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### 1. Union govt. makes it clear that Aadhaar card no proof of citizenship, birth date



#### **Not proof of citizenship or date of birth**

New Aadhaar cards and PDF versions of the identity document have started including a more explicit disclaimer that they are “a proof of identity, not of citizenship or date of birth”, signalling to government departments and other organisations not to use it for those purposes.

Aadhaar card has never been proof of citizenship as foreign nationals are also eligible to obtain one if they have been living in India for 180 days. However, different government departments accept it for purposes reserved for citizens or adults.

#### **Need for authentication**

The IDs also include a warning that authenticating them offline needs to be done by scanning the QR code on the reverse side of the document, or by using an XML file issued to residents by the Unique Identification Authority of India (UIDAI), which administers Aadhaar.

#### **2018 memorandum**

This invalidity of Aadhaar for use in determining the date of birth and citizenship has been the case for years — the Ministry of Electronics and Information Technology clarified in a 2018 memorandum that Aadhaar is “per se... not a proof of date of birth”, as the date of birth is based on a different document given by applicants.

Relevance: GS Prelims & Mains Paper II; Governance

Source: The Hindu

## 2. Fellowship programme called Vaibhav

### Why in news?

The Centre has announced the first set of recipients of a fellowship programme called Vaibhav (VAIshwik BHArtiya Vaigyanik). Scientists of Indian origin, or of Indian ancestry, can apply to spend up to three months in a year, for three years, at a host research laboratory in India. In that period, these researchers are expected to begin a project or technology start-up, build long-term connections with the institute, collaborate with the host faculty and bring in new ideas to the field, in Indian university and research settings.

As the programme gains momentum, officials say, new kinds of relationships could emerge: the Indian origin faculty could be encouraged to take on students, more associates and even supervise degrees that could lead to a genuine transfer of knowledge, innovation and work culture and perhaps optimistically, the non-resident Indian scientist even considering staying on in India.

### Similar earlier program

Vaibhav is not an original idea. During this government's tenure itself, the Department of Science and Technology (DST) conceived the VAJRA (Visiting Advanced Joint Research) Faculty Scheme with similar objectives. The differences in the two schemes are minor.

1. Vaibhav is exclusively for the Indian diaspora, while VAJRA can include other nationalities too.
2. VAJRA, though generous in the amount offered as fellowships, was restricted to one-year engagements, unlike Vaibhav which pays less but extends to three years.

The DST, which is in charge of both schemes, says that nearly 70 international faculty have spent time in India as part of VAJRA, though there have been concerns over the effectiveness of the scheme. Currently, officials say, both schemes will continue.

### Relevance of fellowship programmes

Short-term fellowships are useful in priming foreign faculty and researchers to the potential for science in India. They can also lay bare the challenges — the lack of funding for basic research, the lack of participation by private companies in core research and development and limits on academic freedom — and trigger changes in policy. The tremendous competition for tenured jobs in American and European universities means that there is a vast pool of skilled scientific manpower, trained abroad, who can be brought back or retained in India.

Relevance: GS Prelims; Governance

Source: The Hindu

## 3. What are incestuous 'sapinda' marriages, and why has Delhi High Court reaffirmed the ban on them?

### Why in news?

Delhi High Court has recently rejected a challenge to the constitutionality of Section 5(v) of the Hindu Marriage Act, 1955 (HMA), which prohibits marriage between two Hindus if they are “sapindas” of each other — “unless the custom or usage governing each of them permits of a marriage between the two”.

In its order passed on January 22 on a petition filed by a woman who had been trying for long to have this section struck down, the court said that “If the choice of a partner in a marriage is left unregulated, incestuous relationship may gain legitimacy.”

### **What is a sapinda marriage?**

A sapinda marriage is one between individuals who are related to each other within a certain degree of closeness. Sapinda relationships for the purposes of the HMA are defined in Section 3 of the Act.

“Two persons are said to be sapindas of each other if one is a lineal ascendant of the other within the limits of sapinda relationship, or if they have a common lineal ascendant who is within the limits of sapinda relationship with reference to each of them,” Section 3(f)(ii) says.

Under the provisions of the HMA, on the mother’s side, a Hindu individual cannot marry anyone who is within three generations of them in the “line of ascent”. On the father’s side, this prohibition applies to anyone within five generations of the individual.

In practice, this means that on their mother’s side, an individual cannot marry their sibling (first generation), their parents (second generation), their grandparents (third generation), or an individual who shares this ancestry within three generations.

On their father’s side, this prohibition would extend up to their grandparents’ grandparent, and anyone who shares this ancestry within five generations.

If a marriage is found to violate Section 5(v) for being a sapinda marriage, and there is no established custom that allows such a practice, it will be declared void.

This would mean that the marriage was invalid from the very beginning, and will be treated as though it never took place.

### **Are there any exceptions to the prohibition against sapinda marriages?**

Yes — the sole exception can be found within the same provision. As noted above, it arises when the customs of each individual permits sapinda marriages.

