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HINDU MARRIAGE ACT 1955

THIS ARTICLE COVERS 'DAILY CURRENT AFFAIRS' AND THE TOPIC DETAILS OF THE 'HINDU MARRIAGE ACT 1955'. THIS TOPIC IS RELEVANT IN THE 'POLITICAL SCIENCE' SECTION OF THE UPSC CSE EXAM.

WHY IN THE NEWS?

Recently, the Supreme Court said a Hindu marriage cannot be termed conclusive in the “absence of a valid ceremony” under the Hindu Marriage Act, 1955. The court contended that a Hindu marriage is not an event for “song and dance” and “wining and dining” as it holds profound significance beyond mere festivities. A bench of Justices B V Nagarathna and Augustine George Masih underscored that a Hindu marriage is a sacred sacrament, not to be overlooked in the absence of a valid ceremony under the Hindu Marriage Act.

The court urged young individuals to reflect on the sanctity of marriage in Indian society, emphasising its status as a cherished institution. “A marriage is not an event for ‘song and dance’ and ‘wining and dining’ or an occasion to demand and exchange dowry and gifts by undue pressure leading to possible initiation of criminal proceedings after that. A marriage is not a commercial transaction. It is a solemn foundational event celebrated to establish a relationship between a man and a woman who acquired the status of a husband and wife for an evolving family in the future, a basic unit of Indian society,” the bench said.

 **Yojna IAS**
योजना है तो सफलता है

SC RULING ON VALIDITY OF HINDU MARRIAGES UNDER HINDU MARRIAGE ACT 1955

Legal Requirements for Hindu Marriage: <ul style="list-style-type: none">• Proper ceremonies (e.g., saptapadi)• Registration under Section 8 for proof, not legitimacy	Criticism of Marriages for "Practical Purposes": <ul style="list-style-type: none">• Urged young couples to consider the sanctity of marriage• Deprecation of using marriage for visa or other convenience
Court's Observations: <ul style="list-style-type: none">• Marriage as a sacrament, not a commercial transaction• Importance of customs and traditions in marriage	Significance of Hindu Marriage: <ul style="list-style-type: none">• Foundation of family and society• Spiritual and material aspects emphasized in the Act
Consequences of Improper Marriage: <ul style="list-style-type: none">• Lack of legal status as husband and wife• Marriage registration not a substitute for proper ceremonies	

The bench also termed marriage a sacred bond that fosters lifelong commitment, dignity, equality, consent, and a healthy union between two individuals. It emphasised that Hindu marriage enables procreation, strengthens family bonds, and promotes communal harmony within diverse communities. A bench of justices, B.V. Nagarathna and Augustine George Masih, also observed that Hindu marriage registration under Section 8 of the Hindu Marriage Act facilitates proof of the marriage.

ABOUT HINDU MARRIAGE ACT 1955:

The Indian Parliament enacted the Hindu Marriage Act of 1955 to regulate and codify marriage among Hindus. The Act covers various aspects of Hindu marriages, including conditions for marriage, registration of marriage, rights and obligations of married couples, and grounds for divorce.

Some key provisions of the Hindu Marriage Act include:

- **Applicability:** The Act applies to Hindus, Jains, Sikhs, and Buddhists. It applies to any person who is a Hindu by religion in any of its forms or developments, including Virashaiva, Lingayat, and a follower of the Brahmo, Prarthana, or Arya Samaj. It does not apply to members of any scheduled tribes unless the Central Government directs explicitly otherwise by notification in the official Gazette.
- **Conditions for Marriage:** It lays down certain conditions for a valid Hindu marriage, such as mental and physical capacity, age of marriage, consent, and absence of prohibited relationships.
- **Solemnization of Marriage:** The Act specifies the ceremonies and rituals constituting a valid Hindu marriage.
- **Rights and Obligations of Spouses:** The Act defines the rights and duties of married partners, including their rights to maintenance, inheritance, and other matters.
- **Grounds for Divorce:** It provides for various grounds on which either party to the marriage may seek divorce, such as adultery, cruelty, desertion, conversion to another religion, unsoundness of mind, etc.

Grounds for Divorce under Hindu Marriage Act	
<u>GROUND'S COMMON FOR BOTH SPOUSE</u>	<u>GROUND'S EXCLUSIVE FOR WIFE</u>
<ul style="list-style-type: none"> • Adultery • Cruelty • Desertion • Conversion • Insanity • Incurable Leprosy • Venereal Disease • Renunciation 	<ul style="list-style-type: none"> • Pre-Act polygamous Marriage • Rape, Sodomy or Bestiality • Non-resumption of cohabitation After a Decree/ Order of Maintenance • Repudiation of Marriage

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- **Void and Voidable Marriages:** The Act distinguishes between void and voidable marriages, with void marriages being legally invalid from the beginning and voidable marriages being valid until annulled by a court.
- **Restitution of Conjugal Rights:** The Act also includes provisions for the restitution of conjugal rights, whereby a spouse can petition the court for the resumption of marital cohabitation.

