



## News Analysis (28 Aug, 2018)

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### Refer Krishna Dispute to Tribunal

Telangana Chief Minister has requested Union Government to refer the water disputes pertaining to sharing of Krishna water to the tribunal under the Inter-State River Water Disputes (IRWD) Act of 1956.

Earlier, the Union Government had referred the matter under **Section 89 of the Andhra Pradesh Re-organisation Act**, which according to the CM were limited in scope and would not be able to do justice to the rightful claims of Telangana.

### Background

- Krishna Water Disputes Tribunal (KWDT) set up by the Central Government under **R.S. Bachawat as its Chairman in 1969 was the first-ever tribunal** for a river dispute under the Interstate River Water Disputes Act, 1956.
- It was set up to resolve the disputes between the states of **Karnataka, Maharashtra and then undivided Andhra Pradesh over sharing of Krishna river water.**
- The tribunal gave its award in 1973. The total quantum of water available for distribution was 2060TMC. This was divided between the three states in the following manner:
  - Maharashtra 560 TMC.
  - Karnataka 700 TMC.
  - Andhra Pradesh 800 TMC.

### Terms related to River Water Disputes

- Riparian, Lower Riparian, Upper Riparian: Relating to or situated on the banks of a river; Maharashtra is upper riparian state and Andhra Pradesh is lower riparian state with respect to Krishna basin.
- Tmcft, (Tmc ft), (TMC), (tmc), is the abbreviation for one thousand million cubic feet commonly used in reference to volume of water in a reservoir or river flow.

- The tribunal in its first award provided for a review of its award after 31 May 2000. However no such review was taken up for more than 3 years after that.
- In April 2004, the second KWDT under **Brajesh Kumar**, was constituted by the Government of India following requests by all three states.
- According to KWDT II, Andhra Pradesh got 1001 TMC of water, Karnataka 907 TMC and Maharashtra 666 TMC.
- The Brajesh Kumar tribunal also suggested the setting up of the **Krishna Basin Authority** to protect the basin, especially after large-scale exploitation of groundwater was detected.
- Next review of water allocations will be after the year 2050.
- However, after **reorganisation of Andhra Pradesh**, a case was filed by AP and Telangana to **redistribute water among all 4 states**.
- The tribunal opined that **Section 89** the Andhra Pradesh Reorganisation Act, 2014 was not applicable to all four riparian states but is **meant only for Telangana and Andhra Pradesh**.
- Thus, there was **no need to re-allocate of Krishna River water** among all four riparian states. The river water should be re-allocated between Telangana and Andhra Pradesh, from the share of undivided Andhra Pradesh.

### Other Major Inter-State River Disputes

River	State Concerned
Ravi and Beas	Punjab, Haryana, Rajasthan
Narmada	Madhya Pradesh, Gujarat, Maharashtra, Rajasthan
Krishna	Maharashtra, Andhra Pradesh, Karnataka, Telangana
Vamsadhara	Andhra Pradesh & Odisha
Cauvery	Kerala, Karnataka, Tamil Nadu and Puducherry
Godavari	Maharashtra, Andhra Pradesh, Karnataka, Madhya Pradesh, Odisha
Mahanadi	Chhattisgarh, Odisha
Mahadayi	Goa, Maharashtra, Karnataka
Periyar	Tamil Nadu, Kerala

## Constitutional Provisions

- Water is included in the state list of the Constitution. It can be subject to the Centre's arbitration if, and only if, it involves a clear case of conflict or dispute.
- Article 262 of the Constitution allows for providing an adjudicatory mechanism for any inter-state water dispute by the Parliament.
- Notwithstanding anything in this Constitution, Parliament may, by law provide that neither the Supreme Court nor any other court shall exercise jurisdiction in respect of any such dispute or complaint.
- Inter-state River Water Disputes Act, 1956 passed by Parliament under Article 262 provides for the adjudication of disputes relating to waters of inter-State rivers and river valleys.
- However, tribunals have also been criticized for the delay in their constitution and the delay after their constitution.

