



# drishti

## News Analysis (20 Dec, 2019)

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## Section 144 of CrPC

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### Why in news

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With protests against the **Citizenship Amendment Act** intensifying at several places across many states, several state governments have **imposed Section 144** of the **Criminal Procedure Code (CrPC)** to curb the protests.

### What is Section 144 of CrPC?

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- **Section 144 of Criminal Procedure Code (CrPC)** is frequently used to **prohibit assemblies of four or more individuals**, or to order mobile phone companies to block voice, SMS, or Internet communications in one or more geographical areas.
- It empowers a district magistrate, a sub-divisional magistrate or any other executive magistrate specially empowered by the state government in this behalf to issue orders to prevent and address urgent **cases of apprehended danger or nuisance**.
  - The orders may be directed against a particular individual, or to persons residing in a particular place or area, or to the public generally when frequenting or visiting a particular place or area.
- No order passed under Section 144 can remain in **force for more than two months from the date of the order**.
- The state government can extend this, **but not more than six months**.

### Issues related to Section 144

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- The term cases of **apprehended danger or nuisance** are too broad and wide enough to give absolute power to a magistrate.
- The immediate remedy against such an order is a revision application to the magistrate himself.
- An aggrieved individual can approach the High Court by filing a writ petition (article 226) if his fundamental rights are at stake. This however is a time taking process.

## How have courts ruled on Section 144?

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- **Dr Ram Manohar Lohiya case 1967**, the Supreme Court held that “no democracy can exist if ‘public order’ is freely allowed to be disturbed by a section of the citizens”.
- **Madhu Limaye vs Sub-Divisional Magistrate case 1970**, a seven-judge bench headed by the then **Chief Justice of India M Hidayatullah** upheld the constitutionality of section 144.
  - The court said that **“law may be abused” is no reason to strike it down.**
  - It further ruled that the restrictions imposed through Section 144 cannot be held to be violative of the right to freedom of speech and expression.
  - Imposition of Section 144 falls under the **“reasonable restrictions”** under Article 19(2) of the Constitution.
- In 2012, the Supreme Court **criticised the government for imposing Section 144** against a sleeping crowd in Ramlila Maidan.

The court held that such a provision can be used **only in grave circumstances for maintenance of public peace.** The emergency must be sudden and the consequences sufficiently grave.

**Source: IE**

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## National Company Law Appellate Tribunal (NCLAT)

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### Why in News

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The **National Company Law Appellate Tribunal (NCLAT)** has held that the **removal of Cyrus Pallonji Mistry** from the **post of Executive Chairman** of Tata Sons in 2016 was **illegal**.

- The Tribunal has set aside a July 2017 order by the Mumbai bench of the **National Company Law Tribunal (NCLT)**, which had upheld Mistry’s removal from his position.
- The NCLAT also declared the conversion of the ‘Tata Sons Limited’ **from ‘Public Company’ to ‘Private Company’** by Registrar of Companies **illegal**. It remarked that the decision to convert the company to private was ‘prejudicial’ and ‘oppressive’ to the minority shareholders.
- In general, this decision by NCLAT will **empower the minority shareholders**, and will force Independent Directors to take their objections more seriously.

The Code for **Independent Directors**, which is part of the Companies Act, 2013, says that one of their functions is to **“safeguard the interests of all stakeholders, particularly the minority shareholders”**.

## National Company Law Appellate Tribunal

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- The NCLAT was constituted under **Section 410 of the Companies Act, 2013** to hear appeals against the **orders of the National Company Law Tribunal (NCLT)**.  
NCLT is a quasi-judicial body that adjudicates issues relating to companies.
- It is also the appellate tribunal for orders passed by the **NCLT(s) under Section 61 of the Insolvency and Bankruptcy Code (IBC), 2016**, and for orders passed by the **Insolvency and Bankruptcy Board of India (IBBI) under Sections 202 and 211 of the IBC**.
- Any person aggrieved by any order of the NCLAT may file an **appeal to the Supreme Court**.