IMPORTANT SECTION OF THE ACT:

Several sections of the Hindu Marriage Act of 1955 are crucial for understanding the legal framework surrounding Hindu marriages in India. **Some are:**

- **Section 5:** This section lays down the conditions for a Hindu marriage to be considered valid. It includes factors such as age, mental capacity, prohibited relationships, etc.
- **Section 7:** It deals with the ceremonies and rituals required for the solemnization of a Hindu marriage.
- **Section 9:** This section pertains to the restitution of conjugal rights. It allows either spouse to petition the court for the restitution of marital cohabitation if it has been withdrawn without reasonable excuse.
- **Section 10** outlines the grounds for judicial separation, which is a step short of divorce. It allows spouses to live separately while remaining legally married.
- **Section 11:** This section specifies conditions under which a Hindu marriage is void, i.e., legally invalid from the beginning.
- **Section 12** deals with voidable marriages, providing grounds for the court to declare a marriage null and void.
- **Section 13:** This section covers grounds for divorce, including adultery, cruelty, desertion, conversion to another religion, etc.
- **Section 16:** It mandates the registration of Hindu marriages, making it compulsory in certain circumstances.

Hindu Marriage Act, 1955



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| • Section-17 : Punishment of Bigamy. | • Section – 21: Application of act 5 of 1908. |
| • Section – 18 : Punishment for contravention of certain other condition for a Hindu Marriage. | • Section 21 A :Power transfer petitions in certain cases. |
| • Section – 19 : Court to which petition shall be presented. | • Section 21 B : Special provision relating to trial and disposal of petitions under the act. |
| • Section – 20 : Contents and verification of petition. | • Section 21 C :Documentary Evidence. |

SOME LANDMARK JUDGEMENT ON HINDU MARRIAGE ACT 1955:

1. **The Sarla Mudgal v. Union of India (1995):** The court ruled against Hindu husbands converting to Islam for a second marriage while being married under Hindu law. This act was deemed illegal and against the sanctity of marriage.

2. **Bhaurao Shankar Lokhande v. State of Maharashtra (1965):** This case focused on the validity of a second marriage under Section 494 IPC. The court stressed the importance of essential rituals for a valid Hindu marriage, acquitting the appellants due to the absence of necessary customs.
3. **Ramesh Chandra Daga vs Rameshwari Daga (2005):** This case highlighted the need to fulfil the legal conditions for a valid Hindu marriage. It discussed a woman's second marriage without legally ending her first, emphasizing adherence to statutory requirements. The case primarily dealt with the dispute over the validity of a marriage ceremony conducted between Ramesh Chandra Daga and Rameshwari Daga. There were contentions regarding the legality and observance of essential rituals and customs required for a valid Hindu marriage.
4. **Lily Thomas v. Union of India (2006):** The Supreme Court held that a second marriage during the subsistence of a valid first marriage is void and punishable under the Hindu Marriage Act. It upheld the principle of monogamy in Hindu marriages.
5. **Joydeep Majumdar v. Bharti Jaiswal Majumdar (2021):** The court emphasized mutual consent in divorce cases. It held that both parties must agree to seek a divorce on specified grounds as per the provisions of the Hindu Marriage Act.
6. **Amarjeet Singh v. Union of India (2022):** The court clarified that a wife can also seek divorce for an irretrievable marriage breakdown. This is similar to the provisions available to the husband under the Act.

PRELIMS PRACTICE QUESTION:

Q. Consider the following statements about the Hindu Marriage Act 1955:

1. It does not apply to members of any scheduled tribes unless the Central Government directs explicitly otherwise by notification in the official Gazette.
2. Section 7 of the act deals with the ceremonies and rituals required for the solemnization of a Hindu marriage.
3. Conversion is one of the common grounds for divorce in the Act.

How many of the statements above is/are correct?

- A. Only one
- B. Only two
- C. Only three
- D. None

ANSWER: C

MAINS PRACTICE QUESTION:

Q. How does the Hindu Marriage Act of 1955 address the ethical concerns surrounding arranged marriages, including consent and autonomy of the individuals involved?

