

AMID PROTESTS, RAJYA SABHA PASSES FAMILY COURTS (AMENDMENT) BILL

In News:

- The Rajya Sabha has passed the Family Courts (Amendment) Bill, which seeks to extend statutory cover to family courts set up in **Himachal Pradesh & Nagaland**.

Family Courts (Amendment) Bill:

- The Family Courts (Amendment) Bill was introduced and passed in Lok Sabha in July 2022.
- The Bill amends the **Family Courts Act, 1984**.
- The Family Courts Act, 1984 allows state governments to establish Family Courts.
- The Central Government is empowered to notify dates for the Act to come into force in different states.
- The governments of Himachal Pradesh and Nagaland have set up Family Courts in their states under the Act.
- However, the central government had not extended the application of the Act to these states.

Family Courts Act, 1984:

- According to the **59th Law Commission Report** (1974) and the **Committee on the Status of Women** (1975), it was recommended that family disputes should get handled differently from conventional civil proceedings.
- Subsequently, the Family Courts Act was passed in 1984 to allow state governments to establish family courts to promote conciliation and ensure that disputes related to family affairs and marriage are promptly settled.
- Under the Act, the setting up of family courts and their functioning comes under the purview of the state governments in consultation with their respective high courts.
- As per the Act, it is mandatory for the state government to set up a family court for every city or a town whose population exceeds one million.
- The state government appoints the family court judges with the approval of the high court.
- 716 Family Courts are functional across the country (February 2022).

What was the need for an amendment and why does it only concern two States?

- Notably, the Central government has to notify a date for the Act to come into force in a State where such courts have been set up.
- If there is no government notification, it raises questions about the jurisdiction and statutory powers of these family courts.
- While Himachal Pradesh set up family courts in Shimla, Dharamshala and Mandi, Nagaland established two such courts at Dimapur and Kohima.
- However; these courts were functioning without any legal authority since no central notification was issued in this regard.
- The issue came to light last year after a petition was filed in the Himachal Pradesh High Court (**Omkar Sharma vs. State of Himachal Pradesh**).

Challenges faced by Family Courts in India:

- The fundamental goal of the family court was to give a quick resolution of problems involving marriage and family and to reach an agreement between the parties for reconciliation.
- However, this objective has yet to be met. The following are some of the difficulties that family courts face –
 - **“Family” is not defined under the Act –**
 - The term “family” is not defined.
 - The family court only hears cases involving marriage, child support, and divorce.
 - Thus, issues resulting from economic implications that affect the family in numerous ways are not addressed by the family court.
 - **Lack of proper enforcement of the law –**
 - The Act gives state governments the authority to create regulations for the operation of family courts in their jurisdictions.
 - Still, most state governments have not effectively utilised these powers to create rules and set up family courts.
 - **Complicated law –**

- Because the family court follows the **Code of Civil Procedure** principles in suits and proceedings, it is difficult for the average person to comprehend the complicated law.
 - There are no simple rules in the act that a layperson can understand.
-

[JAISHANKAR, BLINKEN MEET AMID ASEAN DISCUSSIONS ON TAIWAN, MYANMAR](#)

In News:

- In what was their second bilateral meeting in less than a month, foreign minister S Jaishankar and US Secretary of State Antony Blinken held bilateral discussion.
 - The two leaders had met last month in Bali on the sidelines of a G20 summit.
- The meeting took place in Cambodia on the sidelines of the ASEAN Regional Forum.

Association of Southeast Asian Nations (ASEAN)

- ASEAN is a regional intergovernmental organization comprising ten Southeast Asian countries.
 - The ten members are - Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam.
- It aims to promote intergovernmental cooperation and facilitate economic, political, security, military, educational, and socio-cultural integration among its members and other Asian states.
- The ASEAN Declaration (Bangkok Declaration) in 1967 formalized the principles of peace and cooperation to which ASEAN is dedicated.
- The ASEAN Charter entered into force on 15 December 2008.

ASEAN-India Engagement

- ASEAN and India became Summit-level partners in 2002, and Strategic partners in 2012.
- There is ample closeness between India's "Indo Pacific Oceans Initiative" and ASEAN's "Outlook on Indo Pacific".
- India firmly believes that a "Cohesive and Responsive ASEAN" is essential for "Security and Growth for All in the Region".

ASEAN Regional Forum (ARF)

- Established in 1994, ARF is an important platform for security dialogue in the Indo-Pacific.
- It provides a setting in which members can discuss current security issues and develop cooperative measures to enhance peace and security in the region.
- Members - It comprises 27 members:
 - the 10 ASEAN member states;
 - 10 ASEAN Dialogue Partners, including Australia, Canada, China, European Union (EU), India, Japan, New Zealand, Republic of Korea (ROK), Russia and United States; Bangladesh, Democratic People's Republic of Korea, Mongolia, Pakistan, Sri Lanka, Papua New Guinea and Timor-Leste.

