

**DAILY
CURRENT
AFFAIRS
ANALYSIS**



LAKSHYA ACADEMY®

28 FEBRUARY 2024

1 - Sapinda Marriage is forbidden:

GS II

Judiciary related issues

- **Context:**

- The Delhi High Court has denied a challenge to the legality of Section 5(v) of the Hindu Marriage Act, 1955 (HMA), which forbids marriage between two Hindus if they are "Sapindas" of one other. The case in question is Neetu Grover v. Union of India & Ors, 2024.

- A sapinda marriage unites people with a particular level of familial kinship.

- **What Was the Court's Decision and Why Was the Law Challenged?**

- **Petitioner's Arguments:**

- After her husband successfully demonstrated that they had entered into a sapinda marriage and that the woman was not from a society where such marriages could be regarded as custom, the petitioner's marriage was declared void in 2007.
- The petitioner contested the constitutionality of the ban on sapinda marriages, claiming that the practice is common even in the absence of documented custom.
- Therefore, Section 5(v), which forbids sapinda marriages without a recognised tradition, infringes upon Article 14 of the Constitution's guarantee of equality.
- Additionally, the petitioner contended that the marriage was legitimate because it had the approval of both families.

- **Order of the Delhi Court:**

- The petitioner failed to present "stringent proof" of an established custom, which is required to support a sapinda marriage, and the Delhi High Court rejected her allegations.
- The court decided that regulations may apply to a married couple's choice of partner. In light of this, the court determined that the petitioner had not provided any "cogent legal ground" to support the claim that the ban on sapinda marriages violated the right to equality.

- **A Sapinda marriage: what is it?**

- A marriage between two people who are somewhat related to one another is known as a sapinda marriage.

- Section 3 of the HMA defines sapinda marriages as follows: two individuals are considered “sapindas” of one another if one of them is the other’s lineal descendant within the parameters of the relationship, or if they have a common lineal descendant who is within the parameters of the relationship with respect to each of them.

- **Ascendant in Line:**

- A Hindu person is not permitted to marry someone who is within three generations of them in the "line of ascent" on their mother's side under the terms of the HMA. Anyone within five generations of the individual is prohibited from participating in this on the father's side.
- This effectively means that a person cannot marry a first-generation sibling, a second-generation parent, a third-generation grandparent, or another person who shares this heritage within three generations on their mother's side.
- This ban would cover everyone with this ancestry within five generations, including their grandparents and their father's parents.

- **Part 5(v) of the HMA 1955:**

- A marriage will be deemed void if it is determined that it violates Section 5(v) because it is a sapinda marriage and there is no recognised custom that permits such a practice.
- This would imply that the marriage was never legitimate in the first place and that it will be regarded as such.

- **Laws Governing Marriage:**

- Article 21 of the Indian Constitution provides the right to life and personal liberty, which includes the freedom to marry the person of one's choosing.
- Anybody can register and formally wed the person of their choosing thanks to the Special Marriage Act of 1954.
- Numerous cases concerning the marriage of an individual of one's choosing have been heard by the Indian Supreme Court. Similar to:
- In the 2006 case of Lata Singh v. State of U.P., the court ruled that everyone has the basic right under Article 21 to marry the person of their choice and that no one can restrict or object to such weddings, not even parents or the community.
- The Supreme Court ruled in Shakti Vahini v. Union of India, 2018, that a person's ability to freely choose their life partner is a manifestation of the freedom of choice protected by Articles 19 and 21 of the Constitution.
- Which situations are exempt from the ban on sapinda marriages?
- The Hindu Marriage Act, 1955's Section 5(v) mentions this exception, which says that sapinda weddings would not be deemed null and unlawful provided the customs of the parties involved permit them.

