

# Polity & Governance

## UPSC 2020

June-July-August 2020 Current Affairs

## Analysis by Anirudh

## Set-12



सत्यमेव जयते





AnirudhSir



anirudh15a



@anirudh\_23

**Ex-DSP Punjab Police  
Engineering from IIT Madras**





**Launched**

The course here is a great strategy to get an edge over others.

# UPSC Past Prelims Discussion (2011-2019)

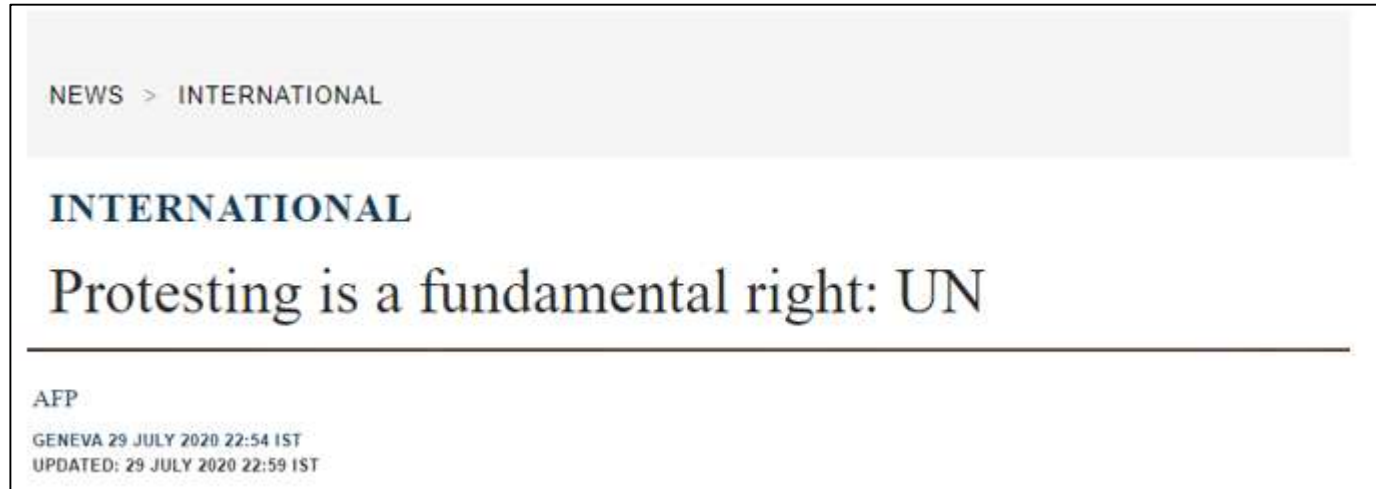
By Anirudh Aggarwal



# Topics to discuss

1. Right to Protest
2. Powers Of Governor
3. Hindu Succession (Amendment) Act, 2005
4. Modern Slavery
5. Custodial Violence

# WHY IN NEWS



## Right to Protest

**UN Human Rights Committee** (UNHRC), body of **18 independent experts** that monitors implementation of International Covenant on Civil and Political Rights (**ICCPR**), reiterated right to protest as fundamental right.

# Key Points raised by UNHRC

It is a fundamental human right for people to gather to celebrate or to air grievances, in public and in private spaces, outdoors, indoors and online.

Everyone, including children, foreign nationals, women, migrant workers, asylum seekers and refugees, can exercise the right of peaceful assembly.

# Right to Protest in India

The right to protest peacefully is fundamental right in India under Article 19(1).

In **Ramlila Maidan Incident vs Home Secretary, Union Of India & Ors.**, the Supreme Court had stated, “*Citizens have a fundamental right to assembly and peaceful protest which cannot be taken away by an arbitrary executive or legislative action.*”

**Article 19 :-** It guarantees the citizens of India the following six fundamentals freedoms:-

- Freedom of Speech and Expression
- Freedom of Assembly
- Freedom of form Associations
- Freedom of Movement
- Freedom of Residence and Settlement
- Freedom of Profession, Occupation, Trade and Bussiness