Key Highlights:

- **New Delhi chose to maintain a studied silence on the developments in Taiwan strait**
 - There is a spike in US-China tensions over the visit to Taiwan by US House of Representatives Speaker Nancy Pelosi.
 - India's stand was aimed at ensuring that it does not wish to cause a controversy with China at a sensitive time in border talks.
- **India also avoided mentioning of One China Policy**
 - The silence on the current developments was also due to the fact that India does not wish to claim adherence to the "One China policy".
 - India has followed the one China policy since 1949, indicating it does not recognise any government other than the PRC in Beijing.
 - India only conducts trade and has cultural ties with Taiwan.
 - However, New Delhi stopped mentioning the policy in official statements and joint declarations after 2008.
 - The then government had taken this decision after:
 - a series of Chinese statements claiming Arunachal Pradesh as a part of the Chinese territory, renaming Arunachal towns with Mandarin names,
 - China started issuing stapled visas to Indian citizens who were residents of Jammu and Kashmir and Arunachal Pradesh.

- **India-ASEAN foreign ministers' dialogue**
 - The dialogue focused on overall developments in the Indo-Pacific region and ways to further expand ties against the backdrop of geopolitical developments, including the crisis in Ukraine.
 - The leaders identified the digital domain, health, agriculture, education and green growth as areas that drive the partnership between the two sides.
 - **Bilateral meeting with US Secretary of State**
 - The two leaders discussed regional and global issues, including the Sri Lanka crisis, Russian invasion in Ukraine and its implications for global food security.
-

INDIA'S 'STUDIED SILENCE' ON TAIWAN CRISIS

Amid growing number of international reactions to developments in the Taiwan straits and tensions between the U.S. and China, India chose to maintain a “studied silence” on the unfolding situation, omitting any mention of it even in talks held by External Affairs Minister S. Jaishankar on the sidelines of the ASEAN summit in Phnom Penh.



About:

- The decision not to issue a statement, said officials and experts, is deliberate, as New Delhi seeks to avoid a controversy on a sensitive issue between the U.S. and China, and also given that India, unlike other countries in the region, has not referenced the “One China” policy since at least 2010.
 - While India has followed the “One China policy” since 1949, indicating it does not recognise any government other than the PRC in Beijing, and only conducts trade and cultural ties with Taiwan, New Delhi stopped mentioning the policy in official statements and joint declarations after 2008.
-

HASDEO ARANYA

On July 26, the Chhattisgarh Legislative Assembly unanimously passed a private member resolution urging the Centre to cancel allocation of all coal mining blocks in the ecologically sensitive area of Hasdeo Aranya.



About:

- Underneath the Hasdeo Aranya is a coalfield that comprises of 22 coal blocks. In 2010, the Centre categorised Hasdeo Aranya to be a “no-go” zone for mining.
- However, only a year later, the MoEF granted clearance for the mining. At present, of the 22 blocks, seven blocks have been allotted to different companies.
- The resolution isn’t expected to change the status quo. While the Congress says the onus is on the Centre to stop mining, the BJP has been asking the State government to withdraw the clearances it has issued to mine developers and operators.

INAS 314

Indian Navy's all-women crew creates history by completing first independent maritime surveillance mission over Arabian Sea.



About:

- Indian Navy’s women officers have created history after they completed the first-ever all-women independent maritime reconnaissance and surveillance mission in the North Arabian Sea onboard a Dornier 228 aircraft.
- The mission was carried out by five officers of the Indian Navy Air Squadron (INAS) 314 based at Naval Air Enclave at Gujarat’s Porbandar.
- The aircraft was captained by the Mission Commander, Lt Cdr Aanchal Sharma, who had pilots, Lt Shivangi and Lt Apurva Gite, and Tactical and Sensor Officers, Lt Pooja Panda and SLt Pooja Shekhawat in her team.

- The INAS 314 is a frontline Naval Air Squadron based at Porbandar, Gujarat. This “first-of-its-kind military flying mission” is expected to pave the way for women officers in the aviation cadre to assume greater responsibility and aspire for more challenging roles.
-

EARTH'S SHORTEST DAY

On June 29, the Earth completed one full spin — a day — in 1.59 milliseconds less than its routine 24 hours. It was the shortest day recorded since the 1960s, when scientists first began to use the precise atomic clocks to measure the Earth’s rotational speed.