- Stated differently, a legitimate exception to the ban may exist if there is an established custom within the community, tribe, group, or family that permits sapinda marriages and if this custom is consistently and consistently followed over an extended period of time.
- In Section 3(a) of the HMA, "custom" is defined as having been consistently and consistently followed for a considerable amount of time and having enough legitimacy within local Hindu tribes, groups, or families to have "the force of law."
- However, in order for a custom to be accepted, a few requirements must be completed. For a rule to be relevant just to a family, it must be "certain and not unreasonable or opposed to public policy," and it should not have been "discontinued by the family."
- Section 5(v) of the HMA would not declare a marriage null and void if these requirements are met and there is a legitimate custom allowing sapinda marriages.

- **Are Sapinda-style marriages permitted in other countries?**

- **Belgium and France:**

- The Penal Code of 1810 outlawed incest in France and Belgium, allowing marriages between consenting adults.
- The crime of having sex or being married between a male and a female who are closely related by blood is known as incest.
- This legal position was upheld in Belgium even after a new Penal Code was introduced in 1867.

- **Portugal:**

- Since incest is not illegal in Portugal, marriages between close relatives might not be outlawed.

- **Ireland's Republic:**

- Although same-sex marriages were legalised in the Republic of Ireland in 2015, same-sex couples are not specifically included by the amended incest statute.

- **Italy**

- Incest is only illegal in Italy if it creates a "public scandal," indicating that the judicial system takes certain situations into consideration.

- **US:**

- Incestuous marriages are typically prohibited in all 50 states of the United States. Laws pertaining to incestuous relationships between consenting adults do differ, though.
- For instance, under some circumstances, New Jersey and Rhode Island permit these kinds of unions.

- The HMA's regulation of Sapinda weddings, which forbids unions within specific lineal ascendants, is an attempt to maintain societal and familial harmony. Unless a well-established tradition permits such marriages, the law contains measures that deem marriages void if they breach certain requirements.
- Internationally, a variety of nations have distinct legal positions regarding marriage and incestuous relationships, demonstrating the diversity of legal perspectives on matters pertaining to individual liberty and family dynamics.

Source → The Hindu

2 - Aadhaar is not a proof of date of birth (D.O.B.) or citizenship:

GS II

Government Policies and Interventions

- **Context:**
- Recently, the Indian government has emphasised that Aadhaar is not a proof of date of birth (D.O.B.) or citizenship.
- A more clear and conspicuous disclaimer that reads, "A proof of identity, not of citizenship or date of birth," has begun to appear on the new Aadhaar cards and PDF versions of the identification document. This is a signal to government departments and other organisations not to use the document for such purposes.
- **What legal clarifications exist about the use of Aadhaar as a form of identification?**
- **Bombay High Court:**
- The boundaries and application of Aadhaar as an identification document were elucidated by the Bombay High Court in the State of Maharashtra vs. Unique Identification Authority of India (UIDAI) Case, 2022. Aadhaar is merely a proof of identify and residency, not of citizenship or date of birth, according to the Court.
- **Indian Supreme Court:**
- the matter of Justice K.S. Puttaswamy (Retd.) and Anr. before the Supreme Court of India. v. Union of India, 2018 has affirmed Aadhaar's constitutional legality.

- The Court further explained that "The Aadhaar number or the authentication thereof shall not, by itself, confer any right of, or be proof of, citizenship or domicile in respect of an Aadhaar number holder" as stated in Section 9 of the Aadhaar Act, 2016.
- **Ministry of Information Technology and Electronics (MeitY):**
- In a 2018 memo, MeitY made it clear that Aadhaar is "per se... not a proof of date of birth," since applicants' Aadhaar applications base their date of birth on another document.
- **About EPFO:**
- The EPFO is responsible for managing India's required retirement fund for salaried workers.
- In January 2024, the EPFO published a circular removing Aadhaar off the list of documents that can be used to prove one's date of birth.
- The Unique Identification Authority of India (UIDAI) issues the 12-digit Aadhaar personal identification number on behalf of the Indian government. Anywhere in India, the number acts as documentation of identity and residence.
- A biometric document called an Aadhaar card is used to keep personal data about an individual in a government database.
- Anyone who has been a resident of the nation for more than six months straight is eligible to receive an Aadhaar card, provided they present one of the 18 identity cards on the list and proof of address.
- If a foreign national has lived in India for six months, they are qualified to apply for one.
- In due order, the inhabitants' Aadhaar number will enable them to access a variety of services from banks, mobile phone providers, and other governmental and non-governmental organisations.
- **What Aadhaar-Related Concerns Exist?**
- **Using Aadhaar as a D.O.B. or Proof of Citizenship:**
- Aadhaar is specifically accepted by the Indian Election Commission as proof of date of birth for voter registration.
- Such concessions may be called into question by these new Aadhaar usage clarifications that are displayed explicitly in the identity certificate.
- **Security and Privacy:**
- Sensitive personal data, including fingerprints, iris scans, and face pictures, are collected and stored as part of Aadhaar, increasing the risk of identity theft, data breaches, and monitoring.