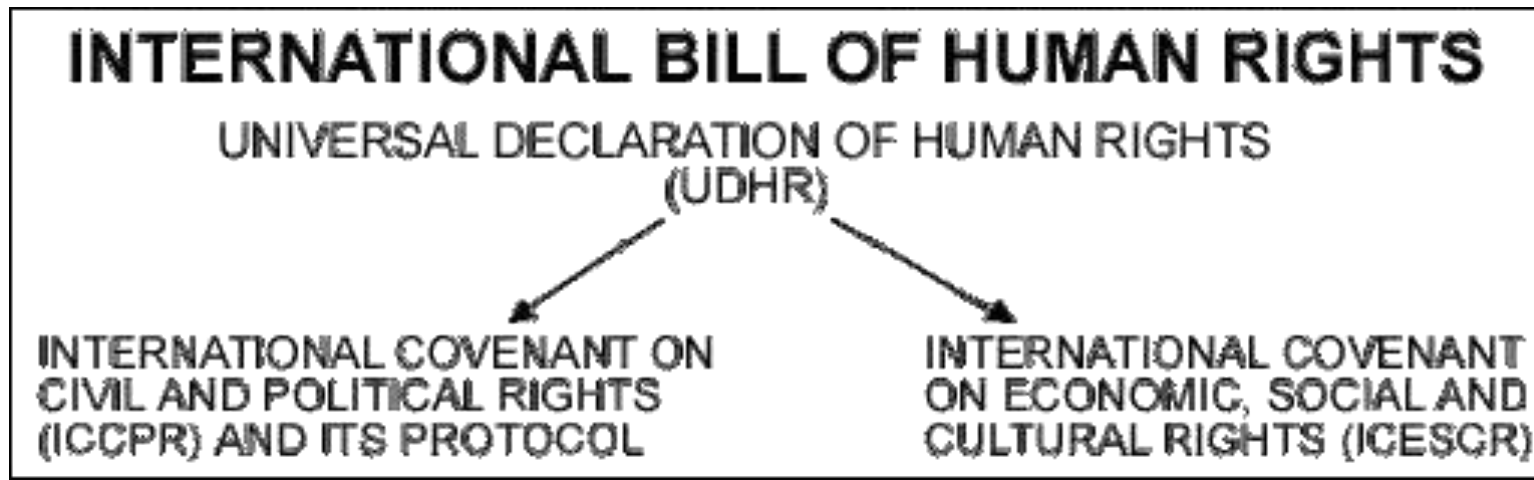


# About ICCPR

ICCPR is a key international human rights treaty, providing a range of protections for civil and political rights.

ICCPR under Article 21 guarantees the right to peaceful assembly.

It was adopted by the U.N. General Assembly in 1966 & India has ratified the Convention in 1979.





## WHY IN NEWS

### Rajasthan crisis puts governors' powers in the spotlight

Is Mishra bound by the advice of the chief minister-led council of ministers when it comes to convening the assembly session and to what extent can the governor exercise his discretion?

INDIA Updated: Jul 26, 2020 03:31 IST



Murali Krishnan  
Hindustan Times, New Delhi

## POWERS OF GOVERNOR

A **governor's powers and role in the state legislature's affairs** are back in focus amid the political crisis in Rajasthan.

**Congress legislators staged a five-hour sit-in on Friday asking governor to call a special assembly session for a floor test.**

# Some issues

## **Governor's power to summon an Assembly session –**

SC in 2016 ruled that governor has no discretion in the matter of summoning the house under Article 174 if chief minister enjoys majority in the house and, therefore, is bound to act on the advice of the cabinet.

# Constitutional powers of Governor

**Article 154:** The **executive power of the state shall be vested in the governor** and shall be exercised by him either directly or through officers subordinate to him in accordance with this Constitution.

**Article 163 (1):** There **shall be a council of ministers with the chief minister** as the **head to aid and advise the governor** in the exercise of his functions, except in so far as he is required to exercise his functions in his discretion.

**Article 163 (2):** If any question arises whether a matter falls within the governor's discretion or not, the **decision of the governor is final** and the validity of anything done by him **cannot be called in question on the ground** that he ought or ought not to have acted in his discretion.

# Discretionary Powers of Governor

## Constitutional discretion

- ✓ Reservation of a bill for the consideration of the President.
- ✓ Recommendation for the imposition of the President's Rule in the state.
- ✓ While exercising his functions as the administrator of an adjoining union territory (in case of additional charge).
- ✓ Determining the amount payable by the Government of Assam, Meghalaya, Tripura and Mizoram to an autonomous Tribal District Council as royalty accruing from licenses for mineral exploration.
- ✓ Seeking information from the chief minister with regard to the administrative and legislative matters of the state.