## Note

- **Minority shareholders:** They are the equity holders of a firm who does not enjoy the voting power of the firm by virtue of his or her below 50% ownership of the firm's equity capital.
- **Independent Director: An independent director** is a non-executive director of a company who helps the company in improving corporate credibility and governance standards. He/ She does not have any kind of relationship with the company that may affect the independence of his/her judgment.
- **Public and Private Companies**
  - Under the Companies Act, 2013, a company may be formed for any lawful purpose by—
    - Seven or more persons, where the company to be formed is to be a public company;
    - Two or more persons (limited to 200), where the company to be formed is to be a private company;
    - One person, where the company to be formed is to be One Person Company (a private company).
  - **Suffix after the Name of the Company:** 'Limited' in the case of a public limited company and 'Private Limited' in the case of a private limited company.
- **Registrars of Companies (ROC):** These appointed under Section 609 of the Companies Act are vested with the primary duty of registering companies and Limited Liability Partnerships (LLPs) floated in the respective states and the Union Territories and ensuring that such companies and LLPs comply with statutory requirements under the Act.

## Source: IE

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## Operation Twist

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## Why in News

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The **Reserve Bank of India** has announced that it will carry out **US-style 'Operation Twist'** to bring down interest rates.

## Key Points

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- RBI will conduct **simultaneous purchase and sale of government securities** under **Open Market Operations (OMO)** for ₹10,000 crore each.
- It will purchase the longer-term maturities (i.e government bonds maturing in 2029), and simultaneously sell the shorter duration ones (i.e. short-term bonds maturing in 2020).
- The eligible participants can bid or submit offers in electronic format on **RBI's Core Banking Solution (E-Kuber)**.

## 'Operation Twist'

- 'Operation Twist' is when the **central bank uses the proceeds from the sale of short-term securities to buy long-term government debt papers**, leading to **easing of interest rates on the long term papers**.
- Operation Twist first appeared in 1961 as a way to strengthen the U.S. dollar and stimulate cash flow into the economy.
- In June 2012, Operation Twist was so effective that the yield on the 10-year U.S. Treasury dropped to a 200-year low.

## Open Market Operations

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- Open Market Operations (OMO) is one of the **quantitative (to regulate or control the total volume of money) monetary policy tools** which is employed by the central bank of a country to **control the money supply in the economy**.
- OMOs are conducted by the RBI by way of **sale or purchase of government securities (g-secs)** to adjust money supply conditions.
- The central bank sells g-secs to remove liquidity from the system and buys back g-secs to infuse liquidity into the system.
- These operations are often conducted on a **day-to-day basis** in a manner that balances inflation while helping banks continue to lend.
- RBI carries out the OMO **through commercial banks** and **does not directly deal** with the public.
- The RBI uses OMO along with other monetary policy tools such as repo rate, cash reserve ratio and statutory liquidity ratio to adjust the quantum and price of money in the system.

## Benefits

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- This simultaneous purchase and sale will bring down interest on long term loans which can lead to **increase in economic spending**.

- OMOs are primarily done to maintain ample liquidity in the system, which reflects that the **RBI is keen that banks should transmit lower rates to borrowers.**
- The action of Operation Twist by the RBI is **encouraging for the market.** This step may become a **driving factor for long-term economic activity** and the addition of new investment stock.

**Source: TH**

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## Rhinos to be Re-introduced in Uttarakhand

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### Why in News

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Recently, the **Uttarakhand State Wildlife Board** has cleared a proposal by the **Wildlife Institute of India (WII)** to introduce rhinoceroses in the **Corbett Tiger Reserve (CTR).**

Around **10 rhinos** will be brought in CTR in the **first phase** and 10 more would be added subsequently. A proposal will be sent to the Center for transporting rhinos from either Assam or West Bengal or both.