[Amit Pradhan](#)

COVISHIELD CAUSES THROMBOSIS WITH THROMBOCYTOPENIA SYNDROME

THIS ARTICLE COVERS 'DAILY CURRENT AFFAIRS' AND THE TOPIC DETAILS OF "COVISHIELD CAUSES THROMBOSIS WITH THROMBOCYTOPENIA SYNDROME". THIS TOPIC IS RELEVANT IN THE "SCIENCE AND TECHNOLOGY" SECTION OF THE UPSC CSE EXAM.

WHY IN THE NEWS?

AstraZeneca, the manufacturer of the AZD1222 vaccine, branded as Covishield in India, has recognised a possible connection between its vaccine and Thrombosis with Thrombocytopenia Syndrome (TTS), an uncommon condition marked by decreased platelet levels and the formation of blood clots.

MORE ABOUT THE NEWS

- The **acknowledgement** was made in a legal document **submitted to the High Court in London**, where AstraZeneca admitted that the vaccine "can, in very rare cases, cause TTS." **TTS typically presents with symptoms such as severe headaches, abdominal pain, leg swelling, shortness of breath, and neurological deficits.** The consequences of TTS can be severe, including strokes, brain damage, heart attacks, pulmonary embolism, and even amputation.
- Medical professionals in India have highlighted that this information is not new, as the potential for TTS has been included in the product information for the Covishield vaccine since its introduction in the country.
- Medical professionals have also emphasised that **COVID-19 itself increases the risk of clotting, heart attacks, and strokes, both during and after recovery.** While TTS is a real risk, it is considered extremely rare. **Most TTS events occur within the first 21 days following vaccination**, and unfortunately, some cases have resulted in fatalities.
- Despite these risks, **doctors advise against panic**, as the Covishield vaccine has proven effective in protecting millions of people from severe COVID-19 infection. Patients who have received the Covishield vaccine are advised to stay vigilant and **consult a doctor if they experience any symptoms of TTS, such as severe headaches, abdominal pain, or leg swelling.** Timely recognition and management are crucial for improving outcomes in individuals affected by this rare but serious syndrome.

ABOUT COVISHIELD

- Covishield is a vaccine developed to combat the Covid-19 pandemic. It is **based on the AZD1222 vaccine**, which was developed through a collaboration between a UK pharmaceutical company and the University of Oxford in 2020. **In India**, Covishield is produced by **AstraZeneca and manufactured by the Serum Institute of India (SII)** located in Pune.
- The Indian government issued a fact sheet in **January 2021 cautioning about the administration of Covishield to individuals with thrombocytopenia**, a condition characterised by low platelet counts. Vaccination efforts in India began on January 16, 2021, aiming to curb the spread of Covid-19.

- Despite initial concerns, the Union Health Ministry in India has emphasised the significant benefits of Covishield in reducing COVID-19 infections and related deaths. The vaccine has been instrumental in the global fight against the pandemic.
- However, like other vaccines, Covishield has faced scrutiny in some countries. **In March 2021, several European nations temporarily halted the use of the AstraZeneca vaccine**, including Covishield, due to reports of blood clotting incidents.
- Subsequent observations by the **World Health Organization (WHO) in 2021 noted cases of Thrombosis with Thrombocytopenia Syndrome (TTS)** occurring after Covishield vaccinations. However, the WHO has stated that based on available data, the risk of TTS associated with Covishield vaccines appears to be very low.

WHAT IS THROMBOSIS WITH THROMBOCYTOPENIA SYNDROME?

Thrombosis with thrombocytopenia syndrome (TTS) is an infrequent yet severe medical condition characterised by abnormal blood clotting (thrombosis) and reduced platelet counts (thrombocytopenia).

Causes

- **Vaccine-Induced:** TTS has primarily been linked to adenovirus vector-based COVID-19 vaccines like AstraZeneca and Johnson & Johnson. It is thought to arise from an immune reaction prompted by the vaccine, leading to platelet activation and clot formation.
- **Other Triggers:** TTS may also occur due to factors such as specific medications, infections, or autoimmune disorders, though these instances are less common.

Symptoms

- **Blood Clots:** Individuals with TTS might develop blood clots in various body parts, including deep vein thrombosis (DVT), pulmonary embolism (PE), cerebral venous sinus thrombosis (CVST), and arterial thrombosis.
- **Thrombocytopenia:** Reduced platelet counts are a key characteristic of TTS and may manifest as easy bruising, petechiae (small red or purple spots on the skin), or prolonged bleeding from minor injuries.
- **Other Symptoms:** Patients may also experience general symptoms like fatigue, weakness, shortness of breath, and abdominal discomfort.

