

--Question Starting--

1. Analyze the following statements about inter-caste and inter-faith marriages under the Special Marriage Act (SMA) versus personal laws:

- I. The SMA allows for inter-caste and inter-faith marriages without the need for religious conversion, whereas personal laws typically require adherence to religious norms.
- II. Under the SMA, the marriage is solemnized through a civil ceremony, whereas personal laws may require traditional religious ceremonies.
- III. The SMA provides a uniform process for divorce irrespective of the religion or caste, contrasting with personal laws where divorce processes may vary significantly.

Which of the following is correct?

- (1) I and II only
- (2) I and III only
- (3) II and III only
- (4) All of the above

Answer Key: 1

Solution:

? Statement I(Correct): The SMA is designed to facilitate marriages outside the confines of specific religious or caste requirements, allowing couples to marry without conversion.

? Statement II(Correct): The SMA mandates a civil ceremony for marriage, distinct from religious ceremonies required under various personal laws.

? Statement III(Incorrect): While the SMA does standardize divorce proceedings to some extent, personal laws still govern and can vary in terms of grounds for divorce and procedures, reflecting significant differences.

Hence, Option (1) is the right answer.

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2. Consider these assertions concerning the Dowry Prohibition Act, 1961:

- I. The Act defines dowry as any property or valuable security given or agreed to be given in connection with the marriage.
- II. The Act allows for voluntary gifts given at the time of marriage without any demand, which are not considered as dowry.
- III. Penalties for giving or taking dowry can include imprisonment which may extend to five years and fine which may extend to fifteen thousand rupees.

Which of the following is correct?

- (1) I and II only
- (2) I and III only
- (3) II and III only
- (4) All of the above

Answer Key: 2

Solution:

? Statement I(Correct): The Act clearly defines dowry to include any property or valuable security connected directly or indirectly with a marriage agreement.

? Statement II(Incorrect): Although the Act exempts voluntary gifts, it does so under the condition that these are presented without any precondition of marriage and are entered into the list of presents maintained according to the rules.

? Statement III(Correct): The Act stipulates strict penalties for any violation, including substantial imprisonment and fines, reflecting the seriousness with which dowry transactions are treated under the law.

Hence, Option (2) is the right answer.

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3. Reflect on the statements regarding the Hindu Marriage Act, 1955:

- I. The Act enforces monogamy and considers any subsequent marriage during the lifetime of a spouse as void.

II. A marriage can be annulled if it contravenes the specified conditions, making it either void or voidable as per the circumstances.

III. Maintenance rights under the Act are applicable only to wives, excluding husbands from claiming maintenance.

Which of the following is correct?

- (1) I and II only
- (2) I and III only
- (3) II and III only
- (4) All of the above

Answer Key: 1

Solution:

? Statement I(Correct): The Act explicitly mandates monogamy, declaring any marriage during the subsistence of an earlier marriage as null and void.

? Statement II(Correct): It provides clear conditions under which marriages are considered void (e.g., due to non-compliance with age, mental health) or voidable (e.g., at the option of the aggrieved party for reasons like consent obtained under duress).

? Statement III(Incorrect): While the Act primarily provides for the maintenance of wives, it does not categorically exclude husbands; under certain conditions, husbands may also seek maintenance.

Hence, Option (1) is the right answer.