### Key Points

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#### Reasons for Translocation

- This has been done to **boost tourism** and **revive the habitats of species that survive on low-height grass.**
  - Rhinos reduce the size of elephant grass by eating it which would encourage species thriving on lower-height grass like- Hog Deer, Cheetal, Sambar and Swamp Deer.
- **Geographical terrain and environmental conditions** in CTR are suitable for rhinos. Valley habitats bounded on either side by the lower Himalayas (north), Shivalik Hills (south) and the Ramganga Reservoir (east) are the ideal sites. They would act as natural barriers to rhino movement and will minimise **man-animal conflict.**
- The rhino's range, **once continuous** across the **flood plains of the Indus, Ganges and the Brahmaputra,** now limited to small fragmented pockets in India and Nepal as a result of anthropogenic pressures and poaching, as per the WWI experts.
  - Re-introduction into habitats in the historic range would create safety-net populations for the species and also restore their ecological role in these faunally-degraded habitats.
  - Rhinos are poached because their **horns are considered an aphrodisiac.**

- Every translocated animal would be fitted with a **GPS radio-collar** for monitoring their **ranging patterns, foraging habits, demography and habitat use.**  
The data will be shared with the Forest Department which would be responsible for the safety of these re-introduced rhinos.

## Wildlife Institute of India

- It is an autonomous institution under the **Ministry of Environment, Forest and Climate Change.**
- It was established in **1982.**
- It is based in **Dehradun, Uttarakhand.**
- It offers training programs, academic courses, and advisory in wildlife research and management.

## Corbett Tiger Reserve

- It is located in **Nainital district of Uttarakhand.**
- The **Project Tiger** was launched in 1973 in **Corbett National Park**, which is part of Corbett Tiger Reserve.
- **Ramganga, Sonanadi, Mandal, Palain and Kosi** are the major rivers flowing through the Corbett National Park.
- There are **50 Tiger Reserves** in India as of August, 2019.

**Source: IE**

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## ILP in Meghalaya

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### Why in News

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The **Meghalaya Assembly** has adopted a resolution for **implementing the Inner Line Permit (ILP)** regime in the state.

The Government of Meghalaya will urge upon the centre to include Meghalaya in the preamble of the Bengal Eastern Frontier Regulations, 1873.

### Background

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In November 2019, the Meghalaya Cabinet approved amendments to the **Meghalaya Residents Safety and Security Act (MRSSA), 2016**, which will lead to laws that require non-resident visitors to register themselves. This move came in the backdrop of demands for an ILP-like regime.

### Key Points

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- The **ILP is a special permit** that is required by “outsiders” from other regions of India to **enter the states of Arunachal Pradesh, Nagaland Mizoram and Manipur**. The ILP, which can be received after applying either online or physically, states the dates of travel and also specifies the particular areas in the state which the ILP holder can travel to.
- According to the **new citizenship law**, the provisions on citizenship for illegal migrants will not apply to tribal areas of Assam, Meghalaya, Mizoram or Tripura as included in the Sixth Schedule to the Constitution and the area covered under ‘The Inter Line’ notified under the Bengal Eastern Frontier Regulation, 1873.
- It needs to be noted that Meghalaya may not have had an ILP regime but **three Autonomous District Councils under Sixth Schedule cover practically the entire state**.

**Note:** Recently, the ILP regime has been extended to Manipur after the President of India signed an order in this effect.

**Source: IE**

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## Sashastra Seema Bal

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### Why in News

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Recently, the **56<sup>th</sup> Raising Day Parade of Sashastra Seema Bal (SSB)** was held in **New Delhi**.

### Key Points

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- SSB comes under the aegis of the **Ministry of Home Affairs** and a part of the **Central Armed Police Forces (CAPF)**, along with **six other central security forces in India** (Assam Rifles, Border Security Force, Central Industrial Security Force, Central Reserve Police Force, Indo Tibetan Border Police and National Security Guard).
- It was established as **Special Service Bureau** in **May 1963**, in the aftermath of the **Chinese aggression in 1962**.
- It was declared a **lead intelligence agency for Indo Nepal** in June 2001 and assigned the **Indo Nepal border**. In 2004, it was also assigned **Indo Bhutan border**.
- In **2004**, SSB received the **President’s Colours** in recognition of the keystone role in national security, since its inception.
- **Responsibilities:**
  - To promote a sense of security among the people living in the border areas.
  - To prevent trans border crimes and unauthorized entry into or exit from Indian territory.
  - To prevent smuggling and other illegal activities on Indian frontiers.
- It is headquartered in **New Delhi** and three frontier headquarters are at **Lucknow (UP), Patna (Bihar) and Guwahati (Assam)**.

