Fadnavis sworn in as CM after Ajit Pawar ditches uncle

Early morning ceremony held at Raj Bhavan; BJP invokes people's mandate, blames Shiv Sena; NCP removes Ajit Pawar as legislature party chief

SHARAD VYAS
Mumbai

In a dramatic twist to political events in Maharashtra, the BJP’s Devendra Fadnavis was sworn in as Governor Bhagat Singh Koshyari as the next Chief Minister early on Saturday, along with Ajit Pawar of the National Congress Party (NCP) as his deputy. The Congress-NCP-Sena formation, the Sena approached the Supreme Court to quash the “arbitrary and malafide actions/decisions” of Mr. Koshyari in swearing in Mr. Fadnavis.

‘Personal decision’
NCP chief Sharad Pawar, who has been spearheading the Congress-NCP-Sena formation, had been working to ensure that the NCP had a strong show in the upcoming Assembly elections. He had met with the leaders of the two other parties, the Congress and the Shiv Sena, and had tried to convince them to merge their forces.

However, the NCP had already taken a decision to back the BJP in the upcoming elections. This decision was taken by Sharad Pawar himself, who had been working for the Congress in the state for many years.

Speaking to reporters on the lawns of Raj Bhavan after being sworn in, Mr. Fadnavis said, “The people of this State had given a clear mandate to the BJP-Shiv Sena combination, but this mandate was rejected by our ally, resulting in the imposition of...”
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*C – Chennai; B – Bengaluru; D – Delhi; H-Hyderabad; T – Thiruvananthapuram
Part A—Preliminary Examination

Paper I - (200 marks)          Duration : Two hours

- Current events of national and international importance.
- Indian Polity and Governance—Constitution, Political System, Panchayati Raj, Public Policy, Rights Issues, etc.

Part B—Main Examination

PAPER-II

General Studies-I: Indian Heritage and Culture, History and Geography of the World and Society.

- Modern Indian history from about the middle of the eighteenth century until the present—significant events, personalities, issues.

PAPER-III

General Studies- II: Governance, Constitution, Polity, Social Justice and International relations.

- Indian Constitution—historical underpinnings, evolution, features, amendments, significant provisions and basic structure.
- Functions and responsibilities of the Union and the States, issues and challenges pertaining to the federal structure, devolution of powers and finances up to local levels and challenges therein.
Citizenship, extradition, admission into India, emigration and expulsion from India, passports and Visas

Comes under Union List

Laws mentioned in the News Article:
- The Foreigners' Act, 1864
- The Passport (Entry into India) Act, 1920
- The Foreigners Act, 1940
- The Foreigners Act, 1946
- The Foreigners (Tribunals) Order, 1964
- The Illegal Migrants ( Determination by Tribunals ) Act, 1983

The Foreigners Act, 1864
- 1st legislation in Modern India, on illegal migrants to India
- Dealt with expulsion, arrest, detention of foreigners and ban on their visit after expulsion.

The Passport (Entry into India) Act, 1920
- Empowered Government to remove a person if she/he does not possess valid passport.
The Foreigners Act, 1940:
- Enacted by the Imperial Legislative Assembly during the 2nd World War
- Introduced the concept of 'burden of proof' (Section 7)

The Foreigners Act, 1946:
- gave wide powers to the Government
- Foreigner - person who is not a citizen of India
- The Government can prohibit - regulate - restrict the entry of foreigners into India
- Restricted the rights enjoyed by foreigners during their stay

- Empowered Govt. to use force, if required to secure compliance (Section 11)
- Burden of Proof - lies with the alleged person - upheld by a Constitution Bench
  ➔ Constitutional Bench - Article 145 (3)
    • a minimum number of 5 judges
    • to decide any case, involving a substantial question of law requiring interpretation of the Constitution, those referred by the President under Article 143

- Government can make orders to deal with Foreigners (Section 3)
The Foreigners (Tribunals) Order, 1964:
- Foreigners tribunals to determine, whether a person is foreigner or not
- Tribunals have powers similar to those of a civil court
- Cases referred by the Central Government or by the Registering Authority
- June, 2019 amendment - District magistrates to setup Foreigner tribunals

Struck down by SC Court in 2005 - found the law not effective (Compared to Foreigners Act 1946) in identifying, and deporting the illegal immigrants

<table>
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<tr>
<th>State</th>
<th>Law for deportation</th>
<th>Time period</th>
<th>No. of persons deported</th>
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<tr>
<td>Assam</td>
<td>IMDT Act, 1983</td>
<td>15th October 1983 to 30th June, 2001</td>
<td>1494 only</td>
</tr>
<tr>
<td>West Bengal</td>
<td>Foreigners Act, 1946</td>
<td>1983 to Nov 1998</td>
<td>Nearly 4.89 lakh persons</td>
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The Illegal Migrants (Determination by Tribunals) Act, 1983
- Introduced for the detection and deportation of illegal migrants who had entered India on or after March 25, 1971