- **Verification through Biometrics:**

- Accessing services with Aadhaar requires biometric verification, which presents issues with technology accuracy and dependability, infrastructure availability and quality, and service denial and exclusion resulting from biometric errors.
- A person's legal standing and relationship with a state, which comes with certain rights and obligations, is known as citizenship.
- Five methods are listed in the Citizenship Act of 1955: birth, descent, registration, naturalisation, and incorporation of territory.
- The Act also addresses renunciation of citizenship by voluntary renunciation, deprivation, and termination.
- Part II of the Indian Constitution, which contains Articles 5 through 11, defines citizenship.
- According to the Constitution, citizenship is included in the Union List and falls solely under the purview of Parliament.
- In India, a birth certificate can be used as documentation of nationality, identity, and age.
- Births must be registered within 21 days, according to the Registration of Births and Deaths Act, 1969.

- **The Way Ahead:**

- Educate the public, government agencies, and organisations about the updated and clear disclaimer on Aadhaar cards by launching broad awareness campaigns.
- Reiterate that Aadhaar is not a document confirming citizenship or date of birth, but rather only a confirmation of identification and place of residence.
- Evaluate Aadhaar's function and allowable applications in detail, taking security, privacy, and legal issues into account.
- Put strong data security procedures in place to protect private data kept in the Aadhaar database.
- Investigate cutting-edge approaches to raise biometric verification's accuracy and dependability while lowering failure and exclusion rates.
- Promote teamwork in order to improve the Aadhaar system's overall efficacy and inclusion.

Source → The Hindu

3 - Relations between France and India:

GS II

Government Policies and Interventions

- **Context:**
- On January 26, the President of France paid a visit to India to discuss bilateral cooperation. He expressed delight with the growing "complexity and interoperability" of joint defence exercises between France and India.
- **Which aspects of the bilateral meeting between France and India stand out?**
- **Increasing Collaboration in the Southwest Indian Ocean:**
- By extending their cooperative surveillance missions from the French island of La Reunion in 2020 and 2022, both nations decided to step up their collaboration in the Southwest Indian Ocean.
- The securitization of vital communication channels is positively impacted by our collaboration.
- **Partnership for the Indo-Pacific:**
- In order to further their strategic and sovereign goals, both sides stressed the importance of the Indo-Pacific Region.
- Based on their shared vision, they pledged to strengthen their long-standing relationship in the Indo-Pacific and expressed satisfaction with the growing scope of their involvement in the area.
- **Partnership for Defence and Security:**
- One important aspect of their cooperation was the defence and security alliance that France and India have in the Indo-Pacific area.
- A wide range of bilateral, international, regional, and institutional activities are part of this collaboration, particularly those focused on the Indian Ocean region.
- The leaders talked on enhancing capacities and cooperative tri-services exercises, especially in the maritime area.
- **Trilateral Collaboration:**
- Both nations pledged to explore new trilateral alliances in the area, strengthen their collaboration with the United Arab Emirates (UAE), and revitalise their trilateral ties with Australia.