- It is spread out on **Indo Nepal and Indo Bhutan borders** across the states of **Uttarakhand, Uttar Pradesh, Bihar, West Bengal, Sikkim, Assam and Arunachal Pradesh.**

**President's Colours:** It is the highest honour bestowed upon a regiment in recognition of their contribution to the security of the nation.

**Source: IE**

## 2019 Pollution and Health Metrics: Global, Regional and Country Analysis Report

### Why in News

The **2019 Pollution and Health Metrics: Global, Regional and Country Analysis report** from the **Global Alliance on Health and Pollution (GAHP)** provides a ranking of pollution deaths on global, regional and country levels.

- In 2017, pollution was responsible for 15% of all deaths globally and 275 million Disability-Adjusted Life Years.
- The report includes **three lists** on pollution-induced deaths. **India is the only country that features in the top 10 in all three lists.**

India saw the most pollution deaths of about 2.3 million.

| ANNUAL PREMATURE AIR POLLUTION-RELATED DEATHS: |                    |      |
|--|--------------------|------|
| 1  | China              | 12.4 |
| 2  | India              | 2.3  |
| 3  | Pakistan           | 1.2  |
| 4  | Indonesia          | 1.2  |
| 5  | Bangladesh         | 1.2  |
| 6  | Nigeria            | 1.1  |
| 7  | USA                | 1.0  |
| 8  | Russian Federation | 0.9  |
| 9  | Brazil             | 0.6  |
| 10   | Philippines        | 0.6  |

### Key Points

- The top 10 countries with the **most pollution deaths** include both the world's largest and wealthiest nations and some of the poorer ones.



- In the list of top 10 countries with the **most pollution-related deaths in proportion to their population**, there are many **smaller countries** where the impact of pollution in relation to population size is **more intense**.
- The list of top 10 countries with the **most deaths related to air pollution corresponds closely** to the list of top 10 countries **with the most pollution-related deaths**.  
**Air pollution, both ambient and indoor, is one of the largest and most obvious types of pollution affecting global health.**

### Global Alliance on Health and Pollution

- It is a **collaborative body** made up of more than 60 members and dozens of observers.
- Few prominent members are **Pure Earth** (non-profit organisation), **World Bank**, **United Nations Environment Programme** (UNEP), **United Nations Industrial Development Organization** (UNIDO), **Asian Development Bank** (ADB), the **European Commission**, the Ministries of Environment and Health of many low and middle-income countries etc.
- Its **goal is to reduce death and illness** caused by all forms of toxic pollution, including air, water, soil and chemical wastes especially in low and middle-income countries.

**Source: IE**

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## Pinaka Missile System

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### Why in News

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Recently, an **updated version of Pinaka Missile System**, named **Pinaka Mark II** rocket was successfully flight-tested from the Integrated Test Range, Chandipur, Odisha.



### Key Points

- Pinaka is an **indigenous multi-barrel rocket launch system**, which has been developed by the **Defence Research and Development Organisation** (DRDO) for the Indian Army.

- Its weapon system has a state-of-the-art guidance kit bolstered by an advanced navigation and control system.
  - The **Pinaka Mark II Rocket** is modified as a missile by integrating with the navigation, control and guidance system to improve the accuracy and enhance the range.
  - The navigation system of the missile is aided by the **Indian Regional Navigation Satellite System (IRNSS)**.
- It is an artillery missile system capable of striking into enemy territory up to a range of 75 kilometres with high precision.

The initial version of weapon system was called **Mark I**, which had a range of **40 km**. The upgraded version or **Pinaka Mark II** has an extended range of **70 to 80 km**.
- The mission achieved all the **objectives** including enhancing the range, accuracy and sub-system functionality.

**Source: PIB**

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## Consultation on Population Stabilization

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### Why in news

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The **National Institution for Transforming India (NITI Aayog)** will draft the roadmap for **population stabilisation** in the country. In this context, it is organising a national consultation on **'Realising the vision of population stabilization: leaving no one behind'**.

The consultative meeting is organised in partnership with **Population Foundation of India (PFI)**.