Diagnosis:

- Physicians evaluate patients for signs and symptoms suggestive of TTS, including recent vaccination history or other potential triggers.
- Blood tests are performed to assess **platelet counts, coagulation parameters** (such as D-dimer levels), and the presence of antibodies linked to TTS.
- **Imaging techniques** such as ultrasound, CT scans, or MRI may be utilised to visualise blood clots and evaluate their location and severity.

Treatment:

- **Anticoagulant medications** such as heparin or direct oral anticoagulants (DOACs) are commonly prescribed to prevent clot progression and lower complication risks.
- In severe cases of thrombocytopenia or active bleeding, **platelet transfusions** may be necessary to restore platelet counts and manage bleeding.
- For individuals with vaccine-induced TTS, certain **immunomodulatory therapies like intravenous immunoglobulin (IVIG) or corticosteroids** may be beneficial in suppressing abnormal immune responses.

How do different Covid-19 vaccines work?

Protein subunit

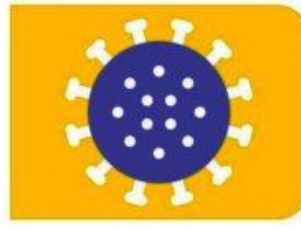
Uses pieces of the Covid-19 virus - sometimes fragments of the 'spike' protein



This triggers an immune response

'Whole' virus

Contains a weakened or inactivated version of the Covid-19 virus



RNA (nucleic acid)

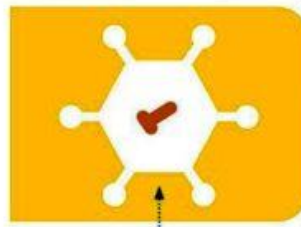
Contains a synthetic version of part of Covid-19's genetic code (messenger RNA)



The code tells our cells to make the Covid-19 'spike' protein, which triggers an immune response

Viral vector

Uses a harmless virus which is altered to contain part of Covid-19's genetic code



DIFFERENT VACCINES FOR COVID AND THEIR WORKING

Various COVID-19 vaccines have been developed to combat the global pandemic caused by the novel coronavirus, each utilising different mechanisms to provide immunity. Here's an overview of some of these vaccines and how they work:

MRNA VACCINES (E.G., PFIZER-BIONTECH, MODERNA)

- mRNA vaccines contain genetic material called messenger RNA (mRNA), which encodes a portion of the spike protein found on the surface of the SARS-CoV-2 virus.
- Once injected into the body, the mRNA enters cells and instructs them to produce the spike protein.
- The immune system recognises the spike protein as foreign and mounts an immune response by producing antibodies and activating T cells.
- If the vaccinated individual later encounters the actual virus, their immune system is primed to recognise and neutralise it, preventing infection.

VIRAL VECTOR VACCINES (E.G., ASTRAZENECA, JOHNSON & JOHNSON)

- Viral vector vaccines use a harmless virus, such as an adenovirus, as a vector to deliver genetic material from the SARS-CoV-2 virus into cells.
- The genetic material carried by the viral vector instructs cells to produce the spike protein.
- Similar to mRNA vaccines, the immune system recognises the spike protein and mounts an immune response, generating antibodies and T cells.
- Upon subsequent exposure to the virus, the immune system is prepared to respond rapidly and effectively, providing protection against infection.

PROTEIN SUBUNIT VACCINES (E.G., NOVAVAX)

- Protein subunit vaccines contain purified pieces of the spike protein or other viral components.
- When administered, these vaccines stimulate the immune system to recognise the spike protein as foreign and produce antibodies against it.
- While protein subunit vaccines do not contain genetic material, they still induce a robust immune response that provides protection against infection upon exposure to the virus.

INACTIVATED OR KILLED VIRUS VACCINES (E.G., SINOVAC, BHARAT BIOTECH'S COVAXIN)

- Inactivated vaccines contain whole viruses that have been killed or inactivated, so they cannot cause disease.
- Despite being inactive, these viruses can still stimulate the immune system to produce an immune response.
- Upon vaccination, the immune system recognises the inactivated virus as foreign and generates antibodies and memory cells.
- If exposed to the live virus in the future, the immune system is primed to mount a rapid and effective response, preventing illness.

PRELIMS PRACTISE QUESTIONS

Q1. What are immunomodulatory therapies used for in the treatment of vaccine-induced TTS?

- (a) To increase platelet counts
- (b) To suppress abnormal immune responses
- (c) To activate T cells

(d) To produce antibodies

Answer: B

Q2. What do protein subunit vaccines contain?

- (a) Genetic material
- (b) Purified pieces of the spike protein
- (c) Inactivated viruses
- (d) Live viruses

Answer: B

MAINS PRACTISE QUESTION

Q1. Compare and contrast the mechanisms of action of different types of vaccines available.

[Himanshu Mishra](#)