## Krishna River

- The Krishna River is the second biggest river in peninsular India after Godavari River.
- It originates near Mahabaleshwar (Satara) in Maharashtra.
- It runs from **four states** Maharashtra (303 km), North Karnataka (480 km) and the rest of its 1300 km journey in Telangana and Andhra Pradesh before it empties into the Bay of Bengal.
- Tributaries: Tungabhadra, Mallaprabha, Koyna, Bhima, Ghataprabha, Yerla, Warna, Dindi, Musi and Dudhganga.
- Pattiseema Lift Irrigation project is the first river linking project in India, connecting Godavari with Krishna through the Polvaram right canal. It will divert surplus Godavari water to the Krishna river.

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## Final Report on Penal Provisions of Company Act 2013

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The Committee to review the existing framework dealing with offences under the Companies Act, 2013 and related matters has submitted its report.

- It was a 10 member committee headed by **Injeti Srinivas, Secretary, Ministry of Corporate Affairs.**
- The Committee broke down all penal provisions into **eight categories** based on the **nature of offences.**

- The Committee recommended that the existing law should **continue for serious offences, covering six categories**, whereas for lapses that are essentially **technical or procedural in nature**, mainly falling **under two categories** may be shifted to in-house adjudication process.
  - It observed that this would serve the **twin purposes** promoting of **ease of doing business** and **better corporate compliance**.
  - It would also **reduce the number of prosecutions filed** in the Special Courts, which would, in turn, facilitate **speedier disposal** of serious offences and bring serious offenders to book.

## Major Recommendations

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- Restructuring of Corporate Offences to **relieve Special Courts** from adjudicating routine offences.
  - **Compoundable offences**
    - Re-categorization of 16 out of the 81 compoundable offences by shifting them from the jurisdiction of special courts to an in-house E-adjudication framework.
    - The remaining 65 compoundable offences to continue under the jurisdiction of Special Courts due to their potential misuse.
  - **Non-compoundable offences**  
Status quo recommended in respect of all serious corporate offences.
  - Instituting a transparent online platform for **E-adjudication and E-publication** of orders.
- **De-clogging the National Company Law Tribunal**
  - Enlarging the **jurisdiction of the Regional Director** with enhanced pecuniary limits.
  - Vesting in the **Central Government the power** to approve the **alteration in the financial year** of a company and also **conversion of public companies into private companies**.

### National Company Law Tribunal

- The National Company Law Tribunal (NCLT) is a quasi-judicial body that adjudicates issues relating to Indian companies.
- The NCLT was established under the Companies Act 2013 and was constituted on 1 June 2016 by the Government of India and is based on the recommendation of the Justice Eradi committee on law relating to insolvency and winding up of companies.
- The NCLT has eleven benches, two at New Delhi (one being the principal bench) and one each at Ahmedabad, Allahabad, Bengaluru, Chandigarh, Chennai, Guwahati, Hyderabad, Kolkata and Mumbai.

- The NCLT has the power under the Companies Act to adjudicate proceedings:
  - Initiated before the Company Law Board under the previous act (the Companies Act 1956).
  - Pending before the Board for Industrial and Financial Reconstruction (BIFR), including those pending under the Sick Industrial Companies (Special Provisions) Act, 1985.
  - Pending before the Appellate Authority for Industrial and Financial Reconstruction.
  - Pertaining to claims of oppression and mismanagement of a company, winding up of companies and all other powers prescribed under the Companies Act.

### **Corporate compliance and corporate governance**

- Re-introduction of **declaration of commencement of business** provision to better tackle the menace of shell companies.
- **Greater disclosures with respect to public deposits**, particularly in respect of transactions exempted from the definition of public deposits to prevent abuse and harming of public interest.
- Reduction in **time-limit for filing documents** related to creation, modification and satisfaction of charges.
- Stringent penal provisions for non-reporting.
- With respect to shares whose ownership remains undetermined, such shares should be transferred to the Investor Education and Protection Fund if rightful owner does not claim ownership within a year of such restrictions.
- **Non-maintenance** of registered office to trigger **de-registration process**.
- Holding of directorships beyond permissible limits to trigger disqualification of such directors.
- Imposition of a cap on independent director's remuneration in terms of percentage of income in order to prevent any material pecuniary relationship, which could impair his independence on the board of the company.

[Read more...](#)

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## Final Guidelines For Commercial Drone Flights

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The **Directorate General of Civil Aviation (DGCA)** has issued the finalised guidelines for commercial use of drones or remotely operated aircraft from December 1.