Ineffective because 'burden of proof' is not on alleged person
**Burden of Proof:**

- Issues exist with both circumstances (as far as NRC is concerned)

- Burden of Proof - on alleged persons required for Assam - Is it required for NRC exercise all over India on all residents of India?
President’s Rule revoked via PM’s special powers

Cabinet approval was not taken

VIHAITA SINGH
NEW DELHI

The Centre on Saturday invoked Rule 12 of the Transaction of Business Rules, 1961, empowering it to revoke the proclamation of President’s Rule in Maharashtra without prior approval of the Union Cabinet.

Rule 12, pertaining to “Departure from Rules”, says the “Prime Minister may, in any case or classes of cases permit or condone a departure from these rules, to the extent he deems necessary.”

On November 12 when President’s Rule was imposed, the Cabinet, headed by Prime Minister Narendra Modi, held an urgent meet-

BRICS summit, to approve the move.

On Saturday, the Cabinet did not meet to revoke the proclamation as the government used its power under the Rule 12, said a senior official. President Ram Nath Kovind revoked the proclamation through a notification issued early in the day that was signed by Union Home Secretary A.K. Bhalla.

The notification was digitally signed by the official at 5.47 a.m. before being uploaded on the official gazette portal – egazette.nic.in. An official said a notification can only be digitally signed once the physical copy has been signed by the President.
Maharashtra Legislative Assembly Elections held in October 2019
- Issues in the pre-poll alliance
- Unable to form government
- President’s Rule imposed under Article 356

Article 356:
- If Government of a State cannot be carried on in accordance with Constitution
- Either on a report of the Governor or otherwise

Two options after imposing President’s Rule:
1) Parties coming together to form Government
   - Two Parties came together
2) Fresh election when it is conducive

News:
* Centre revoked Proclamation - using Rule 12 of Govt. of India Transaction of Business Rules - 1961

Govt. of India Transaction of Business Rules - 1961
* Framed by the President under Article 77(3), Indian Constitution
* Rule 12: Departure from Rules
  Prime Minister
  * permit departure from Rules
  * To the extent he deems necessary
  * To meet situation of extreme urgency or unforeseen contingency
President revoked President's rule under Article 356 (2), Indian Constitution

→ in a haste

In a parliamentary democracy

- Need collective decision making,
  not individual decision making
India, U.S. to sign ISA pact

At 2+2, steps to operationalise COMCASA will be reviewed

DINAKAR PERI
NEW DELHI

The next 2+2 dialogue between India and the U.S. is likely to be held in Washington, D.C. on December 18, during which the two countries are expected to sign the Industrial Security Annex (ISA) and review the steps being taken to operationalise the Communications Compatibility and Security Agreement (COMCASA), officials sources said.

But the Basic Exchange and Cooperation Agreement for Geospatial Cooperation (BECA), which is under discussion, is unlikely to be concluded. There are differences over the issue of reciprocity in the exchange of geospatial information and both sides are trying to resolve them, two official sources independently confirmed.

"The ISA draft is all done and ready. We are waiting for a formal occasion to sign it," one defence official said. The ISA is part of the General Security of Military Information Agreement (GSOMIA), which India had signed with the U.S. many years ago. The ISA is crucial for U.S. companies bidding for big-ticket Indian deals to partner Indian private companies.

A major movement over the last year has been steps to operationalise the COMCASA, which will facilitate encrypted communications between the two armed forces.

Ellen Lord, U.S. Under Secretary of Defence for Acquisition and Sustainment, who was in India last month for the Defence Trade and Technology Initiative (DTTI) talks, said one significant thing coming out of the COMCASA was that "we have actually moved forward and in some cases actually put together some CENTRIS [Combined Enterprise Regional Information Exchange System] kits. These kits facilitate encrypted communications between the navies.

Part A—Preliminary Examination

Paper I - (200 marks) Duration : Two hours

• Current events of national and international importance.

Part B—Main Examination

PAPER-III

General Studies- II: Governance, Constitution, Polity, Social Justice and International relations.

• Bilateral, regional and global groupings and agreements involving India and/or affecting India’s interests.

• Effect of policies and politics of developed and developing countries on India’s interests, Indian diaspora.