- The inaugural India, France, and UAE Maritime Partnership Exercise took place in the Gulf of Oman in June 2023.
- **Connectivity and Economic Development:**
 - The significance of collaborative and international efforts in promoting human well-being, environmentally sustainable development, resilient infrastructure, innovation, and connectivity in the area was recognised by both nations.
 - To help with the scale up of green technologies, they demanded that the Indo-Pacific Triangular Development Cooperation Fund be established as soon as possible.
- **The India-Europe-Middle East Corridor (IMEC):**
 - The leaders reminisced about the India-Middle East-Europe Corridor (IMEC)'s inception and agreed that it was crucial from a strategic standpoint to improve the potential and robustness of trade and energy movement between Europe, the Middle East, and India.
- **The UN Reform and Multilateralism:**
 - Both nations emphasised the urgent need for the United Nations Security Council (UNSC) reform and urged for reformed and effective multilateralism.
 - France reaffirmed its backing for India's UNSC permanent membership.
 - Both sides emphasised how important it is to reform multilateral development banks and applauded the Independent Expert Group's report for offering specific recommendations in this area.
 - They recognised that India and the Paris Club were working together more closely on official debt restructuring matters.
- **Industrial-Defense Cooperation:**
 - The resolve to further integrate the defence industries of the two nations was reaffirmed by both parties. They talked about potential for co-design, co-development, and co-production of defence equipment for friendly nations like India.
- **Airbus and the Tata Group Agreement:**
 - An deal was inked by the Tata Group and Airbus for the development and production of civilian helicopters.
 - Airbus and Tata have already begun working together to produce the C-295 Transport Aircraft in Gujarat.
 - The goal of the industry collaboration is to manufacture H125 helicopters with a sizable localization and indigenous content.

- **Deal on Shakti Jet Engine:**

- The ongoing negotiations between Safran and India over the Shakti jet engine agreement were emphasised. These talks are centred on meeting standards that are in line with what India would need in the future for fighter jets; they cover more than just knowledge transfer for manufacture.

- **Akasa Air and CFM International:**

- Additionally, CFM International, a French manufacturer of jet engines, announced a deal with Akasa Air of India to purchase over 300 of its LEAP-1B engines, which will be used to power 150 Boeing open-new tab 737 MAX aircraft.

- **Cooperation in Space:**

- In addition to signing an agreement between ISRO's New Space India Limited (NSIL) and Arianespace of France for satellite launch missions, the nations also initiated the Strategic Space Dialogue.
- The presidents pledged to increase space collaboration, including joint satellite research, production, and launch.

- **Which are the main areas where France and India collaborate?**

- **Relationship Foundations:**

- France and India have long-standing commercial, cultural, and economic ties. Since it was signed in 1998, the strategic partnership between France and India has grown significantly, becoming even more complex and encompassing in its fields of cooperation.

- **Three cornerstones of the connection have been maintained by both nations:**

- Respect for one another's decision to stay out of internal affairs.
- a strong commitment to non-alignment and strategic autonomy.
- a common position of not including one another in individual partnerships and coalitions.

- **Defence Collaborations:**

- The defence alliance is the cornerstone of the Indo-French relationship; in comparison to other western nations, France appears to be a considerably more willing and generous partner.
- The French have been eager to provide the Indians with some of their best defensive assets, beginning with the Rafale contract and continuing with the acquisition of 26 Marine variants of aircraft.