- A drone task force has been formed under Aviation Minister Jayant Sinha's chairmanship that will provide draft recommendations for drone regulations for the future.

- However, the regulator clearly disallowed delivery of payload by drones for now. So, they cannot be used by e-commerce companies or online food platforms for delivery of food or goods.

## What are Drones?

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- The DGCA has defined Remotely Piloted Aircraft (RPA) as an unmanned aircraft piloted from a remote pilot station.
- The remotely piloted aircraft, its associated remote pilot station(s), command and control links and any other components forms a Remotely Piloted Aircraft System (RPAS).

## DGCA Guidelines

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- Remotely piloted aircraft have been divided into five categories-
  - i) Nano : Less than or equal to 250 grams.
  - ii) Micro : From 250 grams to 2kg.
  - iii) Small : From 2kg to 25kg.
  - iv) Medium : From 25kg to 150kg.
  - v) Large : Greater than 150kg.
- All civilian drone operations will be restricted to only during day time.
- There can't be any human or animal payloads, or anything hazardous.
- It cannot in any manner cause danger to people or property and insurance will be mandatory to cover third-party damage.
- Flying will be restricted within visual line of sight which usually would be 450 metres.
- Except nano drones and those owned by National Technical Research Organisation and the central agencies, the rest would be registered and issued Unique Identification Number.
- The norms prevent drones from flying around certain restricted locations such as airports, near international border, near coast line, state secretariat complexes strategic locations, military installations.
- The registration of the drones, permission to fly will be done digitally through the 'digital sky platform', connected to local police.

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## India's First Biofuel Flight

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Budget carrier SpiceJet operated India's first "technology demonstrator" flight on biofuel.

- With the test flight, India has become one of the few countries like USA, Australia and Canada who have conducted the test to use biofuel for flying commercial planes.

- CSIR-Indian Institute of Petroleum (IIP) manufactured 330 kg of biofuel for 45 minutes Dehradun-Delhi flight.
- The flight burnt a mix of **75% traditional Aviation Turbine Fuel (ATF) and 25% oil extracted from the Jatropha plant**. International standards permit a blend rate of upto 50% biofuel with ATF.

## Significance

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- Currently, Aviation Sector contributes to 2% of global greenhouse gas emissions. Commercial biofuel flights will help Indian Airlines in achieving the International Air Transport Association (IATA) target for fuel efficiency and carbon emission:
  - average annual improvement of 1.5% in fuel efficiency from 2009 to 2020,
  - a cap on net aviation carbon emissions from 2020 (carbon-neutral growth)
  - reduction in net aviation carbon emissions of 50% by 2050, relative to 2005 levels.
  - target of 1 billion passengers flying on aircraft using a mix of clean energy and fossil fuels by 2025.
- Using Aviation Biofuel **reduces carbon emissions** and **enhances fuel efficiency**. An international research programme led by NASA reported that the use of biofuels can reduce particle emissions in the jet exhaust by as much as 50%-70%.
- Indian Aviation Sector is **suffering due to rising prices** of ATF. Therefore, blending ATF with biofuel will help airlines to tackle rising prices and bring down fares.
- Use of Aviation Biofuel will reduce India's dependence on oil imports, thus saving forex reserve.

## Concern

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- Commercial use of Aviation Biofuel is still far away. The infrastructure to mass-produce biofuel, and to deliver it at airports, is awaited.
- Production of the first generation of biofuels had shown that the displacement of other agricultural activity. Thus may lead to food security issues.

## Future Prospects

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- Given the scope of biofuel in aviation, a special policy on Aviation Biofuel is needed.
- There is a need for research in biofuel production to produce them at the commercial level and to meet the requirements of Aviation Sector.

## Biofuels

- Biofuels are fuels manufactured from biomass.

- Biomass resources are the biodegradable fraction of products, wastes and residues from agriculture, forestry and related industries as well as the biodegradable fraction of industrial and municipal wastes.