Pg. 8  →  C, B, T
Pg. 10  →  D, H
2+2 dialogue between India & USA in Washington D.C.
- Indian External Affairs and Defence Ministers and their counterparts

Industrial Security Annex (ISA):
- add-on to General Security of Military Information Agreement (GSOMIA)

⇒ GSOMIA - signed in 2002
  - first foundational agreement between US & India
  - enables sharing of military intelligence
  - protect each others' classified information

- Transfer of technology from US defence firms
- Boost to Indian Private Sector participating in defence manufacturing

2nd foundational agreement - LEMOA
- Logistics Exchange Memorandum of Agreement Signed in 2016
- India specific version of LSA
- Access to designated military facilities for refuelling and replenishment
- 4 areas
  - Port of Call, Joint Exercises, Training, Humanitarian Assistance and Disaster Relief
* 3rd Foundational Agreement - COMCASA
  - Communications Compatibility and Security Agreement - Signed in 2018
  - India specific version of CISMOL
  - To procure and transfer specialised equipments for encrypted communications
  - Use of high-end secured communication equipments
  - Receive modern, secure and net-enabled weapons
  - Significant development - CENTRIXS kits in Indian & US navies

* 4th Foundational Agreement - BECA
  - Basic Exchange and Cooperation Agreement for Geospatial Co-operation * not yet signed
  - India & US to share geospatial and satellite data
  - Topographical, nautical, aeronautical data
  - Issue over reciprocity in the exchange of geospatial information
Behind the 'halt' on spending survey results

What are the reasons for the data for 2017-2018 having been withheld?

How do consumer spending surveys help gauge demand and growth trends?

The story so far: On November 13, the government announced that in view of "data quality issues" the Ministry of Statistics and Programme Implementation had decided not to release the results of the all-India Household Consumer Expenditure Survey conducted by the National Statistical Office (NSO) during 2017-2018.

It asserted that any findings from the survey that had been referred to in media reports were essentially "draft in nature," it also noted that three reports had concluded that the results had been withheld due to the "unsound" findings in the survey which showed consumer spending was falling. The Central government decided to pull the survey findings. It also said it was "seriously examining the feasibility of conducting a new Consumer Expenditure Survey (CES) in 2023-2028 and 2028-2033 after incorporating all data quality refinements in the survey process."

What is the CES?
The CES is traditionally a quarterly survey (conducted every five years) conducted by the government's National Sample Survey Office (NSSO) that is designed to collect information on the consumption spending of households. It is conducted with two data collection rounds: the first round is conducted two years after the calendar year and the second is conducted in the following year.

**Civilspedia Team - Powered by Shankar IAS Academy**

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**Part B—Main Examination**

**PAPER-IV**

**General Studies-III: Technology, Economic Development, Bio diversity, Environment, Security and Disaster Management**

- Indian Economy and issues relating to planning, mobilization, of resources, growth, development and employment.

**PAPER-V**

**General Studies- IV: Ethics, Integrity and Aptitude**

- Public/Civil service values and Ethics in Public administration: Status and problems; ethical concerns and dilemmas in government and private institutions; laws, rules, regulations and conscience as sources of ethical guidance; accountability and ethical governance; strengthening of ethical and moral values in governance; ethical issues in international relations and funding; corporate governance.

- Probit in Governance: Concept of public service; Philosophical basis of governance and probity; Information sharing and transparency in government; Right to Information, Codes of Ethics, Codes of Conduct, Citizen’s Charters, Work culture, Quality of service delivery, Utilization of public funds, challenges of corruption.

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Practice Question – Prelims

Q1. With reference to President’s rule, consider the following statements.

1. Article 356 empowers the President to impose President’s rule in a State if the State fails to give effect to a direction given by the Centre.
2. As per Article 356, President can proclaim President’s rule in a State only after a report given by the Governor.

Which among the above statements is/are correct?

a) 1 only
b) 2 only
c) Both 1 and 2
d) Neither 1 nor 2

Practice Question – Prelims

Q2. Which of the following agreements is not signed between India and the USA?

a) General Security of Military Information Agreement
b) Logistics Exchange Memorandum of Agreement
c) Communications Compatibility and Security Agreement
d) Basic Exchange and Cooperation Agreement for Geospatial Cooperation
Q3. Consider the following statements with reference to “All-India Household Consumer Expenditure Survey”.

1. The Survey collects information on the consumption spending patterns of households across the country.
2. It covers both urban and rural households.
3. The survey is conducted every year by the National Sample Survey Office (NSSO) which is an integral part of Central Statistics Office (CSO) of the Ministry of Statistics and Programme Implementation (MoSPI).

Select the correct answer using the codes given below

a) 1, 2 and 3
b) 1 and 2
c) 2 and 3
d) 1 and 3

Q. With reference to the recent proposal by the Union Home Ministry to carry out NRC exercise across India, discuss various concerns that require attention prior to implementing the proposed action, to identify the illegal immigrants. (15 words, 10 marks)
Practice Question – Prelims Answers

1. Option (d) – Neither 1 nor 2
2. Option (d) - Basic Exchange and Cooperation Agreement for Geospatial Cooperation
3. Option (b) – 1 and 2