# Discretionary Powers of Governor

## **Situational discretion**

- ✓ Appointment of chief minister when no party has a clear-cut majority in the state legislative assembly or when the chief minister in office dies suddenly and there is no obvious successor.
- ✓ Dismissal of the council of ministers when it cannot prove the confidence of the state legislative assembly.
- ✓ Dissolution of the state legislative assembly if the council of ministers has lost its majority.

## WHY IN NEWS

[Home](#) / [Opinion](#) / Her rights, clearly so

### Her rights, clearly so

Supreme Court verdict has made it unambiguous that a daughter has equal co-parcenary right irrespective of when she was born.

August 21, 2020 8:17:56 pm

## HINDU SUCCESSION (AMDT.) ACT, 2005

SC ruled that a Hindu woman's right to be a joint heir to the ancestral property is by birth and does not depend on whether her father was alive or not when the law was enacted in 2005 i.e. it has retrospective effect.

- The Supreme Court on 11/08/2020 ruled that a daughter can claim equal share in parental property irrespective of when she was born and if her father was alive or not at the time of the 2005 amendment to the Hindu Succession Act.
- "Once a daughter always a daughter...son is a son till he is married"
- The daughter shall remain a coparcener [one who shares equally with others in inheritance of an undivided joint family property] throughout life, irrespective of whether her father is alive or not.
- "Daughters must be given equal rights as sons, daughter remains a loving daughter throughout life."

- Under the Hindu Succession Act, 1956, females were granted ownership of all property **acquired**. (Not on ancestral property..!!)
- This was basically a compromise between liberal ideas and traditional Mitakshara law followed in India.
- Mitakshara is a legal commentary on the **Yajnavalkya Smriti** best known for its theory of "inheritance by birth." It was written by **Vijnanesvara**.
- According to Mitakshara law, fathers property can be divided into **ancestral property and acquired property**. Daughters will not have any rights over ancestral property.



## WHY IN NEWS

NATIONAL

# Commonwealth countries lagging behind on action against modern slavery, says report



SPECIAL CORRESPONDENT

NEW DELHI: , JULY 30, 2020 22:26 IST

UPDATED: JULY 30, 2020 22:38 IST

## MODERN SLAVERY

A report **released by Walk Free (Global anti-slavery organization) and CHRI (international NGO)** highlighted the need for renewed urgency to eradicate **modern slavery** and **achieve SDG Target 8.7 by 2030**.

### Commonwealth Human Rights Initiative



[humanrightsinitiative.org](https://humanrightsinitiative.org)

The Commonwealth Human Rights Initiative is an independent, non-partisan & nonprofit international non-governmental organisation which works towards the practical realisation of human rights in the countries of the Commonwealth. [Wikipedia](#)

**Headquarters location:** [New Delhi](#)

**Director:** [Sanjoy Hazarika](#)

**Founded:** 1987

# Key findings

71% of all victims of modern slavery are women and girls.

India accounted for one-third of all child brides in the world.

India had not ratified 2011 Domestic Workers Convention & the 2014 Forced Labour Protocol.

India has the weakest response on national coordination, with no national coordinating body or National Action Plan in place.

# 2011 Domestic Workers Convention

It was adopted by **International Labour Organization (ILO)** concerning decent work for domestic workers.

It lays down basic rights and principles, and requires States to take a series of measures with a view to making decent work a reality for domestic workers.

## WHY IN NEWS

[Home](#) / [Explained](#) / Explained: How Tamil Nadu Police's brutal act of revenge claimed lives of a father and son

### Explained: How Tamil Nadu Police's brutal act of revenge claimed lives of a father and son

Tamil Nadu custodial deaths: Historically, the Tamil Nadu police is notorious for highhandedness and third-degree torture methods.

## CUSTODIAL VIOLENCE

Death of a **father-son duo from Tamil Nadu**, allegedly due to **custodial violence**, has sparked anger across India.



# About Custodial violence

**Custodial violence** is the violence which takes place in the judicial and police custody where an individual who has done a crime is tortured mentally as well as physically.

It includes **torture, rape and death**.

According to **National Campaign Against Torture**, a joint initiative by multiple NGOs, about 3/4th deaths in police custody occurred primarily as a result of torture in 2019.

# U.N. Convention against Torture

India had signed the **U.N. Convention against Torture** in 1997 but it is yet to ratify it.

It is an international human rights instrument aimed to prevent torture and other cruel, inhuman degrading treatment or punishment around the world.  
This convention is in force since 1987.

# STAY TUNED...

SUBSCRIBE TO STUDY IQ