- India has previously built six Scorpene-class submarines thanks to French technology transfers, and three more are currently being purchased to supplement the fleet's diminishing numbers.
- Joint exercises: Air Force: Exercise Garuda; Navy: Exercise Varuna; Army: Exercise Shakti.
- **Comparability of Position on NATO+ (Plus):**
 - In a public statement, France expressed its disapproval of plans for a NATO-plus (NATO+) collaboration, which would see the Trans-Atlantic alliance establish direct connections with Australia, New Zealand, Japan, South Korea, and even India.
 - NATO "is not a template that applies to India," according to India, which has also rejected the concept.
- **Collaboration in the Economy:**
 - In 2022–2023, bilateral trade between the two nations hit a record high of USD 13.4 billion, with exports from India surpassing USD 7 billion.
 - France ranked eleventh among foreign investors in India, having made a total of USD 10.49 billion in investments between April 2000 and December 2022.
- **Collaboration in the Global Forum:**
 - France backs India's application to join the Nuclear Suppliers Group and become a permanent member of the UN Security Council.
- **Collaboration on Climate Change:**
 - India has backed France in the Paris Agreement, demonstrating its strong commitment to reducing the effects of climate change, and both nations are concerned about it.
 - In 2015, both nations established the International Solar Alliance as a part of their cooperative efforts to combat climate change.
- **What Difficulties Exist in the Relations Between France and India?**
 - **Stagnation in FTA and BTIA:**
 - The optimisation of France and India's economic potential is impeded by the lack of a Free economic Agreement (FTA).
 - To make matters worse, the delayed pace of the Broad-Based Trade and Investment Agreement (BTIA) between the EU and India makes it more difficult to promote all-encompassing economic cooperation.

- **Various Security and Defence Priorities:**

- Cooperation in defence and security can be impacted by divergent goals and strategies, even in the presence of a robust defensive alliance.
- France's global objectives may occasionally conflict with India's focus on the area and its "non-aligned" strategy.

- **Concerns Regarding Intellectual Property Rights:**

- Concerns regarding India's lax intellectual property rights protection have been voiced by France, which could affect French companies doing business there. This poses a problem for creating an atmosphere that is favourable for bilateral trade.

- **Defence Product Dominance and Trade Imbalance:**

- There is a noticeable trade disparity even though France is India's eleventh trading partner.
- The prevailing presence of defence items in the trade relationship presents obstacles to diversification and the attainment of a more equitable exchange of commercial goods.

- **French Barriers to Indian Products:**

- India has encountered difficulties when trying to export goods to France, especially with regard to Sanitary and Phytosanitary (SPS) regulations. This may serve as a deterrent for Indian goods trying to enter the French market.
- The French President declared plans to bring 30,000 Indian students to France; nevertheless, obstacles pertaining to student mobility, such as visa procedures and cultural assimilation, would make this objective difficult to achieve.

- **Concerns about Human Trafficking:**

- Events like the human trafficking flight case in Nicaragua raise alarms and highlight the necessity of increased collaboration in combating transnational crimes and guaranteeing people's safety and welfare.

- **The Way Ahead:**

- France and India can work together to balance out other countries that either of them is highly dependent on, or even to help shape the global order.
- The Indo-Pacific idea has given the flourishing Franco-Indian relations a helpful framework. Due to its overseas territory and military sites in the Indian Ocean, France has a greater direct stake in the stability of the region than the other Quad countries.

- The two should be able to more effectively ensure strategic interests and bilateral cooperation through the Indo-Pacific forum.
- In India's ambitious intentions to promote private and foreign investment in domestic weapon production, France is a key player.
- Emerging fields of cooperation, including as cyber-security, research and technology, climate change, and connectivity, should be discussed.

Source → The Hindu

4 – Mosquitofish:

GS II

Health related issues

- **Context:**
- In an effort to tackle the growing mosquito problem, mosquitofish have recently been released into local water bodies in a number of Andhra Pradesh, Odisha, and Punjab districts.
- A new study, however, draws attention to certain unforeseen problems with this strategy and possible shortcomings in the biological control technique.
- **What Is the Mosquitofish Method and How Does It Affect Other Things?**
- Over 500 million people across more than 150 nations are affected by mosquito-borne diseases, which have become more common due to changes in the global temperature and habitat over the past century.
- About 40 million people in India are affected by these illnesses each year, which has long been a public health concern.
- **The Method of the Mosquitofish:**
- The southeastern United States' native freshwater mosquitofish are well-known for their voracious hunger for mosquito larvae.
- With their capacity to devour up to 250 larvae day, they might be used as a weapon against mosquito populations.
- *Gambusia affinis* and *Gambusia holbrooki*, two species of mosquitofish, were regarded as sustainable and favourable to the environment.

