, the elector has to mark preferences against the names of the candidates.
- Election Commission of India said that “Preference can be marked in the international form of Indian numerals, in Roman form, or in the form in any recognized Indian languages... The elector can mark as many preferences as the number of candidates. While the marking of the first preference is compulsory for the ballot paper to be valid, other preferences are optional,” ..
- **Under the Constitution**, the Vice-President “shall not be a member of either House of Parliament or of a House of the Legislature of any State”. If a member of any of

these Houses is elected to the post, “he shall be deemed to have vacated his seat in that House on the date on which he enters upon his office as Vice-President”.

### **Eligibility and term of office**

- **Article 66(3)** says “No person shall be eligible for election as Vice-President unless he — (a) is a citizen of India; (b) has completed the age of thirty-five years; and (c) is qualified for election as a member of the Council of States”.
- **Under Article 66(4)**, “A person shall not be eligible for election as Vice-President if he holds any office of profit under the Government of India or the Government of any State or under any local or other authority subject to the control of any of the said Governments.”
- **Article 67** lays down that the “Vice-President shall hold office for a term of five years from the date on which he enters upon his office”. However, the Vice-President “shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office”.
- The **Vice-President** may leave office before the end of his term by resigning to the President, or he “may be removed...by a resolution of the Council of States passed by a majority of all the then members of the Council and agreed to by the House of the People”.

### **What if the election is disputed?**

- **Article 71 of the Constitution** deals with “Matters relating to, or connected with, the election of a President or Vice-President”. It says that “all doubts and disputes arising out of or in connection with the election of a President or Vice-President shall be inquired into and decided by the Supreme Court whose decision shall be final”.
- Should the Supreme Court declare the election of the President or Vice-President void however, “acts done by him in the exercise and performance of the powers and duties of the office of President or Vice-President,...on or before the date of the decision of the Supreme Court shall not be invalidated by reason of that declaration”.
- Also “Parliament may by law regulate any matter relating to or connected with the election of a President or Vice-President”.

**Sharad**