## BIOFUELS

GENERATION	CHARACTERISTICS	REMARKS
FIRST	Produced from food crops like maize, corn, sugar cane, rapeseed, palm, and soybean into ethanol and biodiesel, using a similar process to that used in beer and wine-making.	Impose significant costs on food security by demanding a share of staple crops, traditionally used solely for food and feed. Resulting in a conflict between fuel and food security. At the same time, lift the price of staple crops
SECOND	Produced from non-food crops and organic agricultural waste, which contain cellulose.	Grasses like switchgrass, non-edible oil seeds like Jatropha, castor seed can be transformed into biofuels.
THIRD	Derived from algae. Also known as green hydrocarbons	The list of fuels that can be derived from algae includes: Bio-diesel, Ethanol, and Jet-fuel.
FOURTH	Produce sustainable energy as well as capture and store CO <sub>2</sub> by converting biomass materials, which have absorbed CO <sub>2</sub> while growing, into fuel.	At all stages of production, the CO <sub>2</sub> is captured using various processes.  Rather than simply being carbon neutral, the fourth generation biofuel production is carbon negative, since it 'locks' away more carbon than it produces and also lowers CO <sub>2</sub> emissions by substituting fossil fuels.

### Key Advantages of Biofuel

- Renewable Energy source.
- Non-toxic & Biodegradable.



- Contains no sulphur that causes acid rain.
- Environment friendly-less emissions.
- Has rural employment potential.

### **International Air Transport Association (IATA)**

- The IATA is the trade association for the world's airlines, representing some 290 airlines or 82% of total air traffic.
- IATA support many areas of aviation activity and help formulate industry policy on critical aviation issues.
- Headquarter: Montreal, Canada.

[Read More About Biofuels](#)

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## **Important Facts for Prelims (28 August 2018)**

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### **International Court of Justice**

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- Iran demanded the UN's top court, The International Court of Justice (ICJ) to suspend U.S nuclear linked sanctions against Tehran, accusing US of plotting its "economic strangulation".
- ICJ is the principal judicial organ of the United Nations.
- It was established in 1945 by the UN Charter.
- It is seated in the Peace Palace in The Hague, Netherlands.
- Only UN member states are eligible to appear before the Court in contentious cases.
- The Court has no jurisdiction to deal with applications from individuals, NGOs, corporations or any other private entity.
- It settles legal disputes between member states and gives advisory opinions to authorized UN organs and specialized agencies.
- It comprises a panel of 15 judges elected by the General Assembly and Security Council for nine-year terms.
- The judgments are final and without appeal. If a state fails to agree then the other party can take the case to the Security Council.
- The ICJ is not a criminal court and hence it has no jurisdiction to try individuals accused of war crimes or crimes against humanity.
- ICJ asked Pakistan not to execute Kulbhushan Jadhav till the final verdict in the case is not pronounced by it.
- Justice Dalveer Bhandari is an Indian member of the International Court of Justice.

### **International Criminal Court**

- The International Criminal Court (ICC) is an intergovernmental organization and international tribunal that sits in The Hague in the Netherlands.
- The ICC has the jurisdiction to prosecute individuals for the international crimes of genocide, crimes against humanity, and war crimes.
- The ICC began functioning on 1 July 2002, the date that the Rome Statute entered into force.
- The Rome Statute is a multilateral treaty which serves as the ICC's foundational and governing document.
- States which become party to the Rome Statute, for example by ratifying it, become member states of the ICC.
- India is not a party to ICC.

### ***Permanent Court of Arbitration***

- The Permanent Court of Arbitration (PCA) is an intergovernmental organization located at The Hague in the Netherlands.
- The PCA is not a court "in the traditional sense" but provides services of arbitral tribunal to resolve disputes that arise out of international agreements between member states, international organizations or private parties.
- The cases span a range of legal issues involving territorial and maritime boundaries, sovereignty, human rights, international investment, and international and regional trade.
- The organization is not a United Nations agency, but is an official United Nations Observer.

## Indian Ocean Conference

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- India's External Affairs Minister attended the third edition of Indian Ocean Conference on August 27 at Hanoi, the capital of Vietnam.
- The theme of this year's conference is 'Building Regional Architectures' and it saw participation from 43 countries.
- Earlier, the conference was held in Singapore and Sri Lanka in 2016 and 2017 respectively.
- Indian Ocean Conference is organized by India Foundation along with the partners from Singapore, Bangladesh and
- Sri Lanka this is an initiative to bring the state leaders, diplomats and bureaucrats from across the region under one roof to strengthen the understanding among each other.

### **India Foundation**

India Foundation is an independent think tank based in Delhi, focused on the issues, challenges and opportunities of the Indian polity and foreign affairs.