About:

- It’s been happening fairly often these days — in recent years, the Earth has been spinning ever so slightly faster. On July 26, the day ended 1.50 milliseconds earlier, with the Earth almost breaking the record it set on June 29.
 - And in the year 2020, when all that the world could think about was the coronavirus, the Earth clocked 28 of its shortest recorded days, the website timeanddate.com reported. July 19 was the shortest of these short days of 2020 — ending 1.47 milliseconds sooner.
-

CRIMINAL ID LAW COMES INTO FORCE

In News:

- The Criminal Procedure (Identification) Act, 2022 has come into effect from August 4th. It replaced a similar colonial era law - The Identification of Prisoners Act, 1920.
- It authorises taking measurements of convicts and other persons for the purposes of identification and investigation in criminal matters and to preserve records.

Criminal Procedure (Identification) Act, 2022

- The law has been enacted with an objective to ensure the unique identification of those involved with crime and to help investigating agencies solve cases.
- It was passed by the Parliament in April 2022. The primary motive cited by the government behind the introduction of the Act is to increase the rate of convictions.

Key Provisions

- **Empowers police to collect physical and biological samples of convicts as well as those accused of crimes.**
- **Storage and sharing of data**
 - The act authorises the National Crime Records Bureau (NCRB) to store, preserve, share with any law enforcement agency and destroy the record of measurements at national level.
 - The records will be destroyed only after the prisoner exhausts all legal remedies. So, no deletion if the prosecution appeals an acquittal.
 - The records can be stored up to a period of 75 years.

How different it is from the 1920 law?

How the new bill compares to its predecessor	
1920 Act	Changes in the 2022 Bill
-Data permitted to be collected-	
Fingerprints, foot-print impressions, photographs	Adds: (i) biological samples, and their analysis, (ii) behavioural attributes including signatures, handwriting, and (iii) examinations under section and 53A of CrPC (includes blood, semen, hair samples, and swabs, and analyses such as DNA profiling)
-Persons whose data may be collected-	
Convicted or arrested for offences punishable with rigorous imprisonment of one year or more	Convicted or arrested for any offence. However, biological samples may be taken forcibly only from persons arrested for offences against a woman child, or if the offence carries a minimum of seven years imprisonment
Persons ordered to give security for good behaviour or maintaining peace	Persons detained under any preventive detention law
Magistrate may order in other cases collection from any arrested person to aid criminal investigation	On the order of Magistrate, from any person (not just an arrested person) to aid investigation
-Persons who may require/ direct collection of data-	
Investigating officer, officer in charge of a police station, or of rank Sub-Inspector or above	Officer in charge of a police station, or of rank Head Constable or above in addition, a Head Warden of a prison
Magistrate	Metropolitan Magistrate or Judicial Magistrate of first class. In case of persons required to maintain good behaviour or peace, the Executive Magistrate

Criticism

Not in line with the global standards

- Some of the clauses in the law violate Article 17 of the International Convention on Civil and Political Rights.
- The Article 17 prohibits interference with privacy and attack on a person's honour and reputation.
- It also makes inroads into Rule 65 of the UN Standard of Minimum Rules for the treatment of prisoners that encourages their self-respect.
- **Overlooks the basic rights of innocent individuals**
 - The act empowers police to take measurements of those who are undertrial and suspected to be involved in a case.

- Hence it works on the presumption that they may, in future, commit any illegal act.
- **Safety and security of data**
- Critics argue that the law fails to put in place adequate restrictions on storage, sharing, or usage of the collected data of accused.
- **No provisions for an appeal**
- It has no provisions for an appeal to a higher authority against any arbitrary exercise of power by an authorised entity to collect an individual's personal data.
- Therefore, by default, any remedy for abuse of power will be sought before the High Courts or the Supreme Court.
- **Open to political misuse**
- Critics expressed their concern over the possible misuse of the act to serve the political agenda of the govt in power.
- This fear stems from the way officials used biometric data in the past, notably against crowds who were peacefully protesting the Citizenship Amendment Act in Delhi and Uttar Pradesh in 2019-20.
- **Unawareness among Detainees**
- Although it provides that an arrested person (not accused of an offence against a woman or a child or the offence that carries a minimum of seven years imprisonment) may refuse the taking of samples, not all detainees may know that they can indeed decline to let biological samples be taken.
- Broad definition for 1st case: For example, it could include the case of theft against a woman. Such a provision would also violate equality of law between persons who stole an item from a man and from a woman.
- **Unbridled discretionary power has been given to police and prison officers**
- They can force any accused to give measurement which is in conflict with right against self-incrimination i.e., no person can be forced to give a witness against himself under Article 20(3) of the constitution.