- India with a current population size of 1.37 billion is the second-most populous country in the world. According to **'The World Population Prospects 2019'** published by the Population Division of the UN Department of Economic and Social Affairs, India is projected to surpass China as the **world's most populous country by 2027**.
- India's birth rates are falling but the population continues to grow due to the fact that more than 30 % of the **population is young** and in the reproductive age group.

This rapidly increasing population poses various new challenges for the present and future generations.

### Population Foundation of India (PFI)

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- The **Population Foundation of India (PFI)** is a national level **non-governmental, not-for-profit organization** dedicated to promoting the effective formulation and implementation of gender-sensitive population and development policies, strategies and programs.
- PFI was formerly known as the **Family Planning Foundation**. It was established in 1970 by a dedicated group of industrialists and population activists led by JRD Tata and Dr Bharat Ram.
- It was in response to meet a pressing need for an independent body to respond to the challenges of the growing population.
- The idea was to supplement and complement the efforts of the government for family planning and also galvanise voluntary action through meaningful support activities.

**Source: IE**

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## Portugal's Gandhi Citizenship Education Prize

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### Why in News

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While addressing the second meeting of the **National Committee for Commemoration of the 150<sup>th</sup> Birth anniversary of Mahatma Gandhi**, the Portuguese Prime Minister, Antonio Costa has announced the **Gandhi Citizenship Education Prize** in order to perpetuate Mahatma Gandhi's ideals in Portugal.

- The first edition of prize will be dedicated to **animal welfare**.
- Antonio Costa is also known as the '**Gandhi of Lisbon**' for his work along Gandhian principles. Lisbon is the Capital of Portugal.

### Key Points

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- In order to propagate the ideals of Mahatma Gandhi at national and international level, two committees were constituted by the Government of India in 2018 to **Commemorate the 150<sup>th</sup> Birth anniversary of Mahatma Gandhi**.
- A **National Committee** (NC) headed by the **President of India**, including Vice-President, Prime Minister, Chief Minister of all States, representatives from across the political spectrum, Gandhians, thinkers, and eminent persons from all walks of life.  
Along with **Antonio Costa**, other foreign dignitaries including Tulsi Gabbard, Desmond Tutu, Bernie Meyer (known as American Gandhi), Yoshiro Mori (Former Japanese Prime Minister), Kofi Annan etc are the members of the committee.

- An **Executive Committee** (EC) headed by the **Prime Minister of India**. The mandate of the committee has been described below:
  - To consider policies and lay down guidelines for the commemoration of the 150<sup>th</sup> birth anniversary of Mahatma Gandhi.
  - To chalk cut the plan, programmes and activities under the commemoration.

**Source: The Hindu**

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## Goa Liberation Day

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### Why in News

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Goa Liberation Day is **observed on 19<sup>th</sup> December every year in India**. The occasion marks the day **Indian armed forces freed Goa in 1961 from, 450 years of Portuguese rule**.

- The Portuguese colonised several **parts of India in 1510** but by the end of the 19<sup>th</sup> century Portuguese colonies in India were limited to **Goa, Daman, Diu, Dadra, Nagar Haveli and Anjediva Island**.
- The Goa liberation movement, which sought to end Portuguese colonial rule in Goa, started off with small scale revolts, but reached its peak between 1940 to 1960, ending **when India invaded Goa in 1961**.

After the failure of diplomatic efforts with Portuguese, military operation code-named '**Operation Vijay**' was conducted by Indian Navy, Airforce and Army and Goa was liberated on 19<sup>th</sup> December, 1961.

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## National Statistical Commission

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### Why in News

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The Government has placed a draft National Statistical Commission (NSC) Bill for public comments that seeks to establish NSC as the nodal and autonomous body for all core statistical activities.

- The Government of India through a resolution dated 1st June, 2005 set up the National Statistical Commission (NSC), on the recommendations of the **Rangarajan Commission, which reviewed the Indian Statistical System in 2001**.
- The NSC was constituted with effect from 12th July 2006 with a mandate to evolve policies, priorities and standards in statistical matters. The NSC has four Members besides a Chairperson, each having specialization and experience in specified statistical fields.
- The **Chief Statistician of India** is the Secretary of the Commission.

**Source: IE**

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