The definition of the word “custom” is provided in Section 3(a) of the HMA. It states that a custom has to be “continuously and uniformly observed for a long time”, and should have gained enough legitimacy among Hindus in a local area, tribe, group, or family, such that it has obtained “the force of law”.

A custom may not be protected even after these conditions are fulfilled. The rule in question must be “certain and not unreasonable or opposed to public policy” and, “in the case of a rule [that is] applicable only to a family”, it should not have been “discontinued by the family”.

### **On what grounds was the law challenged?**

In 2007, the woman's marriage was declared void after her husband successfully proved that they had entered into a sapinda marriage, and that the woman was not from a community where such marriages could be considered a custom. This ruling was challenged before the Delhi HC, which dismissed the appeal in October 2023.

The woman then approached the HC again, challenging the constitutional validity of the prohibition on sapinda marriages. She argued that sapinda marriages are prevalent even when there is no proof of custom. Hence, Section 5(v) which prohibits sapinda marriages unless there is an established custom, violates the right to equality under Article 14 of the Constitution.

The petitioner also argued that the marriage had received the consent of both families, which proved the legitimacy of the marriage.

### **What did the High Court say?**

The Delhi High Court found no merit in her arguments.

The Delhi HC also held that the choice of a partner in a marriage can be subject to regulation. With this in mind, the court held that the woman did not present any "cogent legal ground" to show that the prohibition against sapinda marriages was violative of the right to equality.

### **Are marriages similar to sapinda marriages allowed in other countries?**

In several European countries, the laws on relationships that are considered incestuous are less stringent than in India.

In France, the crime of incest was abolished under the Penal Code of 1810, so long as the marriage was between consenting adults. This Code was enacted under Napoleon Bonaparte, and was also enforced in Belgium. A new Penal Code was introduced in Belgium in 1867 to replace the French code, but incest remains legal. Portuguese law also does not criminalise incest.

The Republic of Ireland recognised same-sex marriages in 2015, but the law on incest has not been updated to include individuals in same-sex relationships. Under Italian law, incest is a crime only if it causes a "public scandal".

In the United States, incestuous marriages are banned in all 50 states, though incestuous relationships between consenting adults are allowed in New Jersey and Rhode Island.

Relevance: GS Prelims & Mains Paper I; Indian Society

Source: The Indian Express

## **4. ASI report says temple existed at the site of Gyanvapi mosque**

### **Why in news?**

The Archaeological Survey of India (ASI) in its scientific survey report on the Gyanvapi mosque complex has concluded that "there existed a Hindu temple prior to the construction of the

existing structure" at the site. The report was submitted to the court last month in a sealed cover. The ASI was tasked by the Varanasi district court in July 2023 to conduct a scientific survey of the mosque and ascertain if it was "constructed over a pre-existing structure of a Hindu temple".

**Here are five key takeaways from the ASI report:**

**1. The pre-existing structure was probably destroyed in the 17th century, during the reign of Aurangzeb**

The report mentions a loose stone with an inscription engraved on it which recorded the construction of the mosque during the reign of Mughal Emperor Aurangzeb between the years 1676 and 1677. The inscription also recorded that the mosque was repaired with sahan (courtyard), etc." in the year 1792-93.

ASI has a photograph of the loose stone which was taken in the year 1965-66. The report also noted that during the recent survey, it was found that "the lines relating to construction of the mosque and its expansion have been scratched out".

The pre-existing structure was destroyed after Aurangzeb "issued orders to the governors of all provinces to demolish the schools and temples of the infidels", according to Maasir-i-Alamgiri (1947) by Sir Jadunath Sarkar.

**2. Inscriptions in Devanagari, Grantha, Telugu and Kannada scripts with names of deities found**

During the survey, a total of 34 inscriptions were recorded, according to the report. "These are, in fact, inscriptions on the stones of the pre-existing Hindu temples, which have been re-used during the construction/ repair of the existing structure. They include inscriptions in Devanagari, Grantha, Telugu and Kannada scripts. Reuse of earlier inscriptions in the structure, suggest that the earlier structures were destroyed and their parts were reused in construction/ repair of the existing structure," it said.

**3. Parts of the pre-existing temple were reused for the expansion of the mosque and construction of sahan**

The survey included an examination of pillars and pilasters (rectangular columns) in the corridor which indicated that they were part of the pre-existing temple.

**4. The central chamber and main entrance of the pre-existing structure are part of the existing structure**

According to the report, the pre-existing temple had one big central chamber. The central chamber now forms the central hall of the existing structure. This structure with thick and strong walls, along with all architectural components and floral decorations was utilised as the main hall of the mosque.

**5. Sculptural remains in cellars indicate that there existed a large Hindu temple**

Under the heading 'Sculptural Remains in Cellars', the report noted that pillars from the pre-existing temple were reused to make cellars in the eastern part of the platform — cellars and the platform were constructed in front of the mosque to accommodating a large number of people for prayers.

Moreover, sculptures of Hindu deities and carved architectural members were found under the dumped soil in one of the cellars.

Relevance: GS Prelims & Mains Paper I; Indian Society

Source: The Indian Express

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