- However, the unforeseen consequence was the fish's global dispersal from the United States, disrupting ecosystems.
- **Mosquitofish introduction to India:**
 - During British control, gambusia was first brought to India in 1928 to slow the growth of mosquitoes.
 - Government agencies and private groups in India then pooled their resources to fight malaria using this strategy.
 - The fish were supposed to regulate mosquito larvae, however this plan backfired and they ended up becoming invasive alien species.
- **The detrimental effects of mosquitofish:**
 - The very invasive nature of these species can be attributed to their resilience and strong tolerance to varying environmental circumstances, which enable extensive dispersion.
 - These days, mosquitofish are ranked among the top 100 harmful alien species that have invaded our planet.
 - Disruption of Native Fish Communities: They are voracious eaters, devouring native fish eggs in addition to mosquito larvae.
 - Local species may go extinct as a result of this, especially smaller, less aggressive fish.
 - Loss of Unique Species: Their introduction may put endemic and ecologically significant fish species in jeopardy, which could result in a decline in biodiversity and ecosystem resilience.
 - There has been a decrease in *Microhyla* tadpoles, sometimes known as narrow-mouthed frogs or rice frogs, in India after *Gambusia* was introduced.
- **Associated Important Steps:**
 - In 1982, the World Health Organisation discontinued endorsing *Gambusia* as a repellent against mosquitoes.
 - The Indian government's National Biodiversity Authority awarded G in 2018. G. and affinis. foreign species that are invasive, Holbrooki.
- **Techniques of Genetic Engineering to Manage Mosquitoes:**
 - Austin Burt invented the technique known as "Gene Drive Technology" in 2003 with the goal of regulating mosquito populations by changing the genes that they inherit.
 - By altering mosquito DNA with proteins, this method prevents mosquitoes from spreading diseases like malaria.
 - The US Environmental Protection Agency approved the introduction of the genetically engineered OX5034 mosquito in 2020. It is created using a gene that is susceptible to the antibiotic tetracycline.

- Because of a self-limiting gene it contains, female progeny are unable to survive, which lowers mosquito populations.
- **What Are the Main Obstacles in the Way of Controlling Mosquitoes and Related Diseases?**
- **Problems with Controlling Mosquitoes:**
 - Complex Environment: Mosquito breeding patterns vary throughout India due to the country's diverse climate, topography, and socioeconomic circumstances.
 - Mosquito resistance to frequently used pesticides and repellents has resulted in the need for regular rotation and the creation of novel options.
 - Poor Sanitation: In India's urban and rural areas, open drains, uncollected trash, and stagnant water sources provide a wealth of breeding grounds.
- **Obstacles in the Management of Disease:**
 - Underreporting: Accurate statistics and focused interventions are hampered by the large number of mosquito-borne disease cases that are unreported or are incorrectly diagnosed, particularly in rural areas.
 - Additionally, treatment is delayed and complications rise in distant places due to restricted access to quality healthcare.
 - Limitations on vaccinations: Since there are now no effective vaccinations for every disease carried by mosquitoes, personal protection techniques and vector control are the mainstays of prevention.
- **The Way Ahead:**
 - Enhanced Infrastructure and Sanitation: Urban places can become breeding grounds no longer when waste is collected and disposed of efficiently.
 - An important source of mosquito breeding, stagnant water accumulation can be avoided with the use of effective drainage systems.
 - By offering clean water storage options, communities can become less reliant on open containers that serve as mosquito breeding grounds.
 - Integrated Vector Management (IVM): Accelerate the National Vector Borne Disease Control Programme's implementation to address mosquito-related challenges by implementing a comprehensive approach that combines multiple strategies, including biological control, insecticide use, and environmental management.
 - Community Engagement and Education: By highlighting preventive measures, promoting community involvement, and running educational initiatives, increase public knowledge of and involvement in mosquito control.